

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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Safety reps make work happy and healthy

Is it possible to take a dysfunctional workplace battered by assaults, sickness and poor morale and in less than a year make it a haven of safety and worker contentment, with managers valuing the union role? UNISON rep Mark White, writing in the new edition of the trade union magazine *Hazards*, describes how they achieved just that in his workplace. He says Bristol City Council's Parking Services section was "in trouble." He describes a workplace "under the cloud" of an internal improvement notice, visited and admonished by the Health and Safety Executive (HSE) and on the brink of privatisation. "Violent incidents were high and rising; verbal abuse was higher still. Sickness and injuries were above the council's average. And there was open warfare between the trade unions and the management," Mark writes. It took a root-and-branch reform of the safety structure to bring about the extraordinary change. Safety rep roles were clarified, the safety committee was streamlined, Mark's safety role became full-time and lines of communication with managers were improved. In the workplace, workers received newly designed, union-fashioned training programmes. Job organisation was changed so that a system where workers "barely knew each other", became small fixed teams where members would "know who they were working with every day, and who would supervise them." According to Mark in just one year "we have resolved over 140 issues." Sickness absence is down by 80 per cent and workplace injuries are at an all-time low, with a staff satisfaction survey finding 100 per cent of workers in the parking section now enjoy coming to work. Mark concludes: "We have shown that when safety reps are given faith, trust, time and resources, they not only make workplaces safer, but benefit employers economically and reduce staff turnover."

- [Safety respect](#), [Hazards magazine](#), number 107, Summer 2009.

Shot guard left waiting by CICA

A union has condemned the shoddy treatment meted out to a security guard who is still waiting for criminal injuries compensation over four years after suffering a debilitating injury when he was shot during a robbery. G4S security guard and GMB member Colin Baker, who was shot at work in September 2004, believes he has been let down by the Criminal Injuries Compensation Authority (CICA). As well as failing to sort out his compensation, CICA bosses are not even responding to concerned letters from his MP. Mr Baker sustained injuries which have left him permanently disabled when a security van was attacked. Despite the support he has received from his employer, the injuries have limited his ability to earn and he has suffered severe financial hardship. In recent months he has been assured by CICA resolution of his claim was "imminent", but nothing has happened. After the intervention of his MP, David Winnick, on the 23 June CICA assured Mr Baker that they would get back to him in two weeks with the outcome of the case. Mr Baker is still waiting to hear from CICA, despite further representations from GMB and the MP. Mr Winnick has again written to CICA chief executive Carol Oatway, condemning the handling of Mr Baker's case. The "irate" Labour MP said he was considering raising the

issue with ministers, adding "the treatment of Mr Baker is appalling. The standards of service offered by the CICA to victims of criminality, such as Mr Baker, does, to say the least, leave a lot to be desired." GMB national secretary Gary Smith said: "It is utterly shameful that Ms Oatway and her colleagues at the CICA can treat an ordinary working person, who was shot in the course of their duties, with such contempt."

- [GMB news release.](#)

Union call for tougher blacklist action

A union has called for action against unpunished blacklist users after the Information Commissioner's Office served enforcement notices on just 14 of the subscribers to a covert blacklisting operation. The regulator said it could not take action against other 30 contractors who paid in to The Consulting Association as it did not find enough evidence against them. Alan Ritchie, general secretary of construction union UCATT, said: "While I recognise the move to issue enforcement notices on the construction companies listed, I believe straightforward prosecutions would have been a more appropriate response." He told trade journal Construction News: "It appears some of the worst offenders have been omitted from the ICO action, including a company that made nearly 13,000 individual checks on workers in 2008 alone. We need to remember that a number of these companies had secured hundreds of millions of pounds from publicly-procured contracts while at the same time operating a blacklist on those same sites. There must now be an additional process to bring other guilty companies to account for the misery they inflicted on thousands of construction workers and their families". The Consulting Association's financial files show several of the firms escaping notices received higher bills from the blacklisting company than those served - with top contributors Skanska and Sir Robert McAlpine having no action taken against them.

- [Construction News. Blacklist blog.](#)

Pub managers call time on long hours

Pub managers are working longer hours than any other group in the UK and their health is suffering because of it, according to their union Unite. The union has now launched a manifesto for the sector, calling for a maximum 48 hour week, a minimum 25 days holiday and a sharper focus on health and safety and combating violence at work. "Working excessive hours is the norm in the industry, and pub managers now have the dubious honour of working longer hours than every other group of employees in the UK," said Jennie Formby, Unite national officer for the hospitality sector. "Working 60-70 hours a week is just not acceptable and the health of our members is suffering." Unite says that all pub companies should adopt minimum standards within the industry for employees, including on health and safety issues and violence at work. Jennie Formby added: "There has quite rightly been a strong focus in recent months on the massive problems facing tenants, but we must not forget the many thousands of workers in the 9,000

plus managed pubs in the UK who need us today more than ever before.”

- [Unite pub industry manifesto \[pdf\]](#) and [Licensees Unite webpages](#).
[Morning Advertiser](#). [The Publican](#).

Teachers a priority for flu jab

Teaching unions are calling for classroom staff to be a priority for the swine flu vaccine this autumn, because working with children puts them at risk. The National Union of Teachers (NUT) has written to children’s secretary Ed Balls calling for school staff and pupils to be offered the jab as early as possible. In her letter to Balls, Christine Blower, general secretary of the NUT, wrote: “We understand that a vaccine will be available sometime in the autumn and that frontline health and social care staff and vulnerable groups will be given priority for the vaccine. We would fully support such an order of priority.” The letter was backed by the National Association of Head Teachers (NAHT), which said teachers should be a high priority for the vaccine because they work with schoolchildren – among the most vulnerable groups to catch the H1N1 virus. Mick Brookes, the general secretary of the NAHT, said: “We would back the NUT's letter as a pragmatic and sensible idea. If teachers aren't included in the high risk category, then perhaps there needs to be a rethink about their relative status in having access to the virus.” The Department of Health said it had not taken a final decision on who would receive the vaccine first and it was discussing this with its scientists.

- [The Guardian](#).

Worker suffers whiplash in bath incident

A care assistant was forced to take three months of work after she suffered whiplash injuries from a faulty bath. The GMB member, whose name has not been released, had to undergo intensive physiotherapy following the incident at a Leeds City Council day centre. She was bathing a patient using a bath seat, which is similar to a toilet seat with a handle to move it up and down. As she was moving the seat up to help the patient get out of the bath, the seat caught on a broken bath panel causing a sudden jolt. At first she thought she might have pulled a muscle and continued work, but the next day she was in severe pain. Leeds City Council admitted liability and settled a compensation claim out of court for £4,000. The council has also changed the type of baths used at the day centre. The injured worker commented: “I’m glad I decided to claim compensation because it forced the council to replace the old baths with newer versions. The equipment we were using was extremely old and it was only a matter of time before something like this happened.” Tim Roache from the GMB said: “It should never have taken legal action for the council to make sure its working equipment was safe for its employees.”

- [Thompsons Solicitors news release](#).

Firefighters free fingers from faulty food van

A delivery driver who was freed by the fire service when a faulty van door crushed his hand has received a £7,000 payout. GMB member David McCulloch, 52, was forced to take seven weeks off work following the incident, which left him with a broken index finger. He was delivering bread buns to Burger King in Newmarket as part of his job for food delivery firm 3663 Limited when the faulty van door slammed shut trapping his right hand. Staff from Burger King were unable to release his hand and called the fire service which freed him using specialist cutting equipment. This employer, 3663, admitted liability and settled the claim out of court. David, who now works as a driver for a different company, said fortunately he has not suffered any long term damage to his hand. "I was in agony when the van door fell on my hand and I'm lucky that people were around to get me help. The fire brigade couldn't get the door to open and in the end used cutting equipment to get my hand out." He added: "My hand has healed well, but I had to miss out on seven weeks work. I'm just glad that my injuries weren't worse. As a driver I rely on my hands to earn a living." Carol Sears from the GMB said: "Mr McCulloch underwent a shocking ordeal all because his van door was defective. He should never have been put in a position where he was working with faulty equipment."

- [Thompsons Solicitors news release.](#)

Other news

Employers express fit note concerns

The majority of employers say well-being remains a priority, according to new snapshot research, but they have outstanding concerns about the new fit note. Research undertaken with 50 employers and published this week found over half of those surveyed said that well-being was more important to them in the current financial climate, but that there was too little information on next year's replacement for the sick note. Claire Tyers, a co-author of the Institute for Employment Studies report and associate director of the institute's work, health and well-being team, said: "There are still outstanding concerns about how the new fit note system will work. Employers need more information on how the scheme should be implemented. They worry particularly about the potential extra work it will create for their already stretched HR departments and line managers. Policy makers need to give clear guidance to employers on this as soon as they can." She added: "Those employers who welcomed it appreciated the more positive focus on the duties that employees can perform, rather than on what they can't, and felt that it could be useful in reducing sickness absence if implemented properly." On the worker well-being issue, she said: "Employers appear to have accepted that improving well-being has positive implications for staff efficiency and, ultimately, the profitability of their business. Therefore there is no reason to lose focus on the issue during the recession – in fact the reverse is true – it becomes more important than ever to keep people at work

and working at their best when they are there." A government consultation on the proposed fit notes ends on 19 August, with the new notes due to be rolled out from spring 2010.

- [IES news release](#). C Tyers and R Martin. [Is well-being still important at work? Employers' views on recession, the new fit note and priorities for the year ahead](#), Opinion Paper OP17, Institute for Employment Studies, August 2009.

New campaign to protect pub workers

A campaign to protect staff in licensed premises from verbal abuse and violence has been launched by local safety inspectors in the Midlands. Officials from the region's local authorities have teamed up with the Health and Safety Executive (HSE) to visit licensees to look for ways to cut the chance of workers being attacked. HSE says staff in pubs and off licences can run a higher risk of work-related violence, ranging from verbal abuse to physical assault – but their employers still have a duty to protect them. Ian Andrews, HSE's project manager, said: "Nobody should have to face injury or abuse simply doing their job. We don't want people dreading going in to work, especially when the steps employers can take to improve protection for their staff are so simple." He added: "It is difficult to quantify the real scale of the problem because many incidents go unreported. But it's important that we learn about them so we can provide advice and target our efforts to assist employers and employees in improving safety." Landlords and licensees are being given advice about the different ways of reducing the risk of violence and abuse. The safety watchdog says simple changes to the layout of premises, improved lighting and taking part in schemes such as PubWatch can lead to significant improvement in the working environment.

- [HSE news release](#) and Managing work related violence in licensed and retail premises guide [[pdf](#)].

Dying plasterer warns of asbestos dangers

A self-employed plasterer who has just months to live is warning others of the risks of exposure to asbestos. The 48-year-old from Houghton Le Spring was diagnosed with the asbestos related cancer mesothelioma in October 2008. The plasterer, whose name has not been released, was exposed to asbestos as a 16-year-old apprentice with building company GM Pearson Limited, working on council house renovations across the north-east of England. He was never warned of the dangers of asbestos nor provided with any respiratory protection. "I loved my work and I knew it involved contact with asbestos," he said: "As the years went by I began to understand what a dangerous material it was and when I was self-employed I took the necessary precautions, but by then it was too late. The damage had already been done. I'm concerned that another generation of people are still being unwittingly exposed to asbestos in schools and offices. We are told that asbestos in buildings is safe as long as it's not disturbed but I fear that in 40 years time people will still be developing mesothelioma from

asbestos exposure which is still happening in workplaces and schools today." He has now secured a "substantial sum" in compensation after turning to personal injury law firm Thompsons Solicitors. Helen Jones, who represented him in the compensation case, said: "We are pleased we have been able to conclude this claim successfully on behalf of this client. Within weeks I obtained a substantial interim payment for him which helped ease the financial burden at a time when his illness forced the closure of his business." The full settlement was negotiated within 10 months of his diagnosis.

- [Thompsons Solicitors news release](#).

Canadian firm fined for asbestos crimes

A Canadian company has been fined for placing employees and contractors at risk from asbestos at its Swansea plant. Vale Inco Europe Ltd pleaded guilty in June to four charges under the Control of Asbestos Regulations 2006. The offences were in relation to furnace refurbishment work being carried out by a contractor, A-Weld. At Cardiff Magistrates Court on 6 August 2009, Vale Inco Europe Ltd was fined £12,000 and ordered to pay costs of £28,000. The company had carried out asbestos surveys on the buildings on their site, but had not surveyed the interior of plant and equipment. As a result, asbestos insulation material within the reformer furnace was disturbed and broken, giving rise to powder and fibres, which posed a greater risk. Workers discovered a white material they suspected of being asbestos, and a sample was sent for analysis, but the site was not isolated and work was allowed to continue until the results of the tests confirmed that the material was asbestos. HSE principal inspector Andrew Knowles said: "There are numerous failures in this case, including the failure to assume that asbestos would be present in the reformer furnace unless it could be proved that it was not. Knowledge that asbestos insulation was present would have resulted in a licensed contractor being used to remove the material and prevented these workers coming into contact with asbestos at all." He added: "Another important aspect was the failure to provide asbestos awareness training for employees, which is a specific requirement where asbestos may be present in a workplace." The inspector said "the defendant fell far short of the high standards required. This should serve as a warning to others about the dangers of asbestos and the legal requirement to manage it properly."

- [HSE news release](#) and [hidden killers campaign](#).

Water treatment firm bad on bugs

The Health and Safety Executive (HSE) is warning companies responsible for carrying out legionella surveys on water systems of the need to ensure that their work is thorough and accurate. The warning follows the conviction of a Berkshire-based water treatment company for carrying out inadequate and misleading surveys at nursing homes in Blaenau Gwent and Powys. As a result, vulnerable residents at the homes would have been at a heightened risk of

contracting legionnaires' disease, a potentially fatal form of pneumonia. DEBA UK Ltd pleaded guilty at Abertillery Magistrates Court last week to three safety offences. It was fined £24,000 and ordered to pay costs of £17,276. During 2007, the company was commissioned to carry out legionella risk assessments at nursing homes operated by Craegmoor Healthcare in Tredegar and Llangattock, and rated the risk as low. A subsequent routine check of these nursing homes revealed there to be inadequate controls for legionella at these premises, and the focus moved on to the work carried out by DEBA UK Ltd. HSE inspector Matthew Hamar said: "The nursing home operators commissioned DEBA UK Ltd to carry out the surveys in good faith and to help them comply with their responsibilities to manage the risk posed by legionella on their premises. They were badly let down in this case." Last month a Lancashire company was fined after two workers developed legionnaires' disease ([Risks 417](#)).

- [HSE news release](#) and [Legionnaires' disease webpage](#).

International News

Germany: Rail firm snooped on health records

The German rail operator Deutsche Bahn has admitted it secretly and illegally monitored the health records of some of its employees. Last week the company released a statement saying: "The Deutsche Bahn management has received indications that the group's security division collected employees' illness-related information and circulated it within the group. As the data were not job-specific, they should not have been collected." Earlier this year, Deutsche Bahn confirmed it had scoured the personal data of 173,000 workers, around threequarters of its workforce, for signs of suspect relationships with suppliers. Deutsche Bahn employees' computer files were scrutinised "only in those cases, in which there was a concrete suspicion of internal company data being illegally passed on," the company said in a statement in April. The announcement came in response to a report by the German weekly Der Spiegel, which claimed that Deutsche Bahn had not only monitored hundreds of thousands of employees' emails, but also secretly searched their computer hard drives. The scandal eventually led to the resignation of the firm's chief executive Hartmut Mehdorn.

- [Deutsche Welle](#).

New Zealand: Minister snubs unions on work deaths

Unions in New Zealand are outraged that they were not invited to take part in an investigation into workplace deaths. Labour minister Kate Wilkinson called the 12 August meeting of corporate chief executives to discuss ways to reduce injuries at work. "There's one problem here - this proposed group is missing the people who get hurt and killed on the job, who are workers, generally not chief executives or government agents," Maritime Union (MUNZ) general secretary Trevor Hanson said. He added that the strongest health

and safety advocates were "made up of people who want to go home at night in one piece to see their family." Rail and Maritime Union (RMTU) national secretary Wayne Butson said he wants workers "at the table giving their views on decisions that will affect them." He added: "We don't need another box ticking outfit having a leisurely discussion on the health and safety of workers from an air-conditioned boardroom." Robert Reid, national secretary of the National Distribution Union (NDU), added: "It is of course the workers in dangerous industries like forestry that are performing potentially unsafe work, not chief executives, and good workplace health and safety requires the involvement of all parties." Announcing the latest workplace fatality figures, Labour minister Kate Wilkinson said: "Business leaders are in a prime position to influence attitudes and practices in their own industries, and among the smaller companies they buy and sell from. That means they are also perfectly placed to help us stop people dying or getting hurt at work, so we can keep businesses and New Zealand working."

- [NZ Department of Labour news release](#). RMT/MUNZ news release [[pdf](#)]. [NDU news release](#). [TVNZ](#).

USA: Most nuke worker disease claims refused

A US federal programme created to help sick nuclear weapons workers is improperly rejecting thousands of claims, a former top medic on the scheme has said. Eugene Schwartz, who recently resigned, said many of the complaints that workers, advocates and lawmakers have levelled at the controversial programme are valid. For instance, Schwartz said he repeatedly warned the US Department of Labor that it is ignoring established medical knowledge about the dangers of bomb work. "I was muzzled," said Schwartz, a Harvard-trained doctor with a master's degree in nuclear engineering, whose job was overseeing medical decisions at the federal compensation programme. The government's Labor Department took charge of the programme, the Energy Employees Occupational Illness Compensation Program, at its creation on 31 July 2001. Today, it boasts that it has paid \$5 billion in compensation and medical costs to more than 52,600 former workers or their survivors. But sick workers, who have banded together in multiple advocacy groups, point out that the Labor Department has denied nearly three out of four claims - 127,000 filed on behalf of sick nuclear weapons workers or their survivors in the past eight years. The data on which the programme makes its compensation judgments is wholly inadequate, they say, with many diseases attributable to the work incorrectly ruled out. Dr Schwartz said he began documenting his concerns shortly after he began work as medical director at the compensation programme in March 2008. He said his bosses at the Labor Department largely ignored the issues he raised, and then tried to silence him. "The programme needs scientific oversight," Schwartz said. "I was told they're not going to do that - repeatedly."

- [ProPublica](#).

USA: Spy tech stress on hospital workers

US hospitals are spending millions on wireless and internet technology, and say it will improve patient care. But this seemingly laudable motive cloaks less positive intentions, critics say. "They're not spending the kind of money they're spending on these systems to catch a nurse taking an extra break," said Charley Richardson, a retired union educator who closely tracks the issue. "It's about management-by-stress, tweaking the whole system to ramp it up." And hospitals could also use the technology to defeat organising drives by identifying union supporters. Kate Bronfenbrenner, a Cornell University researcher, said managers use tracking systems to watch for patterns of worker interaction. "Union organisers completely underestimate the surveillance," she said. Bronfenbrenner published a study in May showing that between 1998 and 2003, the proportion of employers using electronic surveillance of union election campaigns almost doubled. Charley Richardson warns that those who think it is just about disciplining workers are missing the point. "Think of it as a work restructuring system," he said. "They want a digital view of the workflow to analyse the work process and optimise it so people have to work harder and harder." According to Cornell's Kate Bronfenbrenner: "Workers have been spied on for forever. Management is just getting a little more sophisticated."

- [Labor Notes](#).

USA: Prison recycling 'poisoned' participants

Freda Cobb believes the job in food services at the Federal Correction Institute in Marianna has ruined her life. Cobb, who started working at the Florida prison in 1991, is one of 26 plaintiffs in a federal lawsuit against the prison, claiming its computer recycling programme is toxic and hazardous to workers' health. In 1994, Federal Prison Industries, trade-named UNICOR, started a computer and electronics recycling programme in Marianna, the first of its kind. There are now seven certified facilities in total. Created by executive order in 1934, UNICOR, a government-owned, for-profit company, uses prison labour to produce various goods and services nationwide. At Marianna, inmates break down and retrieve salvageable computer parts. According to UNICOR's website, the products are sold to public and private industries to "save precious resources." If recycled without proper safety measurements, electronic equipment can release a toxic dust containing dangerous substances such as lead, cadmium, mercury and arsenic, according to government reports and surveys by Silicon Valley Toxics Coalition (SVTC), a California-based research organisation that studies the environmental impacts of the technology industry. Freda Cobb's deteriorating health eventually forced her into retirement in 2004. Another plaintiff, Tanya Smith, has already died at just 36 years of age. The lawsuit currently awaits action from US District Judge Richard Smoak. It has bounced back and forth between the filing law firm and the government's requests for dismissal, according to Patrick Frank, an attorney representing the case. Freda Cobb and her colleagues can't wait for justice. "I'm praying this will finally make it to court," she said. "People are dying more and more and we need some answers."

- [News Herald](#). SVTC 2006 report on UNICOR's prison recycling programme [[pdf](#)].

Resources

Hazards is good for you

The brand spanking new edition of the workers' health and safety magazine *Hazards* is out now. This issue of the award-winning quarterly is bristling with information, including the usual mix of news, resources and features on topics of crucial importance to hard-working union safety reps, stewards and officers. 'All fired up', the cover feature, spells out the human cost of the covert surveillance scandal that saw thousands of construction workers on an industry-bankrolled blacklist. Other features look at how an under-resourced HSE is struggling to do its job, how safety reps really can sort out sick workplaces and how you can make sure green jobs don't make you blue. On top of that, you'll find a backpage poster suggesting HSE's safety pledge might for some dodgy companies be "a cheap and easy alternative to doing anything."

- [Hazards magazine](#). [Union subscriptions](#) are *Hazards* magazine's source of funding – make sure your union organisation gets copies to all its safety reps. [Safety pledge poster](#).

Centre for Corporate Accountability to close

The Centre for Corporate Accountability (CCA) is to cease all operations from 28 August. CCA, which has undertaken widely reported research on health and safety penalties, regulation and enforcement, has not been able to secure the necessary funds to continue. The centre also offered a support service for those bereaved by workplace incidents, which is also to be discontinued.

- Other sources of corporate accountability information: [TUC corporate responsibility webpages](#). [Hazards magazine deadly business webpages](#). [Families Against Corporate Killers \(FACK\)](#).

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 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