

# Risks

TUC 

*e-bulletin*

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**HAZARDS  
MAGAZINE**

 **Asbestos -  
The hidden killer**

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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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### **Better worker involvement on site**

A new guide will help reduce accidents and improve worker involvement on construction sites, construction union UCATT has said. Working with Unite, the Health and Safety Executive (HSE) and the employer-led ConstructionSkills organisation, UCATT has compiled a 'Short guide to improving health and safety on construction sites through effective worker involvement.' The guide is the latest initiative of the Strategic Forum for Construction's working group on worker involvement, chaired by UCATT general secretary Alan Ritchie. He said: "This excellent guide is designed to provide practical information for employers and workers on how by working together they can improve site safety and reduce accidents. The working group has been passionate about the importance of a fully involved, qualified and directly employed workforce for improving the health and safety record in construction. I urge that the advice contained within the guide is taken on board and implemented at the earliest possible opportunity." Unite national safety adviser Rob Miguel said: "Worker involvement is an essential component to ensuring safe and healthy working conditions, it is important that workers are involved regardless of a union presence. However the best way to achieve effective consultation is by having a directly employed fully competent unionised workforce. Union safety reps receive outstanding training and support and are very effective at raising health and safety awareness and achieving positive action." Kevin Fear, head of safety at ConstructionSkills, added: "In light of the recently published report into construction deaths, we think that this is an excellent and timely guide for employers on how to manage worker engagement and to provide leadership."

- [UCATT news release](#) and Short guide to improving health and safety on construction sites through effective worker involvement, Strategic Forum for Construction [[pdf](#)].

### **Call for tougher dog laws after mauling**

The Scottish government must push ahead with plans to introduce new dangerous dog laws, postal union CWU has said. The call came after a Glasgow post worker was hospitalised following a savage attack by two Japanese Akita dogs. Royal Mail veteran Thomas McGrath was walking up a garden path to deliver mail when the dogs escaped from the back garden through an insecure fenced area at the rear of the house and attacked him. The 45-year-old suffered injuries to his face, back and arms, with the most serious injury to a wrist and hand requiring surgery. The dogs were destroyed following the attack and an investigation is underway by Strathclyde Police. But a loophole in current legislation means that the owner cannot be prosecuted as the incident occurred on private property. CWU national health and safety officer Dave Joyce explained: "Postal workers in the UK suffer up to 6,000 dog attacks every year, with many resulting in serious injuries, but the 1991 Dangerous Dogs Act doesn't fully address the behaviour of irresponsible dog owners like in this case because attacks which occur on private property are not covered by the Act and that's got to change." He added: "The Control of Dogs (Scotland) Bill, which

was proposed by Christine Grahame MSP (South of Scotland) - with the backing of the CWU and Scottish RSPCA - is aimed at addressing this gaping hole in the law." He called for all parties to support its urgent passage through the Scottish parliament. "And then we want the rest of the UK to follow Scotland's lead," he said.

- [CWU news release](#). [Evening Times](#). [STV](#).

### **Traffic wardens 'bullied and humiliated'**

Parking enforcement officers face 'humiliation' if they fail to meet their targets for issuing parking fines, unions have claimed. Unite and UNISON say wardens are often very poorly paid and have to work in a pressured, target-driven environment where they are often bullied and humiliated if they don't reach targets. Unite national officer Peter Allenson said: "There are targets that they need to meet and if they don't meet these targets then there are certain things being used against them such as shift swaps and overtime allocation and this is unacceptable." The unions are concerned about practices across the UK and particularly where parking enforcement has been contracted out to private companies. Paul Waters of the AA believes councils may see the tickets as a way to balance the books. "Some councils are blindly issuing tickets, it appears perhaps to get the revenue rather than changing behaviour. It is a revenue gainer for many authorities, attendants are exploiting the situation - they know where the honey pots are, and they go along and issue tickets regardless of the fact that the signing is dubious." The British Parking Association (BPA), which represents companies who employ parking attendants, said it was against ticket-targeting and was making efforts to combat the practice.

- [BBC News Online](#).

### **Family warning on asbestos ignorance**

The family of a joiner who died of an asbestos cancer have warned employers that the deaths will continue unless workers are made aware of the risks. Public sector union UNISON helped John Toker claim compensation when he was diagnosed with mesothelioma in March 2008. The union has joined with Mr Toker's family in calling for employers to make workers aware of the dangers of asbestos in their workplaces and to ensure its removal is handled safely. Mr Toker won an out of court settlement in March this year, but died aged 65 on 1 April. The UNISON member had been exposed to asbestos while working for George Allan & Company (Contractors) Limited, between 1966 and 1987. He helped refurbish Clarence Dock Power Station and was responsible for sweeping up the asbestos dust. In a statement on behalf of the family, Mr Toker's son, also named John, said: "Having worked all of your life as well as bringing up four children, the one thing you look forward to is your retirement." He added: "Nothing prepares you for what an individual goes through when they have mesothelioma and time goes so fast." UNISON general secretary Dave Prentis said: "It is unjust that he was unable to enjoy the retirement he and his family

had looked forward to. And sad that, when he received compensation, he did not have time to spend it." The union leader added: "Employers must face up to their responsibilities and make workers aware of the dangers of asbestos and make sure it is cleared correctly, otherwise the death rate from mesothelioma will continue to rise."

- [UNISON news release.](#)

### **Consolation for family of death crash teacher**

A widow has said a compensation payout received after her husband was killed while cycling home from work will at least mean financial security for his daughter. Dedicated teacher David Kerslake, who cycled to work every day, was just 44-years-old when he was knocked off his bike in Bolton in October 2004. He was hit from behind by a car driven by a diabetic, who suffered a hypoglycaemic attack and lost control. Mr Kerslake left behind his wife, Jacqueline, 48, a UNISON member and a nurse at North Manchester General Hospital, and daughter Lydia, who is now eight. His widow Jacqueline Kerslake said: "I had a lot of reservations about fighting for compensation – how do you put a price on someone's life? However, I received a lot of support and when we won it was a relief, as it means that my little girl will be financially secure for the future. It was horrendous going through the process, but at least it gave some recognition for his life being lost." Commenting on the £580,000 settlement, she added: "The money will never bring David back, but at least I feel like we have some kind of future at last." UNISON general secretary Dave Prentis said: "I am glad that UNISON was able to help Jacqueline Kerslake pursue a claim against the driver. The money won't compensate for David's loss. But it will help fund a future for their little girl. He was a hugely popular family man and a dedicated teacher and will be sadly missed by the whole community."

- [UNISON news release.](#)

### **Woman's leg crushed at work**

A paper multinational has admitted liability after a worker's leg was crushed by a reel of polythene. Unite member Nicola Upsher, 29, was forced to take six months off work after the incident. She needed surgery after suffering the injury at tissue manufacturer Kimberley Clark's Gravesend factory in August 2007. She was attempting to move a 250kg reel of polythene onto an electric trolley when it fell off onto her leg, crushing her calf muscles. Kimberley Clark admitted liability and agreed an out of court settlement of £14,500. Since Nicola's injury the firm has implemented a new system which makes moving the heavy reels safer. Nicola said before her accident they were forced to move reels of this size by balancing them on the trolley because they were too small to fit into the trolley's forks. She said now small wedges have been provided so the reels are secure. "I am the main wage earner in my house so it was particularly hard to cope without my usual income for six months," she added. "I ended up using my

savings to pay the rent so I decided to claim compensation." Unite regional secretary Andy Frampton said: "Standard operating procedures should be designed to make sure employees are as safe as possible. In this case it was obvious that things needed to be changed to make this procedure safer for smaller reels but nothing was done about it until Nicola was injured and forced to take time off work."

- [Thompsons Solicitors news release](#). [Kent News](#).

## *Other news*

### **Multinational failed to learn deaths lesson**

A firm has been fined £533,000 following the deaths of two workers five years ago. Richard Clarkson, 29, and Stuart Jordan, 50, who worked at a Bodycote HIP Ltd metal refining plant in Hereford, died in 2004 after an argon gas leak. The multinational firm was also ordered to pay costs of £200,000 after admitting safety breaches. The Health and Safety Executive (HSE) brought the case against Bodycote HIP of Macclesfield, Cheshire. It told Worcester Crown Court that Mr Jordan, a works manager, and Mr Clarkson, a maintenance engineer, were found collapsed on the stairs leading to the pit on 14 June 2004. The pit's oxygen alarm system was switched off on the day and the ventilation system, which it said could have saved the men's lives, was not running. There was no evidence Mr Jordan had been given any appropriate safety training, HSE told the court. HSE also said the firm had failed to learn the lessons of a double fatality at one of its US plants, where workers were also asphyxiated by argon gas. The company told the court in its defence that complacency had developed but there was not a wholesale disregard for health and safety. HSE inspector Luke Messenger said: "Both these tragic deaths were not only regrettable but also entirely preventable. The risks from confined spaces and asphyxiation due to the presence of argon were well known to the company, which had experience of a similar double fatality at a Bodycote Group site in California, just three years earlier." He added: "Despite this warning the company failed to undertake a proper risk assessment for entry into the confined space. Although they had implemented a safe system of work and permit to work procedure, they had not properly trained employees in their use, or ensured that these systems and procedures were being followed through their auditing procedure. On the day of the incident, the ventilation system, which could have removed the leaking argon before it became a problem, and the oxygen alarm system, which would have warned of the oxygen-depleted atmosphere, were not switched on. Had these systems been working these two deaths may not have occurred." In January 2008, an inquest verdict of unlawful killing on the two men was overturned by the High Court ([Risks 339](#)).

- [HSE news release](#) and [confined space webpages](#). [BBC News Online](#). [Birmingham Post](#).

## **Injured teen had warned of forklift faults**

A Derbyshire haulage firm has been fined £27,000 after a teenager nearly lost an arm when a faulty forklift truck crashed. A court heard that mechanic Martyn Coope, who was just 17 at the time of the incident in 2007, was at the controls of the vehicle, although he had not been trained to operate it. He had been asked to help load biscuits on to a trailer at the William West Distribution depot in West Hallam. But the forklift truck – which had poor brakes – ran into the lorry and Mr Coope was trapped by the left arm. Workmates heard his shouts and saw a two-inch hole in his arm, with the bone visible. He spent five days in hospital and was unable to work for three months until December 2007. Bernard Thorogood, prosecuting for Erewash Borough Council, said that before the incident, the teenager had reported that “the brakes were poor” and he had to use the hand brake to stop it. William West Distribution admitted failing to ensure safety of persons not in its employment, failure to provide adequate training and failing to ensure forklift trucks could not be started by unauthorised persons. District Judge John Stobart said there was a lack of training and supervision. “These practices were potentially lethal,” he told Nottingham Magistrates’ Court. In addition to the fine, the firm was ordered to pay £29,284 costs.

- [Derby Evening Telegraph](#). [Nottingham Evening Post](#).
- [HSE’s rebranded young people at work webpages](#). [HSE young people at work podcast](#).

## **Pupil suffers horrific burns on placement**

A schoolboy has undergone a series of skin grafts after suffering horrific burns while on work experience. Jonathan Bonner, aged 15, was on a placement at windows firm Castlefield Works when he suffered 25 to 30 per cent burns. It is believed he suffered the injuries as waste was being burned on the site. Jonathan’s father, John Bonner, said: “He has had five skins grafts to his forearms, stomach and legs.” He added: “We don’t know what happened but he put something onto the fire and it blew back at him, setting him on fire.” An investigation by the Health and Safety Executive (HSE) into the circumstances surrounding the incident has now been launched. An HSE spokesperson said: “A prohibition notice has been served stopping waste matter being burned on the site until a full investigation has been carried out into the incident.” Bury Council is also probing the incident but said policies were in place for the safety of children undertaking work placements. The placement had been cleared through the relevant agencies, it added. The placement had been arranged through Bolton and Bury Education Business Partnership. Chief executive Tracy Hopkins said: “We have been organising work placements at this workplace since May 2003 and there has never been an incident.” She added: “The police were involved initially but there was no criminal intent and it has been handed over to the Health and Safety Executive.”

- [Bury Times](#).

## **Firm fined for deadly disease outbreak**

A meat processing firm has been fined £25,000 for an outbreak of a potentially deadly disease which left two workers in hospital. Two Polish employees contracted Legionnaires' disease while working at Kepak UK Ltd's plant near Preston, in September 2006. The firm must also pay £20,000 costs after it pleaded guilty to failing to protect employees from contracting Legionnaires' from a domestic water system. The bug was spread into the air via a jet pressure washer used for cleaning at the meat-boning plant, which employed 50 people at the time. The court heard that the first case of Legionnaires' disease was diagnosed on 26 September 2006 in Boguslaw Plociennik, who was employed as a boner, and a second on 3 October 2006 in Zbigniew Rauk, who was employed as a packer. One of the men needed a "significant period" off work and has since returned to Poland after receiving compensation from Kepak. The second man was off sick for three days and had returned to work for a time, but was thought to be taking civil action last year against the firm, the court heard. Prosecuting, Kate Blackwell told Preston Crown Court that a contractor had undertaken a safety assessment at the Walton Summit premises in 2001, but that the assessment had not been reviewed by the time of the legionella outbreak five years later. She said the problem came from a hot water feed into the pressure washer and that water had probably stagnated, multiplying the bug, over a warm weekend when the washer was not in use. Fining Kepak, judge Stuart Baker accepted the firm had not been "cavalier" in its attitude to health and safety to save money, but that it had failed to sufficiently review its risk assessments over five years.

- [HSE news release](#). [Lancashire Evening Post](#). [Fleetwood Today](#).

## **Contractor fined for roof fall death**

A construction contractor has been fined £25,000 after a worker died falling through a roof at a DIY superstore in Wigan. David Battisson from CRN Contracts Ltd in Birkenhead was working on the roof of The Range store when he fell ten metres to the floor through a PVC light. The 49-year-old was taken to the Royal Albert Edward Infirmary in Wigan, where he died from his injuries. The Health and Safety Executive (HSE) prosecuted CRN Contracts Ltd, formerly Concrete Repairs NW Ltd, for failing to follow proper safety procedures. The company pleaded guilty to two safety charges and was fined £25,000 and ordered to pay costs of £14,086 at Manchester Crown Court. The court heard that Mr Battisson and a colleague were applying anti-corrosion paint to the bolts on the corrugated roof of The Range superstore on 27 May 2005 when the incident happened. HSE inspector Warren Pennington said: "It's shocking that basic health and safety procedures weren't followed and extremely sad that, ultimately, it led to a man's death. CRN Contracts Ltd did not provide adequate supervision of the work. It should have used boards to cover the fragile roof lights, and protected the area around the perimeter of the roof. The company also failed to cordon off the floor under the section of roof it was working on to protect the public from the work." He added: "Roof maintenance can be extremely dangerous if proper health and safety rules aren't followed. I hope this case will help to remind people that it's simply not worth taking risks."

- [HSE news release](#) and [falls webpages](#). [Contract Journal](#). [Construction News](#).

### **Fall bounce worker 'lucky to be alive'**

A worker is lucky to be alive after falling through a roof and landing on pallets, then bouncing off these onto the floor. The Health and Safety Executive (HSE) prosecuted Tower Roofing Ltd following the incident at Magnesium Elektron Ltd's premises in Swinton. It was fined £3,500 and ordered to pay full costs of £5,976 last week at Trafford Magistrates Court. Lee Bridge was cleaning guttering at the factory on 6 March 2008 when the fragile roof gave way. He landed on a stack of pallets more than two metres below him, before bouncing off them and falling a further two metres to the concrete floor. Bury-based Tower Roofing pleaded guilty to a breach of the Work at Height Regulations 2005. HSE inspector Angelica Rutherford-Hacon said: "Mr Bridge is lucky to be alive and would have been seriously injured if the pallets hadn't broken his fall. The roof he was working on was clearly fragile and should have been boarded out before any attempt was made to clean the guttering. Tower Roofing didn't think enough about safety in advance of the work starting and put its employees at risk as a result." The inspector added: "Tower Roofing allowed two of its employees to carry out work on a fragile roof – with one of them working more than six metres above the ground – without having proper safety measures in place. It is only by luck that the incident did not result in a fatality and I hope that it will act as a reminder to roofing companies to treat safety as one of their top priorities." HSE is advising roof workers to assume that all roofs are fragile unless they can confirm otherwise, as there may be non-visible damage caused by weathering or general deterioration.

- [HSE news release](#) and [roofwork webpage](#). [Contract Journal](#).

### **Shop death fall due to bad lights**

A Glasgow shopworker would not have died if Debenhams had cared as much about its staff as it did about its shoppers, a grieving relative has charged. Marie O'Neill, 38, fell to her death while working at Debenhams in Argyle Street, Glasgow, last February. Following a fatal accident inquiry (FAI), Sheriff Craig Scott said the stairwell was "pitch dark". The FAI heard that Ms O'Neill tripped and hit her head on a concrete floor as she was taking rubbish down a stairwell used by staff. She died later at Glasgow Royal Infirmary from serious head injuries. The inquiry at Glasgow Sheriff Court heard that, at the time of the accident, there were light switches at the top and bottom of the staircase to turn the lights on and off. These have now been replaced with permanent lighting. The shopworker's sister Linda O'Neill said: "We are really angry that Debenhams kept every other part of the store permanently lit, but not the loading bay because it was only used by staff and not the customers." She added: "Marie had worked at Debenhams and Lewis's for 22 years. She knew everyone from the general manager to the store room staff, and everyone loved her because she was such a lovely person, always laughing and full of fun." In his judgment, Sheriff Craig Scott said: "In my opinion, it is more probable than

not that the accident resulting in her death was caused due to the presence of darkness at some point during her descent. There was evidence to the effect that when the lighting wasn't illuminated, the stairwell was pitch dark. Accordingly, I find that the accident might have been avoided had the stairway been permanently illuminated."

- [Glasgow Evening Times](#). [BBC News Online](#)

### **Workers' Memorial Day consultation begins**

The government has launched the promised consultation into officially recognising Workers' Memorial Day. The 28 April global trade union event has now been running for over 25 years with the motto "remember the dead, and fight for the living". Last week, the secretary of state for work and pensions, Yvette Cooper, confirmed the consultation would look at how the day could be officially recognised in the UK. She said: "It is a tragedy that some people go out to work and then never return home to their families. I want to look at what the UK can do to remember the thousands of workers who have lost their lives." She added: "I know there are many ideas for consideration, including a lasting memorial. Many countries already recognise Workers Memorial Day, to commemorate those who have been killed, seriously injured or made ill through work." The consultation runs until 19 October 2009.

- [DWP news release](#). Workers Memorial Day public consultation [[pdf](#)].
- [Global unions Workers' Memorial Day webpages](#).

## *International News*

### **Australia: Minister backs union right of entry**

Unions in Tasmania have welcomed an announcement by the state's workplace relations minister that she will press for a union right of entry to workplaces for occupational health and safety issues. Lisa Singh said she will take the proposal to Cabinet. Unions welcomed the move, saying they play a major role in promoting the health, safety and welfare of workers. They added that many unsafe work practices are only ever brought to light because of trade unions. Simon Cocker, the secretary of Unions Tasmania, said: "Safety at work is core business for unions and it is important that we are able to support and assist workers who find themselves in dangerous situations at work. Right of entry to worksites for appropriately authorised union representatives exists in most other states and is an integral part of a working occupational health and safety system." The union leader added: "We have unacceptably high levels of workplace injury and death in this state and the minister is to be commended for taking this important step."

- Unions Tasmania news release [[pdf](#)]

## **Italy: Bosses face trial over asbestos deaths**

An Italian judge last week ordered top bosses of a construction multinational to stand trial on charges relating to thousands of asbestos-related deaths. Prosecutors say Stephan Schmidheiny of Switzerland and Jean-Louis de Cartier of Belgium were key shareholders in Eternit, a Swiss construction company. They allege the two were ultimately responsible for the death of some 2,000 workers and residents from asbestos-related diseases. Most of the cases occurred around an Eternit plant in Casale Monferrato, a town near Turin. Lawyers and prosecutors said the two are charged with causing an environmental disaster and failing to take proper precautions. Their trial is set to begin on 10 December in Turin. The two men, who deny any wrongdoing, could face up to 12 years in prison if convicted. Eternit closed its Italian operation in 1986, but people continue to become sick as a result of the contamination, prosecutor Raffaele Guariniello said. The company worked to hide the danger from the public, downplaying and limiting information on the well-established link between asbestos and sickness when dealing with unions and the media, he said, adding his team had submitted documents showing managers at the Italian company received orders from the accused. Schmidheiny and de Cartier do not deny that the deaths were caused by asbestos, but claim they did everything they could to limit the risks and inform the public, said Astolfo Di Amato, a lawyer for the Swiss businessman.

- [Asbestos in the dock campaign](#) and [news release](#). [Business Week](#). [MSNBC News](#)

## **Korea: Five killed in steel frame collapse**

Five workers were killed and eight were injured last week when a heavy steel frame collapsed at a light rail transit construction site in Korea. The tragedy took place when a launching girder, a 30 metre-long and six metre-wide construction machine connecting the bridge deck, fell. Workers on the deck were buried under debris. The five dead include two Vietnamese workers. Construction on the 11-kilometre Uijeongbu light rail system began two years ago and is scheduled to be completed by 2011. Work was halted due as a result of the deaths.

- [Korea Times](#). [NDTV](#)

## **South Africa: Mine deaths 'a national disgrace'**

The number of deaths in South African mines was a national disgrace, Congress of South African Trade Unions (Cosatu) general secretary Zwelinzima Vavi has said. "Urgent action is needed to put an end to this carnage," Vavi told a memorial service for nine mineworkers who died in July at Impala Platinum's Rustenburg mine. The company directors must be held "personally accountable" for the deaths, he said, adding that should an investigation find negligence or incompetence the directors should be prosecuted and punished if found guilty. He said: "Such fatalities are personal tragedies for bereaved families and friends, but they are also a

national disgrace. The number of accidents in our mines is still far too high. Between 1997 and 2007, the South African mining industry had an appalling average of 244 work-related deaths per year reported." He said safety was not prioritised and mining houses should do more to end the many fatalities. Vavi added: "We want an efficient industry that continues to create wealth for the nation but uses the profits to pay workers a living wage, pays taxes to improve the lives of the workers and the poor, in conditions that are safe, healthy and environmentally friendly."

- [Iol.co.za](http://Iol.co.za). [SABC News](#)

## *Resources*

### **New union resources on swine flu**

Public sector union UNISON and retail union Usdaw have issued new guide on swine flu and work. The guidance follows TUC's updated guide to pandemic flu, published online last week.

- [UNISON guide](#). [Udaw guide](#). [TUC guide](#)

## *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

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