

Risks

TUC 

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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](#)

Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to the TUC at healthandsafety@tuc.org.uk

Contents

Union News

Prison guards call for action after glassing
'Dossier of disgrace' exposes BA's bullying
Train drivers welcome cool cabs
Ferry workers warned about hearing risks
Wrong-thinking by right-leaning thinktank
Inspectors denounce Tory 'lunacy' on safety
Deadly sites expose 'fatally flawed' Tory plans

Other news

Work safety is a top whistleblower concern
Sick and dying are told they are fit for work
STUC welcomes action on workplace gas safety
Network Rail fails on safety again
Directors fined £1,000 for brain damage fall
No prosecution after laundry tragedy
Scots work killers could suffer share hit
Irritable bowel syndrome caused by bad shifts

International News

Bangladesh: Fire victims need proper compensation
Canada: More public cash for the asbestos lobby
USA: Official call for better enforcement, better jobs
USA: Judge rejects Ground Zero dust deal

Resources

New HSE strain injuries tool

Events and Courses

TUC courses for safety reps

Useful Links

Prison guards call for action after glassing

The union representing prison officers has demanded "immediate action" to remove all glass jars and containers from the possession of inmates, following a vicious attack at Frankland Prison on 15 March 2010. POA says three members of staff at the County Durham prison were stabbed by a prisoner using a glass bottle purchased from the prison shop. One female officer was stabbed in the back and two male colleagues suffered arm and face injuries. All three needed hospital treatment. POA says one of the officers suffered life threatening wounds. POA national chair Colin Moses said: "Only for the swift and professional action of staff, the service could have been dealing with a loss of life. All three members of staff were victims of this callous attack by a convicted murderer." He added: "It is simply immoral, that prisoners can buy glass jars and bottles from the prison shop and have ready made weapons in their cells in 2010. The only reason glass is used is to keep the cost of products down. We need the Ministry of Justice to instruct NOMS [National Offender Management Service] to remove all glass jars, bottles and containers from prisons and instruct the private companies that run our prisons shops to only stock plastic containers. There should not be a price placed on the lives of prison officers".

- [POA news release](#). [Daily Mail](#). [The Times](#).

'Dossier of disgrace' exposes BA's bullying

A 'dossier of disgrace' exposes a litany of bullying and harassment directed at union members and representatives by British Airways management, the union Unite has said. The union report says BA has suspended or disciplined 38 crew members, of whom 14 are union reps. It says one crew member on bed rest, in danger of losing her baby, was suspended by letter. Another who was unable to come to a disciplinary hearing because she was caring for a seriously ill child was instructed to bring the child with her. Some crew members are on anti-depressants, the union adds, with one female crew member having been admitted to an urgent treatment centre because of the deterioration of her mental health. Unite says British Airways has suspended crew members including trade union representatives for using their private email, being involved in discussions on union member-only forums and for making jokes. It adds that workers have been singled out for adverse treatment for voicing concerns about a graffiti board set up by BA management where staff were encouraged to scribble words of support for the company, and on which was written "cabin crew scum." Unite assistant general secretary Len McCluskey, said: "Cabin crew under the management of Willie Walsh have been victims of a disgraceful witch-hunt. The bullying and harassment set out in our dossier shows the lengths BA will go to gag and intimidate cabin crew and destroy trade unionism." BA boss Willie Walsh has been accused of engineering a confrontation with the union in the current dispute.

- [Unite news release](#) and Dossier of disgrace [pdf]. [Morning Star](#).
- ITF campaign webpage to [support the Unite BA cabin crew](#).

Train drivers welcome cool cabs

A union campaign for safer, more comfortable train cabs has had a major breakthrough. Train drivers' union ASLEF says its SQUASH campaign has now resulted in an agreement to provide cab cooling equipment on all the Class 66 locomotives in the Freightliner group. ASLEF's Andy Morrison said the company's general rail manager "told me that the company was satisfied that the trials had been successful and that they now wanted to begin fitting the units into locos across the fleet. The only stipulation was that he wanted confirmation that the units involved were acceptable to ASLEF. Freightliner and the leasing company were reluctant to fit any more units without the union's agreement that they were fit for purpose." He added: "I have to say, I was delighted. The 66s have been the worst example of poor cab conditions." He said he discussed the issue with health and safety rep Keith Martin, and after this "I willingly recommended the agreement to the executive committee," which accepted the recommendation. ASLEF safety rep Keith Martin worked closely with Freightliner engineers throughout the trial. He was very positive about the effectiveness of the air cooling equipment after a few minor complaints had been resolved. ASLEF general secretary Keith Norman commended Andy, Keith and the other union members who had stuck by the campaign. "It shows that persistence is one of a trade unionist's finest virtues," he said. "Never give up, and never take 'no' for a final answer."

- [ASLEF news release](#) and [SQUASH campaign](#).

Ferry workers warned about hearing risks

A ferry worker developed noise induced hearing loss after just eight years working on Stena Line ferries. RMT member Peter Hall, 49, had worked out of Holyhead for 18 years, but says he has had hearing difficulties for a decade. In a union backed claim, he has now received a "substantial" sum in damages for occupational deafness caused by his work on the vehicle decks of ferries. He is now warning other RMT members who worked in the ferry industry to consider having their hearing tested as he believes many will have been affected by the working conditions. He worked on the car decks loading and unloading lorries crossing the Irish Sea. He was never provided with protection for his ears while working in an enclosed space among engine noise. Stena Line denied liability but Thompsons Solicitors, the law firm brought in by the union to represent Peter, secured a settlement out of court. Peter, who now works for RMT, said: "Even when I was diagnosed I put it down to getting older but when I started working for the union I realised my hearing was never protected while at Stena and decided to pursue compensation. I reckon that there are many former ferry industry workers who suffer from hearing loss but have not considered that it may have been caused by their work." RMT general secretary Bob Crow said: "Hearing loss affects many of our members working in noisy environments and like Peter they often put it down to getting older. As Peter's case shows members who have worked in a noisy environment and who have been diagnosed with hearing problems should get in touch."

- [Thompsons Solicitors news release](#).

Wrong-thinking by right-leaning thinktank

A report on workplace safety calling on regulators to go easy on directors, for a "consideration" of safety deregulation and for some businesses to be exempted entirely from controls has been denounced by TUC as out of touch with reality. 'Health and safety - Reducing the burden', published this week by the right-leaning thinktank the Policy Exchange, is irrelevant to the modern workplace, says the TUC. The report author, Corin Taylor, is currently a senior policy adviser at the Institute of Directors and was until recently research director at the TaxPayers' Alliance. Launching the report, which leans heavily on press reports of incidents unrelated to workplace health and safety, he said "something has clearly gone wrong. There's such an enormous amount of uncertainty about health and safety legislation, that this has led to a culture of over-compliance." TUC general secretary Brendan Barber said: "This report is as close to being relevant to the needs of the modern workplace as Alice in Wonderland. Anyone who believes that there is a culture of over-compliance needs some basic lessons in the reality of working life. Last year 30 million days were lost due to injuries and ill-health caused by work. And a quarter of a million people were injured at work. These were caused by employers failing to comply with health and safety regulations." The union leader added: "There is not one shred of evidence that there is any over-compliance. Research has shown that over half of all small businesses have not even done a basic risk assessment as required by law. We now have less than half the number of regulations than 35 years ago, and they are generally simpler and clearer. Yet businesses spend, on average, less than four minutes a day on health and safety - hardly a major burden. There is no place for any lowering of standards or reducing regulation. Instead we need more support for those businesses that want to do the right thing, and more enforcement action against those that do not." Campaign group Families Against Corporate Killers (FACK) said the report treated the victims of work hazards with "contempt", adding: "The Policy Exchange has not dealt with our burden which we carry all our lives, nor with all the costs of poor health and safety in human and financial terms, and has not bothered to consult those on the receiving need of employers' negligence."

- [TUC news release](#). [Policy Exchange news release](#) and report, Health and safety - Reducing the burden [[pdf](#)]. [FACK news release](#).

Inspectors denounce Tory 'lunacy' on safety

Plans by the Conservative party to allow firms to evade safety inspection by trained Health and Safety Executive (HSE) inspectors are "sheer lunacy", the safety inspectors' union has warned. Prospect negotiator Mike Macdonald said: "Plans to side-step HSE inspectors amount to plans to side-step safety. Not only will this increase the risk to UK workers but far from reducing the regulatory burden on business, it will increase it." Prospect's HSE branch chair, Neil Hope-Collins, added: "These proposals will open the flood gates for an army of private consultants, trained at public expense, to be

unleashed without ministerial accountability on British industry. They will be free to charge business a fortune for advice that would constitute an inferior service to that currently provided for free by HSE. My members struggle to see how this reduces the burden on business or saves public money in any way whatsoever." The proposal is a key plank of the Conservative party's policy paper, 'Regulation in the Post-Bureaucratic Age', which it has said it is determined to put into effect if elected. It has been promoted by Tory leader David Cameron and a series of shadow cabinet ministers ([Risks 448](#)). Prospect's Mike Macdonald said the proposals could allow firms to sidestep the law and any prospect of enforcement action, saying "as courts and HSE inspectors are the only legal avenues for making a judgment on compliance with the law, an independently audited business would still have no guarantee it has complied." He also questioned the need to restrict HSE's actions saying: "Given that the average time between visits is about 15 years, you have to ask how much of a burden on business HSE inspections really are?"

- [Prospect news release](#).

Deadly sites expose 'fatally flawed' Tory plans

Construction union UCATT is calling on the Conservatives to rethink their plans to "privatise" safety enforcement ([Risks 435](#)), after an official inspection blitz of sites in Greater Manchester revealed over a quarter were unsafe ([Risks 448](#)). The union said it was concerned that construction companies deemed "low risk" would be entitled to commission a private safety audit, after which Health and Safety Executive (HSE) inspectors would be "entirely barred from all of a company's sites", unless there was an emergency. It added that a chaotic system would result where it was "impossible to ascertain which sites were covered by a safety audit and therefore off limits and which sites were not." George Guy, regional secretary for UCATT North West, said: "The fact that a quarter of construction sites were deemed unsafe in Greater Manchester, demonstrates just what a dangerous nonsense the Conservative plans are. If the Conservatives had their way, rather than being able to check that sites were safe, or close them down if they were dangerous, the HSE would be barred from setting foot on them unless an accident occurred and a worker was maimed or killed." The HSE inspection blitz in Greater Manchester was not an isolated example of bad practice. A similar blitz in Cumbria also found one in four sites failed safety inspections, HSE said this week.

- [UCATT news release](#). [HSE news release](#).

Other news

Work safety is a top whistleblower concern

The number of employees claiming to have been sacked, mistreated or bullied for exposing corrupt practices at work has increased tenfold over the last decade, according to official figures – and raising health and safety issues remains one of the top concerns. Whistleblowing charity Public Concern at Work (PCAW) has called

on the government and employers to do more to encourage people to speak up about malpractice or wrongdoing by publicising existing support and legal protection for workplace whistleblowers. Commenting on the release of its report into ten years of the Public Interest Disclosure Act (PIDA), the legislation intended to protect from reprisal workers who raise a matter of public concern, PCAW director Catherine Wolthuizen said: "Workers in the UK are increasingly prepared to speak up about wrongdoing in the workplace, but the ever-rising number of Employment Tribunal claims for victimisation demonstrates employers need to do more to protect their staff from retribution." Employment tribunal statistics show that the total number of people using the PIDA whistleblowing legislation, which aims to protect workers from victimisation if they have exposed wrongdoing, increased from 157 cases in 1999 to 1,791 ten years later. Workplace safety is the second most common reason individuals contact the PCAW helpline, accounting for 17 per cent of all calls, topped only by financial malpractice at 26 per cent. A PCAW breakdown of "types of wrongdoing in PIDA judgments" says 12 per cent of these tribunal decisions relate to work safety, behind only financial malpractice (19 per cent) and "consumer/competition and regulation (13 per cent).

- PCAW news release [[pdf](#)] and full report, Where's whistleblowing now - 10 years of legal protection for whistleblowers [[pdf](#)]. [The Guardian](#).

Sick and dying are told they are fit for work

The revised system for assessing whether or not the sick and disabled are capable of working is flawed and is wrongly finding seriously ill people fit for work, according to Citizens Advice Bureau (CAB) research. Its report, 'Not working - CAB evidence on the ESA Work Capability Assessment', found people with advanced Parkinson's disease or multiple sclerosis, or with severe mental illness, or awaiting open heart surgery have been registered as fit to work. The Employment and Support Allowance (ESA) was introduced in October 2008 to replace Incapacity Benefit. A revised fitness for work test was introduced at the same time for all new claimants, based on a principle of looking at what people can do rather than what they cannot do. However, Citizens Advice found that the assessment has often been inaccurate and was not sufficiently sensitive to "the complexities of many illnesses and disabilities." According to the report: "People with serious illnesses and disabilities who could not reasonably be expected to work are being found fit for work." It adds: "Many of these people are too ill to sign on, or are not eligible for any other benefit, and so are left with reduced incomes and no help or support to find work." David Harker, chief executive at Citizens Advice, said the system wasn't working. "Seriously ill and disabled people are being severely let down by the crude approach of the Work Capability Assessment. A much more sophisticated approach is needed, that not only looks at a person's ability to undertake a certain task on the day of the test, but considers supporting medical evidence and other aspects, such as the variability of a person's condition and the external barriers they face in finding work," he said. "Citizens Advice calls on the government to address the problems outlined in the report, which are causing hardship to seriously ill people at a time when they most need support."

- [CAB news release](#) and full report, [Not working - CAB evidence on the ESA Work Capability Assessment](#). [The Guardian](#). [Personnel Today](#).

STUC welcomes action on workplace gas safety

The UK government has announced measures to boost safety following a factory blast in Glasgow which killed nine workers and serious injured 30 over five years ago. The action comes in the official response to a report into the explosion at the ICL Plastics factory in May 2004. Ministers said they were "determined similar events do not happen in the future." The Scottish Trades Union Congress (STUC) welcomed the Department for Work and Pensions (DWP) response to the inquiry by Lord Gill into the ICL explosion. Secretary of state Yvette Cooper said: "We are taking steps to strengthen gas safety on site in future. All commercial buried metallic Liquefied Petroleum Gas pipework will be replaced." She added: "We will also take steps to raise awareness amongst LPG users of their responsibilities within the existing legislative framework and ensure they comply with safety standards, underpinned by appropriate enforcement activity." STUC general secretary Grahame Smith welcomed the measures, and added: "The STUC has supported the families of those killed in this tragedy, a tragedy that could easily have been avoided. It is commendable that, despite their own loss, the families have always made it clear that they are determined that no other families should face the pain and suffering that they have had to endure." The union leader also commended the government for rejecting a proposal for an independent audit system for LPG safety compliance. "The duty to assess hazardous processes as in all risks at work has to be seen to be on the employer and the introduction of overly bureaucratic independent verification scheme and risk assessment audits would only lead to confusion and allow unscrupulous employers to distance themselves from their legal obligations," he said.

- [STUC news release](#). [DWP news release](#) and response to the ICL inquiry report [[pdf](#)]. [STV](#). [BBC News Online](#). [ICL Stockline campaign website](#).

Network Rail fails on safety again

Rail unions have reissued a call for Network Rail to halt a job cuts programme, including the loss of hundreds of safety critical maintenance jobs ([Risks 447](#)), after it emerged the company has been again hit with an official health and safety improvement notice covering safety failings across the South East. This latest notice, which follows on from improvement and prohibition notices served on Network Rail in Wales ([Risks 444](#)), related to safety breaches regarding visual inspections to bridges and other structures.

The Office of Rail Regulation (ORR) says it is concerned about a massive backlog of safety inspection work across the South East. In a letter to Network Rail it says its inquiries have "revealed significant issues with the inspection process, including but not limited to seriously out of date detailed inspections and visual inspections which did not meet the requirements of the standards for such matters." ORR has given the company until 31 March to ensure that the "current backlog of inspections" is carried out and "that an effective monitoring regime is put in place for visual

inspections to ensure that they are carried out to the required standard and within the appropriate timescale." TSSA general secretary Gerry Doherty, whose union obtained the leaked papers, said: "These documents support what we have been saying all through this dispute. Network Rail is lowering safety standards on the network by cutting jobs and workloads in a money saving exercise. The ORR has already warned them not to impose change but to talk to the workforce. This latest improvement notice merely underlines our case that they are willing to cut corners when it comes to maintenance work." RMT general secretary Bob Crow said: "There is growing evidence across the country that Network Rail's cuts programme is already hitting the critical safety inspection regime hard and this reinforces our case that the company should now pull back from the brink before lethal damage is done."

- [TSSA news release](#). [RMT news release](#). [The Independent](#).

Directors fined £1,000 for brain damage fall

Two directors of a decorating firm have been fined just £1,000 each for safety offences that left a worker brain damaged. Self-employed Trevor Dawson from Ravensthorpe, West Yorkshire, was working as a painter on a student accommodation refurbishment when the incident happened on 15 August 2007. Huddersfield Magistrates' Court heard Mr Dawson, 58, was working at Ashenhurst Student Village in Newsom when he apparently fell from a ladder, though no witnesses could confirm this. The Health and Safety Executive (HSE) prosecuted Liversedge Decorating Contractors Ltd, two of its directors, and a second company Foster Turn-Key Contracts Ltd for health and safety breaches. HSE investigation found principal contractor Foster Turn-Key Contracts Ltd and Liversedge Decorating Contractors Ltd, contracted to decorate the flats, had allowed work to be carried out that was not adequately planned or supervised and had used inappropriate equipment. Liversedge Decorating Contractors Ltd and Foster Turn-Key Contractors both pleaded guilty and were each fined £2,000. Liversedge directors Paul Daniel and Clive Dewhirst were fined £1,000 each after pleading guilty to safety offences. After the hearing, HSE inspector David Stewart said: "The ladder Trevor Dawson used, which we believe may have caused or contributed to his fall, was simply not suitable for the work he was doing. It was a domestic step ladder which should not have been allowed on the site. In this situation, a tower scaffold would have been much more appropriate." He added: "In this instance, individual directors of a company were found guilty for not planning and supervising the work properly. This case should send a clear message to company directors about their responsibilities for health and safety."

- [HSE news release](#).

No prosecution after laundry tragedy

A firm that failed to guard a machine or post warning signs about serious safety risks will not be prosecuted after a novice worker died after being trapped in the machine. Hafiz Abdul Shakoor fell into a coma and died 12 days after suffering a heart attack when he

became caught between metal bars in a laundry loading area. The 36-year-old began to suffocate and was stuck inside the machine, at the City Linen Services factory in Saltley, Birmingham, for 20 minutes until firefighters could free him. An inquest jury heard Mr Shakoor had worked for the company, which processes laundry for businesses, for two months but had only been operating the loading machine for two days before the incident on 7 April last year. The jury returned a verdict of accidental death on Mr Shakoor. Zahid Chaudhry, one of the company's four directors, told the inquest Mr Shakoor arrived at work for his 6am shift but "got confused" as there were no empty bags in which to load the laundry. He tried to fix a bag left on the floor into position by climbing up the rear of the equipment. But this triggered a motion-sensitive mechanism which brought a metal bar down from above. A pathology report found Mr Shakoor suffered severe brain damage as a result of being trapped. City Linen Services co-director Mark Allen told the jury there should have been signs in place stating the machinery should not be climbed on and these had since been installed, as well as a mesh preventing employees from accessing the machine frame. Pamela Folsom, investigating inspector for the Health and Safety Executive (HSE), said City Linen Services would not be prosecuted as employees had not been expected to climb on the bagging area machinery.

- [Birmingham Mail](#).

Scots work killers could suffer share hit

A proposal in Scotland to allow courts to force companies guilty of serious safety crimes to issue new shares has passed its latest hurdle in the Scottish parliament. Dr Bill Wilson, the SNP member of the Scottish parliament for West of Scotland, said: "With more than eighteen signatures from MSPs and sufficient cross-party support I now have the right to introduce my Criminal Sentencing (Equity Fines) Bill. At present companies found criminally responsible for killing people are fined less than £12,500 in 50 per cent of cases. While I am pleased that my other proposal – to allow courts to investigate the financial status of companies – is likely to be accepted as an amendment to the Criminal Justice and Licensing (Scotland) Bill, thus allowing courts to award appropriate monetary fines rather than ones based upon organisations' own self-serving reports of their finances, the 'equity fines' idea that I am now putting forward as a standalone Bill could give Scotland a very powerful tool to curb crime committed by public limited companies." He added: "By forcing companies to issue new shares, the price of existing shares would be reduced, thus focusing the minds of companies' management and shareholders on staying within the law."

- [Bill Wilson MSP news release](#). Criminal Sentencing (Equity Fines) Bill [[pdf](#)].

Irritable bowel syndrome caused by bad shifts

Bad shift patterns can cause classic symptoms of irritable bowel syndrome (IBS), a study of nurses has found. Researchers from the

University of Michigan Medical School found those who participate in shiftwork have changes to their biological clock that result in adverse symptoms, such as abdominal pain, constipation and diarrhoea. Reporting their findings online in the American Journal of Gastroenterology, they add that shiftworkers are also more likely to have disturbances in sleep quality. The team evaluated a group of predominantly female nurses with three different work patterns; permanent day shifts, permanent night shifts, and shifts that rotated between day and night. The women who worked rotating shifts had the highest prevalence of gastrointestinal symptoms and abdominal pain, independent of sleep quality. Night shift workers also had more symptoms than permanent day shift nurses. "We know that people participating in shiftwork often complain of gastrointestinal symptoms such as abdominal pain, constipation and diarrhoea," said study co-author Sandra Hoogerwerf. "These are the same symptoms of IBS." The authors write: "Our findings suggest that nurses participating in shiftwork, particularly those who participate in rotating shiftwork, have a higher prevalence of IBS and abdominal pain. This association is independent of sleep quality." The paper concludes that "practising gastroenterologists should be aware of this association and educate patients with IBS on the possible impact of their work schedule on their symptoms."

- [University of Michigan news release](#). Borko Nojkov, Joel H Rubenstein, William D Chey, Willemijntje A Hoogerwerf. The impact of rotating shift work on the prevalence of Irritable Bowel Syndrome in nurses, American Journal of Gastroenterology, 2010; DOI: 10.1038/ajg.2010.48 [[abstract](#)]. [Emaxhealth.com](#).

International News

Bangladesh: Fire victims need proper compensation

Garment employers must develop a compensation scheme that meets the needs of the victims of a Dhaka sweater factory fire, the global union federation for the sector has said. The ITGLWF says payouts must include emergency relief as well as they payment of compensation based on the needs of those affected. The call comes in the wake of the 25 February fire at the Garib & Garib Sweater factory in Dhaka, Bangladesh, which left 22 workers dead and another 50 injured ([Risks 446](#)). ITGLWF is urging the international brands sourcing from the factory and the national employers' association BGMEA to create a just compensation scheme. The global union body's general secretary, Patrick Itschert, said: "Following the collapse of the Spectrum factory in 2005, the ITGLWF and the Spanish retailer Inditex helped set up a relief scheme for the families of the 64 workers who died and for the 84 who were injured. In the process we gained some valuable lessons which can provide guidance in dealing with the situation at Garib & Garib." The brands have been invited to participate in a round-table meeting in Bangladesh to discuss the implementation of the scheme. To date, only H&M of Sweden and Teddy S.p.A of Italy have confirmed they were sourcing garments from the factory. H&M announced that the two companies are discussing the best way to support those affected by the fire. Efforts are continuing to identify other customers sourcing products from Garib & Garib, says ITGLWF.

- [ITGLWF news release](#)

Canada: More public cash for the asbestos lobby

A Canadian government committee has voted to continue funding a body that has spearheaded the global campaign to push deadly asbestos on the developing world. Canadian MP Pat Martin had proposed a motion to cut funding to the asbestos industry lobby group. His motion at the natural resources committee of the House of Commons sought to eliminate the Can\$250,000 (£164,000) in yearly funding Canada gives to the Chrysotile Institute, a Quebec-based asbestos industry group and energetic advocate of Canadian asbestos exports. Martin, a member of the minority New Democratic Party (NDP), received no support from representatives of the Conservative government on the committee or from the opposition Liberal Party. He was particularly incensed at the lack of support from the committee's three Liberal members. Liberal leader Michael Ignatieff came out last year in favour of banning exports of asbestos from Canada, a position his party claims to still support. Martin also condemned the ruling Conservatives, who he said "continue to be cheerleaders for the asbestos cartel." He said cutting funding for the Chrysotile Institute wouldn't eliminate the industry but would be a symbolic gesture that the government of Canada doesn't support "corporate serial killers." He said when every government department is supposed to be finding places to cut, this \$250,000 would be a great place to trim. Clement Godbout of the Chrysotile Institute held a news conference this week to defend the institute and to announce the formation of a new coalition for the "safe, responsible and controlled use of chrysotile fibre." He said the industry is responsible for 700 direct jobs and 2,000 indirect jobs in Canada. Campaigners against asbestos use say it is responsible for many thousands of deaths inside and outside of Canada each year, with the majority of harm now destined for developing nations, the major target markets.

- [NDP news release](#). [Winnipeg Free Press](#). [RightOnCanada.ca campaign](#) to end Canadian government funding for the asbestos lobby and [asbestos webpages](#).

USA: Official call for better enforcement, better jobs

The USA's top workplace safety official has said new legislation and better enforcement are both requirements if the nation is to create safer, better jobs. David Michaels, the assistant secretary of labor for the Occupational Safety and Health Administration (OSHA) made the call last week in testimony to the House of Representatives Education and Labor Committee's Subcommittee on Workforce Protections. He said: "Stronger OSHA enforcement will save lives. The administration supports both the goals of the Protecting America's Workers Act (PAWA) and many specific provisions." He added that while most employers want to do the right thing, "many others will only comply with OSHA rules if there are strong incentives to do so. OSHA's current penalties are often not large enough to provide adequate incentives, and we are very low in comparison with those of other public health agencies." Michaels concluded: "Clearly, OSHA can never put a price on a worker's life. It is vital that OSHA be empowered to send a stronger message, especially when a life is needlessly lost." Campaigners say the

proposed PAWA would improve safety by raising penalties for violations of the law, strengthening workers' voices in the workplace, expanding the rights of victims and their families, expanding OSHA coverage to public employees, and requiring the abatement of serious, wilful and repeat hazards during the citation contest period – employers in the US frequently contest proposed penalties which are then routinely and often dramatically reduced.

- [Testimony by OSHA head David Michaels](#). [Firedoglake blog](#).

USA: Judge rejects Ground Zero dust deal

A US judge says a proposed \$657m (£437m) compensation deal for people who developed health problems after working at New York's Ground Zero following the 9/11 terror attacks is too small. Some 10,000 rescue workers and police officers are suing New York City, saying they suffered health problems working in the dust and debris ([Risks 448](#)). Last week, federal judge Alvin Hellerstein said that he did not think the agreement represented a sufficient sum of money. He said further negotiations were needed to secure a fair deal. Judge Hellerstein said the injured workers should be able to know the approximate value of the cash award they might receive before deciding whether or not they should accept the settlement. "I will not preside over a settlement that is based on fear or ignorance," the judge said. He added that he was concerned that too much of the final sum would be eaten up by legal fees. The deal requires 95 per cent of plaintiffs to accept it in order for it to go ahead. Workers were given just 90 days to decide whether they wanted to take part. The judge said this was not enough time for the plaintiffs to make a decision of such importance. The deal had taken years to negotiate and was announced some two months ahead of the first trials.

- [NY Daily News](#). [National Law Journal](#). [BBC News Online](#). [The Guardian](#).

Resources

New HSE strain injuries tool

A new downloadable tool is now available that the Health and Safety Executive (HSE) says can help reduce the likelihood of employees suffering from musculoskeletal disorders (MSDs) of the upper limbs associated with repetitive tasks. The Assessment of Repetitive Tasks (ART) tool, developed by the Health and Safety Executive (HSE) and Health and Safety Laboratory (HSL), can help identify where the significant risks lie, suggest where to focus risk reduction measures and help prioritise improvements, the official safety agencies say. They add that ART is not intended for assessment of risks from screen-based work. Jeremy Ferreira, senior ergonomist at HSL, said: "Assessing quick repetitive movements of the arms and hands can be more difficult than assessing manual handling operations like heavy lifting. Often actions to reduce MSDs caused by repetitive tasks are incredibly simple, yet are overlooked by employers because the risks are not so readily recognised." He added: "The ART tool makes it much easier to determine where the risks lie, and what measures should

be taken by employers together with their workforce to reduce the potential for injury.”

- [HSE news release](#) and [ART tool](#).

Events and Courses

TUC courses for safety reps

COURSES FOR APRIL 2010 to JUNE 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