

Risks

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HAZARDS
MAGAZINE

Construction Safety
HSE - Have your say?

Due to a well-earned break for our regular editor, this issue is guest-edited by [Owen Tudor](#)

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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 5,000 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.

ACTION

TUC calls on unions to back asbestos charity

The TUC has kicked off an appeal to unions, union law firms and others to support the work of the Occupational and Environmental Diseases Association (OEDA). Formerly known as SPAID, the charity was founded by the redoubtable Nancy Tait who has been awarded an MBE for her work. Herself the widow of an asbestos victim, Nancy has spent more than twenty years fighting for asbestos victims' rights and helping their families with inquests, benefit appeals and legal cases. OEDA also has its own electron microscope for analysing samples (of human lungs as well as building materials) to see if they contain asbestos. The charity needs £35,000 this year, and the TUC's Executive Committee started the ball rolling with a £1,000 token payment. TUC's Owen Tudor, a trustee of the charity, said: "It would be disastrous if asbestos victims lost the help that OEDA gives them. While we look for a stable source of income, the charity this time has to start at home." As well as law firms and national unions, the TUC is seeking smaller contributions from **Risks** readers.

- **Find out more about OEDA's [work](#), and how to [make a donation](#) or [volunteer](#)**

FEATURE on the fire fighters' dispute

Risk assessments needed to allay concerns

The TUC General Council has reaffirmed the unanimous resolution adopted at Congress calling for a new deal for the UK's fire-fighters. The TUC statement says: "The FBU are seeking a negotiated settlement with the fire service employers which recognises the professionalism of fire-fighters." The TUC will be encouraging individual unions to approach employers to carry out risk assessments. The Government has also announced that it will be encouraging employers and others to take stock of their fire plans. HSE's website says: "HSE believes that the existence of a strike should not, of itself, cause the vast majority of legitimate industrial or commercial activities to be curtailed, but urges industry to consider their own work activities and plan for situations where firefighting operations may be required but not be available to the usual degree." Some London Underground

stations will shut and some chemical plants were reported to be considering shutdowns.

- **The General Council's [statement](#) and the special [strike safety section](#) of the FBU website**
- **HSE [website](#) and Government [website](#) on the fire dispute**
- **News from the FT on [chemical plants](#), from the [BBC](#) (reporting the Government's advice to consider safety issues) and from [Ananova](#)**
- **Guidance to union members from [UNISON](#), [Amicus MSF](#), [GMB](#), [GPMU](#), [TSSA](#) and rail union [concerns](#)**

UNION NEWS

TUC wants safety reps to have what Australian reps have got

The TUC wants union workplace safety reps to have the same influence over health and safety risk management as safety reps have in parts of Australia, where they have legal rights to serve Provisional Improvement Notices (PINs) that require employers to improve safety standards or face prosecution. A new HSE report on the Australian PIN or default notice system has been published, along with the results of the Australian Council of Trade Unions' survey of safety reps. The survey shows that only 10% of safety reps have serve a PIN, but where they do, 95% of them are effective at improving safety. TUC general secretary John Monks said: "Union safety reps are the main resource we have which can make workplaces safer. Research already proves that workplaces with safety reps are twice as safe as ones without, but they need more tools at their disposal to make workplaces as safe as they can possibly be. Australia has a similar health and safety system to Britain, so if it works there, it will work here - British safety reps look at their Australian counterparts and say 'we want some of that'." The HSE report and ACTU survey are covered in Hazards 80, available next weekend.

- ***Hazards* magazine: read the [article](#) on PINs and then [subscribe](#)**
- **HSE [report](#) [pdf format] on *Worker participation in health and safety* by Sarah Page and ACTU [survey results](#)**
- **TUC [press release](#)**

Nowhere to hide from new noise directive

Attempts to exclude the music and entertainment sector from the forthcoming EU noise directive have been rejected, thanks to lobbying from the TUC and the Royal National Institute for Deaf People (RNID). They have welcomed agreement over the directive between the European Parliament, Commission and governments which means it will now become law in its current form, and will have to be implemented in Britain by the end of 2005. The directive gives specific rights to safety reps over risk assessment, action plans and hearing protection, and will extend rights for workers to have their hearing tested. The directive will also cut the noise levels at which action needs to be taken, providing extra protection especially for the 700,000 British workers currently exposed to between 85dB and 90dB. TUC general secretary John Monks said: "Noise can make you go deaf, so it's good news that workers will get better protection and more access to hearing tests. Noise exposures can be reduced without interfering with anyone's enjoyment. Unions and employers will be working together to make the transition easier for clubs and concert halls." The music and entertainment sector will be given two extra years to meet the directive, pending the creation of joint union/employer guidance.

- **TUC/RNID [press release](#)**
- **RNID [website](#) and HSE noise web [page](#)**

TUC wants tough controls on the terrorists' favourite fertiliser

Stronger controls on the chemical used to cause the Oklahoma bomb blast have been urged on the HSC by the TUC. Submitting union views on proposals to reduce the notification threshold for fertiliser ammonium nitrate from 1,000 tonnes to 150, the TUC called for a further reduction to 50 tonnes, which is still twice the amount used in Oklahoma. The chemical also caused last September's Toulouse explosion which claimed 30 lives. TUC's Owen Tudor said: "It only takes one truck to go missing for a massive security alert, and even without the threat of terrorism, Toulouse shows how dangerous this stuff is."

- **TUC [submission](#) and *Risks report* on the Toulouse blast**
- **HSC [consultation document](#)**

Employers get the needle in compensation case

UNISON is calling for new, safer needles to be introduced throughout the NHS after a compensation award of £58,000. About 100,000 accidents involve needles and sharps in the UK each year and the

number is growing. In 1997, UNISON member Herbert Busby was injured assisting a consultant anaesthetist when a tray of needles flipped over. One stuck in his arm, and when he tried to shake it off it stuck into his shoe and penetrated his toe. The needle was contaminated and this resulted in severe shock and trauma. To add to Mr Busby's fears he knew that he was not immune to Hepatitis B, one of the fatal viruses which can be transmitted by needlestick injuries. Most of these injuries would be prevented if the government introduced US-style 'safe needle' legislation. Jon Richards of UNISON said: "How many more accidents like Mr Busby's have to happen before hospitals start using new safer systems such as retractable needles, self blunting devices or those with protective shields? No worker should be exposed to potentially fatal blood-borne diseases through accidental needlestick injuries."

- **UNISON [press release](#)**

Minister backs union on farm safety

Agriculture minister Lord Whitty's support for better health and safety standards on farms was welcomed by TGWU agricultural delegates at the union's food and agriculture conference. Union national officer Peter Allenson said that the TGWU had campaigned for children to be banned from the working areas of farms, for there to be a ban on under 16s driving tractors and for the role of the roving safety representative to be strengthened. He said: "Our conference has reinforced those campaigns – especially in respect of children. It is unthinkable in the 21st century that children would be allowed into factories and other dangerous workplaces, so why are farms, one of the most dangerous of workplaces, different?"

- **TGWU [press release](#)**
- **HSE agriculture health and safety [web page](#)**

OTHER NEWS

MPs back new asbestos rules

After a two hour debate and without a vote, MPs have backed the HSC's proposed new duty to manage asbestos in buildings. Responding to concerns expressed by the Opposition, Minister Nick Brown MP defended the new Regulations as vital to protect lives. He was backed by Labour and Liberal Democrat MPs but opposed by Conservatives who repeated discredited claims that white asbestos is not really harmful. The TUC briefed MPs on the issue, claiming that the

Regulations were vital to prevent a 'fourth wave' of asbestos deaths among occupiers of buildings with asbestos in them. TUC general secretary John Monks said: "We've already seen tens of thousands of deaths due to this fatal fibre. Unless we act now to control the risk posed by millions of tonnes of asbestos in commercial premises, there will be a 'fourth wave' of asbestos deaths, and the death toll will continue to rise for the rest of the century." The amended Control of Asbestos at Work Regulations were signed by the Minister after the debate and the different regulations will come into effect during 2004.

- **Hansard [debate](#) and FT [report](#)**
- **TUC [briefing for MPs](#) and [press release](#)**
- **HSE asbestos campaign [page](#) including details of the duty to manage**
- **TUC launches [appeal](#) for asbestos-charity**

Inspector, inspect yourself

The HSE has issued its own annual report on health and safety, showing that staff at the regulator suffer from stress and musculo-skeletal disorders just like everyone else in the workplace. But at least things are being done, and under the auspices of a joint management-union safety committee. After sharp improvements in injuries, illnesses and days off sick last year, all three went up again in 2001/2, although not as high as the figures two years ago. Last year, there were 125 accidents, 129 cases of ill-health and 864 days of resulting sickness absence. HSE Director General Timothy Walker, in the introduction, says: "I have asked Board members individually to check and intervene personally to ensure this happens in their Directorates. In addition I have asked that they take a lead both in supporting HSE's own health and safety representatives and DSE assessors and in taking action themselves if they see something amiss."

- **[Health and safety in HSE](#) [pdf format]**

Rock and RSI

Guitarists are at high risk of developing RSI, according to new research. Rick Parfitt, guitarist with veteran rockers Status Quo, was forced to take a break from playing last year after being diagnosed with RSI. But research by the Robens Centre at the University of Surrey (where the TUC's guidance on preventing RSI was written in the 1990s) has found that he is far from being the only musician at risk, and that the problem is far more widespread than previously thought. Physiotherapist Kathy Lewis said: "The pressure that you

exert through with your fret board hand is extremely high and you fatigue very, very quickly. Most players push too hard." Classical musicians have known about the risk of RSI for many years.

- [BBC newsreport](#)
- [RSI Association](#) and [Robens Centre for Health Ergonomics](#)

CORPORATE CRIME

Kiln deaths boss freed with a £1 fine

A Stoke contractor jailed for the manslaughter of a father and son has walked free after the Court of Appeal overturned his convictions after he had served 5 months of an 18 month sentence. Lord Justice Clarke quashed two manslaughter convictions ([Risks 51](#)) in relation to the deaths of Michael and Carl Redgate, who were crushed to death when the kiln's steel supports at Tunstall tile company Daniel Platt Limited were removed, in July 2000. The Appeal Court ruled that the trial judge had given the jury inadequate directions. But the court went on to substitute a conviction under the 1974 Health and Safety at Work Act for the lesser offence of failing to provide a safe place of work. Dean, aged 61, had been in custody since May 24. Instead the court imposed a nominal £1 fine "on the basis that we ought to pass some formal sentence". Daniel Platt Limited was separately fined £125,000 after admitting two health and safety offences. TUC's Owen Tudor commented: "Whatever the facts of this particular appeal, it is painfully clear that if you want to kill someone and avoid paying the price, the best way is to employ them – then all you need to do is cut corners and expose them to risks, and you're very unlikely to be punished even if you get caught. Corporate killing is a crime, and we need laws against it that work." The government is under pressure to fulfill its 2001 manifesto pledge on corporate manslaughter legislation in next month's Queen's Speech.

- [Sentinel report](#)

HSE prosecutes railway maintenance company again

The HSE is prosecuting Carillion PLC unit GT Railway Maintenance (GTRM), and labour supply company Construction Services South East Ltd, following an investigation into a work incident in which a worker received severe electrical burns, before falling approximately 15 feet from a tower scaffold. The worker fell from the scaffolding after coming into contact with a 25,000 volt overhead power line, during work to

dismantle the scaffolding at Liverpool Street mainline station. This comes just days after GTRM was fined £17,500 because of an accident last year in which one of its workers suffered minor burns from touching a 650-volt live conductor rail at a section of track he was working on.

- **Ananova reports on the [latest case](#) and on the [previous case](#)**

Construction firm fined for playing child's death

Construction firm Galliford Hodgson Ltd was fined £40,000 at the Old Bailey following the death of a 12 year-old boy. The HSE prosecution followed an incident in January 2000, in which Martin Karshak died after falling 36 feet while playing on scaffolding in Hackney. It is thought that Martin had been playing when he fell over the guard rails of the scaffolding, which he climbed onto from a balcony. Robust fencing should have been used to prevent access to the scaffolding from the balcony, but no such barrier was present at the time of the accident. HSE's Philip White said: "This case emphasises that all those involved with refurbishment of occupied premises, including principal contractors and clients, need to think carefully about how members of the public, children in particular, might be harmed by construction work. Companies must take this issue seriously and carry out a proper risk assessment so that they can adopt appropriate safety measures. In situations where there is a risk of children climbing onto scaffolding, suitable barriers such as mesh fencing should be erected to prevent access from balconies and walkways."

- **HSE [press release](#)**

Pub fined for child labour

The Hare and Hounds, a pub in Kingskerswell Devon, has been prosecuted for three health and safety offences by Teignbridge District Council. Last December, a 15-year-old received a fracture and lacerated finger at the public house. Council inspectors found that the young people were expected to use dangerous machinery in the pub's commercial kitchen. Jerry Diplock said: "The lad had been given the task of dicing spinach, which he was manually pushing down the feed chute." There was no protection from the machine's moving blade. The pub's owners, Buccaneer Holdings, pleaded guilty to failing to provide risk assessments for employing young persons and other breaches of the law. The pub employed 16 school-age children, some as young as 14 in its kitchen. Magistrates fined the company £3,000 for each

offence and awarded costs of £1,500. Next Wednesday sees the publication of a joint TUC/NSPCC report on school age workers.

- [Environment Health News](#)

INTERNATIONAL

Australia: Passive smoking curbs spread to gaming tables

Smoke-free areas will be extended in pubs, bars and clubs in New South Wales under a compromise deal negotiated yesterday. The deal follows a smoking ban in gaming areas in neighbouring Victoria. Under legislation introduced in NSW in September 2000, smoking was banned in workplaces, public buildings and dining areas - including those in pubs - and at Star City casino's table games. But drinking and gaming areas were exempted. Union, industry and government representatives yesterday agreed to create further smoke-free areas, and possibly extend the bans to all areas. Clubs and the casino were prepared to agree to a phased-in ban. Hoteliers - earlier understood to be holding out - have now supported further restrictions, but details remain to be finalised. Union representatives and health groups wanted action by the end of next year and were preparing an advertising campaign before the state election if the Government failed to act.

- **Sydney Morning Herald** [report](#)
- **World's doctors call for** [curbs on passive smoking](#)

Belgium: Steel blast kills two

At least two people were killed and 26 injured, half of them seriously, in a steel works explosion on Tuesday. It happened at the Cockerill-Sambre steel plant in Seraing, about 50 miles east of Brussels, followed a gas buildup in a heating unit in a smelter. Authorities were looking for people believed to have been buried under rubble. The plant employs about 200 people. It is owned by France's Usinor SA group, which is part of Newco, the world's largest steel company. Union officials immediately raised questions about security conditions in the factory. "We have been using outside firms more and more. A certain laxity has developed in the maintenance work," said union official Jean-Claude Smets. The local union branch called for workers to down tools until Wednesday morning as a sign of "sympathy and solidarity" with the blast's victims.

- **Reports from** [the Guardian](#) and the [Tehran Times](#)

Canada: Union wins stress claim for conductor

In 1993 Barry Ericksen was in the locomotive of a CPR freight train that struck a welder's truck at a level crossing. The truck burnt up and two occupants were killed. Since the accident Ericksen has experienced difficulty working. He didn't make a claim for workers compensation within a year of the accident because his diagnosis of post-traumatic stress disorder wasn't made in time and as a result he was denied benefits based on the technicality. Appeals within the workers compensation system upheld the original decision, until a 23 October decision of the Claims Services Review Committee of the Alberta Workers' Compensation Board which will require the Board to pay past and ongoing benefits to him. "Barry Ericksen and his family will now finally get the help they need and deserve," says Lou Schillaci, General Chairperson, United Transportation Union.

- **Canadian newswire [report](#)**

Global: world doctors call for action on workplace smoking

Doctors across the globe have called on the World Health Organisation to include measures to restrict passive smoking in the workplace in the first international public health treaty on tobacco control which is being negotiated in Geneva and is due to be agreed by the WHO's 192 member countries by May next year. The World Medical Association, which has 10 million members in 117 countries, specifies controls on passive smoking as one of four key measures to reduce the annual tobacco death toll of 4.9 million people worldwide.

- **BBC [news report](#)**
- **WMA [manifesto](#) [pdf version] and [press release](#)**

New Zealand: New safety law puts pressure on stress

The new Health and Safety in Employment Bill looks set to become law – and classify stress and fatigue as workplace hazards in the teeth of opposition attacks on the Bill. Unions have welcomed the Bill and especially the coverage of stress. Finance union Finsec welcomed the Bill, and said: "The Health and Safety in Employment Bill will help workers in the finance industry to combat stress levels that could make the industry unsustainable in the future. In this way it will benefit employers as much as it benefits employees. Healthy industries need healthy workers. The well-publicised suicide of an ANZ manager is just the tip of the stress- iceberg in this industry." The Bill also

raises the maximum penalty for a breach of the legislation from \$100,000 to \$500,000. NZ Council of Trade Unions president Ross Wilson said: "Our appalling workplace toll can be turned around if both business and unions commit to implementing the employee participation provisions of the new health and safety law."

- **New Zealand Herald [report](#), Stuff [report](#) and Finsec [press release](#)**

Northern Ireland: Teachers tackle bullying in schools

The Irish National Teachers Organisation is worried that bullying is under-reported by its members. Union official Tony Carlin said: "Good employers have practices in place because they recognise that bullying is a problem. We want practices in place throughout Northern Ireland so that teachers can be protected and enjoy the dignity at work that they deserve." The issue was raised at a special conference in Belfast at Stranmills Teacher Training College.

- **BBC [newsreport](#)**
- **Health and Safety Authority dignity at work [charter](#) and INTO [website](#)**

South Africa: Too many mining diseases

Health Minister Dr Manto Tshabalala-Msimang says too many mineworkers were developing occupational diseases. About 25,000 compensation claims for lung disease are made annually, and the South African government has introduced an Occupational Diseases in Mines and Works Amendment Bill to tackle some of the problems with compensation claims (including the fees charged by agents helping the miners to claim compensation). He said: "In the past, occupational health has often been neglected, and yet the fact remains that globally over one million workers die from work-related diseases and injuries, and there are over 160 million cases of work-related diseases annually.

- **News 24 [report](#)**

RESOURCES

TUC training for quarry workers

The TUC has launched a ground-breaking new health and safety course for workers in the quarrying industry. The industry is one of the most dangerous in Britain with a fatal accident rate about three times that of construction, and twenty times the rate for manufacturing

industry as a whole. The course is the TUC's contribution to a major initiative by employers and unions in the sector to meet its Revitalising targets. Training will be offered to union safety reps and members of quarry health and safety committees who have been appointed under the Quarries Regulations to monitor workplace safety and health. The new Quarries Regulations 1999 aim to tackle these dangers and improve health and safety standards. Of central importance to the new Regulations is the requirement for greater involvement of the workforce in health and safety. The course has been developed by the TUC with the full support of the HSE and the representative body for the industry - The Quarries National Joint Advisory Committee.

- **[Details](#) of the courses**

Health and safety guide for schools and colleges

Aimed primarily at Association of Teachers and Lecturers (ATL) reps with health and safety responsibilities, this easy to use guide offers advice and information on issues ranging from health and safety legislation, and emergency procedures, to supporting pupils/students with medical needs, and personal safety. Click [here](#) to order your copy (£9.99 to non-members of ATL).

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!

National Stress Awareness Day, 6 November

Organised every year by the [International Stress Management Association](#), and backed by the TUC and the HSE. This year's theme is 'Managing stress in an ever-changing world'. The TUC will be releasing the findings on stress of the 2002 TUC Survey of Safety Reps.

TUC Organise 2002 Conference, 23 November

Worker Safety Adviser Janice Bentham and Health and Safety Minister Nick Brown MP are part of a glittering array of speakers at the TUC's annual organising conference in London on Saturday, 23 November. [Details](#) are on the web.

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](#).

Dates for 2003

International RSI Awareness Day conference, 28 February

The RSI Association are holding a conference in Nottingham to celebrate international Repetitive Strain Injuries awareness day (the last day of February is the only non-repeating date of the year). Further details from the [RSI Association](#).

International Workers Memorial Day, 28 April

This year the theme will be corporate accountability for workers' health and safety. The TUC will be co-ordinating a series of events around the country. A background [briefing](#) on the 2003 theme is available on the [page](#) of the TUC website devoted to Workers' Memorial Day.

European Week for Health and Safety at Work, 13-19 October

The theme for the Week in 2003 will be "dangerous substances". The TUC will be stressing the hierarchy of control, and especially the need for substitutes and general toxic use reduction strategies. Key hazards dealt with will include asbestos, asthmagens and solvents.

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

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