

Risks

TUC 

e-bulletin

Number 436 – 12 December 2009

**HAZARDS
MAGAZINE**



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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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Law change call on dog attacks

A 'gaping hole' in legislation that allows dog owners whose animals attack postal workers to escape prosecution must be closed, the union CWU has said. The Dangerous Dogs Act 1991 does not cover attacks on private property, for example gardens, paths and driveways. According to the CWU, 70 per cent of the 6,000 dog attacks each year on UK postal workers take place on private property. "Some of the most serious dog attacks of recent years have happened on private land," confirmed CWU national health and safety officer, Dave Joyce. "The lack of protection against attacks on private property where a dog is permitted to be is a 'gaping hole' in the Dangerous Dogs Act. We want to see owners of aggressive dogs being held to account when they fail to control their dogs, and more realistic penalties handed down by the courts when prosecutions take place." He says CWU's 'Bite Back' campaign, which calls for the revision of the 1991 Act, has just received a "massive boost", with the Scottish government agreeing to back a Private Members' Bill that would introduce the required improvements. If the Bill put forward by Christine Graham MSP becomes law, dog owners in Scotland will no longer be immune from prosecution if they allow their animals to run out of control and injure postal delivery workers. The maximum penalty for having a dog dangerously out of control in a public place is a two-year jail term and unlimited fine.

- [CWU news release](#).

Green meter plan needs to be safe

UK government plans to introduce "smart meters" to homes nationwide as an energy saving measure must take account of safety and other concerns about rogue contractors, the union GMB has said. The GMB call comes a week after the Australian government had to clampdown on "shonky" contractors after a series of deaths in young workers installing insulation to homes under its "energy efficient homes" programme ([Risks 435](#)). GMB was commenting after the Department of Energy and Climate Change announced its intention to have 47 million of the smart meters installed in 26 million properties by 2020. Gary Smith, GMB national secretary for the energy sector, said the union welcomed the proposal but "does so with a degree of caution and concern over the future development of the smart metering programme." He added: "Well established companies in the industry, in sharp contrast to too many of the contractors, are mindful of the need to train and up-skill their employees not just in technical skills and safe working practices, but in 'softer' - but nevertheless vitally important - skills like customer care. GMB believe that there would be no merit whatsoever in the energy companies that are awarded the contracts to deliver the programme simply sub-contracting this work out, without regard to the need to maintain extremely high standards of technical excellence, health and safety, and customer service."

- [GMB news release](#). [Green jobs blog](#).

Scotrail plans unsafe contract breach

Rail union RMT has accused Scotrail of admitting openly to members of the Scottish parliament (MSPs) that it is prepared to breach a contract over train staffing levels. The union says the news comes as it ramps up its campaign over the planned introduction of Driver Only Operation (DOO) on a new Edinburgh to Glasgow via Airdrie route. Under its contract with the Scottish government, train operator Scotrail is required to have a second person on the train at all times, says RMT. However, in a new briefing to MSPs, Scotrail admits "there may be times when we may choose to operate a train without a second person..." RMT said reducing train staffing could jeopardise safety. "Scotrail have let the cat out of the bag," RMT general secretary Bob Crow said. "No guard, no ticket examiner just the driver up in the cab with all of the security and safety risks that such a policy brings with it." He indicated the union was not willing to accept a dangerous precedent. "When they've done it once we have no doubt that they will try and get away with it over and over again, creating a massive security and safety risk for the travelling public while at the same time jacking up their own profits by saving money on staffing levels. The only safe solution is guards on the trains. That guarantees the security of the public and means that Scotrail cannot play fast and loose with their contractual commitments to the Scottish people."

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

Welder gets two diseases from vibration

A welder has developed two serious occupational diseases in his hands as a result of using vibrating tools. The 56-year-old Unite member from Wolverhampton, whose name has not been released, was diagnosed with carpal tunnel syndrome (CTS) and hand arm vibration syndrome (HAVS). He was first told he had work-related health problems during a routine examination by a nurse while working for Willenhall-based Caparo Modular Systems Ltd. The firm makes bonnets, tailgates and doors for cars. Although he was showing signs that his hands had been affected, he was kept in the same role for another 18 months. Over that time his condition worsened so much that he was unable to do his job and was eventually moved into a different department where he no longer used vibrating tools. He was later made redundant as part of cutbacks in his new department and is still unemployed. He said: "I've now had surgery on my hands, which has helped, but the condition restricts what I can do especially during the winter. When the weather is cold my hands go numb. It's been difficult finding a job because I can no longer work in the job I have always done and been trained to do." He received £58,000 in a Unite-backed compensation case. Unite's Gerard Coyne from said: "HAVS and carpal tunnel syndrome can have a devastating impact on workers trained to use vibrating tools. As this member has discovered, finding employment when you are suffering from this condition can be extremely difficult."

- [Thompsons Solicitors news release.](#)

Tate & Lyle pays out for pleural thickening

A sugar factory worker has received £12,000 in a provisional payout for an asbestos related disease. The GMB member, whose name has not been released, was diagnosed with pleural thickening in 2007 after suffering from lung problems for several years.

He was exposed to asbestos while working for Tate & Lyle sites in London between 1956 and 1999. He was not warned of the dangers to his future health or given any protection from the dust. The settlement from Tate & Lyle entitles him to £12,000 immediately and allows him to re-open the claim for further compensation at any time in the future if his condition deteriorates due to asbestos related disease, including the fatal cancer mesothelioma. GMB spokesperson Rose Conroy said: "Pleural thickening can be a severe and debilitating disease." Lorna Webster of Thompsons Solicitors, the personal injury law firm brought in by the union, said: "The settlement enables our client to have the benefit of some compensation now while preserving his right to re-open the claim in the future if he should sufferer serious deterioration due to progression of his pleural thickening or develops other asbestos related conditions including mesothelioma and asbestos induced lung cancer."

- [Thompsons Solicitors news release.](#)

More Tube cuts mean more dangers

Tube union RMT has accused Transport for London (TfL) and maintenance and infrastructure firm Tube Lines of slashing safety standards to dangerous levels. The safety fears prompted a union call for an urgent intervention by TfL chair and London mayor Boris Johnson. The union is concerned the twice weekly inspection of escalators will be cut to just once a week and the 12 week frequency of signal maintenance on the Jubilee Line will be cut to a 16 week cycle. RMT said the latest safety and maintenance cuts on the Tube Lines section of the Underground have come just two weeks after RMT exposed moves to hack back the frequency of track inspections on the Jubilee Line extension. RMT reps raised their concerns at a health and safety forum last week and demanded the cuts be reversed as a matter of urgency. The union points out that one of the causes of the Kings Cross fire was a lack of regular escalator inspections. The union is also challenging the failure to consult with RMT health and safety reps before the cuts were implemented, an oversight "making a mockery of the agreed procedures." RMT general secretary Bob Crow said: "We are demanding the intervention of TfL chair Boris Johnson to reverse the safety and maintenance cuts programme which is leaking out in dribs and drabs from Tube Lines." He added: "These are dangerous reductions in key maintenance and safety frequencies that will set alarm bells ringing for staff and passengers alike."

- [RMT news release.](#) [London Daily News.](#)

UCATT outrage at blacklisting law flaws

Construction union UCATT fears new regulations designed to outlaw blacklisting contain so many loopholes they will not deter the practice. It says the proposed measures ([Risks 435](#)) appear "to give the green light to employers to blacklist in certain circumstances."

UCATT had argued the regulations should not just make it illegal to blacklist for "trade union activities" but should prevent blacklisting for "activities associated with trade unions". It says the government has totally ignored this distinct, a failing that could leave workers vulnerable to blacklisting, with the risk "clearest in the event of workers stopping work due to serious safety concerns." Alan Ritchie, general secretary of UCATT, said: "Not only are these regulations entirely inadequate, the government's consultation response favours the continuation of blacklisting in certain circumstances." The union says the government also failed to address "the routine blacklisting of safety representatives and campaigners, which was a notable feature of the Consulting Association's blacklisting practices." UCATT is concerned with the government's statement that it "does not consider that a safety exemption should be created." The union says it is "highly disturbed" that the failure to specifically protect safety representatives and the decision to allow "vetting" for activities other than trade union matters, will mean that these workers will continue to be considered by employers to be "troublemakers" and "undesirable people" and as such will continue to be blacklisted. The union says it will be working with sympathetic Labour MPs "to have the regulations radically overhauled."

- [UCATT news release](#). [Blacklist blog](#).

Other news

Blacklisting lawsuit could cost firms millions

Construction companies could be facing a bill of millions of pounds after a law firm revealed it was preparing a class action suit on behalf of blacklisted workers. A report in the trade journal Building says action will be brought against over 40 firms, including Balfour Beatty, Laing O'Rourke, Kier and Costain, who were found to be using an illegal blacklist uncovered by the Information Commissioner's Office in February. The formation of the Blacklist Support Group in July prompted workers to contact law firm Guney Clark & Ryan. The lawyers say they have now received files from around 40 workers and expect to be representing 100 by Christmas. The case is being brought under the Data Protection Act. Sean Curran, a partner at Guney Clark & Ryan, said it was difficult to quantify how much each worker could hope to win, but it is understood that, should the lawsuit succeed, individuals can expect a sum between £10,000 and £100,000. Some workers could receive up to £400,000.

- [Building](#). [Blacklist blog](#).

Sellafield fined after radiation exposures

The company that runs the Sellafield decommissioning operation has been fined £75,000 and ordered to pay £26,100 in costs after two contract workers inhaled radioactive material. The prosecution followed an investigation by the Health and Safety Executive (HSE) into an incident on 11 July 2007 at the Sellafield Nuclear Licensed Site in Cumbria. The company pleaded guilty to a safety offence. A patch of concrete floor - believed to be contaminated with radiation from a spillage some years ago - was being drilled prior to being removed. Two contract workers were doing the work, under Sellafield Ltd's supervision, when they were contaminated with plutonium in the dust produced from the drilling, some of which they inhaled. There was no immediate impact on their health, but they received a "significant radiation dose" below annual dose limits. One contractor had widespread contamination on his PVC suit and while he was undressing two radiation air monitors outside the enclosed area were triggered. The enclosure was later found to be heavily contaminated. Mark Bassett, HSE's superintending nuclear inspector, said: "Although the radiation doses in this case were below the statutory dose limits, they could potentially have been higher. They should have been zero. The incident highlights the importance of Sellafield Ltd following its own arrangements for protecting workers, when undertaking potentially hazardous work with the risk of exposure to radiation. Sellafield Ltd should have properly assessed those risks, and then appropriately planned, organised and carried out the work."

- [HSE news release](#). [Construction News](#).

Vehicle repair firm fined after death

A commercial vehicle repair centre in Kettering has been fined £40,000 and ordered to pay £25,000 costs after an employee was crushed to death underneath a 24-tonne lorry. FW Abbott Ltd pleaded guilty at Northampton Crown Court to health and safety breaches which led to the death of Martin John Carswell, 47. Mr Carswell was working underneath a road drain cleaning vehicle on 9 June 2007 when the axle stand supporting it collapsed. The court was told that there were no health and safety systems in place to ensure that employees followed safe practices. There were two axle stands available, but Mr Carswell had only used one. Each stand had a safe working load of 7.5 tonnes which, if used together, would have been adequate to support the rear of the vehicle, but the single stand used would have been massively overloaded. HSE inspector Neil Craig said "raising and working beneath these heavy vehicles can be very dangerous and the company should have completed a proper risk assessment and trained their employees in a safe system of work. Had they done so, Mr Carswell might have been more diligent in the way he went about raising and supporting this vehicle and this incident is far less likely to have occurred." He added: "I would urge all employers who use these lifts and supports on large vehicles to ensure their employees understand the risks involved and the measures to protect against them." HSE says there have been over 8,000 injuries and 24 deaths in the motor vehicle repair (MVR) industry over the last five years.

- [HSE news release](#) and [motor vehicle repair webpages](#).

Warning to firms on scaffolding dangers

Businesses have been warned to take proper precautions with scaffolding following a prosecution involving a construction site at Sheffield Ski Village. Pullan Development (Selby) Ltd pleaded guilty to two breaches of safety regulations in relation to poorly-erected scaffolding. Sheffield Crown Court heard that during an inspection by the Health and Safety Executive (HSE) in October 2008 people were seen working on scaffolding that was extremely unsafe and posed a risk of serious, if not fatal, injuries. Three months earlier HSE had inspected the same site and ordered all work to be stopped, due to health and safety failings, including problems with the scaffolding. The company was fined £15,000 and ordered to pay £5,000 costs for breaches of the work at height regulations. After the hearing, HSE inspector David Bradley said: "The scaffolding was so dangerous that people should never have been allowed to use it." He added: "Pullan Development (Selby) Ltd has received extensive advice from HSE going back several years. The company had also been served with 11 prohibition notices for failures to address health and safety issues on site. A recurring theme in this advice is the company's failure to address the risks to people working at height." He said the prosecution should serve as "a reminder to all companies using scaffolding that they need to ensure it is fit for purpose. Furthermore, HSE will not hesitate to prosecute, even when there has been no incident, should conditions on site be so poor to merit this."

- [HSE news release](#) and [working at height webpage](#). [Sheffield Telegraph](#).

Small businesses get mental health advice

The government is providing a network of specialist coordinators and dedicated advice lines for small businesses as part of an overhaul of support for people with mental health problems. It says people with these conditions can rely on the new support to help them manage their mental health so they can stay in work, or get back to work as quickly as possible if they lose their job or have never worked. The new support includes a network of mental health coordinators in every Jobcentre Plus district and nine occupational health advice line pilots. Work and pensions secretary Yvette Cooper said: "The vast majority of people with mental health conditions work, but for some people it can be very hard to stay in a job. If people fall out of work and onto benefits it is even harder for them to get back into work as it can be a real knock to their confidence." She added: "We are also helping employers understand what they can do to help people stay in their jobs and manage their condition so that they don't have to leave work and fall onto benefits at all."

- [DWP news release](#). [NASUWT news release](#).

Disability day call for action on stress

The union Unite has called for action to support the millions of workers struggling to cope with the daily impact of stress at work. Speaking on 3 December, the International Day of Disabled People, Unite's Diana Holland said: "Stress at work is a serious health and safety issue. Unite's organising campaign in the finance sector has highlighted the stress caused by unpaid overtime demands, unfair targets and unfair bonus culture. When not addressed, the impact on workers can be long-term and not just harmful to health and well-being, but to pay and job security too." She added: "While disability discrimination is unlawful, it still happens, and mental health issues related to stress at work are not necessarily recognised as disability equality issues. On the International Day of Disabled People, disabled workers need to know they have the support of our union. Too many workers who become disabled lose their jobs, and in the current climate, we have to be ever vigilant that disabled people are not unfairly targeted for redundancy."

- [UN news release](#). [Unite news release](#).

Watchdog acts on level crossing problems

Train drivers' union ASLEF has said proposals from the rail regulator to reduce level crossing accidents are 'welcome, if limited'. "We welcome any measures to stop the regular carnage caused by open level crossings, but feel these proposals smack of 'fire-fighting' rather than providing long-term solutions," said the union's general secretary Keith Norman. The proposals from the Office of Rail Regulation (ORR) include further updates to level crossing legislation, revised ORR guidance on level crossings by Spring 2010 and inspection of all automatic open level crossings (AOCLs) over the next year to ensure that risks are properly managed and in compliance with safety legislation. ASLEF officer Kevin Lindsay commented: "The ORR says these measures will help to achieve its 'vision of zero workforce and industry-caused passenger fatalities'. The solution to that is to work towards the total elimination of open crossings. We hope these proposals will help limit the number of deaths – but they will not end them." ASLEF says its own initiative - recommending its members slow down to 20 mph at crossings - is likely to have a more significant impact. General secretary Keith Norman added that the ORR statement that "major incidents at level crossings are rare" looks like complacency. "Try telling the families of the dead that they were not involved in a major incident," he said.

- [ORR news release](#). [ASLEF news release](#).

Night shifts linked to diabetes risk

Night shifts have been related to cancer and heart disease – and a new study suggests we should also add diabetes to the list of concerns. A 14 year study of more than 7,000 subjects published in Chronobiology International concludes that shiftwork constitutes an independent risk factor for impaired glucose metabolism, a risk

factor for diabetes. The journal says modern industrialisation, consumer expectations and globalisation have led to the widespread adoption of round-the-clock operations in many industries throughout the world. This has resulted in an increased proportion of the population routinely engaged in shiftwork. The study highlights a previously unrecognised risk for the millions of people who work atypical shift schedules, it says. "It has long been known that sleep debt has a harmful impact on carbohydrate metabolism and endocrine function," said Michael Smolensky, co-editor of Chronobiology International. "It is therefore reasonable to expect that shiftwork may influence glucose tolerance." He added the impact of shiftwork on glucose tolerance "was similar to that seen with well-established risk factors, such as age and BMI." Smolensky said "intelligent development of more health-preserving shift schedules together with efficient health screening and regular check-ups may be of considerable benefit in maintaining the health of this vulnerable group of workers."

- [Medical News Today](#). [Personnel Today](#).

International News

Finland: Union says suicides are only the start

This autumn four employees of the Rautaruukki steel mill in Raahe, Finland, took their own lives. But they represent only the tip of the iceberg, according to union shop steward Mika Vuoti and safety representative Alpo Pirneskoski. "The management has for several years completely ignored the needs of the employees. In the last few years the employer has unilaterally demolished good practices that had been agreed upon together," Vuoti said. He added that sick leave levels have increased markedly. At the Rautaruukki steel mill it now makes up 12 per cent of the regular working hours, when the process industry average in Finland is five per cent. Union safety representative Alpo Pirneskoski has asked the occupational safety authorities to investigate working conditions at the mill. He says it is their job to ascertain whether the employer has breached occupational safety laws. A spate of reports in the US, Europe and Australia have related working conditions including job insecurity to increased suicide rates ([Risks 423](#)).

- [Trade Union News from Finland](#).

Global: EU e-waste is poisoning poor kids

Children eke out a living by selling the scrap garnered from e-waste dumps from Ghana to China, and risk being slowly poisoned as a result. They pull apart the computers, breaking the screens with rocks, then throw the internal electronics onto the fires. Computers contain large amounts of heavy metals, and as the plastic burns, the children also breathe in carcinogenic fumes. The United Nations estimates that up to 50 million tons of electronic waste are thrown away globally each year – much of it destined for developing nations. Good Electronics, a campaign for human rights and sustainability in the electronics industry, reports that the price of

sticking a discarded computer on a container ship to Ghana is less than half of the cost of disposing of it in Europe. An international treaty, the Basel Convention, forbids developed countries from carrying out unauthorised dumping of computer waste in less developed countries and came into effect in 1989. European Union directives with acronyms like WEEE (Waste Electrical and Electronic Equipment) and RoHS (Restriction of Hazardous Substances) followed the Basel Convention, and individual countries including the UK have signed them into law. But the destination of over half of all the European Union's e-waste is unknown, and the suspicion is much of it, either legally or illegally, is ending up in e-waste dumps in developing nations ([Risks 435](#)).

- [Good Electronics](#). [Der Spiegel](#). [ITUC/Hazards 'green jobs, safe jobs' blog](#).

Japan: Firm worked employee to death

A restaurant chain in Japan has been accused of working one of its employees to death. The Osaka Central Labour Standards Inspection Office sent an investigation report on local restaurant chain Isoji and its 60-year-old president to the Osaka District Public Prosecutors Office. The report concludes a 29-year-old restaurant manager was worked to death, in violation of the country's Labour Standards Act. According to the labour office, the company forced the manager to work in excess of statutory working hours on 117 occasions between March and September last year. It also neglected its responsibility to carry out annual medical examinations for employees. The manager, who died at home in September 2008, was on a very low wage and received no overtime payments. His family claimed workers' compensation in February this year, and the case was recognised by the authorities as a work-related death caused by overwork, known in Japan as 'karoshi'. As the man did not even have the right to hire new staff at his own discretion, his management position was nothing more than a nominal title, the labour standards authorities pointed out. In a statement, the restaurant firm said: "We will strive to improve working conditions."

- [Mainichi Japan](#).

USA: Worker killed at enforcement opt-out site

A worker was killed last week at a US plant exempted from safety inspections by the official safety watchdog because it has opted in to a "Voluntary Protection Programme (VPP)." Tommy Manis, 40, was killed and two other workers were injured at Valero Energy's Texas City refinery. The US government safety watchdog, OSHA, had given the plant a "VPP Star" designation. This means the worksite is not subject to routine OSHA inspections or special emphasis enforcement programmes. The firm, which has a recent history of union busting, claims its "process safety programme instills safety and reliability at every refinery." However, George Washington University academic Celeste Monforton, writing in 'The Pump Handle' public health blog, commented: "Repeated hazardous conditions at Valero worksites make me question the veracity of

their claims." She added: "I expect OSHA's Office of Cooperative Programs will be trying to figure out why a worker was killed at a VPP Star site." The voluntary schemes were a business-friendly measure heavily promoted by OSHA under President Bush. However, the new administration has been less approving. After reports that the some VPP sites had accident rates above the average for their industry and others had convictions for serious safety offences, the watchdog launched a critical investigation into the whole scheme, to see if the resources could be better used. In the UK, the Conservatives have indicated they will "tame" the Health and Safety Executive (HSE) and introduce self-enforcement initiatives modelled closely on the VPP scheme ([Risks 429](#)).

- [The Pump Handle](#). [Houston Chronicle](#).

Resources

The value of unions

With the recession putting pressure on Britain's workers, the TUC has published new materials to help unions attract new recruits and demonstrate the value of unions to employers. A new report, 'The union advantage', looking at the positive advantages unions bring to the UK economy, is accompanied by a new leaflet aimed at encouraging workers who've never thought about joining a union to do so. There's also a guide to show union reps how to research the employers they deal with. Safety joins an array of other compelling reasons the report establishes make you better off in a union. It says unions and their safety reps help make workplaces safer and reduce the chances of employees becoming ill because of stress, bullying and other workplace hazards.

- [TUC publication note](#). The union advantage: The positive impact of trade unions on the economy and British society [[pdf](#)].

Events and Courses

TUC courses for safety reps

COURSES FOR NOVEMBER 2009 to JANUARY 2010

- [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