

# Risks

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MAGAZINE



Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Owen Tudor](#).  
EUROPEAN WEEK OF HEALTH AND SAFETY AT WORK: 14-20 OCTOBER  
If you have information about what is happening locally or in your branch, send it to [tuc@worksafe.org.uk](mailto:tuc@worksafe.org.uk) - a [calendar](#) of events is on the TUC website.

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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

### **No time for shameful asbestos delays**

A top trade unionist has said Conservative leader Iain Duncan Smith should be ashamed after objecting to asbestos legislation. George Brumwell, leader of the construction union UCATT, said the leader of the opposition had made known his opposition to the latest Health and Safety Commission regulations on asbestos "on the grounds that four years of consultation is not enough time ([Risks 69](#))." Mr Brumwell, who is also a TUC commissioner on the HSC, said: "In those four years, more than 15,000 British people have died from asbestos-related diseases. They and their families really did not have enough time. Lawmakers, insurers and trade unions should now be devoting all our efforts into making sure that asbestos victims are allowed to die with dignity, secure in the knowledge that their loved ones are provided for." In a letter to the *Financial Times* he also hit out at business and insurance industry "hypocrisy" over the "crippling" costs of asbestos compensation, saying the workforce has faced a century of crippling diseases caused by a shareholders-first mentality.

- [FT.com](#)

### **Protect the young at work – all of them**

Young people are at particularly high risk at work, so there should be no opt-outs on safety measures to protect them, the TUC has said. Responding to the government's latest consultation on measures to fully meet EU legal requirements on young worker safety – a temporary UK opt-out from several clauses is still in effect - TUC said the UK provisions to meet the Euro young workers' directive "need to be fully enforced if the safety and health of young people at work is to be ensured." The report adds "every exemption means that every year some young workers who could have been protected will still be harmed." TUC welcomes the government's proposal to remove current exemptions, but warns against the introduction of a catch all exemption for "operational or customer needs." It adds that there is no evidence to support the law not applying to workers in sectors

including hospitals, arts, sport, the armed forces and fishing. The costs of these and other “derogations” on working hour limits for certain jobs are likely to be much smaller than first thought, says TUC, at about £1 million per year – extra evidence that the fullest protection should be extended to all young workers.

- [Full TUC submission](#)

### **Lib Dem leader backs safety and environmental responsibility**

Liberal Democrat leader Charles Kennedy has backed unions and safety reforms in a speech to the TUC Congress. The “lifelong believer in trade unionism” said: “We’re strongly in favour too of tougher action on health and safety.” He added: “There’s an emerging consensus between us - from Europe to environmental responsibility, from employee rights to worker participation, from public services to the welfare state.” Commenting on the address, TUC general secretary John Monks said: “Trade unions need allies across the political spectrum, and there are many issues where unions and Liberal Democrats can work together, particularly our shared support for European values. We do not have to agree on everything to have mutual respect for each other.”

- [Speech by Rt Hon Charles Kennedy MP. TUC news release](#)

### **Musicians’ Union makes noise – about noise**

A Euro law to protect the workforce’s ears, must cover musicians too, says their union. The Musicians’ Union (MU) says it is keen to support a forthcoming European Union-wide occupational noise directive and is liaising closely with EU policy makers and politicians to make sure the union’s case is heard. MU’s health and safety officer, Pauline Dalby, said: “There is an inevitability to generating ‘noise’ in the music industry – that is the very nature of our business. However, by adding an industry-specific clause to the EU’s noise directive, we can ensure that the numbers of musicians affected by high sound levels can be kept to an absolute minimum. And this means more than musicians using ear plugs.” MU and the International Federation of Musicians are calling for: A specific code of practice to the directive for musicians; measures that look beyond the standard recommendation of ear plugs; no negative impact on jobs from the provisions; and that the EU consult with the music industry to ensure that future legislation maximises health and safety objectives.

- [Musicians Union news release](#)

### **TGWU calls better treatment on the buses**

The Transport and General Workers' Union is calling for an overhaul of working conditions in the bus industry to prevent staff shortages. Oli Jackson, TGWU senior regional industrial organiser for passenger transport in London, said some areas were haemorrhaging drivers, adding: "The industry must address the mounting issue of recruiting, training and keeping drivers. That means a comprehensive overhaul and review of pay and working conditions so the exodus of bus workers to higher paid, less stressful and more valued jobs can be stemmed." Jackson added: "We support the continuous improvement of bus services including regular training and updating of driving skills to ensure passenger safety."

- [Personnel Today](#)

### **"Ridiculous" opt outs spoil hours law, says ASLEF**

Train drivers' union ASLEF says its members may not be adequately protected by amendments to the working time directive. The union acknowledges that train drivers will be covered by the amendments to the rules due to come in force in June 2003. However it says the UK's opt out from Europe's 48-hour weekly hours ceiling could place drivers at risk. A briefing says: "ASLEF feels that 48 hours per week is actually too long for train drivers as theirs is a safety critical job that demands high concentration and that is why we are campaigning for support for a private members bill. We think that it is ridiculous that workers should ever have been allowed to opt-out of a health and safety law and that we hope that the government will take a similar view when responding to the European Commission review of these provisions." It adds: "Although it is an offence for employers to coerce workers to opt-out of the 48-hour limit, there is some evidence that this practice is quite widespread." ASLEF is also concerned that the provisions on rest breaks fall short of the "more robust" directive requirements the UK work hours law is supposed to match.

- [ASLEF briefing](#)

### **Union hours challenge to Ryanair**

The pilots' union BALPA is taking on Ryanair over conflicting advice about how many hours pilots should fly. The union has written to the chief pilot at Ryanair demanding clarification after the Irish company

introduced a new "fixed year" scheme for calculating total hours, which appears to contradict official Irish Aviation Authority guidance. Graham Fowler, deputy general secretary of BALPA said pilots faced uncertainty, "and uncertainty does not make for a safe situation." He added: "We are asking the chief pilot at Ryanair to clarify the situation. There is a danger that by switching to a fixed year period pilots would be scheduled by the airline to fly more than the 900 hours a year limit. The limit is a vital element of the rules which govern pilot hours to ensure they are properly rested and fit to fly. Ryanair must do as the Irish Aviation Authority has ruled. If it does not, it stands in danger of having its licence to fly withdrawn."

- [FT.com](#)

## OTHER NEWS

### **NHS to reclaim victim care costs**

The NHS could reclaim the cost of treating seriously injured patients in cases where someone else is found responsible. A government consultation suggests that officials will bill companies or individuals for the cost of treatment if they are found liable in personal injury claims. Ministers say the scheme, which builds on the current policy of reclaiming the costs of treating road traffic accident victims, will raise an extra £120m for the NHS each year. TUC deputy general secretary Brendan Barber said: "We welcome this contribution to the debate about how Britain pays the price of workplace injury and illness. We need to balance the contributions of victims, employers and taxpayers. Making the perpetrator pay would increase the incentive for prevention." Business groups and insurers have objected to the proposals, which are out for consultation until 8 November. The Association of British Insurers says employers' liability insurance could rise by 7 per cent, something ministers concede. The government proposals are based on recommendations made in a Law Commission report in 1999. The changes will require new legislation.

- [Department of Health news release. BBC News Online. Association of British Insurers](#)
- [NHS recovery costs consultation paper](#)

### **Getting fired hurts you and hurts your compensation**

Workers whose health suffers as a result of being unfairly dismissed could miss out on thousands in compensation as a result of a Court of Appeal ruling. The court ruled in the case of Eastwood v Magnox that a

claim for damages to compensate for stress arising from unfair dismissal should be decided at an employment tribunal rather than county court. This would mean employers would face a ceiling of up to £52,700 awarded by tribunals for unfair dismissal. The ruling is being considered by the House of Lords.

- [Personnel Today](#)

### **Euro coins “trigger allergy”**

High nickel levels in some euro coins can cause red hands and painful itching, researchers warn, with workers most at risk. Researchers from the University of Zurich say the design of the one and two euro coins - an external ring of metal surrounding an inner "pill" of a different colour - lead to the release of high levels of the metal. The researchers, writing in the journal *Nature*, say those who handle lots of money, such as shopkeepers or bus conductors, could be most at risk. Mark Briggs, health and safety officer with the bank and finance workers' union UNIFI, said: "Our members will be concerned about this as more could be handling Euro coins in the future. Some members are handling Euros already but exposure is likely to be varied. Some may be affected but not be aware of the cause." He added: "We would certainly welcome a change to the way the coins are made to avoid this if possible and will also be talking to employers about it."

- [BBC News Online. Nature news release](#)
- **Frank O. Nestle and others. Metallurgy: High nickel release from 1- and 2-euro coins, *Nature*, vol. 419, page 132, 2002 [[abstract](#)]**

### **Bayer used human guinea pigs in attack on chemical standard**

Bruce Turnbull volunteered to take part in a drug trial at Scotland's Inveresk Research laboratories in 1998. He was paid around £700 for being one of 50 Scots to take part in study 013219, each receiving a single dose of a substance called azinphos-methyl and then observed for seven days. What they did not know was that the chemical, which they were given in minute doses, was not a drug, but a pesticide deemed "highly hazardous" by the World Health Organisation. Nor did they know that the test had been commissioned by Bayer as part of a forceful effort to get the US Environmental Protection Agency to reverse pesticide controls introduced to protect children. Turnbull, now 51, is suffering ill-health he believes is connected to the test. Erik Olson, a senior attorney at the US Natural Resources Defense Council (NRDC), an organisation of scientists, lawyers and environmental

specialists dedicated to protecting public health, is fighting Bayer's attempts to reverse the pesticide controls and believes Turnbull's experience was "shocking and unethical."

- [The Sunday Herald. NRDC on human tests](#)

### **Small construction firms must make a big commitment**

Construction industry safety experts have been told however small the job or the firm, a big commitment to safety is needed. The call came at what the HSE describes as the first in a series of "hard-hitting" seminars designed to get small contractors and self-employed people in the construction industry to put health and safety at the top of the agenda. The initiative was organised by the Working Well Together (WWT) partnership made up of employers, contractors, safety professionals, suppliers, trade unions and the HSE. Mike Cosman, head of HSE's construction sector said: "Smaller firms who typically work on household and commercial new-build, repairs and refurbishments have the same responsibility on these sites to workers and the public as do the large-scale construction sites. People in the industry have to wake up to the realities and the consequences of taking unnecessary risks to save a few seconds or pounds." On 19 September HSC is to launch a discussion document on "revitalising health and safety in construction" which it says is "aimed at stimulating debate on improving the industry's appalling health, safety and welfare record."

- [HSE news release. Working Well Together Campaign](#) - telephone hotline 0845 2727 500

### **Most recruitment agencies are dangerously ignorant**

Recruitment agencies are passing the buck for health and safety to the employers where they send the workers they have recruited, despite their own legal duties, according to HSE backed research. Nearly six out of 10 of the recruitment agencies surveyed - 58 per cent - were unaware of any health and safety laws for agency workers unless they were prompted. The study, originally published in 2000 but now available free on the web, found that only a fifth of agency workers were told of specific health and safety features of the host employer by the recruitment agency, and the majority of agencies do not carry out risk assessments themselves. They also leave training largely up to the host employers, who are often in the more dangerous production and construction sectors, as well as clerical services. TUC's Owen Tudor said: "The agencies are passing the buck. While some host employers will treat the agency workers well, some won't, and the agencies are

leaving many workers very exposed to injury and ill-health. Health and safety responsibilities cannot be dumped, and agencies need to face up to those responsibilities.”

- [Survey of the recruitment agencies industry](#), HSE contract research report CRR 284/2000

## INTERNATIONAL

### **Australia: Pregnant worker fired over toilet breaks**

Workers at a Victorian call centre intend to stop work for 24 hours on Monday over unpaid wages and the firing of a pregnant woman for taking “too many” toilet breaks. The Community and Public Sector Union (CPSU) said workers employed by TeleTech, US-owned and one of the world's largest call centre companies, were owed thousands of dollars in unpaid wages and had also been bullied and dismissed for taking sick leave. A pregnant woman had been dismissed for taking too many toilet breaks, while another was sacked because she was in hospital with pneumonia, CPSU communications division secretary Stephen Jones said.

- [The Age. ACTU. ACTU’s Call Central campaign - the site includes safety guidance](#)

### **Canada: Compensation board cuts up risks and hurt workers**

Drastic cuts in staff and resources at the Workers’ Compensation Board (WCB) in British Columbia will mean increased risks to workers' health and safety, unions have warned. The alert followed news of WCB’s plans to close offices and make even deeper staff cuts than previously announced, with hundreds of jobs being lost. “These cuts will damage the ability of the board to respond to workers’ health and safety concerns,” said George Heyman, president of the union BCGEU. “It's one thing for the WCB to be concerned about its bottom line and low rates for corporations. It's quite another to put those concerns ahead of the health and safety of workers at their job sites,” he said. “Workplace injuries can be devastating for individuals and families. This will increase the pain.”

- [BC Federation of Labour](#) and [BCGEU](#) news releases

### **Global: Mining agreement sets safety gold standard**

The world's leading gold producer, AngloGold, and the 20-million strong international trade union federation ICEM have signed a global

agreement guaranteeing safety and employment rights. The agreement is applicable in all AngloGold mines worldwide organised by ICEM affiliates. ICEM says it covers the promotion and respect for human and trade union rights, health and safety, environmental protection and the promotion of good relationships with local mine communities. Human and trade union rights, safety and training provisions of the new global agreement are specifically linked to the "core labour standards" set by Conventions of the UN's International Labour Organisation (ILO). AngloGold has mining operations in Australia, Argentina, Brazil, Mali, Namibia, Tanzania, USA, Zimbabwe and South Africa.

- [ICEM news release. The full agreement, including links to the relevant ILO standards](#)
- [More on union global agreements](#)

### **New Zealand: How workers pay twice for work injuries**

Newly released documents "reveal for the first time the huge subsidy which injured people are paying to employers," New Zealand Council of Trade Unions president Ross Wilson has said. Workers are picking up the tab for workplace injury treatments "in breach of international law" he added. "International Labour Convention 17 requires New Zealand to ensure that all workers injured in work accidents are provided with all necessary treatment at no cost to the injured worker." In New Zealand though, injured people "are paying \$330 million [£100m] in treatment costs." This is subsidising the compensation body ACC and bosses, with employers alone "receiving a subsidy of \$39 million [£12m] a year." He called on the government to abandon its plans for further employer subsidies and to use the cash to honour its commitment to come into line with the ILO convention.

- [NZCTU news release and ILO Convention 17](#)

### **USA: Unions remember 11 September victims**

Trades unionists across the US have commemorated colleagues killed in the 11 September attacks last year. "The stories of more than 3,000 people who simply went to work September 11 and were caught in the terrorists' deadly attack will continue to break hearts for years to come," says a special commemorative webpage prepared by union federation AFL-CIO. It adds "the heroic actions of the tens of thousands of people who risked their lives in rescue and recovery efforts and the many more who reached out to help and heal will continue to inspire. America's union family was hit particularly hard by

the attacks, with more than 600 union members killed. But America's unions and union members responded incredibly quickly and with astounding charity that continues months later." Union members at an AFL-CIO commemoration lit candles in memory of the 635 union members who died. Unions in the UK and worldwide held their own tributes. Many of the ground zero rescue workers, particularly firefighters, are suffering lingering health effects from exposure to dust and fumes.

- [AFL-CIO September 11 tribute website](#)
- [September 11 photography exhibit](#). Photos by labour photographer [Earl Dotter](#)
- **Statements from international union bodies [ICFTU](#) and [UNI](#)**
- **Physicians for Social Responsibility briefing on [health problems of ground zero workers](#) [pdf format]**

#### **USA: Road workers enter the safety zone**

To reduce deaths and injuries to workers building and maintaining America's roadways, the US Occupational Safety and Health Administration (OSHA) has announced new rules governing signs, signals and barricades aimed at lowering worker risk. According to OSHA, the new signage rules will include the mandatory use of reflectors and lights at traffic control zones set up around work sites, 'advance warning signs for certain closed paved shoulders,' and the implementation of special 'transition areas' to better facilitate merging when one lane is closed on busy multi-lane roadways. TUC's Tom Mellish commented: "They say it takes five years before a trend set in the States happens in the UK. Let's hope it does not take another five years before British workers receive the same kind of protection that their American cousins will be enjoying." He added: "Public highway construction is one of the safer areas of construction due no doubt to the high level of union membership in the civil engineering sector and union involvement in the safety management process." OSHA Administrator John Henshaw said each year more than 100 US workers are killed and 20,000 more are injured at roadway construction sites. In the UK, new research reports from HSE deal with "management of work related road safety" and "the contribution of individual factors to driving behaviour: implications for managing work-related road safety."

- [OSHA news release](#)

- **Research Reports from HSE: [Management of work related road safety, RR18](#) and [The contribution of individual factors to driving behaviour: implications for managing work-related road safety, RR20](#), available free on the web.**

### **USA: Union no go on no go policy**

The union at bourbon maker Jim Beam has won a reversal of a company policy of limiting bathroom breaks for bottling workers at a Kentucky distillery ([Risks 69](#)). The rules – and disciplinary measures used to enforce them – outraged workers, some of whom said they'd had to pee themselves or face disciplinary action – and drew a citation from the Labor Cabinet, the official enforcement agency, which called the policy illegal. "I am really glad to hear that they've come to their senses," Jo Anne Kelley of the UFCW union said. Krystal Ditto, who was one violation away from being fired, expressed relief. "Nobody should have to go to work with that kind of fear." Rich Reese, top boss at the company, said: "We've listened to the concerns of our employees and have changed our policy." He added: "We will work with the local union to find a mutually acceptable solution for managing breaks on the bottling-line."

- [Knoxville News Sentinel, WNBC News](#)
- [Please relieve me, let me go – advice on the health risks of bad pee break policies](#)
- [Is your washroom breeding Bolsheviks? Great poster from Northland Poster Collective](#)

## RESOURCES

### **What it costs to hurt you**

The European Agency for Safety and Health at Work has produced a new tool to "improve occupational safety and health and to increase the competitiveness of your business." The agency says the tool "can be easily applied using standard spreadsheet software such as Microsoft Excel and Lotus 123, provides a simple five-step framework for firms to put a price on these costs, including 'hidden' costs such as lower productivity, higher insurance premiums and the impact on a firm's 'return on investment'. This data can then be used to calculate the additional cash flow that would be generated if the firm invested in specific preventive measures – a standard 'cost-benefit' analysis."

- [European Agency news release](#)

- [Inventory of socio-economic costs of work accidents](#). Summarised in [Agency factsheet 28](#). For a similar UK initiative, see [HSE's "ready reckoner"](#)

### **HSE's new web tools**

The Health and Safety Executive has produced a number of new web-based resources. *Risk education* is a new resource on health and safety in schools. The *Textiles health and safety audit*, is a 12 step online guide for the sector, and includes guidance on major hazards. There's also a new online teaching aid for construction students and practitioners, *HSE e-learning*. Other additions to the site include the latest issue of HSE's pesticides newsletter and a factsheet on the biocidal products directive – neither of them for the casual reader.

- **New HSE web tools:** [Risk education](#) and [Textiles health and safety audit](#) and [HSE e-learning](#) for the construction sector
- [Pesticides newsletter](#) and [biocidal products directive](#), September 2002

### **Bullying and stress e-newsletter**

The September 2002 BullyOnline e-newsletter on bullying, harassment, stress and related issues is now available, in email format and on the web, and includes news and resources from the UK and abroad. It has an awful lot of links to bullying information.

- [BullyOnline](#). Email [BullyOnline](#) to be added to the mailing list

## **EVENTS**

Only newly announced events, events next week and very important events will be listed here in future. But there is a comprehensive listing of [health and safety events](#) on the TUC website – bookmark it for easy reference!

### **Corporate killers in Wandsworth: Events, 16 September**

Battersea and Wandsworth Trades Union Council has produced a new report, *Corporate killers in Wandsworth*. BWTUC says: "Casualisation was introduced to maximise company profits and break the unions but here in Wandsworth we are fighting back. The launch of this report - researched by the London Hazards Centre - marks the start of a campaign to drive the corporate killers out of our Borough." Speakers

include: Bob Crow, RMT; Mark Thomas, comedian; Paul Kenny, GMB; Barry Camfield, TGWU; Jeremy Dear, NUJ and many more. A demonstration outside of the HQ of local corporate killer Balfour Beatty will be held the morning of the launch.

- **Demonstration: 9am, Monday 16 September, outside Balfour Beatty HQ, 130 Wilton Road, Victoria, London SW1**
- ***Corporate killers in Wandsworth* book launch: 7pm, Monday 16 September, Bread and Roses, Clapham Manor Street, London SW4. Buffet served from 7 - 7:30pm. Further details: email [BWTUC Organising Centre](#) or telephone 020 8682 4224**
- **Start planning now! Workers' Memorial Day, 28 April 2003, will be on the theme of corporate accountability for health and safety at work ([Risks 70](#)). See the [TUC briefing](#)**

#### **RSI Association annual conference, 28 September**

Speakers at the conference which is on a Saturday at TUC headquarters include: Dr Michael Hutson, consultant physician and president of the International Federation of Musculoskeletal Medicine; Trevor Shaw, head of the musculoskeletal, ergonomics and performance section in HSE's Human Factors Unit; Richard Southorn, Employers' Forum on Disability; and Owen Tudor, TUC health and safety specialist and Health and Safety Commissioner. For more details, see the [RSI Association](#) website.

#### **Workplace bullying and harassment workshop, 28 September**

The Women's Committee of the South West TUC has organised a workplace bullying and harassment workshop in Plymouth on Saturday, 28 September. It wants to attract women from all walks of life who have concerns about these issues. The event is free, informal and friendly and is being held at The Guild Hall, Royal Parade, Plymouth from 10:00am to 3:30pm. Creche facilities will be provided if required. [More information](#). Contact: [Tanya Parker](#), telephone 0117 947 0521, fax 0117 947 0523.

#### **Work-death Inquests: keep them public! 9 October**

A seminar organised by the TUC, Centre for Corporate Accountability and Inquest to discuss the government's consultation on inquests, and the proposal to end automatic public inquests into work-related

deaths.

- **Venue: TUC, Congress House, Great Russell Street, London WC1, 10:00am to 1:00pm, Wednesday, 9 October 2002. Free. [More information](#). Contact: [Sugar Munthali](#) at CCA on 020 7490 4494.**

### **TUC/UK Work Stress Network Conference, 14 October**

The TUC will be holding a joint conference called *Tackle the hassle: strategies for stopping stress and beating bullying* with the UK National Stress Network on Monday, 14 October at TUC headquarters in London, to launch European Week for Health and Safety. An [agenda](#) and a [booking form](#) are now available.

### **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. A [calendar](#) of union events and initiatives during the week is on the TUC website. 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.

### **Conference on Violence at Work, 2 December**

Hosted by the TUC, this conference will be run by the Government Inter-Departmental Committee on Violence to Staff. For further information contact [Tom Mellish](#).

## USEFUL LINKS

**Visit** the TUC [http://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](#).

**TUC courses for safety reps**

**COURSES FOR SEPTEMBER TO DECEMBER:**

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

**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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01787 881165; fax: 01787 313995.