

# Risks

TUC 

*e-bulletin*

Number 412 – 27 June 2009

**HAZARDS  
MAGAZINE**

 **Asbestos -  
The hidden killer**

**Hazards at Work**  
updated second edition  
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**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over 17,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy](#)

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## Contents

### Union News

*TUC spells out how to get rehab right*  
*UCATT wins blacklist data battle*  
*International link up wins rights deal*  
*Unions fight for asbestos victims*  
*Payouts for asbestos related lung cancers*

### Other news

*Caution urged after big fall in fatalities*  
*Director in court on manslaughter charges*  
*Crane hire firm fined over deaths*  
*Firm ignored HSE for eight years*  
*Firm fined for migrant's shredder horror*  
*Rail unions dismayed at fatal crashes snub*  
*Tender pressure puts safety at risk*  
*Nuclear problems linked to HSE staffing*  
*Wind firm blows thousands on dermatitis*  
*Warning to investors on nanotech risks*

### International News

*Europe: Social dialogue improves working conditions*  
*France: Work pesticide use causes Parkinson's*  
*Korea: Most teachers suffer from occupational illnesses*  
*USA: Voluntary safety approaches failed – report*

### ACTION

*Don't let them victimise Penny!*

### Events and Courses

*TUC courses for safety reps*

### Useful Links

### **TUC spells out how to get rehab right**

Rehabilitation of sick or injured workers needs the right services available at the right time and an understanding of the particular job and needs of the affected worker, a new TUC guide says. The new TUC online guide comments on recent government and Health and Safety Executive (HSE) recommendations. It says the DWP pointers are on the whole helpful but fall short in certain key areas. It adds getting it right is crucial to addressing sickness absence – the cause of 172 million lost working days last year, with 34 million of these due to an injury or illness caused by work. TUC says as most workers receive health support from their GP, they miss out on the type of advice that could add a better recovery and a prompt return to work with suitable adjustments to their personal circumstances. "This may be either as things were before, at reduced duties or with adjustments to their work, working conditions or equipment," the guide says. "The lack of access to proper support means that every year many thousands of workers are off work for much longer than necessary, come back to work without getting proper treatment, or simply leave their job all together." TUC wants workers to have early access to vocational rehabilitation. But it warns that rushing workers back onto the job will sometimes be counterproductive because it "can lead to a relapse or a delay in recovery. In addition, if it is work itself that caused an illness in the first place (as is the case in many work related stress illnesses and musculoskeletal disorders like back pain and (RSI), then it is also important to remove the causes." It adds that "the key to success is seeing the worker themselves as central to the process and ensuring that they feel they are in control of the process."

- [Rehabilitation: A short guide to the evidence](#), TUC, June 2009

### **UCATT wins blacklist data battle**

Construction workers who have been blacklisted will have more time to access their records following the direct intervention of construction union UCATT. In March the Information Commissioner revealed that over 40 major construction companies were using the services of the Consulting Association to blacklist workers, commonly because they had raised concerns about site health and safety. Since the blacklist was revealed individual construction workers have had the opportunity to contact the Information Commissioner, find out whether they had been blacklisted and receive a copy of their records. However because the information had been collected illegally the entire database was due to be destroyed this summer. UCATT raised concerns that if the database was destroyed this summer many people – particularly non-union workers or those who had left the industry – would be denied the opportunity to discover if they had been blacklisted. The Information Commissioner last week confirmed it will retain the database until at least 31 March 2010, when its future will be reviewed. UCATT general secretary Alan Ritchie said: "I am pleased that UCATT's intervention has resulted in this commonsense decision. Thousands of workers had their lives ruined by the blacklists. Many were forced to leave the industry in order to find

work.” He added that it was “essential anyone who could have been blacklisted was given every opportunity to access their files and has the possibility of redress” against the firms that blacklisted them.

- [UCATT news release](#)

### **International link up wins rights deal**

Unions in the UK and US have linked up to win an employment rights deal for workers in Bangladesh. Workers Uniting, a partnership between UK union Unite and North American union USW said it had achieved a “major victory” at the RL Denim factory in Bangladesh. In May it was revealed low-priced jeans sold by cash and-carry giant Makro – part of Metro Group, the world’s third largest retailer - were being produced in horrific conditions in a sweatshop factory in Bangladesh ([Risks 406](#)). The global giant announced at the time that after years of profiting from exploitation at the Bangladesh factory, it was pulling out its work just when the workers were on the verge of winning a union deal. In response, Workers Uniting was joined by the German union Verdi in signing a Joint International Solidarity Statement, in support of the workers. “Our solidarity sent a clear message that our unions are not only dedicated to protecting and growing the rights of our own members, but that we will fight to protect the rights of workers across the developing world,” said Derek Simpson, Unite joint general secretary. Tony Woodley, who heads the union with Mr Simpson, said: “Our efforts helped hold a corporate exploiter accountable, and showed what’s possible when workers around the world stand together.” A statement from the US National Labor Committee, the organisation that first revealed the employment abuses at the Bangladesh factory, said abusive supervisors at the factory had been fired and pay shortfalls had been corrected. The factory also now has child and health care centres, purified drinking water, a dining area, toilet paper and soap.

- [Unite news release](#). [NLC statement](#). [Workers Uniting](#).

### **Unions fight for asbestos victims**

Unions continue to fight for justice for the victims of asbestos diseases and their families. A gardener who was diagnosed with the asbestos related cancer mesothelioma and told he has only months to live has been awarded £205,000, with the help of UNISON. The man, identified by the union as 57-year-old Mr Gaffney, was exposed to asbestos while working for the University of Liverpool during the 1980s. He took his lunch breaks in the boiler room at the university, which had asbestos insulation. The union Unite has recovered damages for a worker afflicted with asbestosis, lung scarring caused by asbestos. Electrician Ken Morton, 70, from the Wirral was diagnosed with a 2-3 per cent disability in 2006 after retiring from a 45-year career where he was exposed to asbestos on a regular basis. Investigations proved he was negligently exposed to asbestos working for Campbell & Isherwood Limited during various periods from 1954 to 1983 at different sites across

the UK. Insurers agreed a provisional settlement of £5,000 just four days before trial. The widow of an electrician whose death was caused by exposure to asbestos while rewiring a police station has received £250,000 in compensation. The Unite member from Trowbridge was diagnosed with asbestos related cancer mesothelioma in March 2008 and died five months later, aged just 64. His widow, who does not wish to be named, received the compensation after his former employer Southern Electrical Contracting Limited admitted negligently exposing her husband to asbestos during the 1970s.

- [UNISON news release](#). Thompsons Solicitors news release on the Unite [asbestosis](#) and [mesothelioma](#) cases.

### **Payouts for asbestos related lung cancers**

The most common work-related cancer is lung cancer – but cases are rarely compensated because doctors miss the work link or blame other possible causes like lung cancer. In fact, thousands – and possibly tens of thousands – of cases of lung cancer each year are part or entirely due to workplace exposures. The few cases that do receive compensation are generally restricted to workers exposed to certain metals like nickel and chromium and to asbestos, the cause of two new compensation settlements. The widow of a pleural plaques sufferer who went on to die from asbestos related lung cancer received £91,000 in compensation with help from the trade union Unite. The widow from Ellesmere Port, who does not wish to be named, said it was important to her husband that she pursued the claim. The compensation was paid in settlement of the claim against six of the lagger's former employers, William Kenyon & Sons Ltd, Harland & Woolf Plc, Cammell Laird Shipbuilders Ltd, Cape Darlington Ltd, Thomas Platt & Sons (Widnes) Ltd and Joseph Nadin Contracting Ltd, all based in Liverpool. In the second case, a settlement of £84,000 was made to a 67-year-old man from Hayes who contracted lung cancer after being exposed to asbestos dust whilst working as a labourer for Cape Building Products Limited in the 1960s. During his 18 months at the firm the man, whose name has been withheld, was heavily exposed to asbestos dust. His tasks included handling sacks of raw asbestos which he was required to open and empty out. The settlement of £84,000 in compensation took into account a deduction of 17.5 per cent to reflect his history of smoking. Smoking and asbestos exposure combined have a "potentiating" effect, dramatically multiplying the risks of subsequent lung cancer development.

- [Thompsons Solicitors news release](#). [Field Fisher Waterhouse news release](#)

### *Other news*

#### **Caution urged after big fall in fatalities**

The TUC has welcomed provisional figures showing workplace fatalities at an all time low, but has warned against complacency and has called on the Health and Safety Executive (HSE) to

maintain a focus on enforcing safety laws. Provisional data published by HSE show that 180 workers were killed between 1 April 2008 and 31 March 2009 - a rate of 0.6 per 100,000 employees. This is down from 233 in 2007/08 and 17 per cent lower than the previous lowest total of 217, recorded in 2005/6. The work fatality rate is the lowest on record. TUC general secretary Brendan Barber said: "This is indeed good news but we should not be complacent, 180 workers still needlessly lost their lives at work last year. Every death is one too many and can be avoided. Nor should these record low figures be seen as evidence that employers are taking more care. Falls in injury and death rates are usual during a recession because fewer new employees are being recruited and introduced into the workplace. Unions will be working with employers to make sure that this downward trend continues when the UK economy emerges from the current downturn." Mr Barber added: "Although we do not have final enforcement figures, it does seem that this fall corresponds with an increase in enforcement activity by the HSE, including the use of 'blitzes' on construction sites. The TUC has said for some years that the only way that the fatalities figures will come down is through increased enforcement activity." HSE's new 'Be part of the solution' strategy features a renewed commitment to enforcement and a move away from the self-regulatory approaches featured in the previous strategy.

- [HSE news release](#) and [provisional fatalities figures 2008/09](#). [TUC news release](#).

### **Director in court on manslaughter charges**

A company director appeared in court on 23 June facing charges under corporate manslaughter legislation after one of his employees was buried under tonnes of soil when a trench collapsed. Peter Eaton and his company, Cotswold Geotechnical Holdings Ltd, are being jointly charged in the UK's first prosecution under the 2007 Corporate Manslaughter Act. Alexander Wright, a 27-year-old junior geologist, was crushed to death in September 2008 when a pit collapsed as he was taking soil samples for the firm. Both Mr Eaton, 60, and his company also face health and safety charges. Judge Thomas Crowther QC granted Eaton unconditional bail until the next hearing before Bristol Crown Court on 19 August, when a plea will be entered. Kate Leonard, of the CPS Special Crime Division, said: "Under the Corporate Manslaughter and Corporate Homicide Act 2007 an organisation is guilty of corporate manslaughter if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the person who died. A substantial part of the breach must have been in the way activities were organised by senior management. I have concluded that there is sufficient evidence for a realistic prospect of conviction for this offence."

- [Stroud Life](#)

### **Crane hire firm fined over deaths**

A crane hire company has been fined after two workers fell to their deaths when a crane collapsed. Gary Miles, 37, and Steven Boatman, 45, died in 2005 as the 118ft (36m) tower crane was being dismantled in Durrington, West Sussex. They were working for Eurolift (Tower Cranes) Ltd, which was taken over by WD Bennett Plant & Services Ltd in 2003. Eurolift was fined £50,000 for health and safety breaches and £1,000 in costs, at Chichester Crown Court. The Hampshire-based company had admitted the breaches of the Health and Safety at Work Act 1974 at an earlier hearing (Risks 400). Judge William Wood said the company deserved to be fined up to £200,000, but he accepted it would not be able to afford it as it had ceased operations since the accident. He said: "It seems to be right that Eurolift should discontinue trading rather than for me to impose a trivial fine that does not reflect the gravity of the offence." WD Bennett, based in Gloucestershire, was also due to be sentenced but this was adjourned as nobody attended court to represent the company. It had denied both health and safety breaches but was found guilty following a trial at the same court in March. A third man, Dave Smith, suffered broken bones in the incident. During the trial, he told the court he had been asked to loosen the bolts of the crane's tower despite having no training. Jurors heard there had been a "management vacuum" at the site because the person in charge of health and safety was off sick on the day of the accident.

- [HSE news release. BBC News Online](#)

### **Firm ignored HSE for eight years**

An aerospace engineering company routinely ignored health and safety rules for eight years, despite having a series of warnings from the Health and Safety Executive (HSE). HSE finally saw Crest Engineering Company Ltd in court this month after finding safety guards missing or not in use on several milling machines, used to shape metal. The company had previously been ordered to replace the guards on the machines at its factory in Hyde, Greater Manchester, but they were later removed or unlocked. The firm pleaded guilty to two health and safety offences at Trafford Magistrates Court on 23 June. It was fined £13,000 and ordered to pay costs of £3,003. HSE inspector David Norton said: "Crest Engineering took a deliberate decision to remove the safety guards on the machines despite receiving a formal warning from us about the issue." He added: "We will not hesitate to prosecute anyone who persistently ignores the rules, and I hope this case will act as a warning to companies who do not take health and safety seriously." HSE first served Crest Engineering with an enforcement notice in 1999 for failing to have a safety switch on a piece of machinery. When inspectors visited the site again in 2001, they served eight enforcement notices after finding safety guards missing on several machines. Witness statements given to the HSE revealed that, although the guards were initially provided following the visit, they were removed or put out of use within a few months. Inspectors took the decision to prosecute the company after revisiting the site in May 2007.

- [HSE news release](#)

## **Firm fined for migrant's shredder horror**

A firm that makes bedding for pets has been fined after a Polish worker was seriously injured in a shredder. Snowflake Animal Bedding Ltd, which is based in Ashton-under-Lyne, was fined £13,300 and ordered to pay full costs of £8,655.16p at Boston Magistrates' Court. On 23 January 2007, the employee was working at the company's manufacturing plant in Boston, Lincolnshire. He was standing on a conveyor belt which fed hay bales into the shredder, cutting strings that were holding bales together. As the bale fell apart, the man lost his balance and fell into the shredder. Prosecuting, HSE inspector Judith McNulty-Green said: "Amazingly, the worker managed to pull himself out of the shredder, but he suffered very serious injuries to his hand, wrist, feet, legs and hip. Some of his wounds were very deep and he needed several skin grafts." She added: "The sad thing is that these injuries could have been so easily prevented. The employee should have been standing on a platform to carry out his work, not on the conveyor belt. However, during our investigation it became evident that even if employees did stand on the platform to cut the string, there would be occasions that the hay got tangled and standing on the conveyor to resolve such problems became custom and practice. It was unacceptable for the company to allow this practice to become commonplace and I hope that other companies can learn from this incident and ensure their responsibility to staff safety is of paramount importance." The company was also fined £3,400 for a separate work equipment offence, failing to ensure employees had adequate training for driving fork lift trucks.

- [HSE news release](#) and [migrant workers](#) and [forklifts](#) webpages.

## **Rail unions dismayed at fatal crashes snub**

Rail unions have criticised a government decision not to hold a public inquiry into two fatal rail smashes. Instead, two "independent inquests" are to be held into rail accidents at Potters Bar in Hertfordshire and Grayrigg in Cumbria, the government said. Seven people died and more than 70 were injured on 10 May 2002 when a train derailed at Potters Bar. In February 2007, one woman died and 82 people were hurt when a train derailed near Grayrigg. The Department for Transport (DfT) said the new transport secretary Lord Adonis had decided "that two independent inquests will ensure complete public scrutiny of the Potters Bar and Grayrigg accidents". RMT general secretary Bob Crow commented: "RMT has consistently called for a full public inquiry into Potters Bar and Grayrigg that looks at all the issues surrounding these disasters including the role played by the privatisation and fragmentation of the rail network. The inquest announcement is welcome but is not an alternative to a full public inquiry and it's a scandal that the government have specifically ruled that out." Keith Norman, general secretary of train drivers' union ASLEF, said: "Government pledges about openness and transparency never seem to translate into action." He added that it was "a matter of great regret" that the government had refused to hold a public inquiry. Gerry Doherty, leader of the TSSA rail union, said: "This is another classic example of this government doing the complete opposite of what it claims to be doing. Just like alleged transparency over MPs expenses, these inquests are part of the ongoing cover up over the Potters Bar tragedy in particular." He added: "If they were really interested in

letting the public know what happened at Potters Bar - and the role that private contractors Jarvis played in that accident - they would have ordered a full public inquiry into the tragedy years ago. They're not and the culture of spin and secrecy which are the hallmarks of the DfT will continue right up until the election next May."

- [Ministerial statement](#). [ASLEF news release](#). [TSSA news release](#). [BBC News Online](#).

### **Tender pressure puts safety at risk**

Construction quality and safety standards are at risk as firms are being forced to cut costs to win competitive tenders, a leading industry body has warned. The findings come from a new survey of the sector published by the Scottish Building Federation (SBF). The SBF warns that the cost pressure could lead to the possibility of "shoddy work" and "unscrupulous" behaviour by firms desperate to win work. A report in Construction News says two thirds of firms responding to the latest Scottish Construction Monitor indicated margins had been slashed. SBF chief executive Michael Levack said: "The competitive pressure on many SMEs [small and medium sized enterprises] at the moment is immense. In the public sector, we're seeing upwards of ten firms being invited to tender for each new contract. I've heard cases of recent local authority tender lists that have run to more than 20 companies, which is frankly ridiculous." He added: "In such a fiercely-competitive environment, one of my greatest fears is that responsible construction companies risk being undercut by less scrupulous firms, who can offer lower prices by cutting corners on quality and safety."

- [Construction News](#)

### **Nuclear problems linked to HSE staffing**

Britain's nuclear safety watchdog does not have sufficient experienced staff to police the industry, its top official has admitted in a secret report. The report, obtained by the Observer, written by the Health and Safety Executive's (HSE) chief nuclear inspector, Mike Weightman, discloses that between 2001 and 2008 there were 1,767 safety incidents across Britain's nuclear plants. About half were subsequently judged by inspectors as serious enough "to have had the potential to challenge a nuclear safety system". In January, Mike Weightman, chief inspector of HSE's Nuclear Installations Inspectorate (NII), sent a 37-page report to HSE. Marked "restricted", it reveals NII has had to oversee such problems despite an acute shortage of experienced staff. It admits to being 26 inspectors short of the 192 it needs to regulate existing facilities, and its ratio of inspectors to nuclear plants is a third of the international average and far below that of Mexico, Spain or South Korea. To assess new reactor designs, Weightman says he needs a further 36 inspectors, to bring the complement up to 228 by 2011. But he has "struggled" to recruit new staff and the "lack of build-up of resources to date" could jeopardise the government's target date of 2017 for deploying new reactors. He said NII faces "major

challenges" to ensure old nuclear plants are run or dismantled safely at the same time as checking new plants are safe to build because of staff shortages. He proposes possible collaboration with China on assessing new reactor designs, hiring French inspectors on secondment and greater use of third-party contractors.

- [The Observer](#)

### **Wind firm blows thousands on dermatitis**

A wind turbine firm has been fined £10,000 after workers developed occupational dermatitis. Thirteen workers at the Newport plant of blademaker Vestas Blades UK Ltd developed the condition caused by exposure to epoxy resins. The court heard the company had also spent £400,000 on safety measure to prevent a reoccurrence and substantial legal bills and costs, associated with the two-and-a-half year Health and Safety Executive (HSE) investigation. After the case, HSE emphasised the importance of preventing exposure to hazardous substances after the 13 employees suffered dermatitis caused by exposure to epoxy resin between 2005 and 2007. HSE inspector Roger Upfold said: "Symptoms included severe itching and swellings and rashes on their arms, wrists, hands and face, with the effects sometimes lasting for days. As a result some had to stop working for Vestas Blades UK Ltd." The resins formed part of a gel coating, which was pumped on to a mould to form the outer surface of the blade. A team of workers spread the gel evenly with rollers before the liquid was able to cure. But the operators were put at risk as the substance often splashed and there were other routine opportunities for skin exposure. HSE inspectors visited the factory in February 2007 and found that workers had not been provided with any face protection other than safety glasses. They also discovered that the firm was not monitoring its staff to ensure that they were wearing the safety equipment that had been issued. The company was served with an improvement notice in July 2007 for failing to put in place measures to sufficiently protect employees from dangerous substances. The firm was fined £5,000 for each of two breaches of the Control of Substances Hazardous to Health Regulations 2007 (COSHH) and ordered to pay £25,000 costs.

- [Isle of Wight County Press](#). [SHP Online](#)

### **Warning to investors on nanotech risks**

Nanotech firms are hiding potential long-term problems from investors who could face asbestos like liabilities from risks emerging over the coming decades. The warning comes in report from the Investor Environmental Health Network, a partnership of investment managers concerned about the financial and public health risks associated with corporate toxic chemicals policies. Nanomaterials are being pressed into thousands of consumer uses "yet some of these technologies are showing signs of posing serious hazards to human health and the environment, including the same kind of grave threats resulting from exposure to asbestos," according to the report. Sanford Lewis, the report's author and a lawyer for the network, says investors cannot afford the repetition

of another asbestos-like wiping out of billions of dollars of equity when it comes to new technologies like nanotechnology. He says the problem stems from weak regulations and the fact that companies “do not assess, quantify or disclose potential and pending liabilities on a timely basis.” The report blames Securities and Exchange Commission and Financial Accounting Standards Board loopholes that require disclosure of only the “known minimum” of potential liabilities, even though a more realistic assessment might be so much larger that it would indicate the potential for a total wipe out of shareholder value. It adds that nanotech firms are giving different, more worrying, numbers to their insurers – who they would want to payout when thing go wrong. At the same time, they paint a far rosier picture for investors based on lowest estimates of possible numbers adversely affected and glossing over long-term risks.

- [Bridging the credibility gap: eight corporate liability accounting loopholes that regulators must close](#), Sanford Lewis IEHN report, June 2009 – full report [[pdf](#)] and related [YouTube interview with Sanford Lewis](#). [Cold Truth.com](#).
- New resource: [Literature Review - Workplace exposure to nanoparticles](#), European Risk Observatory, June 2009. Full report [[pdf](#)].

## *International News*

### **Europe: Social dialogue improves working conditions**

Unions play a big role in making work better and safer, a European Foundation report has concluded. It says its research found social partners and social dialogue play a key role in helping to create better jobs and improve the quality of work and working conditions through influencing policy decisions, negotiating social pacts and collective agreements as well as through participating in particular programmes and policies. The draft report noted: “Based on EU wide regulation social partners, ie. employers, employee interest representations and specific joint bodies play an important role on implementing the respective national framework of working conditions and occupational health and safety standards on the ground.” It added “social dialogue aiming at improvements in working conditions has to be closely connected to the shop floor level. Here, trade unions seem to play a very important role as well as sectoral employer organisations since they organise and articulate interests of company based actors and vice-versa.”

- [European Foundation news release](#) and draft report [[pdf](#)].

### **France: Work pesticide use causes Parkinson's**

A new study confirms the link between on-the-job pesticide exposure and Parkinson's disease, and suggests that certain insecticides may be particularly risky. In the study, published online in the *Annals of Neurology*, French researchers found that among nearly 800 adults with and without Parkinson's, agricultural workers exposed to pesticides - including insecticides, weed killers and

fungicides - were at greater risk of the disease. The risk climbed in tandem with the amount of time a worker was exposed, strengthening the case for a cause-effect relationship, according to the researchers, led by Dr Alexis Elbaz of INSERM, the national French institute for health research in Paris. "We showed that the risk increased with the number of years or hours of exposure", Elbaz told Reuters Health. "We also found that in men, among the main groups of pesticides - fungicides, herbicides, insecticides - the association was the strongest for insecticides, and among insecticides, with organochlorine insecticides, which have been frequently used in France in the past." In general, men exposed to organochlorine insecticides had more than double the risk of men with no exposure.

- Alexis Elbaz and others. Professional exposure to pesticides and Parkinson's disease, *Annals of Neurology*, published online [[abstract](#)]. [Fox News](#). [ETUI-HESA news report](#).

### **Korea: Most teachers suffer from occupational illnesses**

Two-thirds of Korean teachers have had or are currently suffering an occupational disease, a union survey has found. The Korean Federation of Teachers' Associations (KFTA) found many teachers are under great stress from negative media and public perceptions. The union survey found 67.2 per cent of teachers said they have or have experienced occupational diseases. The most common symptom was vocal nodules, experienced by over one-in-three teachers (34.4 per cent), and linked to occupational voice loss. Others complained of hair loss due to mental stress or varicose veins caused by long periods standing during classes. KFTA spokesperson Kim Dong-seok said: "KFTA and Education Ministry agreed to recognise teachers' occupational symptoms including varicose veins as an injury caused in the course of public service in 2006. But it was dismissed due to the opposition from relative government agencies."

- [Education International news report](#).

### **USA: Voluntary safety approaches failed – report**

An investigation by the US Government Accountability Office (GAO) has confirmed what union and other workplace safety advocates have charged for years - the Bush administration's reliance on voluntary policing by employers of their safety and health actions did not improve worker safety and let some dangerous employers escape scrutiny. The GAO report, released this week, concludes that under the Bush administration the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Program (VPP) lacked proper oversight, did not improve worker safety and diverted scarce resources from other enforcement duties. VPP companies are able to avoid routine inspections as long as they demonstrate they have an exemplary safety and health programme, have no ongoing enforcement actions and have an injury and illness rate below the average rates for the industry. However, according to Senator Edward Kennedy, chair of the Senate Health, Education, Labor and

Pensions Committee: "GAO's report makes clear that OSHA has strayed too far from its core mission of protecting the safety and health of workers on the job. The agency has spent too much time seeking voluntary compliance from employers and too little time enforcing the law." Jordan Barab, acting assistant secretary of labor for OSHA, said he agrees with recommendations made in the GAO report. Following publication of the report, OSHA announced that it is beginning a comprehensive review and evaluation of the programme. The GAO found that OSHA did not properly ensure that only worksites that had exemplary safety programmes were eligible for relief from routine inspections. According to the GAO report, 12 per cent of the worksites participating in the programme had an injury or illness rate higher than rates for their industry, and one participating worksite had an injury and illness rate four times higher than their industry average. In addition, OSHA continued to allow some businesses to participate in the voluntary programme even though they were cited for serious safety violations.

- [AFL-CIO Now](#). GAO report [[pdf](#)].

## *ACTION*

### **Don't let them victimise Penny!**

A trade union safety rep was fired last month - just for trying to keep her workplace safe. At the beginning of the national conference of Scottish teaching union EIS, outgoing union president David Drever told delegates the union would ensure "justice prevails" for Penny Gower, an EIS activist who had been summarily dismissed by Carnegie College in Dunfermline. The disciplinary action started after she undertook a workplace health and safety inspection, a core, legally protected, safety rep function. "At the time of her dismissal Penny was the elected EIS health and safety representative at the college," he told delegates. "There has been a history of problems in relation to Penny's ability to carry out her duties as an EIS health and safety representative and legal action by the EIS had already been initiated in relation to these previous problems." He added: "The EIS regards it as entirely unacceptable for any employer, in today's Scotland, to dismiss or otherwise victimise EIS representatives for taking part in legitimate trade union duties and activities. Therefore, could I place on record here that the EIS will continue to provide whatever legal support is necessary to ensure that justice prevails and that no employer can escape the consequences of discrimination, victimisation or anti-trade union activity."

- [Email messages of protest to Carnegie College management](#) and [copy to Penny's EIS branch](#). Scottish Educational Journal, EIS, June 2009, page 12 [[pdf](#)].

## *Events and Courses*

### **TUC courses for safety reps**

COURSES FOR APRIL TO JUNE 2009

- [Northern](#), [North West](#), [Southern & Eastern](#), [Yorkshire & Humber](#), [South West](#), [Midlands](#), [Scotland](#), [Wales](#)

### *Useful Links*

- Visit the TUC [www.tuc.org.uk/h\\_and\\_s](http://www.tuc.org.uk/h_and_s) website pages on health and safety. See what's on offer from TUC Publications and What's On in health and safety.
- Subscribe to Hazards magazine, supported by the TUC as a key source of information for union safety reps.
- What's new in the HSC/E and the European Agency.
- HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165; fax: 01787 313995