

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 18,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy](#)

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Union News

Gordon Brown praises the union effect

The first 28 April commemoration in the UK to have the official stamp of approval ([Risks 441](#)) has been accompanied by a ringing

endorsement for union safety reps from prime minister Gordon Brown. A Workers' Memorial Day statement from the Labour leader, which said he was "proud" a Labour government had given the day official recognition, continued: "It is fitting that this year's theme for Workers' Memorial Day is 'Unions make work safer.' Union health and safety reps work every day in this country to enforce the laws that are in place to protect people, ensuring that workers and their families are spared the dreadful consequences of deaths and injuries at work. I pay tribute to their tireless efforts on behalf of us all." Mr Brown's statement added "let us remember those who have sadly lost their lives and realise that the best tribute that we can pay them is to continue the fight to keep work safe."

- [ITUC/Hazards 28 April webpages](#). [TUC Workers' Memorial Day webpages](#).

Rail cuts will have 'deadly consequences'

Transport union RMT issues a Workers' Memorial Day warning that continuing attempts to hack back staffing levels on rail and on London Underground will have "deadly consequences" for staff and passengers. RMT highlighting the "jobs carnage" in the transport industry which it says will leave rail and tube services chronically short of key staff, compromising safety and creating a poisonous cocktail of corner-cutting and risk-taking in a lethal gamble fuelled by the drive to slash budgets. Network Rail plans to axe 1,500 safety-critical maintenance jobs, it says, "dragging us back to the days of Railtrack and creating the perfect conditions for another fatal rail disaster." RMT adds the collapse of Jarvis could lead to the loss of 1,200 staff carrying out essential rail renewal work. It says the "800 station and platform staff jobs lined up for the chop" at London Underground will turn tube stations into "death traps." RMT General Secretary Bob Crow said on Workers' Memorial Day "not only do we remember the dead but we also renew our fight for safe working conditions and in our industries that means stepping up the battle against the jobs carnage on rail and the tube which we know will have lethal consequences for staff and passengers alike."

- [RMT news release](#).

Tories face protests over safety axe plans

Tory plans to cut safety laws and to allow firms to opt for self-regulation have prompted angry protests from construction union UCATT. On 27 April, a union organised demonstration was led by someone in full Grim Reaper regalia, carrying a "thanks for the business Dave" placard. Other placards warned "Danger - Tory safety policy: Profit before workers' lives." During their 2009 conference, the Conservatives announced that if elected they would allow companies to undertake independent safety audits, with Tory leader David Cameron publicly backing the plan. Once these audits were completed companies would be able to bar Health and Safety Executive inspectors entering their sites, unless there was an emergency. Despite UCATT warning that the policy would increase workplace deaths, the Conservatives confirmed in March 2010 that a Tory government would press ahead with the plans. Commenting ahead of the demonstration, UCATT general secretary Alan Ritchie

said: "The Conservatives are playing politics with workers' lives. By privatising safety inspections the Tories are endangering the lives of construction workers." He added: "Construction workers should be angry and frightened about the Conservative's proposals. It will place them at increased risk while at work. This is not some spurious health and safety argument about not allowing children to play conkers in the playground, these plans endanger workers' lives." A second protest, outside the office of Tory MP John Penrose, who is fronting the Tory deregulation push on safety, took place on 28 April. The national Hazards Campaign has launched a 'Vote to save your life at work' manifesto for safety. The campaign wants voters to call on parliamentary candidates and party leaders to "reject deregulation and cuts in enforcement which are based on false information and failed models, and will endanger even more lives."

- UCATT news releases on the [Millbank](#) and [John Penrose](#) protests. [Morning Star](#). [Hazards Campaign news release](#) and manifesto for workplace safety [[pdf](#)].

Site workers join 28 April protests

Hundreds of construction workers walked off two London building sites this week to pay their respects to colleagues killed at work. The Workers' Memorial Day event, which started outside Stratford station near several Olympic developments, saw members of construction union UCATT lay a wreath to recent victims of building site tragedies. Unions Unite and GMB and the Construction Safety Campaign (CSC) also participated in the event. Leading the tributes for Shaun Scurry and Harry Sheridan, who were killed in 2009 and 2008 respectively on a site related to the Olympic development, UCATT convenor for the Stratford Westfield site Dave Allen read out a statement from the Scurry family. "In December our lives changed forever and it will never be the same. He will never see his son grow up and get married He will never celebrate another birthday. He will be missed terribly by all our family and everybody who knew him and loved him. Until we find out exactly what happened all we can do is carry on the best we can." Pointing out that the Tories have promised a safety self-regulation choice for construction firms if they form the next government, Mr Allen added: "UCATT and the trade union movement stand ready to make sure that does not become policy." UCATT regional secretary Jerry Swain empathised with the families of those killed, saying: "The pain and anger will still be there years after." CSC national secretary Tony O'Brien said: "The legacy of the London Olympics must not be that of even more construction workers having lost their lives." Health and Safety Executive (HSE) inspector and Prospect union rep Simon Hester warned HSE was facing 20 per cent cuts and 90 per cent of reported major injuries were left unattended "due to underfunding." There have been no deaths on the 2012 Olympic stadium, which is adjacent to the Westfield site.

- [UCATT news release](#). [CSC news release](#). [Morning Star](#). [Socialist Worker](#). [BBC News Online](#).

UNISON anger at shortcuts before safety

Public sector union UNISON has revealed that in the last year it has secured nearly £2 million for members with asbestos-related diseases. The union says the figure, released on Workers' Memorial Day, highlights the risk that many workers face just doing their day-to-day jobs. The union called on members nationwide to observe a minute's silence at midday on 28 April "to remember colleagues who have become victims of asbestos and other work-related diseases or those killed or injured in the workplace." UNISON general secretary Dave Prentis said: "Health and safety has barely been mentioned during the election campaign, but we want to see preventable accidents becoming a priority. Tighter regulations and more inspections - which have declined dramatically - would help tackle the problem." He added: "It is shocking that so many workers have died, or been seriously injured, because employers have failed to take the necessary steps to protect them. Too many employers put shortcuts before the safety of their staff and many workers still suffer in silence, losing their physical and mental health before management are forced to take action." He said the £2 million asbestos compensation received by members last year "goes some way towards getting justice for the victims, helping them pay for their treatment and funding the families left behind, but it will never make up for the tragic loss of life."

- [UNISON news release](#).

Dangers in store outside stores

Store workers lined up at Usdaw's annual conference to denounce their employers' disregard for women workers' safety. The union delegates urged the union to step up a campaign to shame the bosses, the Morning Star reports. Usdaw deputy general secretary Paddy Lillis told a thousand Usdaw reps "safety at work should not stop at the store entrance. Journeys to or from work can expose workers to the threat of violence and women feel particularly vulnerable waiting at a bus stop in the dark, walking home at night or parking their car in an isolated spot. But it is not acceptable for managers to watch a woman leave a store at night, knowing that she has to walk past the gang she refused to sell alcohol to an hour ago." Kent delegate Sally Neale stressed that the nature of working in a shop meant that "store assistants are often recognised in the street, making them more vulnerable. Some are followed or even threatened by customers who believe they have the right to harass someone they 'know'." And Tesco night shift worker Michelle Fury told delegates that workers in her store had been infuriated by management's lack of regard for shopfloor staff. "In the early hours of the morning, female staff are left to make their own way through the dark streets to wait at a bus stop for a night bus, while female managers are escorted by security to their car parked right next to the store," she said.

- [Morning Star](#).

These boots weren't made for walking

A highways worker who had to take three months off work after she was forced to wear unsuitable footwear at work has received £3,600 in compensation. PCS member Deborah Allen developed Achilles tendonitis when her eczema flared up after she was forced to wear synthetic work boots. She worked as a traffic officer for the Highways Authority Traffic Information Services where she was responsible for responding to road traffic incidents. He had told her employer she suffered from eczema and warned that the issued footwear would make her condition worse. For almost a year she wore her own pair of leather boots but was told in March 2008 that she had to wear the employer-supplied footwear. Despite a letter from her GP explaining the seriousness of her condition, her employer refused to look at alternative boots which would both satisfy safety requirements and prevent her from suffering further outbreaks of eczema. Mrs Allen's feet became so painful she was unable to walk. She had to take three months off work while they recovered. Only after PCS engaged Thompsons Solicitors to pursue a compensation claim, did the authority call in a podiatrist, who confirmed Mrs Allen's problems were caused by work-issued boots. The authority then provided footwear that wouldn't aggravate her condition. Mrs Allen said: "Rather than risk losing my job I did my best to cope with the synthetic boots but soon the Achilles tendonitis became so bad I could no longer walk and I had to take time off. I decided to contact my union as I needed them to make my employers see sense about how serious my condition was." She added: "What I wanted was sensible adjustments to policies to accommodate people with genuine conditions."

- [Thompsons Solicitors](#).
- [TUC footwear guide](#)

Charity stress is 'a modern day plague'

Workers in the not for profit sector are facing a "virulent" plague of workplace stress, the union Unite has warned. The union, which has launched a campaign which will involve more than 2,500 of its reps surveying their members in the sector, said more than 90 per cent of voluntary sector staff feel their well-being is being undermined due to the financial crisis facing charities. Rachael Maskell, Unite's national officer for the sector, said: "Stress in the workplace is like a modern day plague – it is virulent and can strike at any time, any place and is indiscriminate as to who its victim is." She added: "The object of the campaign, which will culminate with a national conference, probably in November, is to give the workplace activists representing our 60,000 members in the not for profit sector, the tools to take up the issues of stress with management." The union aims to identify the root causes of the problem and "reinforce the message to employers that they have legal obligations to manage and prevent workplace stress." It also wants effective implementation of 'best practice' policies and procedures "which will help to manage and prevent workplace stress and ensure that staff with work-related stress are provided with appropriate support."

- [Unite news release](#).

Site firms scoop blacklisting awards

Campaigners from the Blacklist Support Group provided some extra entertainment at the swish National Building Awards 2010 dinner at London's Grosvenor House Hotel. The campaign presented its own alternative Blacklister of the Year Awards as the construction industry revellers assembled for the 22 April black tie event. Balfour Beatty won the category for "Most Enforcement Notices Issued by the Information Commissioner," with a soaraway 14 notices. Skanska headed the "Largest Blacklisting Invoice" category, with £28,123 in one year, pipping Sir Robert McAlpine's £26,842 in payments to covert blacklisting group The Consulting Association. The former head of the association, Ian Kerr, bagged the "Lifetime Achievement Award." A special category, the "Hear No Evil See No Evil Speak No Evil Award", went to Skanska for its three month internal blacklisting investigation that found no-one in management did anything to merit even a verbal warning. Safety watchdog the Health and Safety Executive (HSE) received an honourable mention in this category. Law professor Keith Ewing of Kings College London welcomed the awards. He said: "Blacklister of the Year is an important initiative to remind those attending the National Building Awards of the scandal that hangs over their industry. While the fat cats purr with delight at their lavish black tie banquet in the Grosvenor House Hotel, they need to be confronted – in what is an era of austerity for everyone else – about their role in ruining the lives of thousands of British construction workers."

- [Blacklist blog.](#)

'Just' jail term for teen's site death

A builder whose negligence led to the death of a 15-year-old boy has failed in a challenge against his jail term at London's Court of Appeal. Colin Holtom admitted the manslaughter of Adam Gosling at the Old Bailey in July 2009 and was sentenced to three years in prison ([Risks 415](#)). Adam was working as a labourer for Holtom for just £25 a day when he was crushed to death in April 2007 as he was left unsupervised to prop up a falling wall. The Court of Appeal was told by lawyers for Holtom that the sentence was "manifestly excessive" and that he had been a hard-working man of good character before the tragedy happened. But Mr Justice David Clarke, who heard the case alongside to UK judge Lord Judge and Mr Justice Lloyd Jones, said that, although long, the sentence was "justifiably severe." He said Adam "should not have been employed at all," while a "striking" aggravating feature was that Holtom "didn't go to the scene when told of the danger that the wall was collapsing."

- [Essex Chronicle.](#)

Big bonuses for death pit bosses

Directors of the UK's largest coal producer, which last year killed two mine workers, have received five figure bonuses to top up their six figure salaries. However, the bonuses would have been higher still if health and safety targets had been met. In July 2009, a miner lost his life at UK Coal's Thoresby site when a stack of pipes being unloaded underground slipped from a vehicle. Three months later, a worker at Kellingley colliery was fatally injured when a powered roof support dropped. Releasing its annual financial results on 26 April, UK Coal confirmed that chief executive Jon Lloyd and executive director David Brocksom would receive no bonus relating to health and safety – one of five remuneration target measures – in light of the "poor operational performance of the business". SHP Online reports that Mr Lloyd did, however, receive a bonus of £36,000 in respect of a personal performance target, while Mr Brocksom was awarded a bonus of £21,120. Their annual salaries – £375,000 and £234,675 respectively – were frozen. The financial report made no reference to the deaths – they are mentioned briefly in an accompanying results presentation - but did say "the appointment of a dedicated, executive level, Safety Director" was among measures that "hold the potential to transform the safety, performance and profitability of our deep mining business, and we shall continue working hard to these ends during 2010 and beyond." SHP Online reports the Health and Safety Executive (HSE) has brought 10 charges for alleged breaches of health and safety legislation against UK Coal Mining Ltd following four deaths in separate incidents in 2006 and 2007.

- UK Coal preliminary financial results for year ended December 2009 [[pdf](#)] and Financial results presentation [[pdf](#)]. [SHP Online](#).

BP accused over rig safety

Oil giant BP is facing accusations that it lobbied against new offshore safety rules and breached "numerous regulations" at a rig that exploded on 20 April, where 11 workers are missing presumed dead. The giant technically-advanced Deepwater Horizon rig sank two days after the explosion. Relatives of workers who are presumed dead claim rig operator BP and rig owner TransOcean violated "numerous statutes and regulations" issued by the Occupational Safety and Health Administration (OSHA) and the US Coast Guard, according to a lawsuit filed by Natalie Rushto, whose husband Shane, a deck floor hand, was thrown overboard by the force of the explosion and whose body has not yet been located. Both companies failed to provide a competent crew, failed to properly supervise employees and failed to provide Rushto with a safe place to work, according to the complaint filed in US District Court in Louisiana. The lawsuit also names oil services giant Halliburton. BP and TransOcean have aggressively opposed new safety regulations proposed last year by the federal agency that oversees offshore drilling – the proposals were prompted by a study that raised concerns about the safety record of the industry. There were 41 deaths and 302 injuries out of 1,443 incidents from 2001 to 2007, according to the study conducted by the Minerals and Management Service (MMS) of the US Interior Department. In addition, the agency issued 150 reports over incidents of non-compliant production and drilling operations and determined there was "no discernible improvement by industry over the past 7 years." A proposed rule that would have required operators to have their safety programme audited at least once every three years - as opposed to the voluntary self-regulation programme in place at the

moment – has been the subject of a coordinated attack by the industry. BP vice president for Gulf of Mexico production, Richard Morrison, in one of 100 plus opposing submissions from the industry, wrote that “we are not supportive of the extensive, prescriptive regulations as proposed in this rule,” arguing that the voluntary programmes “have been and continue to be very successful.”

- [Huffington Post](#). [The Guardian](#).

Confectionery giant fined for machine death

The UK's largest confectionery firm has been convicted of two criminal safety breaches and fined £300,000 after an employee was crushed to death in one of its sweet-making machines. The Health and Safety Executive (HSE) prosecuted Tangerine Confectionery Limited following the death of employee Martin Pejril at its Poole factory. The company, which had denied the charges, manufactures sweets such as Sherbet Dip Dabs, Mojos, Black Jacks and Butterkist popcorn, appeared before Bournemouth Crown Court. The court heard 33-year-old Mr Pejril, a Czech-born starch room operator, was clearing a blockage in February 2008. He climbed into the machine but as the mechanism restarted he became trapped, and was pronounced dead at the scene. Following the hearing, HSE inspector, Simon Jones, said: “This tragic case highlights the need to ensure that machines are safely isolated before any maintenance takes place so it cannot unexpectedly start up. Simply pressing a stop button does not adequately isolate a machine.” He added: “If the machine in this case had been properly isolated from the electrical power source before Mr Pejril attempted to clear the blockage, this accident would never have happened. A proper risk assessment would have highlighted the dangers of entrapment. All employees need to be adequately trained in correct company procedures - whether it's for clearing blockages, operating machines or any other high risk activity.” In addition to the fine the company was ordered to pay full costs of £72,901.65. A Tangerine Confectionery spokesperson said the company was disappointed by the conviction and sentence and was considering lodging an appeal.

- [HSE news release](#). [Bournemouth Echo](#).

Family farm fined for crushing death

A family farm in Scotland has been fined £20,000 after a farmworker was crushed to death by a one tonne concrete panel. On 3 June 2008, Colin Hill was helping to build a perimeter wall on an open hay shed at Hamilton Farmers (East Lothian), when the pre-cast concrete panel toppled over and crushed him. The 49-year-old died from his injuries at the scene. A Health and Safety Executive (HSE) investigation found that there had been no risk assessment carried out for the project. While the telescopic handler and the slings and hooks provided with the concrete panels were all in good order, no suitable lifting attachment had been fitted to the telehandler forks. The investigation also revealed it was inevitable that the slings on the forks were going to slip and slide, especially as the panels needed to be properly handled and rotated. Hamilton

Farmers (East Lothian), which is based at Garvald Mains Farm, Garvald, pleaded guilty to safety offences at Haddington Sheriff Court. Following the case, HSE inspector Gillian McLean said: "Tragically this worker was needlessly crushed to death because his employers failed to properly assess the risks and implement a safe system of work." She added: "Unfortunately, the use of precast concrete panels to build farm buildings is common place. It is also common place for farmers and workers in the agricultural sector to 'have a go' at building constructions when they are not properly trained or equipped in structural engineering and health and safety practices."

- [HSE news release.](#)

International News

Global: 28 April – because 'unions save lives'

You know who runs the world's largest health and safety event? It's unions, and it is on 28 April every year. Whether it was 10,000 trades unionists and campaigners taking to the streets of Melbourne, Australia to mark the day, or workers in the Philippines setting up a graffiti wall in memory of dead workers, or a mock funeral procession through the streets of Los Angeles, USA, the events carried the same message – remember the dead, and fight for the living. And there was another theme given prominence this year; 'unions make work safer'. Guy Ryder, general secretary of the global union confederation ITUC said: "Unions are key for ensuring that safe and sustainable work is not a privilege for the few, but a right for every worker." It is estimated 28 April events took place in over 100 countries. As events kicked off in Australasia, a global events map prepared by ITUC and campaigning magazine *Hazards* was already crowded with 28 April updates from throughout Africa, Asia, South America, North America, Australasia and Europe.

- [ITUC news release.](#) [ITUC/Hazards interactive 28 April events map.](#)

Global: Asbestos exports are 'a crime'

An Indian health group is accusing Jean Charest of backing human rights abuses because of the Quebec premier's views on asbestos exports to the country. Mohit Gupta of the Occupational and Environmental Health Network of India says Charest is dismissing Indians as second-class citizens. Gupta wrote a letter to Charest this week asking the premier to stop exporting asbestos to India. The letter notes: "While we continue to struggle in our country to have this toxic substance banned, we hope you will do the right thing by putting a stop to this deadly trade and by putting a stop to the irresponsible, false information that asbestos can be safely used." The letter continues: "We believe continued trade and use of asbestos is a crime against humanity." Canada rarely uses asbestos in construction projects at home but exports the mineral to developing countries. Charest visited India in February, where he backed the asbestos exports. Thetford Mines, around 200 kilometres east of Montreal in the Canadian province of Quebec, is the only operational asbestos mine remaining in Canada and employs around 400 workers. The Canadian federal government's

support for asbestos exports to Asia was the subject of 28 April protests in India, the Philippines and elsewhere in Asia. A Global Unions delegation visited the Permanent Mission of Canada to the United Nations in Geneva. Ambet Yuson, general secretary of the global building unions' federation BWI raised the concern that it is the very countries least equipped to handle an epidemic of asbestos-related diseases are the very ones targeted by the industry.

- [Ban Asbestos India news release](#). [BWI news release](#). [Winnipeg Free Press](#).

Global: Everyone wants a piece of 28 April

It wasn't just Gordon Brown that saw the necessity to speak out on Workers' Memorial Day. Around the globe, everyone from world leaders to international safety and health organisations have been chipping in. The 28 April event, which was created by unions and remains a union-led activity, was even the subject of a "presidential proclamation" from Barack Obama. He said: "I, Barack Obama, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 28, 2010, as Workers' Memorial Day. I call upon all Americans to participate in ceremonies and activities in memory of those who have been killed due to unsafe working conditions." Both the International Labour Organisation (ILO) and the World Health Organisation (WHO) published new reports to mark Workers' Memorial Day.

- [Presidential Proclamation](#). [ILO news release](#). [Emerging risks and new patterns of prevention in a changing world of work](#), ILO [[pdf](#)]. [Healthy workplaces: a model for action](#), WHO [[pdf](#)].

Italy: Executives jailed for asbestos deaths

A Sicilian court this week jailed three former executives of a shipbuilding company for negligent homicide after 37 workers died from exposure to asbestos. The sentences ranged from three to 7½ years for the three Fincantieri executives, the ANSA news agency reported. The convicted men were also ordered to pay several million euros in damages. Among the beneficiaries was a national insurer for workplace accidents that was a civil plaintiff in the case. Prosecutors said Fincantieri continued using asbestos until 1999, three years after the hazardous building material was outlawed in Italy. The 37 workers died from lung cancer, while another 26 suffered from other asbestos-related diseases. "The danger of asbestos has been known since the 1950s. Nevertheless, Fincantieri failed to take the most basic steps to prevent the inhalation of asbestos dust and fibres," the prosecutors said in closing arguments quoted by Italian media. The convictions came as a huge trial is under way in the northern city of Turin involving shareholders of a construction company accused of responsibility for the deaths of more than 2,000 Italians from asbestos-related diseases. One of the defendants is Swiss billionaire Stephan Schmidheiny, former owner of the Swiss group Eternit, who was an important shareholder of the Italian company of the same name. The other is Belgian Jean-Louis Marie Chislain de Cartier de Marchienne who was a minority shareholder and administrator of the Italian company.

About 6,000 people have joined in the class action suit, the largest ever on asbestos contamination, which opened in December 2009.

- [TerraNet](#). [The Province](#).

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

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