

# Risks

TUC 

*e-bulletin*

Number 538 – 14 January 2012

**HAZARDS  
MAGAZINE**



**Asbestos -  
The hidden killer**

**Hazards at Work**

updated second edition  
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**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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### **This time, it's personal protective equipment**

The TUC is investigating the use of personal protective equipment at work, from the tip of your steel toecaps to the top of your hard hat. The union body says it is concerned that workers may not be getting the coverage they require and may even end up paying for the purchase and upkeep of legally required protection at work. TUC head of safety Hugh Robertson commented: "Despite clear laws that employers must provide and maintain personal protective equipment (PPE) free, millions of workers are having to either supply their own or pay for cleaning. This ranges from construction workers who have to provide their own hard hats and boots to cleaners who have to wash their own overalls." TUC is conducting an online survey to establish both the best practices and the worst abuses of the personal protective equipment law. It says PPE is not just safety boots and hard hats, but can include overalls, aprons, hats, sunscreen and other kit designed to protect you at work. The information will be used "both to increase awareness of the problem and also to try to get the HSE and local authorities to take action against employers who are breaking the law," TUC says. It is asking workers using PPE and their union reps to fill out the quick and easy online survey, and to circulate it as widely as possible. According to TUC's Hugh Robertson: "The TUC wants more to be done to both highlight the law and also to enforce it. We have produced a very simple survey which is aimed at finding out what sectors are most affected and are hoping that as many workers as possible will fill it in."

- [TUC survey on the use of Personal Protective Equipment at work.](#)

### **Unpaid overtime equivalent to 1m extra jobs**

The two billion hours of unpaid overtime worked last year would be enough to create over a million extra full-time jobs, the TUC has calculated. It says the total amount of unpaid overtime worked last year was 1,968 million hours - worth a record £29.2 billion to the UK economy. If workers who regularly put in unpaid overtime worked all their hours from the start of the year, the first day they would get paid would be Friday 24 February. The TUC has designated this date Work Your Hour Proper Hours Day (WYPHD). In the run-up to WYPHD 2012 the TUC will publish information and advice for staff and their bosses to try and cut out these unpaid hours at work. The TUC will call on employers to mark Work Yours Proper Hours Day by thanking staff for the extra hours they're putting in. It says that although reducing the amount of unpaid overtime does not translate precisely into extra jobs, the TUC is concerned that persistent and excessive hours of unpaid overtime are holding back job creation. TUC general secretary Brendan Barber said that "while many of the extra unpaid hours worked could easily be reduced by changing work practices and ending the UK's culture of pointless presenteeism, a small number of employers are exploiting staff by regularly forcing them to do excessive amounts of extra work for no extra pay." He added: "This attitude is not only bad for workers' health, it's bad for the economy too as it reduces productivity and holds back job creation. No-one wants to see us to become a nation of clock-watchers. But a more sensible and grown up attitude to working time could cut out

needless unpaid hours and help more people into work." Long working hours have been linked to chronic health problems and increased injury rates.

- [TUC news release](#). [CWU news release](#).
- [Work Your Proper Hours Day, 24 February 2012](#).

### **Tackle teacher stress or pay, says union**

Schools must tackle soaring teacher stress, Scottish teaching union EIS has said. The union says excessive workloads and poor management are causing physical and mental injuries to teaching staff. EIS was speaking out after revealing the union had settled a six figure out-of-court compensation claim for a member who suffered a stress-related psychiatric injury after the employer failed to act on a series of warnings about excessive workloads. EIS general secretary Ronnie Smith commented: "The fact that this record compensation award arose from a workload related case, which was compounded by a lack of management support, is no coincidence. This clearly illustrates just how serious such injuries can be, and the heavy price that employers will have to pay if they fail in their obligations to protect their staff." He added: "Employers should be using the Health and Safety Executive's stress management standards and trying to reduce and control the levels of stress caused by work activities. Stress-related illnesses are extremely serious and can take a huge toll on the individual concerned. The long-term effects can be significant, and recovery can take a long period of time. While the EIS supports members in stress-related claims, our preference would always be for such cases to be avoided completely."

- [EIS news release](#). [The Scotsman](#).

### **Power station pilots joint safety training**

A major energy firm is working with Unite to encourage union safety reps to take a bigger workplace health and safety role. Drax Power Ltd is implementing a programme of joint manager and safety rep training, with the full backing of the union. Unite shop steward and safety representative John Blagden said the union's safety representatives "are always trying to improve the safety performance" at the firm, adding: "An important part of this is the relationship between safety reps and managers. To this end the joint training can only be a benefit. It will help people to understand, or remind, both reps and managers, of the various roles each can play and indeed the legal position." He said the Unite safety reps at Drax "think it is important to have a good working relationship with managers whilst maintaining their independence. It is hoped the pilot course will develop into part of the normal training regime at Drax Power Ltd." Chris Emsen, the power company's safety adviser, said: "Drax Power are trying to encourage elected Unite safety representatives to take a proactive role within the workplace and become actively involved in elements of safety training with their peers and work colleagues. This is viewed as a key step change in safety management on the site." He added: "From my experience there are huge benefits when reps and

managers are able to sit down and discuss safety issues in a joint forum. The desire is to create an environment where safety reps can influence their peer group in safety performance at the sharp end and managers to understand the role that safety reps fulfil within that environment.”

- [Unite news release](#).

### **Nuke firm ignored safety warnings**

Managers at a major nuclear firm had dismissed safety concerns raised by workers moments before the dangerous job led to a worker suffering a serious injury. The GMB member from Cumbria broke her right ankle after she was ordered to move heavy archive boxes down a flight of three narrow steps at Sellafield nuclear reprocessing plant in Seascale in February 2010. She fell from the top step and was forced to take three months off work as a result of her injuries. Immediately prior to the incident, the woman’s colleagues had warned bosses that the manual handling task was unsafe, particularly as the steps were old and narrow and there was no handrail. Managers, however, told the workers to get on with the job. Moments later a process worker, whose name has not been released, fell and ended up in accident and emergency. She said her colleagues' concerns were ignored despite their considerable knowledge of the plant. Faced with a GMB-backed compensation claim, Sellafield settled out of court for £7,500. Steve Gibbons, regional organiser at the GMB, said: “In the end this member was left with a painful injury which could have been avoided had her colleagues' concerns been listened to and acted upon.” Lyndsay Milligan from Thompsons Solicitors, the law firm brought in by the union to act in the case, commented: “Sellafield clearly failed to risk assess this manual handling job correctly and as a result this woman was badly injured. Her and her colleagues' experience and knowledge of the building should have been taken seriously to avoid this accident happening.”

- [Thompsons Solicitors news release](#).

### **Cancer strikes 50 years after exposure**

A shipyard worker developed a deadly cancer 50 years after being exposed to asbestos in Merseyside’s shipyards. The 80-year-old Unite member from Liverpool was diagnosed with the asbestos related cancer mesothelioma in February 2011. His work involved removing asbestos from ships’ boilers. He was never provided with suitable protective equipment or warned about the dangers of asbestos. Following his diagnosis the dad-of-11 and granddad-of-18 was determined to claim compensation to ensure his wife and family are provided for in the future. Solicitors brought in by Unite obtained an interim payment from his employers in four months and eight weeks later the claim was settled in full for £127,750. The shipyard worker, whose name has not been released, said: “Having worked hard all my life to look after my family, my decision to claim compensation was always about making sure my wife was provided for after I’m gone. It’s a great relief to know that this money is now in place.” John Flanagan from Merseyside Asbestos Victims Support

Group, the organisation run by people with asbestos related diseases and their families that provided initial guidance to the Unite member, commented: "The legacy of asbestos in Merseyside sadly means we have supported thousands of victims of asbestos disease in finding information and support."

- [Thompsons Solicitors news release. Merseyside Asbestos Victims Support Group.](#)

### **Newsagent caused cleaner's painful trip**

A street cleaner has been awarded compensation by the courts after a newsagent failed to dispose of his waste responsibly. The GMB member from Bedfordshire was cleaning outside shop fronts in Luton in January 2004 when her feet became entangled on plastic newspaper strapping which had been dumped in a public rubbish bin. The council employee fell heavily on her left side causing her to suffer soft tissue damage to her neck and shoulder. As a result of the injuries, she had to take 15 months off work. She is still waiting for surgery to mend her shoulder. Luton County Court heard in September 2008 that Bushmead News had been reported for dumping trade waste in public bins two years prior to the injury and had not bought trade waste bin bags from the council for 27 months. This two day trial determined the newsagent was liable for the injury, but it was three more years before the newsagent's insurers agreed to settle the claim out of court for £57,000, as an early 2012 scheduled court hearing to determine damages approached. GMB regional secretary Paul Hayes said: "This member only got justice because she is a member of the GMB which retained and paid for the services of a top class solicitor. This newsagent spent two years getting away with placing trade waste into public bins. It's a wonder that an accident of this type didn't happen sooner. It is unfair that a hard working woman has had to pay the price for their failings." Kam Singh from Thompsons Solicitors, who represented the GMB member, commented: "The newsagent dragged this case through the courts. Fortunately, with the local council's support, we were able to prove that they had been dumping their rubbish in public bins when all other traders safely disposed of theirs in sacks provided."

- [Thompsons Solicitors news release.](#)

### *Other news*

#### **Health and safety culture? I wish...**

David Cameron's resolution last week "to kill off the health and safety culture for good" ([Risks 537](#)) has drawn fresh criticism from unions, safety bodies and corporate killing campaigners. TUC head of safety Hugh Robertson said the prime minister's comments "represent probably the biggest verbal assault on health and safety by a senior politician for many years, which is saying something, given that only last summer the PM was blaming the English riots on our health and safety culture." He added: "I wish we had a health and safety culture in the UK... Instead of headline-grabbing claims, what we need is a commitment to protect workers with proper enforcement and penalties against those employers that

flout the law and put lives at risk." Families Against Corporate Killers (FACK), said the prime minister's speech was "completely fact-free" and "based in fantasy". FACK spokesperson Louise Taggart said: "Whereas Cameron believes he is signalling the end of alleged 'burdens on business' in fact he has just sounded the death knell for hundreds of workers and members of the public." Louise, whose brother Michael was electrocuted at work aged 26, added Cameron's casualties would include "loved ones who, like my brother, will leave the house one day only to return in an undertaker's van." Richard Jones of the Institution of Occupational Safety and Health (IOSH) described the prime minister's comments as "appalling and unhelpful". He added: "The number of work-related fatalities rose recently for the first time in years. Please, prime minister, let's not turn that statistic into a trend for the sake of a few easy headlines." A Hazards Campaign spokesperson said: "Rather than facing up to the real problems employers cause in their failure to manage workplace health and safety the Tories choose to look the other way - again, as ever. Cameron's announcements will do nothing, absolutely nothing, to reduce the real burden borne by workers, their families and friends or the state. He's looking the wrong way."

- [Strongerunions blog](#). [FACK news release](#) and ['Sod you' postcard to David Cameron and Nick Clegg](#). [London Evening Standard](#). [The Guardian](#). [HR Magazine](#).
- The [TUC is organising a day of action to defend health and safety](#) on 28 April, International Workers Memorial Day – [watch this space](#). [We didn't vote to die at work campaign](#).

### **Cameron is 'irresponsible and dangerous'**

The prime minister's "repeated attacks" on workplace health and safety measures "are irresponsible and dangerous," the union representing Health and Safety Executive (HSE) inspectors has warned. Commenting after David Cameron's 5 January resolution to a business audience that his government would 'kill off' health and safety, Prospect said two recent reviews commissioned by the government had concluded the existing system worked. The latest, headed by Professor Ragnar Löfstedt ([Risks 534](#)), reported late last year with the professor concluding: "I have neither seen nor heard any evidence to suggest that there is a case for radically altering or stripping back current health and safety regulation." Prospect health and safety officer Sarah Page commented: "Unfortunately, the prime minister seems determined to ignore the findings of his own advisers and play fast and loose with the facts in a way that can only be harmful to the health of millions of British workers." Unite general secretary Len McCluskey denounced David Cameron's "callous and out-touch" comments. "Strong health and safety regulations to protect workers, and the right to hold employers to account should be central to a modern and civilised society," he added. "David Cameron and his coalition government are dragging this country backwards. The government should be doing everything possible to protect the health and safety of workers in this country, not undermining it." Mick Whelan, general secretary of the train drivers' union ASLEF, said: "It is a sad reflection on our society that the words 'health' and 'safety' can be mocked by our prime minister. These are not dirty words. It is the basic mark of a civilized society that people should be protected from death and

injury – and this must apply equally to the work environment as anywhere else.”

- [Unite news release](#) and [Left Foot Forward blog](#). [Prospect news release](#). [ASLEF news release](#). [BFAWU news release](#). [Morning Star](#).

### **Scaffolding industry backs tighter safety regulation**

The scaffolding industry is calling for tighter safety regulations. In a move which calls into question government claims that industry sees safety regulations as a “burden”, the National Access and Scaffolding Confederation (NASC) wants an amendment to the Work at Height Regulations to require licensing of scaffolders. Last year’s Lofstedt report called for a review of these regulations by 2013. The trade body wants the rules tightened so that a stipulation workers are “competent” is replaced with the term “qualified”. A similar licensing system is already in operation in the gas industry. NASC says it has informed the government of its concerns about the current wording of the law which it believes is “ambiguous and open to interpretation.” A NASC letter calling for a new scaffolder licensing requirement in the work at height regulations notes: “The work at height industry, including scaffolding can demonstrate clearly and accurately that an individual is ‘qualified’ by virtue of the fact that he has completed suitable training. The aptitude of the scaffolder to continue to carry out his/her skilled works is also challenged every five years to ensure continued compliance.”

- [NASC news release](#). [Construction Enquirer](#).

### **Poorly trained scaffolder suffered devastating injuries**

A poorly trained and supervised scaffolder from Manchester will never walk again after being crushed by metal tubes that fell from a crane. David Collins, a 31-year-old father of two who worked for Bury firm Spectra Scaffolding, suffered severe injuries to his head, back and leg and is now paraplegic. The Health and Safety Executive (HSE) prosecuted Spectra Scaffolding following the incident on 7 November 2008 at Festival Park, Hanley, Stoke-on-Trent, where refurbishment to retail premises was being undertaken. Stoke-on-Trent Crown Court heard how Mr Collins was unloading 21ft long scaffolding tubes from the back of a truck using a vehicle-mounted crane. As he stood under the load operating the crane controls, one of the lifting slings detached from the crane hook, causing the metal tubes, which weighed nearly one and a half tonnes, to fall onto him. HSE's investigation into the incident found Mr Collins had not been properly trained or supervised and Spectra Scaffolding had failed to plan the work adequately. The court also heard that a safety catch on the crane hook was faulty, which led to the scaffolding tubes falling. Although the company had known about this for some time before the incident, no action was taken to replace the catch and Mr Collins had not been trained to realise its importance. HSE inspector Lindsay Hope said after the hearing: “Companies that operate lorry-mounted cranes must ensure their operators undertake appropriate, recognised training in all aspects.” Spectra Scaffolding pleaded guilty to breaching safety regulations and was fined £40,000 and ordered to pay £45,000 costs.

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

### **Men arrested on suspicion of manslaughter**

Two men have been arrested on suspicion of manslaughter following a death at a Holmfirth construction site. Mark James Taylor, 36, from Leeming Bar, North Yorkshire, is thought to have been killed while using a pile-driving machine on the construction site on 18 April 2011. The Huddersfield Daily Examiner reported on 4 January that almost nine months after the incident, police had arrested two men on suspicion of manslaughter by gross negligence. Their identities have not been revealed. The men, who have been released on police bail pending further enquiries, are also suspected of other health and safety infringements and perverting the course of justice. The paper said the Health and Safety Executive (HSE) is holding an investigation but will not report its findings until all criminal proceedings are completed. Mr Taylor was working on the site for the South Yorkshire-based construction company Green Piling Ltd. An inquest into his death has been opened and adjourned.

- [Huddersfield Daily Examiner](#). [Construction Enquirer](#).

### **Campaign call after rise in betting shop violence**

A campaign is being launched to tackle violence against betting shop workers, after a rise in robberies and assaults at bookmakers in the west of Scotland. Figures obtained by BBC Scotland showed there were 17 reported assaults with intent to rob at Strathclyde bookmakers in the first 11 months of 2011. The number of robberies at betting shops in the Strathclyde force area also rose from 25 in 2010 to 33 for the first 11 months of this year. The figures – obtained by the BBC from Strathclyde Police under a Freedom of Information request – contrasted with those of London, which saw a 46 per cent fall in violent betting shop offences in 2010/11. The Safe Bet Alliance, which brought together the industry, union and law enforcers in London three years ago ([Risks 401](#)), promoted basic crime reduction measures, including reducing availability of cash, new physical security measures and training staff to identify risk and act appropriately. John Park, who is the Labour MSP for Mid Scotland and Fife, initiated a cross-party campaign in the Scottish Parliament in 2008 to highlight violence suffered by employees in bookmakers. He said: "MSPs from all parties united around a campaign to highlight the violence suffered by betting shop workers in 2008 and it is unfortunate there now appears to be a loss of impetus in dealing with the issue." He added: "I intend to write to the cabinet secretary for justice, asking that the Scottish government convenes a meeting of all interested parties - particularly the betting shop companies and Community trade union - so that a strategic look can be taken at these figures for Strathclyde and others parts of the country." Community's Scottish regional organiser, John Paul McHugh, said: "There is a disproportionate position between London and Scotland from these figures. Much as I welcome a reduction in cases in London, we would be very concerned if it is not being replicated in other parts of the UK." He added: "The union believes that until betting shops

completely remove the operation of lone-person working and beef up all other measures, we will not deal with the vulnerability of workers in betting shops.”

- [BBC News Online](#). [Community betting shop 'No single staffing' campaign](#).

### **Firm fined after neck broken fiasco**

A logistics firm has been fined after a forklift driver broke his neck and was then walked around the workplace in search of a first aider, who eventually drove him to the wrong hospital. Barry Hill, 60, suffered the injury when a computer cabinet he was loading onto a trailer fell on him. He was operating the truck at Palletways (UK) Ltd's Lichfield distribution centre when he noticed that one of the cabinets was rocking on the forks. Stafford Crown Court heard Mr Hill got out of the forklift to catch the cabinet but it fell forward, hitting him on the head and knocking him to the ground. His neck and right wrist were broken. After the incident Mr Hill was bleeding from a visible head wound, but the depot manager did not know who the first aiders were and took him around the site looking for help rather than leaving him in the office with a colleague. A trained first aider assessed Mr Hill but did not recognise the seriousness of his injuries. Nobody called an ambulance and instead the first aider drove Mr Hill by car to a hospital with no accident and emergency unit, from where he was airlifted to Heartlands Hospital, Birmingham. He has been left partially disabled following the incident. He has not worked since the incident on 22 August 2008. A Health and Safety Executive (HSE) investigation found Palletways (UK) had failed to assess the risks of moving and loading goods, and to instruct, monitor and supervise forklift drivers properly. In addition, the company did not have a clear system for dealing with employees who had suffered incidents or injuries at work. Palletways (UK) pleaded guilty to a criminal safety offence and was fined £60,000 and ordered to pay £41,339 costs. After the hearing, HSE inspector Lyn Spooner said: "There was also a string of management failings in dealing with Mr Hill when he reported the incident. It was clear that he had suffered a head injury and Palletways (UK) should have treated this as a very serious incident and called an ambulance immediately." This week, 23 workers at Palletways warehouse in Livingston, Scotland, were hospitalised with breathing difficulties after a container of denatonium benzoate - which is used to make inedible liquids, such as anti-freeze, bitter - leaked after being punctured by a forklift.

- [HSE news release](#) and guide, Rider-operated lift trucks: Operator training [[pdf](#)]. [BBC News Online](#).

### **Metal firm worker crushed by 1.5 tonne weight**

A South Yorkshire firm has been prosecuted for safety failings after a maintenance engineer was crushed by a 1.5 tonne weight that landed on his back. The worker suffered a broken shoulder, two cracked ribs and the tops of three vertebrae were snapped off when he was trapped between the counterweight of a large zinc galvanizing machine and a junction box. The incident, on 27 September 2010 at Yorkshire Spin Galvanising Ltd in Rotherham,

prompted an investigation by the Health and Safety Executive (HSE). Rotherham Magistrates' Court was told that the worker went to investigate a fault and climbed onto a gantry inside the machine. When the fault cleared he went to the rear of the gantry, out of sight of the operator, to check another repair he had made recently. The machine was still running and as he leaned over a guardrail to get a good view, the counterweight descended - pinning him against the junction box. He managed to shout 'stop' to alert his colleagues before losing consciousness and a co-worker at the control panel was able to lift the weight up to free him. HSE inspector Denise Fotheringham said the company's procedures "fell well below those we would normally expect." Speaking after the hearing, she said: "The machine is very large and maintenance workers routinely entered to fault-find. There were also blind spots where an engineer would be out of sight of the operator. There were no systems to isolate the machinery and engineers relied on emergency stops and interlocks. That's woefully inadequate as there is a risk the machine could be re-started with the engineer inside." Yorkshire Spin Galvanising Ltd pleaded guilty to a criminal safety offence and was fined £10,000 and ordered to pay £5,000 costs.

- [HSE news release](#). [The Star](#). [BBC News Online](#).

### **Chocolate giant fined over broken finger**

High street chocolate chain Thorntons has been fined after a worker broke her finger while operating a wrapping machine. Ellen Yardley, 37, was working at the company's plant in Somercotes, Derbyshire, on a foil wrapping machine, where chocolates were wrapped in foil and dispensed down a chute into a tray. During a short break in production, while the machine was still running, Ms Yardley attempted to clean the inside of the output chute which had become covered in caramel. However, the cloth she was using became tangled in rotating parts and her right hand was dragged into the machine. Her middle finger was fractured and cut, and she was off work for 10 weeks following the 17 November 2009 incident. An investigation by the Health and Safety Executive (HSE) found the machine had guarding installed but that this was inadequate. A subsequent audit of other machines in the factory found safety improvements were necessary to a range of machines, including measures to prevent access to dangerous parts or repairs to existing safeguards. Thorntons plc pleaded guilty to criminal safety offences. At Southern Derbyshire Magistrates' Court this week, it was fined £20,000 and ordered it to pay full costs of £7,680. After the hearing, HSE inspector Stuart Parry said: "It was entirely foreseeable that the inadequate guarding could lead to injury and even if Ms Yardley had not used a cloth, her hand could still have been drawn into the machine while cleaning it." He added: "If the company had carried out an adequate risk assessment of its machinery, its workers would not have been put at risk and in Ms Yardley's case painfully injured."

- [HSE news release](#).

## **Two-thirds of nurses face work abuse**

Six in 10 nurses have been verbally abused over the last two years while working in the community, the Royal College of Nursing (RCN) has warned. Eleven per cent have also been victims of physical abuse, RCN found. Some 16 per cent of the more than 760 nurses questioned said their employer would not take action on verbal abuse while a further 33 per cent neither agreed nor disagreed. And six per cent felt their employer would fail to take action on physical abuse, with a further 21 per cent neither agreeing nor disagreeing. RCN chief Dr Peter Carter told the Morning Star newspaper: "I am utterly appalled that nurses continue to be subjected to violence. Nurses working alone in the community are vulnerable and are often without backup or immediate help close by. Out of sight should not mean out of mind." He added: "While it is not surprising that respondents felt their employer would be more likely to take action as a result of physical rather than verbal abuse, it is still completely unacceptable that it should have to come to a nurse suffering physical violence before something is done."

- [Morning Star](#).

## *International News*

### **Global: Conflict and downturn encourage child labour**

Worsening global security and the economic downturn has led to a marked increase in child labour worldwide, a study has found. Research by the risk analysis firm Maplecroft concluded 76 countries now pose 'extreme' child labour 'complicity risks' for companies operating worldwide. The research consultancy says this is an increase of more than 10 per cent from last year's total of 68 'extreme risk' countries. Maplecroft's Child Labour Index 2012 ranks Myanmar, North Korea, Somalia, Sudan as the joint top offenders, while DR Congo, Zimbabwe, Afghanistan, Burundi, Pakistan and Ethiopia rounding off the worst performers. The study found the supply chains of companies are particularly exposed to the risk of child labour in some of the largest growth economies, including the Philippines, India, China, Vietnam, Indonesia and Brazil, all of which are classified as extreme risk. "Business can be directly implicated or can be deemed complicit in violations of the prohibition of child labour if children are found to be working within their operations or are used by their suppliers in circumvention of relevant ILO standards," commented Maplecroft human rights analyst Chris Kip. "Companies should ensure stringent human rights due diligence within their supply chain is undertaken to reduce the risk of damaged reputations, litigation, investor alienation and consumer backlash."

- [Maplecroft news release](#).

### **USA: Official probe into enforcement opt-outs**

A US scheme that allows "model" firms to opt-out of official workplace safety inspections is the subject of a top level

investigation. A federal task force is conducting a "top-to-bottom review" of the controversial programme, a top Department of Labor official has confirmed. The review is focusing in part on "legitimate concerns" raised last year in a Center for Public Integrity (CPI) investigation ([Risks 514](#)), said Jordan Barab, the second in command at the Occupational Safety and Health Administration (OSHA), the official safety watchdog that runs the programme. CPI's investigation found that, since 2000, more than 80 workers have died at workplaces in OSHA's Voluntary Protection Programmes (VPP) – a club of more than 2,400 sites that are supposed to be the nation's safest. In more than half of these cases, the mandatory inspection triggered by the fatality found serious safety violations. Yet these deaths rarely led to serious consequences for the company, and OSHA has seldom used its authority to boot a site from the programme. CPI's investigation found that 65 per cent of the worksites at which a worker died remained in the self-policing voluntary programme. OSHA's policy on responding to fatalities at VPP sites is one of "the first things we are looking at," Barab said. The task force, which has six members pulled from OSHA's local, regional and national offices, has submitted its report, which is being reviewed and will have to go through the agency's lawyers, he said.

- [CPI news release. In These Times.](#)

### **USA: Arrest warrant on professor after lab death**

A university chemistry professor could face a jail term on charges relating to the horrific death of a laboratory research assistant. Sheri Sangji, 23, suffered severe burns on 29 December 2008 while working with tert-butyllithium (tBuLi), a substance that will spontaneously ignite when exposed to air. The chemistry graduate, who had worked in the laboratory at the University of California Los Angeles (UCLA) for just three months, succumbed to her injuries in hospital on 16 January 2009. Los Angeles district attorney Steve Cooley issued a felony complaint arrest warrant on 27 December 2011 against UCLA chemistry professor Patrick Harran. The professor and the Regents of UCLA are accused of 'wilfully' violating worker safety standards. On 3 January, the warrant was withdrawn after the accused made a brief court appearance. An arraignment date is set for 2 February. Professor Harran could face up to four-and-a-half years in a state prison and UCLA could be liable for a \$1.5 million penalty. UCLA's press office issued a statement in response to the DA's action, describing the charges as "truly baffling" and adding: "UCLA intends to mount a vigorous defence against the outrageous charges announced... The facts provide absolutely no basis for the appalling allegation of criminal conduct, and UCLA is confident an impartial jury would agree." The victim's family takes a different view. In a letter to the Los Angeles DA sent before the felony warrant was issued, Sheri Sangji's family asked the prosecutor to "make those who were legally responsible for Sheri's safety answer in court about their deliberate disregard of the law. We ask that you hold them fully accountable for the death and suffering of an innocent 23 year old girl." The letter adds: "There is no doubt in our minds that criminal prosecution, against the university and the professor, will be the single most effective deterrent to unsafe laboratory conditions in the future at UCLA, and at other universities where right now individual professors, by the virtue of the money they bring to a university or by the research they accomplish, are allowed to do whatever they want, either

because they demand it or because others kow-tow to them in these academic institutions.”

- [LA Times. UCLA statement](#) and [6 January 2012 message to staff from the UCLA chancellor. The Pump Handle.](#)

## *Resources*

### **ILO workplace stress prevention checkpoints**

The International Labour Organisation (ILO) has produced a manual of “easy-to-apply checkpoints for identifying stressors in working life and mitigating their harmful effects.” According to ILO: “The negative impacts of stress are multiform and can include circulatory and gastrointestinal diseases as well as physical, psychosomatic and psycho-social problems. These in turn can lead to poor work performance, high accident and injury rates, and low productivity.” The global labour standards body says because of this it is “vital” employers “optimise work conditions and organisation.” It adds that its manual, which was produced with guidance from experts including TUC’s head of safety Hugh Robertson, is “especially useful for companies and organisations that wish to incorporate stress prevention into their overall occupational safety and health policy and management systems.” Robertson says the document does not provide detailed direction on the organisational change required to effectively deal with stress at work, “but what it does propose is extremely practical and sensible” and could be useful to union reps. The Hazards Campaign’s Hilda Palmer said the checklists are good on “the key stress risk factors and integrate into health and safety well,” adding the ILO manual is “good on involvement and consultation of workers and reps.”

- [Stress Prevention at Work Checkpoints. Practical improvements for stress prevention in the workplace](#), ILO, January 2012 [[full text pdf](#)]. [Developing a workplace stress prevention programme.](#)

## *Events and Courses*

### **TUC courses for safety reps**

COURSES FOR JANUARY 2012 TO MARCH 2012

- [Northern](#), [North West](#), [Southern & Eastern](#), [Yorkshire & Humber](#), [South West](#), [Midlands](#), [Scotland](#), [Wales](#)

## *Useful Links*

- Visit the TUC [www.tuc.org.uk/h\\_and\\_s](http://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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