

Risks

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Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Owen Tudor](#).

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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 4,500 subscribers and 1,000 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 statement](#). The TUC website lists future health and safety events in [What's On](#) – [new events](#) are covered below.

UNION NEWS

Yes, ministry, says TUC

Workplace health and safety is now under the wing of a relevant government ministry, after years under ministers without work, health or safety in their brief. Welcoming the government's announcement that the Health and Safety Commission and Executive (HSC and HSE) will be moved to the Department of Work and Pensions, TUC general secretary, John Monks, said: "This move has joined up a crucial part of government. Now the three key pillars of health and safety - prevention, rehabilitation and compensation - have been brought together. This is a chance to make the first step change in workers' conditions since the 1974 Health and Safety at Work Act." Health and safety's most recent home was the new "transport-only" DfT, and before that DTLR, DETR, DoE and DE ([Risks 56](#)). John Monks said: "The Commission can now start work on an exciting challenge - to create a unified health and safety system which provides not only safety and health at work, but a route out of poverty and disablement for people injured or made ill. It was 60 years ago that Beveridge called for the welfare state to provide not just the NHS but a comprehensive system of rehabilitation, and now that goal is within reach."

- [TUC news release](#). **The TUC submitted two papers to No 10 to the government review deciding where health and safety should reside:**
- [Keeping people at work: bringing prevention, rehabilitation and compensation together](#) - a TUC briefing making the case for the move to DWP
- [Administering prevention, compensation and rehabilitation: the case for more joined-up government](#) by Professors David Walters and Phil James, setting out the research evidence

How to stop the £14 billion workplace injury drain

There are seven steps employers should take to prevent workplace injuries and illnesses costing the British economy £14 billion annually, cut the 14.5 million days of sickness absence a year caused by work-related illness and injury, and prevent 27,000 workers leaving the workforce permanently every year because of workplace injury and ill-health, according to TUC research. The TUC found that even in the workplaces where unions are recognised (generally better than average employers), only 1 in 12 had achieved best practice on rehabilitation. Two-thirds of the businesses surveyed couldn't even

manage good practice. In construction, only 1 in 12 companies had good practice. The research, which was funded by the Department of Work and Pensions and includes nine case histories, asked union reps in 1,200 workplaces about what was done for people whose ill-health or injury affected their ability to work, and identified what makes a good rehabilitation and retention system. Cabinet minister Nick Brown MP, the minister for work, said: "I warmly welcome this important study of rehabilitation, and am delighted that we were able to support the TUC in carrying it out. It shows that the best results are achieved when employers and employees work together."

- [TUC news release](#)
- **This TUC initiative is based on three publications available on the web and through [TUC Publications](#)**
- [Rehabilitation and retention: what matters is what works - summary](#) [pdf format - print £5/£1 for trade unionists]
- [Rehabilitation and retention: the view from the workplace](#) – full report [pdf format - print £25/£10 for trade unionists]
- [Rehabilitation and retention: the case studies](#) [pdf format - print £25/£10 for trade unionists]

Investigating work deaths: getting it right

The TUC and unions have welcomed proposed changes to the official protocol on the investigation of workplace deaths, but want further measures to ensure real justice. A TUC submission to the National Liaison Committee on *Work-related deaths: a protocol for liaison*, which governs how bodies like HSE, the police and the Crown Prosecution Service handle deaths at work, reiterates the union line that all work deaths should start off as manslaughter investigations. The latest union position paper also calls for an expanded recognition of the role of victims' families and safety reps. The unions have also welcomed the involvement of the British Transport Police and the Local Government Association. The TUC submission was prepared with input from unions including ASLEF, FBU, NUMAST (which has experience of how incidents are investigated in the marine sector), the TGWU and UNISON, the union representing local authority inspectors.

- [Work-related deaths: a protocol for liaison. Liaison between ACPO, BTP, CPS, HSE and LGA - TUC comments on the latest draft \(May 2002\)](#)

OTHER NEWS

Smoke free workplaces best move for quitters

Smoke-free workplaces not only protect non-smokers from the dangers of passive smoking, they also encourage smokers to quit or to reduce consumption, concludes a study in the *British Medical Journal*. Researchers in California reviewed 26 studies on the effects of smoke-free workplaces. Totally smoke-free workplaces were associated with reductions in prevalence of smoking of nearly 4 per cent. The combined effects of people stopping smoking and reducing consumption reduces total cigarette consumption by 29 per cent. The workplace ban impact is far greater than the UK government's "sin tax" approach. The research shows that if all workplaces became smoke-free, cigarette consumption would drop by 7.6 per cent in the United Kingdom, costing the tobacco industry \$1.7 billion and £310 million annually in lost sales – which might explain the time and expense invested by the tobacco industry in frustrating workplace passive smoking laws ([Risks 56](#)). In an accompanying editorial in the BMJ, Professor Robert West of St George's Hospital Medical School in London, concludes: "The figures from the review are startling and would make workplace smoking bans by far the most effective short-term smoking cessation strategy, barring outright prohibition, available to any government." Unions including GMB and TGWU have criticised the government for stalling on plans for a workplace passive smoking Approved Code of Practice ([Risks 45](#)). Last month the International Agency for Research on Cancer confirmed that passive smoking does cause cancer ([Risks 59](#)).

- [Effect of smoke-free workplaces on smoking behaviour: systematic review](#) [pdf format], BMJ, volume 325, pages 188-191, 2002 and [Editorial: Banning smoking in the workplace](#) [pdf format], BMJ, volume 325, pages 174-175, 2002
- [News release](#) and commentary from Action on Smoking and Health
- House of Commons [Early Day Motion](#)
- Press reports: [BBC News Online](#), [Ananova](#), [The Independent](#), [The Guardian](#)

Work death figures "unacceptable"

The number of people killed at work has fallen by 15 per cent, but the figure is still higher than two years ago and remains "unacceptable", says the HSC. HSC's latest figures show 249 workers died in Britain in

the year to March compared with 292 the year before. Commenting on the figures, HSC chair Bill Callaghan said: "Last year saw a considerable increase in the number of work-related fatalities in Britain – and I would have been bitterly disappointed to see the numbers remain at that level. However, it is too soon to draw conclusions on whether the 2001/2002 figures represent a long-term downward trend. For example, the figures are still 13 per cent higher than two years ago." He added: "Our task now is to work for sustained improvement. This can only be achieved through partnership between employers, workers, trade unions and safety representatives." He called on employers to do risk assessments, include health and safety in annual reports and to take health and safety seriously at boardroom level "or face the legal and moral consequences." Of the 249 fatalities, 79 occurred in the construction industry and 39 in agriculture.

- [HSE news release. HSC figures breakdown. Ananova](#)
- [HSC reports: Fatal injuries to workers reported to HSE and Local Authorities 01 April 2001-31 March 2002 and Statistics of fatal injuries to workers 2001/02](#)

UNISON warning on NHS staff HIV tests

Suggestions that the government may introduce compulsory HIV testing for nurses coming to work in the NHS have been criticised by health workers' union UNISON. A report in *The Times* newspaper says over 700 infected nursing staff came to work in Britain from overseas last year. A Department of Health spokeswoman said: "Ministers have yet to make a decision on this. The recommendations are still being considered." UNISON's Sara Gorton told *Risks* there is no evidence that any patient in the UK has been infected with HIV after coming into contact with a health worker carrying the virus, and it is accepted the chances of transmission are very small. She added: "We would hope that if testing becomes part of policy, the process is consulted upon - UNISON will be looking for a process which is professional, anonymous and not a pre-contractual obligation."

- [BBC News Online, Ananova](#)

Hospital to get police station

The Royal United Hospital in Bath is to have its own police station, after a sharp rise in attacks on staff. The new station is to be set up in

the hospital's new accident and emergency department, which opens next year. The plan mirrors a £250,000 scheme set up at the Bristol Royal Infirmary earlier this year. Jon Richards of UNISON Health Group commented: "UNISON welcomes all positive initiatives to reduce violence in the workplace. We have long called for closer working between health workers and the police. We would hope that the presence of the police is portrayed as a positive measure about protecting staff rather than being seen as a negative step by some communities which might deter them from attending for treatment."

- [BBC News Online](#)

Other jobs are as stressful as teaching

A new report suggests many jobs are as stressful as teaching. The Scottish Council for Research in Education (SCRE) study, *Feeling the strain*, found that despite teachers' perceptions, their stress levels were 'within the norm for the occupational stress index.' Commenting on the findings, Jim Docherty, the assistant general secretary of the Scottish Secondary Teachers' Association, said: "Nobody is attempting to say that we are under more stress than social workers or GPs, but the fact is that teaching is an exceptionally stressful occupation. If anyone would like to come along and put that to the test, they are welcome to do so." The study suggested that many teachers were coping with stress at work by smoking and drinking. One researcher reported that 1 in 12 teachers in her study resorted to a glass of wine or 'a stiff whisky' as their coping strategy. Others took a physical approach, exercising or having sex more often.

- [The Scotsman. Hazards workstyle webpages](#) - **union policies for dealing with smoking, drink and drugs problems related to workplace stress**

HSE faces Paddington claim

The HSE has failed in a legal attempt to halt a multi-million pound damages claim it faces over the Paddington rail crash ([Risks 60](#)). Mr Justice Morland refused on procedural grounds to throw out the case - brought by Thames Trains - at a preliminary stage. The rail company claims the HSE failed in its duty to ensure the region's infrastructure was secure, before the accident that claimed 31 lives in October 1999. The judge said because of the HSE's Railway Inspectorate's "alleged close involvement in and knowledge of the dangerous situation at Ladbroke Grove junction with inaction over a period of three years," the victims could have successfully sued the HSE. In January, the TUC

slammed Thames Trains for taking the “irresponsible” action against HSE ([Risks 35](#)).

- [BBC News Online](#)

More good news on working time

The courts have again supported workers’ rights under working time laws. Preliminary findings of the Court of Appeal say agency workers are entitled to claim statutory holiday pay under the Working Time Regulations. “This is an important victory for campaigners seeking fairness for agency workers,” commented Chris Ball, Amicus working environment national secretary. He added: “All of the provisions of the Working Time Regulations and the Directive should be seen as being rooted in concern for workers’ health and well being... we should no sooner countenance relaxing the provision to provide holidays, than we would to take the guards off abrasive wheels or dangerous machinery, when to do so would be injurious to the health of the workers concerned.” The substantive judgment will be delivered on 30 July. Amicus earlier this year won a landmark working time judgment in Europe requiring the UK government to create a real 48 hour ceiling on the working week ([Risks 52](#)).

- [Amicus briefing. More on working time: **The Hazards Get-a-life! webpages**](#)

Safety boss calls for child farm safety debate

HSC chair Bill Callaghan has called for a broad debate on the ways of improving health and safety for children in agriculture. There are an average of four deaths and around 50 major injuries to children on farms a year. Callaghan told employers’ organisation the National Farmers’ Union (NFU): “We want to promote a wider debate and to encourage the widest range of people and organisations who can help.” He added: “There is a balance to be struck between regulation and voluntary options. We need to find that balance for child safety. Regulation, incentives, enforcement, best practice – all of them are on my agenda.” He said other ideas HSC is “exploring” included raising the minimum age for operating farm machinery from 13 years to 16 years, and introducing a legal requirement on farmers to prevent access to hazardous areas of the farm. The enforcement authority and NFU incited “fury” from farming union TGWU earlier this month, after stalling plans to stop school kids operating farm machinery ([Risks 61](#)).

- [HSE news release. **Stay safe in farming and Leaflet**](#)

AS10 Preventing accidents to children on farms, free from HSE Books. The leaflet supports the Approved Code of Practice, *Preventing accidents to children in agriculture*, L116, ISBN 0 7176 1690 8, £5.50, also from [HSE Books](#). [HSE free agricultural safety leaflets on the web](#)

INTERNATIONAL

Australia: Union case wins right to veto overtime

Australian employees cannot be forced to work unreasonable hours of work after an Australian Industrial Relations Commission ruling on a union "reasonable hours" test case. The Commission ruled that an employee can refuse to work overtime if it is unreasonable, based on the employee's family responsibility and their health and safety. Sharan Burrow, president of ACTU, the union federation that took the test case, said: "Employees can no longer be forced against their will to work unreasonable hours." She added: "This is the first day where there will be a bargaining culture with hours of work back on the negotiating table." The Commission concluded: "We accept that fatigued employees may be a risk to the public and there are public health costs associated with the disease which may arise from the working of long hours." Unions in major industries responded to the findings by saying they will push for capped overtime, shorter working hours and better staffing.

- [ACTU news release](#), [VTHC news release](#), [ABC News Online](#) and [The Age](#)

El Salvador: Maquila women poisoned by chemicals

On 5 July 2002, 288 workers employed at Hoon's Apparel, a garment factory near Olocuilta, El Salvador, were treated for chemical intoxication, suffering symptoms including stomach pain, irritation of the nose and throat, vomiting, dizziness, and loss of consciousness. A few days later, on 8 July, workers in another Hoon's Apparel plant, located in the same free trade zone, began complaining of dizziness and nausea. Official agencies, the Salvadoran vice-president and the maquila owners association all rushed to accuse the workers' union of "sabotage", an accusation the Salvadoran Textile Workers' Union (STIT) dismissed, saying those making the accusations may be trying to cover-up the poor conditions that thousands of Salvadoran garments workers endure while producing for such giant retailers as the Gap. In 1999, a Labour Ministry of El Salvador investigation found

that many of the maquilas did not provide basic safety equipment, with conditions leading to some serious health problems.

- [Behind the label – story, videos and resources.](#)
[Take Action! More: Maquiladora Health and Safety Support Network \(MHSSN\)](#)

Germany: Workplace bullying a serious problem

An insidious form of workplace bullying has become a major issue in the country, according to a top union official. Ulf Imiela, head of the white collar department of the union umbrella organisation DGB, says “mobbing” has been a union issue for years, and is now gaining wider recognition. Mobbing is a subtle form of bullying and involves co-workers, subordinates or superiors abusing someone in the workplace through rumour, innuendo, intimidation, discrediting, isolation or humiliation. At any given time, about 2.7 per cent of German workers are being mobbed, according to a government-sponsored study released in June ([Risks 61](#)). Imiela said one of the major causes of mobbing are “bad bosses,” or supervisors who are not “good coaches” or too authoritarian. Another major cause is stressful work environments. Almost all mid-to-large German cities have “mobbing” networks, which include hotlines and self-help groups.

- [Reuters Health. More on workplace bullying: Hazards psychoterror factsheet \[pdf format\]](#)

New Zealand: Union survey says families under pressure

A new report from New Zealand’s top union body “clearly shows many New Zealand families are under severe pressure as a result of long work hours and changing work hour patterns.” New Zealand Council of Trade Unions president Ross Wilson said its *Thirty families* report documents the impact of work hours on families through workers' stories. “It is becoming increasingly clear that there is strong public support for regulation of excessive working hours, and the introduction of family friendly workplace policies,” he said. “The wheel has turned a full circle and after more than a decade of deregulation it is once again necessary to consider some form of regulation of working hours in the interests of health and safety and to enable New Zealand workers and families to get a life.”

- [NZCTU news release](#) and [Report key findings.](#) [New Zealand Herald](#)

- **Hazards** [Get-a-life! campaign pages](#)

Ukraine: Dozens feared dead in mine explosion

At least three people have been killed and more than 100 are missing after a methane gas explosion ripped through a Ukrainian coal mine. Rescuers brought 304 miners out of the mine after the blast and found three bodies. Ihor Krol, an official at the emergency situations ministry, said that 423 miners were underground at the time of the explosion at the Yuvileina mine in Pershrotravensk. The World Bank has condemned Ukraine's coal mines as the most dangerous in the world ([Risks 62](#)).

- [Ananova](#)

RESOURCES

PCS frequently asked questions

The PCS union has updated its FAQs webpage to include information on minimum space requirements at work. The new resource includes details of the requirements of the workplace health, safety and welfare regulations and the associated Approved Code of Practice. The page also includes information on acceptable temperatures and office toilet provision.

- [PCS FAQs](#)

Researching chemicals

Two US websites provide a useful starting point for information on chemical hazards. A "Right to Know" website from New Jersey Department of Health includes chemical factsheets (in pdf format) and very useful links. The National Institute for Occupational Safety and Health (NIOSH) lists its databases on chemical safety, including its "pocket guide" and materials safety data sheets.

- [New Jersey Right to Know Program](#) and [NIOSH databases](#)

EVENTS

National Simon Jones Campaign film tour, until 11 August

Groups across the country have got together to organise a unique film tour highlighting the dangers of increasing casualisation in the workplace. The film *Not this time – the story of the Simon Jones*

Memorial Campaign chronicles the death of Simon Jones on his first day as a casual worker - and the fightback.

- **Tour [dates](#)**
- **[Details](#) of how to get the video**
- **Simon Jones campaign [website](#)**

Hazards 2002, National Hazards Conference, 6-8 September

The National Hazards Conference will be held in Manchester for the second year running. Further details from [Greater Manchester Hazards Centre](#). There is a [financial appeal](#) to keep registration costs down, backed by the TUC.

European Week of Health and Safety 2002, 14-21 October

This year's week will take place in Britain from 14 October, on the theme of stress – there is a special [page](#) on the TUC website devoted to the week. Unions and union branches planning Euroweek activities should contact the TUC's stress week co-ordination team at [Worksafe](#), tel. 01535 664462, with details of what they are doing and what support they would like. More background: [European Agency](#) and [HSE](#) Euroweek webpages.

Construction Safety Campaign conference, 9 November

Conference in Manchester for union safety and other reps and safety campaigners, to explore how to improve the health and safety of construction workers. Conference fee £5.00. Send fee and details to [Construction Safety Campaign](#), PO Box 23844, London SE15 3WR.

USEFUL LINKS

Visit the TUC 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](#).

TUC courses for safety reps

COURSES FOR SEPTEMBER TO DECEMBER:

[Midlands](#), [North](#), [Scotland](#), [South East and East Anglia](#), [South West](#), [Wales](#), [Yorkshire and Humberside](#)

For courses in the North West, contact the [TUC Regional Education Officer](#)

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](#).

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