

Risks

TUC 

e-bulletin

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**HAZARDS
MAGAZINE**



**Asbestos -
The hidden killer**

Hazards at Work

updated second edition
now available

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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Union News

Truck drivers fed up with motorway pirates

A massive upturn in thefts from lorries highlights the urgent need for a total overhaul of the UK's system of truckstops, the union Unite has said. The transport union's call came as a survey revealed thefts from lorries have risen by 63 per cent in the past year, with most taking place while drivers are parked up and asleep. Earlier this year, Unite launched its Truckstop campaign to push for safe and affordable truckstops across the UK, amid growing concerns that poor, unsafe truck stop facilities made truck drivers easy crime targets, particularly while drivers are parked up and asleep. Len McCluskey, Unite assistant general secretary, said: "This survey confirms our haulage members' experiences, which is that crime is a growing problem for truck drivers. The only way to address this and keep both drivers and their cargoes safe is to provide decent and safe facilities for haulage drivers." He added: "Lorry driving is a tough job and drivers need to know they have safe and affordable overnight parking in truckstops offering them a good night's rest. We're fighting to make our roads safer for professional drivers, but government and the industry must lead here to provide secure parking and overnight accommodation and stop, once and for all, the motorway pirates who prey on truck drivers." The survey was carried out by Truckersworld.

- [Unite news release](#) and [Truckstop campaign](#).

Broken chair caused a slipped disk

A council worker forced to use a dodgy chair for nine months suffered a slipped disk and nearly died during an operation to remedy the problem. UNISON member Kay Fagg developed the problem after Southend-on-Sea Borough Council failed to replace her chair when it broke in early 2003. The 62-year-old now has long-term lower back pain and has been forced to retire. She was working as a sheltered housing officer at the council when the chair's wheels stopped working, which meant it could no longer be moved easily. Despite complaining to her employers, she was never given a replacement and was forced to continue using it. It wasn't until Mrs Fagg was diagnosed with the slipped disc and returned to work after the operation – during which she nearly died – that she was finally given correct seating. Ann Vinden, UNISON's regional head of local government, said: "Kay Fagg's employers should have replaced her chair as soon as they realised there was a problem. The solution was simple, but her injury was left to evolve, until it got so bad she had to have a serious operation and retire from a job that she loved." She added: "Employers must listen to staff, take health and safety checks seriously and resolve issues as soon as they start." Kay Fagg said: "After six months off work following my operation I finally had a risk assessment carried out. But it took them a year to sort out my office fully, which I am very angry about. I still have to take every day as it comes and do regular back exercises, as I don't want to lose the ability to walk." In a union backed claim, she was awarded a £10,000 compensation settlement.

- [UNISON news release](#).

Car job led to vibration injury

A former fitter for car manufacturer Ford has received £8,500 in compensation after his hands were left permanently damaged by using vibrating tools at work. PCS member Anthony Barry, 61, was left with the debilitating condition Hand Arm Vibration Syndrome (HAVS) - also known as vibration white finger - after using vibrating tools in his job as a toolmaker for Ford Motor Company Ltd in Halewood. Anthony took early retirement from Ford nine years ago and now works as a visitor assistant for National Museums Liverpool. He first noticed symptoms in 2005 when his fingers turned white on cold winter days. Anthony, who worked with Ford for 33 years, said: "I was never warned about the dangers of developing this condition. I met some former work colleagues in 2005 who told me it was HAVS. I went to the doctor who confirmed the condition." Jayson Sloss, PCS negotiations officer for National Museums Liverpool, said: "HAVS can be a debilitating condition which affects sufferers both at home and at work. Mr Barry no longer uses vibrating tools at work but he is still suffering the effects of years of exposure to vibration."

- [Thompsons Solicitors news release](#).

Other news

Construction firms "owned" blacklister

A covert operation that blacklisted trade unionists was more organised than previously thought, according to confidential internal documents. The Consulting Association was shutdown in February by the Information Commissioner for breaches of the Data Protection Act after providing construction firms with dossiers on safety and other activities by trade unionists. Private investigator Ian Kerr, who ran the database, was fined £5,000 in July for breaches of the Data Protection Act. However, The Consulting Association constitution shows that the organisation was "collectively" owned by the major construction companies that paid an annual £3,000 subscription. Proceedings were not instigated against the construction companies bankrolling the association. It has since emerged the covert blacklisting organisation was managed by a chairman, chief executive and finance committee which met regularly. Companies wanting to join the operation had to "meet agreed criteria covering size of undertaking and management style," according to a report in the Guardian newspaper. One industry executive said the firms' personnel directors gathered for annual meetings, adding: "Everybody in the industry knew about Kerr because it was long-standing. It was an open secret in the industry".

- [The Guardian](#). [Blacklist blog](#).

Trade in personal data cost livelihoods

Privacy watchdog the Information Commissioner's Office (ICO) has served enforcement notices on 14 construction firms following breaches of the Data Protection Act. The firms were all subscribers to a covert blacklisting service provided by The Consulting Association, shutdown in February by the ICO. David Smith, Deputy Information Commissioner, said: "Fourteen firms paid for personal details about construction workers without those people knowing. The individuals were denied the opportunity of explaining or correcting what may have been inaccurate personal information about them and which could have jeopardised their employment prospects in the construction industry." He added: "We have used the maximum powers available to us and this enforcement action sends a strong signal that organisations must take the Data Protection Act seriously. Should the firms fail to adhere to the terms of the Notices they could face prosecution." Six of the firms targeted are divisions of construction giant Balfour Beatty. It is a breach of the Data Protection Act to use personal data covertly to vet workers for employment. Dave Smith, who is making a claim against Balfour Beatty, one of the firms he believes his file shows blacklisted him for his activities as a UCATT rep, commented: "I am a qualified engineer, my only crime was to raise genuine concerns about asbestos and the appalling state of the toilet facilities on some building sites. Yet Balfour Beatty and the other construction firms illegally and covertly provided information about me which was used to compile a blacklist file." Unite activist Steve Kelly was also blacklisted. "Companies such as Balfour Beatty, Costain and Carillion are not setting fire to this list anytime soon, and that's why we need to organise to give those on the blacklist a coherent, collective voice," he said. Labour MP John McDonnell hosted a Westminster meeting last month where a group of victimised union reps agreed to form a Blacklist Support Group.

- ICO news release [[pdf](#)]. [Blacklist blog](#) and [events listing](#). [Morning Star](#). [Construction News](#). [Building](#).
- Companies receiving ICO enforcement notices: The firms are: Balfour Beatty Civil Engineering Limited; Balfour Beatty Construction Northern Limited; Balfour Beatty Construction Scottish & Southern Limited; Balfour Beatty Engineering Services (HY) Limited; Balfour Beatty Engineering Services Limited; Balfour Beatty Infrastructure Services limited; CB&I UK Limited; Emcor Engineering Services Limited; Emcor Rail Limited; Kier Limited; NG Bailey Limited; Shepherd Engineering Services Limited; SIAS Building Services Limited; Whessoe Oil & Gas Limited.

Hidden deaths mar offshore 'zero fatalities' figure

New official statistics show no worker fatalities were recorded offshore last year. The figures show the combined fatal and major injury rate and major hydrocarbon releases are at their lowest since the Health and Safety Executive (HSE) began regulating the industry. HSE says 2008/09 is the second consecutive year with no fatalities - and there was a fall in major injuries with 30 reported, a fall of 14 compared with 2007/08 figures. The combined fatal and major injury rate reduced to 106 per 100,000 workers in 2008/09 compared with 156 in 2007/08 and 146 in 2006/07. The number of major and significant hydrocarbon releases, regarded as potential precursors to an incident, also showed marked improvement with 61 in 2008/09 compared with 74 in 2007/08. The offshore industry

continues to kill, however. HSE chair Judith Hackitt said: "Although we were pleased to see no fatalities occurring in offshore operations for a second consecutive year, this good news was of course overshadowed by the tragic events of 1 April when the Super Puma helicopter crashed with the loss of 16 passengers. The same day, in a separate incident, a worker received fatal injuries aboard a dive support vessel in transit." She added: "Even though HSE's remit does not extend to air and marine transport activities, these incidents show that hazards are ever present offshore. The loss of 17 offshore workers this year is a tragedy and stark reminder to us all." These deaths will not appear in HSE next annual figures, despite falling in the reporting year. Offshore unions have said repeatedly that the failure to include offshore and marine transport fatalities and injuries in HSE's offshore statistics creates a false impression of the real risks faced by offshore workers. They want the HSE statistical system and reports to be revised to include these figures.

- [HSE news release](#) and [offshore statistics](#). [Press and Journal](#). [BBC News Online](#). [STV](#). [The Scotsman](#).

Gangmasters 'continue to exploit'

Gangmasters are still putting workers' lives at risk, according to a report from the charity Oxfam. It comes five years after 23 Chinese cockle pickers died in Morecambe Bay. Oxfam's 'Turning the tide' report concluded government regulation is helping but there are still people working in dangerous environments for as little as £50 for seven days' work. It added gangmasters were now moving into poorly controlled sectors such as construction, hospitality and care. After the Morecambe Bay tragedy in 2004, the Gangmasters Licensing Act was created to regulate labour in agriculture, forestry, horticulture, shellfish gathering, and the food processing and packaging industries – but other sectors were excluded. Kate Wareing, Oxfam's director of UK poverty, said abuse was rife on building sites and in hotels and care homes. "The government urgently needs to extend rules to curb gangmasters' abuse where workers have little or no protection," she said. In the construction sector, the report said: "Severe and systematic violations of health and safety procedures were common, with repeated instances of threats to sack workers if they raised concerns. We heard of many instances of accidents and injuries on construction sites." Alan Ritchie, general secretary of the construction union UCATT, said: "The Oxfam report is to be welcomed. It is fresh independent evidence that thousands of vulnerable workers are being exploited by gangmasters in the construction industry. The government must act to end these abuses." The site union leader added: "It is only some construction employers who argue that there is not a problem. The construction bosses are motivated by profit."

- [Oxfam report webpage](#), summary [[pdf](#)], full report [[pdf](#)] and [video report](#). [BBC News Online](#).

Waste firm fined after worker is killed

A waste firm has been fined £60,000 after the death of a 78-year-old worker at its site in Tadley. At Winchester Crown Court, Judge David Griffiths imposed a £90,000 fine on John Stacey and Sons – reducing it to £60,000 because the company pleaded guilty. He also ordered the company to pay the full £29,061 legal costs. The court heard how Fred Aubrey died his injuries five days after being hit by a Komatsu shovel tractor in June 2007. Passing sentence, Judge Griffiths said: “This was a tragic and avoidable accident.”

Mr Aubrey was working at the firm’s waste transfer station in Tadley. Along with two other employees, he was hand-sorting waste, a process known as ‘totting’. A fourth worker was helping the three men with the totting when the driver of a skip loader came on site. He asked the fourth worker to get into a shovel loader and tip over one of the skips. The worker did so and in the process reversed over Mr Aubrey. Health and Safety Executive (HSE) inspector David Bibby said: “The practice of totting had only been going on at the company for about two weeks prior to the incident and they had not recognised that by doing this people were being unnecessarily exposed to the risk of vehicles moving around them with nothing to protect them.” He added: “This should serve as a message to all companies, and especially those in the waste industry where unfortunately accidents like this are all too common, to ensure that risks from workplace transport are identified and suitable measures put in place to prevent accidents.”

- [HSE news release](#). [Basingstoke Gazette](#).

Crane firm turns up to receive deaths fine

A second crane hire company has been fined on charges relating to the death of two workers who 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. WD Bennett was fined £125,000 and ordered to pay costs of £264,299 last week. The company had been found guilty at Chichester Crown Court in March of two health and safety breaches that led to the death of the two workers and injured a third. It had been due to be sentenced in June, but the case was adjourned as no-one representing the company attended that hearing ([Risks 412](#)). Eurolift was fined £50,000 for health and safety breaches and £1,000 costs at the June hearing at Chichester Crown Court ([Risks 400](#)). The men died when an untrained worker, who was seriously injured, undid bolts on the crane in an unsafe manner causing it to collapse. Commenting on the WD Bennett fine, Health and Safety Executive (HSE) inspector Peter Collingwood, who led the investigation, said: “This fine reflects the seriousness of the company’s breaches of health and safety legislation. The accident, in which two men lost their lives, was avoidable. It was caused by the inadequate supervision of a worker who was not trained, nor competent for the task that he was asked to undertake.” He added: “To avoid future tragedies like this, employers and contractors must ensure that tower crane work including erection and dismantling is only undertaken by trained, experienced and competent people who are supervised adequately.”

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

Rib crushing giant hardly touched by fine

A multinational industrial firm has received a small fine after a worker was badly injured in an unguarded machine. Calder Industrial Materials Ltd, which manufactures lead products, was last week fined £4,500 and ordered to pay full costs of £1,050 at Chester Magistrates Court. The court heard that Stephen Shore was trying to clear debris from a conveyor belt on 20 February 2008 when he became trapped. He sustained crush injuries, including cracked ribs and severe bruising. The firm pleaded guilty to breaching the Provision and Use of Work Equipment Regulations 1998. HSE inspector Bruce Jones said: "Mr Shore was badly injured because Calder Industrial Materials failed to prevent him from gaining access to dangerous machinery. Fixed guards and a padlocked gate should have prevented Mr Shore from entering the machine and accessing the underside of a tipping table, which is used to tip debris onto a conveyor belt. But the guards and gate were not installed until after the incident." He added: "This case should act as a reminder to employers of the importance of safety in the workplace. Effective measures must be put in place to prevent serious injuries from dangerous machinery." The firm, part of the multinational Calder Group, describes itself as the "European market leader" for the sector. Its global HQ is based at the Chester site.

- [HSE news release](#).

Firm fined over worker's lost finger

A Teesside firm has been fined £5,000 after a worker lost a finger and had another crushed in an horrific accident. TC Industries of Europe admitted at East Langbaugh Magistrates' Court failing to ensure the safety of its employees. Machine operator Colin Hicks, 48, was hurt when he used his right hand to operate a cut-out switch to restart an unguarded machine, and left his left hand on the frame, where wheels came across to cause the injury, the court heard. Health and Safety Executive (HSE) inspector Dave Shallow said: "The injured man was working on an unguarded part of the machine and what makes this case all the more serious is the fact that the company had previously been advised of the need to provide a guard for the machinery." He added: "Employers who operate machinery are required to establish how this work can be undertaken safely. They must also put in place adequate safeguards and safe working practices to ensure employees are not exposed to dangerous parts of machinery." Poppy Williams, for the firm, which makes hardened steel for earth-moving excavator buckets, said TC Industries was suffering considerably in the recession after an 80 per cent drop in orders. The US holding company in charge was keeping the defendant firm afloat and "jobs are in jeopardy," she added. "A large fine would be crippling to what is an already difficult position." Taking this and its early guilty plea into account, magistrates imposed the £5,000 fine with £1,357 costs.

- [HSE news release](#). [Evening Gazette](#).

Bury worker loses three fingers

A Bury firm with a turnover of over £80 million has been fined £50,000 after a young worker lost three fingers in a "totally avoidable" incident. Tetrosyl Ltd pleaded guilty last week to two offences under health and safety legislation at Manchester Crown Court. The car care products firm was also ordered to pay costs of £6,141. On 8 August 2008, 21-year-old employee Robert Karpowicz was using a powder-mixing machine. He had not received training to use the machine, which had an unguarded open hatch. His right hand was badly injured when he used the hatch to obtain a sample from the machine, while the internal blades were still running. Health and Safety Executive (HSE) inspector Chris Smith said: "This incident has had a devastating effect on Mr Karpowicz, who has not worked since. He was a keen sportsman but is now unable to use his right hand, and is having to adapt to living with the effects of the injury." The inspector added: "The incident would have been totally avoidable if the company had followed the correct procedures. The danger of unguarded machinery cannot be highlighted too much. It is the employer's duty to ensure risks to safety within the workplace are adequately assessed, and that correct control measures are implemented to avoid injury. This was further aggravated by Mr Karpowicz not having received training to use the machine correctly." He said the case "underlines the human tragedy that lies behind the statistics of industrial injuries, and the long term effects that individuals suffer." Privately-owned Tetrosyl turned over £81m in 2008, up from £74m the previous year.

- [HSE news release](#).

Nuclear worker compensated for mesothelioma

A former nuclear power plant worker who has been told he has just months to live has received £177,000 in compensation after he was diagnosed with an asbestos related disease. The former assistant scientist employed by Sellafield Ltd, who does not wish to be named, was exposed to asbestos while working at the Capenhurst nuclear site. The 76-year-old started work as an instrument mechanic in 1955 and later became an assistant scientist in the research and development department. He took early retirement in 1991. He was diagnosed with the asbestos cancer mesothelioma in October 2008. He said: "I remember sawing asbestos sheets and my overalls would be covered in dust. Sometimes it would get so bad we'd have to change our overalls during a shift. The company never took any notice of asbestos during my early years but towards the end of my career they began to tell us about the dangers. However, I never thought that I would be one who ended up with it giving me cancer. I dread to think what the future holds but knowing that the compensation has been sorted out gives me some peace of mind."

- [Thompsons Solicitors news release](#).

Widower gets payout for double tragedy

A widower who saw his wife die from the asbestos cancer mesothelioma has received compensation from his former employer after he was also diagnosed with an asbestos related disease. David Warnes, 71, from Leeds, cared for his wife, Maureen, during her painful eight month battle with mesothelioma. She was exposed to asbestos from his work clothes when he was a fitter employed by CEGB at Skelton Grange Power Station from 1966 to 1969. Just months after she was diagnosed with mesothelioma in October 2005 David himself was told he had asbestosis, a life-threatening lung scarring that causes pain and breathlessness. Maureen died in July 2006. David took a compensation claim against CEGB, now RWE NPOWER PLC, on behalf of himself and his wife. An undisclosed settlement was agreed with the firm. David said: "I feel devastated about what has happened to me and my family as a result of simply going to work. It was a great shock to discover that my wife was dying from cancer caused by asbestos dust I brought home on my work clothes. I worked around asbestos every day during the 1960s, but I was not warned that it could affect my health or my wife's. It is incomprehensible that by working to provide for my family I was putting them in grave danger."

- [Thompsons Solicitors news release.](#)

International News

China: Dust disease victims demand justice

In early July 2009, Zhang Haichao underwent voluntarily an operation to open up his chest in order to prove he was suffering from the fatal lung disease pneumoconiosis. And at the end of July, more than 100 workers from Daozi in Hunan, China, all suffering from pneumoconiosis, staged a mass sit-in outside the Shenzhen municipal government demanding occupational illness compensation after years of dust exposures in construction and related jobs. Zhang, a 28 year-old villager from Henan, worked for several years at an abrasive materials factory in Xinmi, breathing in clouds of dust on a daily basis. In the latter half of 2007, he began to suffer from a cough and tightness in his chest. He checked into several local and national hospitals, all of which confirmed pneumoconiosis. Zhang had earlier been sent by his employer to the Xinmi Centre for Disease Control and Prevention for a check up. But even though Zhang's chest x-ray indicated a problem and the centre told Zhang's employer he needed a second check-up, the company kept quiet about the news. Zhang only discovered the factory's suppression of his medical information two years later when he revisited the centre in January 2009. Zhang, who has a three-year-old daughter and elderly parents to support, has spent nearly 90,000 yuan – nearly £8,000 - on medical tests and treatment. But as he explained to reporters, he had been left with little alternative. "I was gambling with my own life. But if I had not done it, I could have frittered away the rest of my days as a victim of occupational disease."

- [China Labour Bulletin](#).

Global: Union Carbide repeats Bhopal excuses

Union Carbide is defending its former chief executive, now wanted for arrest in India, saying managers couldn't have foreseen a gas leak at the chemical company's Bhopal plant 25 years ago. An Indian court issued a warrant last week for Warren Anderson and ordered India's government to press Washington for his extradition. Anderson had been arrested just after the disaster but left the country and now resides in New York State. According to the new ruling, which has been welcomed by survivors and relatives of the victims, India's Central Bureau of Investigation (CBI) must bring Anderson to court immediately. Anderson was chief executive of Union Carbide when a deadly gas cloud leaked from the pesticide factory on 3 December 1984. Several thousands died, and more than 555,000 people who survived the initial disaster are thought to have suffered after effects, though the exact figure has never been determined. Many have died over the years from gas-related illnesses, like lung cancer, kidney failure and liver disease. However, Union Carbide last week repeated a sabotage conspiracy theory which has been repeatedly dismissed by investigators. "Overwhelming evidence has established that the Bhopal gas release was caused by an act of employee sabotage that could not have been foreseen or prevented by the plant's management," Union Carbide spokesperson Tom Sprick said in a statement. Union Carbide is now owned by Dow Chemical. UK based campaign Families Against Corporate Killers (FACK), which met recently with Bhopal campaigners, expressed anger at the sabotage claims from the company. "The survivors refute this claim as an outright lie, and it has been utterly discredited," a FACK statement said. A report by an international trade union fact-finding mission to Bhopal concluded: "The disaster was caused by insufficient attention to safety in the process design, dangerous operating procedures, lack of proper maintenance, faulty equipment, and deep cuts in manning levels, crew sizes, worker training and skilled supervision."

- [FACK news release](#). [KVOA.com](#). [San Francisco Chronicle](#). [New York Times Daily News](#).

USA: Union tires of deadly oil industry attitude

US union the United Steelworkers (USW) has pulled out of talks with the American Petroleum Institute and other oil industry representatives over plans to develop a set of worker fatigue and safety standards in the wake of the deadly 2005 explosion at BP's Texas City refinery. The union said the industry excluded environmental and public interest groups from the discussions and did not give equal weight to input from workers in crafting the standards. "After months of very little progress, we found the API and the industry did not understand the meaning of consensus," Gary Beevers, the Steelworkers' international vice president, said in a statement. "This industry will simply not get serious about developing standards that have real meat in them and reflect a true consensus." The discussions were prompted by recommendations from the US Chemical Safety Board, which urged the development

of two safety standards aimed at keeping better tabs on worker fatigue and monitoring process safety performance. Both were cited as factors in the 2005 blast at BP's Texas City plant that killed 15 workers and injured scores more. The American Petroleum Institute accused the union of trying to undermine the process and said the committees formed to create the standards included representatives from industry, unions, government and academia, as well as consultants and engineering and construction trade groups. However USW said API "severely weighted the process against workers by giving one vote to each of the 22 oil companies and one vote to each of the three oil workers' union representatives."

- [USW news release](#).

Resources

Blacklist blog

When the Information Commissioner discovered a Droitwich company held a blacklist on over 3,000 construction workers, it acted promptly. The Consulting Association was shut down, key figure Ian Kerr was prosecuted and fined £5,000, workers who believed they had been blacklisted could apply to receive their files and the government promised a new law. Two other things soon became apparent, though. The major construction firms that bankrolled the covert blacklisting operation on trade unionists would escape prosecution. And The Consulting Association had been operating in one guise or another for decades before Kerr faced the courts. *Hazards* magazine's 'blacklist blog' is tracking developments on the story – it's a health and safety story because union health and safety activity or even concern appears to be a fast track to blacklisting, with union safety rep credentials a regular feature in blacklist dossiers. *Hazards* is also concerned that other seemingly legitimate outfits – management consultants and law firms, for example – may be providing blacklisting advice as part of "union avoidance" services. And it believes that while the emphasis has been on victimisation of trade unionists in the construction sector, blacklisting is almost certainly prevalent in other sectors. The blacklist blog tracks legal and campaign developments and related events.

- [Blacklist blog](#) and [related feature on the wider blacklisting concerns](#).

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](#)

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- Subscribe to Hazards magazine, supported by the TUC as a key source of information for union safety reps.
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