

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](#)

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

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Random drug tests of 'dubious legality'

The TUC has warned that random drug tests at work are of 'dubious legality' and has called on the government to produce clear guidelines. 'Drug testing in the workplace', an online guide published this week by TUC, is critical of testing at work, saying checks on staff are unable to determine whether a person is under the influence of drugs. Instead, the tests only show the presence of chemicals – left in the body after drugs have been taken – in hair follicles, blood or urine. Rather than resort to drug testing, employers who are serious about the welfare of their staff and removing drugs from the workplace will find their time better spent developing a comprehensive drugs and alcohol policy which supports staff, TUC says. TUC general secretary Brendan Barber said employers cannot ignore drug use at work, but added "the way to tackle this danger is by having proper policies in place for dealing with drug and alcohol abuse in the workplace, rather than introducing random testing which is not only a breach of a person's right to privacy and dignity, but also of dubious legality." He said testing was much rarer in the UK than the US "but many employers are being seduced by the marketing campaigns of drug testing companies into seeing random testing as the solution to sickness absence problems. This is why the government needs to produce clear and definitive guidance on testing, especially on the legal issues. Drug testing techniques are not going to help employers combat absenteeism and tests can never be a substitute for a comprehensive drugs and alcohol policy aimed at supporting staff, and ensuring that no-one in the workplace is working under the influence of drink or drugs." The TUC report warns that some employers may be using random drug testing to try to get rid of employees and avoid redundancy pay. It points out that the Information Commissioner's Code on workers' health information opposes most testing. The Code notes: "Very few employers will be justified in testing to detect illegal use rather than on safety grounds."

- [TUC news release. Drug Testing in the Workplace](#)

Supermarket slip costs worker her job

It wasn't a fall in her own workplace that caused a bakery worker to give up work, it was a visit to the supermarket. But the BFAWU member still received £45,000 in damages after her union stepped in with legal support. The woman, who does not wish to be named, had popped into the Asda store in Darlington in March 2007 to pick up some groceries when she tripped and fell on a damaged paving stone in the car park. She broke her left elbow and needed surgery to repair it, with a further operation a year later to remove a metal plate. The injury left the 64-year-old unable to fully straighten her arm or carry heavy objects. A nasty six inch scar has left her feeling no longer able to wear short sleeved tops. The former assistant manager at a local baker was unable to return to work and was forced to take retirement four years earlier than planned. She said: "I decided to claim compensation after I discovered that there had been previous complaints about the state of the paving stones in the car park. I didn't want anyone else to go through what I have." Joe Marino from BFAWU said: "This case shows just how important

our free legal services are to members. This member was forced to give up work as a result of an accident which was no fault of her own. The compensation received will make up for the years of earnings she has lost out on.”

- [BFAWU news release](#). [Thompsons Solicitors news release](#).

Union welcome for bookie standards

Betting shop union Community has welcomed a new voluntary standard intended to protect bookies’ staff from violence. The union say the industry-backed measure comes after Community’s intensive lobbying in the wake of a rise in robberies and attacks. The ‘Voluntary Code of Safety and Security National Standards for Bookmakers’ was launched on 26 May by the Safe Bet Alliance, a collaborative initiative which includes the Association of British Bookmakers (ABB), Metropolitan Police, Local Authorities Coordinators of Regulatory Services (LACORS) and Community. Community regional director Christine Hardacre said the code “demonstrates what can be achieved when the union representing betting shop workers and the industry engage in real dialogue. Community would have liked the document to have gone further and included greater safety measures, particularly around the issue of single staffing. Nevertheless the document is an important milestone in improving standards in the industry, setting minimum standards on risk assessment but importantly laying down minimum standards on training to deal with conflict management and policy procedures for dealing with violence in the workplace.” She added: “Importantly, the industry has agreed to share data on violence in the workplace - allowing the effectiveness of the voluntary code to be assessed. The stakeholder group have, in addition, agreed to evaluate the effectiveness of the initiative within a 12 month period. It is now up to the industry to demonstrate that they take this initiative seriously by implementing the minimum standards in full. Community will continue to press for improved safety standards in the industry and the full implementation of its charter.” The Association of British Bookmakers says every UK betting shop will receive a copy of the Code by the end of June.

- [Community news release](#) and [betting shops webpages](#). [Safe Bet Alliance news release](#).

Bending machine wrecks worker’s hand

A factory worker whose hand was crushed in a defective machine was forced to take five months off work as a result of the horrific injuries. GMB member Darrell Neromilotis, 46, needed two operations to save his hand following the November 2007 incident at outdoor equipment manufacturer Playdale Playgrounds Ltd. He was using a pipe bending machine to bend stainless steel when the machine started to shake and move around because the pipe was too thick for the equipment. His left hand was dragged into the machine and because the emergency stop device was faulty, Darrell’s hand was trapped until a colleague could help him. The fault on the emergency device had been identified months earlier but nothing had been done to fix it. He now has a permanent

disability to his wrist and hand causing reduced movement and loss of strength. Lawyers brought in by GMB argued the company had instructed Darrell to use the wrong machine for the task and that the emergency stop button should have worked. He received £57,000 in an out of court settlement. Darrell said: "The emergency stop device on the machine had been faulty for a long time. There had been a previous accident but nothing was done to fix it. A simple repair job might have saved me from the suffering I have been through and the long term injury I now have." GMB's Steve Gibbons said: "It is simply unacceptable that this machine was allowed to continue running when the emergency stop device was known to be faulty."

- [Thompsons Solicitors news release.](#)

Sellafield fitter hurt by wrong tool

A mechanical fitter who needed surgery on his shoulder following a workplace injury has received more than £5,000 in compensation. Unite member Geoffrey Burns, 59, from Whitehaven had to take six months off work following the incident in August 2008 while working for nuclear firm Sellafield. He was using a manual pipecutter to cut four inch diameter stainless steel pipe when he suffered traumatic tendonitis. The tool was unsuitable for the job. The condition left his shoulder in extreme pain which needed surgery to remedy. He said: "I tried to struggle on with my injuries at first but my shoulder only got worse and I had to stop working. The quickest way for me to get my injury resolved was through surgery. This compensation will help me to pay for the cost of the private consultations I had." In a Unite-backed compensation claim, Sellafield admitted liability and settled out of court. Mr Burns has been able to return to work and is fully fit. Unite regional secretary Paul Finegan said: "Mr Burns' accident could have been avoided had Sellafield taken more time to consider the risks associated with the job. The pipecutter should have been taken out of service and alternatives looked into to complete the job." Hazel Webb from Thompsons Solicitors, the law firm brought in by the union, added: "Sellafield failed to risk assess Mr Burns' job adequately. A proper assessment would have highlighted the need for an electrically operated pipecutter."

- [Thompsons Solicitors news release.](#)

Other news

BMA calls for safe shifts for docs

Doctors who work shifts are more prone to health risks and sleep deprivation, a report from BMA Scotland has concluded. The report, produced by the BMA's Scottish Junior Doctors Committee (SJDC), highlights the dangers of irregular shift patterns on health and performance and makes a series of recommendations to reduce these dangers. 'Shiftwork, rest and sleep: Minimising the risks' calls on employers to develop safe rotas for staff and to encourage rest breaks during night shifts. The report says many junior doctors work a combination of shifts, for example, a week of night shifts

followed by another week of late shifts with a day or two off in between. It argues that while not in breach of the Working Time Regulations (WTR), such long periods of unsociable hours can have serious implications for the health and well-being of doctors, and as a result, affect patient care. The report says "it has become evident that poor rota design of WTR-compliant shift patterns may also result in a shift structure predisposed to high intensity work that may lead to fatigue and may carry unacceptable burdens of risk to doctors and patients." The report says some doctors are working rotas that include seven consecutive 12.5 hour nightshifts. SJDC chair Dr Gordon Lehany commented: "There is growing awareness of the dangers of sleep deprivation on performance as well as the health risks associated with irregular shift work. In the case of junior doctors, their working arrangements can be detrimental not just to their own health, but to patient care." Calling for doctors to be involved in drawing up rotas, he added: "It is essential that the problem associated with working irregular shift patterns are recognised and reduced."

- [BMA news release](#) and the Shiftwork, rest and sleep: Minimising the risks [report](#).

Firm broke chemicals laws before blaze

The boss of a chemical company that suffered a serious blaze last week leading to a multi-agency major incident response has claimed the factory had never before had problems with health and safety. However, official papers show Huddersfield-based Grosvenor Chemicals attracted a series of Health and Safety Executive (HSE) improvement notices last year for a catalogue of breaches of safety laws - including regulations covering dangerous, explosive and hazardous substances. There was also a death at the site in October 2004, when 35-year-old Nicholas Shone was asphyxiated in a fume-filled tank. No-one was hurt in the fire in the early hours of 24 May 2010. Of the 55 permanent and 12 agency staff employed at the firm, only one night watchman was onsite when the blaze broke out. Bhagwant Rattan, vice-chair of Whyte Group, which owns the Grosvenor Chemicals factory, said he was "devastated" about the fire, which destroyed a utilities building and a warehouse used to contain raw materials. "Fortunately, there has been no human loss," he told the Huddersfield Daily Examiner, adding that the firm was working closely with HSE and the Environment Agency in the wake of the fire. He told the paper: "It looks like an accident and we can't understand how it happened. We have to comply with legislation and the Environment Agency and Health and Safety Executive often come to the site. They have never notified us of any problems in the past." In fact, the firm received three HSE improvement notices last year for multiple breaches of health and safety laws, including the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) and the Control of Substances Hazardous to Health Regulations (COSHH). Following the latest major incident, a quick response service set up to co-ordinate air quality monitoring in the wake of the Buncefield fire was fully deployed for the first time. The Air Quality Cell - a national, multi-agency group of technical experts from the Environment Agency, Health Protection Agency, Met Office, HSE's Health and Safety Laboratory and the Food Standards Agency - is advising the local health community, police and fire service.

- [Environmental Agency news release](#). [Kirklees Council news release](#). [Huddersfield Daily Examiner](#) and [related report](#).

Will BP's 'disaster-prone' board face jail?

Directors of BP's London-based global board seem to be above justice when it comes to the firm's serial workplace safety and environmental crimes, claims a new report. However, it says that may be changing as the company's corporate oversight and "cosy" relationship with regulators has been the subject of much critical comment in recent weeks, notably from US president Barack Obama ([Risks 457](#)). BP's recent boardroom discomfort stems from the 20 April 2010 Gulf of Mexico disaster, when a well owned by BP exploded, killing 11 workers on the Deepwater Horizon rig and creating an uncapped oil gusher polluting large swathes of the US coast. Campaigning magazine *Hazards*, which has been monitoring the multinational's safety performance for years, says if more attention had been paid to BP's deadly workplace safety record the risks would have been "shockingly apparent". 'We told you BP couldn't be trusted', a report on its green jobs blog, notes: "The disaster-prone London-based board generally escapes criticism from politicians in the US, UK and elsewhere, uses slick PR to fend off press attacks and has evaded all blame and punishment for a sequence of industrial and environmental catastrophes." It adds: "These board members are wealthy, respectable upstanding members of the community. They rub shoulders with the powerful – hell, they live in the same neighbourhoods, their kids go to the same schools. And they don't die at work – they just make the decisions that consign others to an early grave." The blog concludes: "If board members can accept the bonuses and fat pay cheques when things go right, they must also accept the consequences when things go wrong. That means an appearance in court and, if found guilty, a lengthy spell in jail. This is not about blame. It is about justice."

- [ITUC/Hazards green jobs blog](#) and [BP webpages](#). [The Daily Beast](#). [Greenpeace BP logo competition](#). [CBS News](#).

Business wrong again on regulation

A business group has published updated estimates of the cost to business of regulations without addressing concerns raised last year that the figures were "rigged". The British Chambers of Commerce (BCC) 'Business Burdens 2010' puts the total cumulative cost to business of regulations since 1998 at £88.34bn. BCC director general David Frost commented: "The cost of dealing and complying with new laws and regulations over the last 12 years has been far too high." However, as in last year's report, BCC relegates to the technical notes an admission that the costs to business identified "are net of the benefits that accrue to business." The flaws in the analysis led TUC general secretary last year to dismiss the annual BCC publication as a "tired stunt" that "is well past its sell-by date". And the campaigning magazine *Hazards* said: "BCC rigged the figures", adding: "Compared to the multi-billion annual cost of occupational injuries and diseases, many deadly, the protective health and safety laws BCC calls a 'burden' are really no burden at all." This year, however, BCC for the first time singles out

the Health and Safety Executive (HSE) as a distinct category in its analysis. Of the 18 categories identified only one other – the Food Standards Agency – is not a government department. Health and safety “burdens” identified in the 2010 report cover regulations providing workers with protection from hazards including explosives, chemicals, work at height, biocidal products, vibration and noise. BCC estimates these safety regulations lead to a combined recurring annual cost to business of £374 million. The cumulative cost since 1998 totals up to £2.963 billion. However, *Hazards* estimates this sum is a tiny fraction of the savings accrued from preventive action required by regulation – including the savings made by business from operating safely. And it adds that many of the costs of occupational ill-health and injury are not borne by business, but “shifted” onto the affected workers, the community and the public purse.

- [BCC news release](#) and Burdens barometer 2010 [[pdf](#)]. [The Independent](#).
- [Who pays?](#) Hazards magazine, number 106, 2009.

Blacklist bosses to be named and shamed

Construction bosses who personally sanctioned the use of blacklists in the industry are set to be named and shamed. The move means managers at construction giants like Balfour Beatty, Kier and Sir Robert McAlpine could be publicly outed for their role in the blacklist scandal, reports the online trade publication Construction Enquirer. The decision follows a 12 month legal fight by anti-blacklist campaigners to have made public all the documentation unearthed in the Information Commissioner’s investigation last year. Employment details of thousands of workers were held illegally by The Consulting Association and used by construction firms to vet prospective employees. A legal ruling means the Information Commissioner’s Office (ICO) must now reveal full details relating to a number of test cases. Other victims of the blacklist are expected to follow suit and bring claims for full disclosure following the ruling by Manchester Employment Tribunal. The test cases that established the full disclosure precedent involve prominent union campaigners against the blacklist, including Phil Willis and Steve Acheson. A spokesperson for the Blacklist Support Group said: “This is a major victory for blacklisting campaigners in the courts. Most of the multinational companies involved in The Consulting Association conspiracy have frustrated all attempts to gain further documentation in this case – now the evidence will be out in the public domain for all to see.” Invoices, correspondence and documentation detailing the business and organisational relationships between The Consulting Association and construction firms must be released under the terms of the ruling.

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

Freight firm fined after crushing death

A Leeds freight company has been fined after a 59-year-old worker was crushed to death by a case of glass. Alan Fletcher tried to stop the two-tonne case from falling as it was unloaded at Roadways

Container Logistics, Leeds Crown Court heard. The Stourton-based firm pleaded guilty to a criminal safety breach and was last week fined £250,000 plus £100,000 costs. The court heard that on 6 April 2006 the admin manager, along with two cargo handlers and a supervisor, had been present as cases of glass were being unloaded from an open top freight container at Roadway's container base in Stourton. Mr Fletcher was crushed when he tried to stop the final case, weighing approximately two tonnes, from falling as it was being lifted from the container. Neither Mr Fletcher nor his colleagues had received the appropriate training in lifting operations. There had also been no risk assessment or formal planning carried out prior to the incident and the case had not been properly secured. Following the hearing, HSE inspector Morag Irwin said safety systems were "grossly inadequate" and had "resulted in the tragic and unnecessary death of an employee that so easily could have been avoided." Jackie Fletcher, Alan Fletcher's widow, said in the completion of the legal case "ends a long, harrowing and incredibly frustrating legal process - a process that was seemingly hindered from day one by delays and bickering from the RCL team." In a statement issued after the hearing, she added: "Certain parties seem to have lost sight of why we're here today. And that's because a kind, loving man had his life cruelly ended in simply doing his job. That's what's important and no amount of punishment or recrimination will ever change that. My only hope now is that lessons have been learned, and that no-one else has to endure the heartache of losing a loved one in this way."

- [HSE news release](#) and [Fletcher family statement](#). [BBC News Online](#).

Waste giant fined after landfill death

A major UK waste management and recycling company has been fined after a driver was killed at a Northamptonshire landfill site. Sita UK Limited was prosecuted by the Health and Safety Executive (HSE) following the death of bin driver Gary Carter, 32, at the Cranford landfill site on 4 January 2007. The company pleaded guilty to a criminal safety breach and was fined £210,000 and ordered to pay full costs of £38,000. Northampton Crown Court heard that Mr Carter arrived at the site to empty his refuse lorry and, like all the lorries emptying at the site that day, had to be assisted onto and off the tipping area due to the wet weather and soft ground conditions on the site. After being towed to the tipping area by a bulldozer, Mr Carter discharged only part of his load, but then his lorry became bogged down in soft ground, so a compactor came to assist the bulldozer in moving the lorry. As a compactor started to push the lorry forward from the rear, Mr Carter was attaching a tow rope from the bulldozer to the front of his lorry. He was crushed between his lorry and the back of the bulldozer, dying at the scene. The court heard from the prosecution that new working arrangements had been introduced a few days before the tragedy, without having been properly risk assessed. Sita had not defined the supervisory roles for their staff on the site and site rules on pushing lorries were ambiguous. Sita is one of 10 major waste and recycling firms being targeted by HSE for 'central interventions' in a bid to address the sector's appalling health and safety record ([Risks 451](#)).

- [HSE news release](#).

Contractor guilty after wall crushed worker

A contractor was fined £7,000 last week for breaching health and safety law after a builder broke his back and ribs when a wall fell on him at a London construction site. Jason Lunnon, 41, was seriously injured when he was struck by the falling concrete blocks on the site in Newham. The Health and Safety Executive (HSE) prosecuted the principal contractor, Keith Gardner, trading as KP Gardner Builders, for failing to ensure Mr Lunnon's safety on the site. In addition to the fine, he was ordered to pay costs of £6,969.50. On 26 March 2009, Mr Lunnon was working on the first floor of a partially-constructed block of flats. A wall, built on the third floor the previous day, had not been properly secured and a gust of wind blew it over, sending concrete blocks more than seven metres below on top of Mr Lunnon. Mr Lunnon fractured seven ribs, broke his back in four places, fractured his right hand and also suffered serious damage to his internal organs. An HSE investigation showed that Keith Gardner, who pleaded guilty to a criminal safety breach, had failed to properly plan, manage and monitor work at the site. HSE inspector Paul Hems said: "Mr Gardner was made aware of the wind affecting the newly-built walls, but failed to take appropriate action to ensure their stability. The HSE investigation also found other safety failings at the site, including failure to properly manage risks of falling. There was a comprehensive failure to implement key elements of the construction phase plan."

- [HSE news release](#).

Council fined after dumper truck injury

Bridgend County Borough Council has been fined after an incident that saw a driver injured when his dumper truck overturned. Council employee Mark Morgan was driving the one tonne vehicle through woodland on 25 September 2008 when the truck began to slide. It then toppled over, trapping the driver's left leg between the vehicle and a tree. He needed to be airlifted to hospital for an operation on his broken leg. A Health and Safety Executive (HSE) investigation showed the vehicle was not suitable for the gradient where it was being used. The council also failed to carry out a formal, written risk assessment of the work or the selection of plant being used. The investigation also found there was no evidence that staff were adequately trained in the use of plant such as the dumper truck used in this incident. The council pleaded guilty to safety offences and was fined £10,000 and costs of £5,623.60. After the hearing, HSE inspector Ceri Beynon said: "Risks associated with improper use should never be underestimated and this incident could easily have been prevented. Employers have a duty of care to ensure that drivers are suitably trained, risks are properly assessed, and that adequate safety measures are in place. Those involved in the planning and execution of work involving the use of plant or equipment need to ensure they are fully aware of the safety limitations of use."

- [HSE news release](#) and [risk management webpages](#).

Seven-metre fall stops man working

A construction firm and building owner have each been fined after a builder suffered fractured vertebrae when he fell from a factory roof in Hertfordshire. Danny Langdon, 63, injured his spine in the seven metre fall on Christmas Eve 2008 and has been off work since. He fell through a factory roof light, hit a gantry crane and landed on machinery below. His employer, Hartog Hutton Ltd, appeared at St Albans Crown Court last week and admitted breaching three health and safety regulations. The company was fined £10,000 and ordered to pay £7,076 in costs. Fluorocarbon Company Ltd, which had contracted Hartog Hutton to carry out the repairs to its factory roof, appeared at East Hertfordshire Magistrates' Court in Hertford on 26 April 2010 and admitted one charge. It was fined £5,000 with £5,195 in costs. HSE inspector John Berezansky said: "This incident was entirely avoidable and should not have happened. Working at height is one of the most obvious and well-known dangers for those involved in repairing or maintenance of buildings." He added: "Mr Langdon is lucky to be alive. More than 4,000 employees suffered serious injury after falling from height last year and 15 were killed."

- [HSE news release](#) and [Shattered lives campaign](#).

International News

Morocco: Firm ignores global safety deal

Union reps in Morocco employed by a company part-owned by the multinational ArcelorMittal are demanding the firm respects its global agreement on health and safety. A monitoring mission from the global union federation IMF met last week with shop stewards from SONACID production sites at Nador and Jorf Lasraf. The workers' representatives relayed reports that the Moroccan management had put pressure on workers injured on the job not to report the injuries. Workers are reported to be subjected "to psychological pressure" and told they could lose bonuses, other benefits and career opportunities "to convince them not to report accidents," IMF said. The global union federation, which has negotiated a global health and safety agreement which covers all ArcelorMittal operations worldwide, says unions in Morocco point to "poor implementation" and a safety "façade" at the company's plants, with serious concerns identified by safety committees remaining unaddressed by the firm. IMF said although ArcelorMittal is not the majority shareholder in SONACID, the multinational is perceived "as by far the most influential actor" driving management decisions. Shop stewards expressed "bewilderment and surprise at the apparent lack of interest by the international ArcelorMittal management for such behaviour by its Moroccan partner," said IMF. At the request of the Moroccan unions, an IMF-convened mission will return to Morocco in September to review progress on implementation of the ArcelorMittal global health and safety agreement at the SONACID plants.

- [IMF news release](#).

Turkey: Unions necessary to prevent disasters

Unions provide the ongoing scrutiny of workplace safety standards that can keep Turkish mines safe, a union safety expert has said. Speaking in the wake of three methane explosions in three different mines in the last six months, Fikret Sazak said the disasters were a direct result of a lack of proper precautions and strong workers' union. None of the mines were unionised said Sazak, who works for the Maden-İş trade union. At least 28 workers were killed in an explosion last week in the Karadon mine in the Black Sea province of Zonguldak; two workers are still missing, presumed dead. In February, an explosion occurred in a mine in the Dursunbey district of the western province of Balıkesir, killing 14 workers. And in December 2009, 17 workers died in an explosion in the Mustafakemalpaşa district of the western province of Bursa. Sazak said the existence of a trade union in mines would result in regular safety inspections. Trade union representatives at a mine are experts on work safety and health, Sazak said, adding that it is only a trade union that can reach all corners of the mines and each and every worker. "An organised worker warns his representative when he feels something is going wrong. And the union, depending on its power of organisation, can get the engineer responsible for on-the-job safety and the employer to stop the work," he said. Subcontracting was also a problem, Sazak said. "If you pay attention, accidents occur at places that are run by subcontractor firms."

- [Hurriyet Daily News](#). [Today's Zaman](#).

USA: Call for mine manslaughter charges

US legislators and trade unionists last week grilled the owner of a mine where 29 workers died in a blast last month, slamming the "alarming record" of serious safety violations at the West Virginia facility ([Risks 455](#)). Massey Energy chief executive Don Blankenship declared his commitment to workplace safety and insisted that his company worked hard to improve conditions at the Upper Big Branch mine in the months before the explosion. He told the Senate hearing: "Massey does not place profits over safety." But United Mine Workers Union (UMWA) president Cecil Roberts told senators that 52 miners have died in Massey-owned mines over the past decade. Blankenship's claim that the casualty rate at Massey mines - 23 deaths in the decade before the Upper Big Branch tragedy - was "about average" was challenged by the union leader. Family members of the 29 workers killed in last month's explosion told the House Education and Labor Committee that Massey Energy encouraged workers to cover up safety violations. In an opening statement, committee chair George Miller said the committee understands "the disastrous results when mine owners operate at the margins of safety in order to put more coal on the belt... And we know the consequences for safety when an operator games the system in order to escape much tougher safety oversight. What happens is miners die." At Massey Energy's annual shareholder meeting last week, former miner Chuck Nelson said that Massey was "a criminal enterprise." He added: "I know from working for them that they cut every corner possible." Massey is currently being investigated by the FBI for possible bribery of state and federal safety inspectors. Highway billboards calling for a manslaughter prosecution of Massey Energy are appearing around West Virginia. The billboards read: "29 Coal Miners Dead, Prosecute Massey for Manslaughter."

- [Prosecute Massey for Manslaughter website](#). [Morning Star](#). [USW blog](#). [Counterpunch](#). [Pittsburgh Tribune-Review](#). [Fairwarning.org](#). [Truthdig](#). [New York Times](#).

USA: Confronting blame-the-worker programmes

When US firms get lean-and-mean, injuries can increase, official safety inspections become more likely and workers' compensation premiums soar. But many employers have found a novel response, says Nancy Lessin: hide the injuries. "Enter 'behaviour-based safety'," says the safety expert with steel union USW. Writing in the magazine *Labor Notes*, she notes: "In order for there to be a workplace injury or illness, there must be a hazard. A union approach to reducing injuries and illnesses is to identify, eliminate, reduce, and prevent hazards. A behaviour-based approach, on the other hand, drives both injury reporting and hazard reporting underground. When a job injury or illness is reported, the hazard causing it can be identified and addressed. If injuries aren't reported, hazards go unaddressed—and injured workers may not get the care they need." She says unions should challenge behaviour based safety programmes, advising "the first step is educating members about these programmes and building solidarity around the need to end them. Incentive programmes that promise prizes for not reporting injuries are hazards in disguise." She spells out bargaining, legal and campaign strategies to derail behavioural safety programmes, including turning the programmes on their head by only reporting unsafe workplaces rather than unsafe acts. TUC last week warned union reps to be on the lookout for behavioural safety (BS) schemes that pin the blame for injuries and illness at work on 'unsafe acts' by workers ([Risks 457](#)).

- [Labor Notes](#). [USW webpages on BS programmes](#).
- [Behavioural safety: A briefing for workplace representatives](#), TUC, May 2010.

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](#)

Hazards Conference, 9-11 July 2010, Keele University

The National Hazards Conference, organised by the Hazards Campaign and supported by UK unions, is the biggest annual educational and campaigning event for trade union safety reps and activists. As well as speakers, plenary sessions, campaigning meetings and a comprehensive workshop programme, it provides plenty of opportunities to network and exchange experiences and information. The 2010 conference, to be held in Keele from 9-11 July, is on the theme 'Supporting life-saving safety reps whatever

the government.' As well as providing hands-on advice on how to win health and safety improvements in the workplace, there will be debate about how health and safety regulation, rights and enforcement can be defended against possible government attacks.

- [National Hazards Conference background and registration information.](#)

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