

Risks

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Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Owen Tudor](#)
We've extended the deadline for responding to the Second **Risks**
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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 6,000 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 statement](#). The TUC website lists future health and safety events in [What's On](#) – [new events](#) are covered below.

FEATURE: regional workplace hazards revealed

TUC safety rep survey – regional breakdowns

Stress, long hours and bullying are hitting workers across the country, with some employees facing “appalling” problems, according to a TUC survey of over 5,000 workplace safety reps. Overwork and stress came top of the list of complaints in most regions, listed as the biggest problem in 55 per cent of workplaces, while repetitive strain injury, complaints about display screens and back strain also feature. London was the worst place for violence, long hours and bullying. Workplaces in the Midlands and northern England struggled with both new and traditional hazards. Scottish workers were least likely to have access to an occupational health service. And workers in Wales were most likely to have been disabled by workplace hazards.

- **London:** London’s workers face the worst health and safety conditions in the country, coming top for problems from violence, long hours, display screen equipment, asbestos and bullying. [More](#) and [BBC](#)
- **Midlands:** Workers in the Midlands are worried about stress, RSI, long hours and display screen equipment, but the traditional industrial hazards of back strains, noise and vibration still remain. [More](#) and [This is Birmingham](#)
- **Northern:** Workers in the Northern region have the highest levels of concern about bullying of any region in Great Britain, and the second highest concerns about back strains. [More](#), [Teesside Evening Gazette](#) and [Newcastle Evening Chronicle](#)
- **North West:** Workers in the North West are worried about all the main workplace hazards - stress, RSI and display screen equipment – and still contend with back strains, slips and trips and noise. [More](#)
- **Scotland:** Workers in one in three Scottish workplaces are worried about the risk of violent assaults and threats, and Scottish employers are the worst in Great Britain for providing occupational health services. [More](#) and [The Daily Record](#)

- **South East: Stress and overwork is worse in the South East than any other region in the country, with the main causes identified as workloads, followed by cuts in staff and change. [More](#)**
- **South West: Stress and overwork is worse in the South West than almost every other region in the country. [More](#) and [Western Morning News](#)**
- **Wales: High levels of stress, overwork, RSI and back strain in Wales have created the most disabled workforce in Great Britain. [More](#) plus [BBC Wales](#)**
- **Yorkshire and Humberside: Workers in Yorkshire and Humberside are more worried about chemicals, dusts and machinery than any other workers in Great Britain. [More](#)**
- **[The Guardian](#), [Sky News](#), [The Independent](#), [UNISON](#)**

UNION NEWS

Justice isn't only for rich white men – is it?

The TUC say the legal system should be reformed to create “incentives for justice, not rich men's access.” A TUC submission to the Court Service consultation on court fees points out that the number of court cases is falling – down by 76 per cent for civil cases at the Supreme Court – suggesting that the “compensation culture” is a myth. The submission warns that proposed hikes in court fees of up to 60 per cent for those victims with the most serious injuries are unjust.

Instead, TUC calls for: a review of court efficiency before the proposed inflation-busting rises in court fees are implemented; retaining a flat rate for court fees for cases worth over £50,000; and making the defendants pay for the stages of the case that they control rather than the victims. “At the moment, if you can pay, you can play,” said TUC’s Owen Tudor. “TUC proposals would stop employers using their financial muscle to price injured workers out of justice – we want incentives for justice, not rich men's access.”

- **[Justice: is the price right?](#) TUC response to Civil Court Fees, a consultation paper from the Courts Service. [Courts Service webpage on court fees](#), including links to the consultation paper**

Firm docks workers wages for toilet breaks

Mean meat factory bosses are docking £1,000 a week from their workers' wages for the time they spend in the loo. A report in the *Sunday Mail* says almost 200 staff at the Brown Brothers' factory in Kirkconnell, Scotland have been issued with smart cards which deduct their pay for the time they're away from the factory floor. One worker, who feared the sack if he gave his name, said: "We have to go through a turnstile and up a flight of stairs to the toilet in the canteen. One week they took an hour off me, which is £5.28. There are 190 workers here so the company is saving £1,000 a week in wages. The motto among the staff here is: 'Have a break - have a quick c***'." George Hodge, regional organiser with the Transport and General Workers' Union (TGWU), said: "We have been campaigning constantly to persuade the company to abolish this practice but they have so far refused to budge... Brown Brothers are the only company I have heard of to operate such a policy." Not getting to the loo when you need to can lead to serious health problems, research has shown.

- [Sunday Mail](#)
- [Toilet breaks: a health and safety issue](#)

TGWU celebrates "nail in the coffin" for bogus self-employment

An employment tribunal ruling that a site worker was unfairly dismissed by Stour Contractors Limited for his union membership and activities is "a hugely significant victory for construction workers," the Transport and General Workers' Union has said. Martin Avey was sacked by Stour Contractors in November 2002 after he began recruiting and organising for the TGWU. The company tried to claim he was not an employee – a ruse used by many construction employers. The tribunal, however, decided he had employee status. Steve Turner, regional industrial organiser for the TGWU, said the ruling was "hugely significant," adding: "The TGWU hopes this decision marks the final nail in the coffin for false self-employment in the construction industry."

- [TGWU news release](#)

Violence drives buses off estate

Violent attacks on bus drivers on a south east London estate has led to a one week strike. One driver has been stabbed and others attacked on the Middle Park estate in Eltham, according to the Transport and General Workers' Union (TGWU). Up to 50 youths are thought to be responsible for attacks that peaked when one driver was seriously injured on New Year's Eve. Catford TGWU representative Mick Porter

said: "Drivers are afraid to go round the estate now. These guys are coming to work to do a job, to serve the public, they don't expect to be attacked, injured and threatened." Police patrols were stepped up on the estate last year, after Greater London Authority Liberal Democrat member Lynne Featherstone raised concerns about violence on the buses with Mayor of London Ken Livingstone. But the union says when the police operation came to an end, the attacks started again.

- [BBC News Online](#)

OTHER NEWS

Safety penalties bill makes progress

A ten-minute rule bill to introduce more severe penalties for safety crimes has passed its first hurdle. Introducing the bill, which would raise fines for health and safety offences and non-insurance, and extend the range of offences for which imprisonment is a possible punishment, Lawrie Quinn MP said: "Without doubt, the reason for proposing the changes is a prevailing concern that is shared by the TUC, the nation's insurance industry and many Members of the House - that such health and safety offences are treated less seriously than they ought to be by employers, the courts and, ultimately, the wider public, which means that there is an incentive to ignore the law." He added: "In particular, the measures on imprisonment that I propose would bring health and safety in line with more modern legislation such as that on the environment and food safety." The second reading will be on 31 January.

- [Health and Safety at Work \(Amendment\)](#), Hansard, 7 January 2003. The Bill is sponsored by Labour MPs Lawrie Quinn, Michael Clapham (who chairs the all party group on occupational safety and health), Frank Doran, Bob Laxton, Tony Lloyd, Rob Marris, Malcolm Savidge and Ian Stewart, as well as Ulster Unionist Roy Beggs and Liberal Democrat Richard Allan
- [TUC briefing](#) on Lawrie Quinn's ten minute rule bill. [Lawrie Quinn MP website](#) and [background document](#) on the bill
- [Centre for Corporate Accountability](#) and the [Hazards/TUC deadly business guide](#)

Courts continue to pursue fine line

The courts are continuing to hand down small fines to companies who admit guilt for criminal health and safety offences, while taking no action against negligent bosses. Textiles firm Stork Brothers, of Birkby, West Yorkshire was ordered by Huddersfield magistrates to pay a fine of £15,000 and court costs of £1,272 after a worker suffered a fractured skull and other injuries in a workplace fall. The company was also instructed to pay £5,000 compensation to David Wilson, who fell 25 feet while carrying out roof repairs. Managing director Stephen Moorhouse and finance director David Midgley pleaded guilty to failing to ensure the health and safety of employees. Tool manufacturing company Forst Broach, Leicester has been fined £20,000 and ordered to pay £10,000 in costs following an incident where Craig Thompson suffered permanent brain damage after a grinding wheel shattered and pieces became embedded in his skull. The firm, now trading as Forst Cardinal, a subsidiary of US firm LaPointe International, admitted breaching health and safety regulations. South Ribble Magistrates this week adjourned a case against Camelot Theme Park near Chorley. The company is charged with health and safety offences relating to the death of engineer Harry Matthews.

- [Huddersfield Daily Examiner](#). [BBC News Online](#). [Lancashire Evening Telegraph](#)

Another Corus worker is killed

An inquest has been opened and adjourned into the death of Francis Coles, a 42-year-old maintenance engineer killed at the Corus tin plate works in Llanelli, Wales. The police and HSE are conducting a joint investigation into the accident – and Corus has also opened its own inquiry. The worker killed was a member of the Iron and Steel Trades Confederation (ISTC) union. Michael Leahy, general secretary of the ISTC, said: “I am shocked and saddened to learn that one of our members has been killed at the Corus Trostre plant. The ISTC will play a full part in the investigation to find out the cause of his death.” He added: “My thoughts and condolences go out to his family and friends. The union will provide all the support that we can to them during their hour of need.” The accident follows the disaster at the nearby Corus plant in Port Talbot in November 2001, when three men were killed and another 12 injured in an explosion ([Risks 29](#)). This disaster came days before the company was fined £300,000 for serious safety breaches at its Llanwern plant that led to an explosion that left a worker disabled ([Risks 28](#)). In another incident, steelworker Gary

Birkett was killed at the Corus Scunthorpe plant on 5 November 2002.

- [BBC News Online](#). [The Western Mail](#). [Scunthorpe Telegraph](#)

Fast-track call for Scots asbestos cases

Members of the Scottish parliament (MSPs) are seeking radical changes to the legal system to ensure that asbestos victims receive compensation before they die. A Scottish parliament committee has already promised to speed up claims for terminally ill patients ([Risks 75](#)) and a new fast-track system is due to come into effect in the spring. But the Justice 2 Committee report is recommending the introduction of a quicker six month process for anyone with less than 18 months to live. MSPs also say that there should be a preliminary hearing with the same judge six weeks before the court action to ensure that the case is ready and that there is more continuity. Committee convener Pauline McNeill said: "Crucially, we believe that a faster system is required for those cases where life expectancy is less than 18 months. The system we propose will help those who have no time to spare on court proceedings to reach a rapid conclusion to their claims." However, it will be up to the judicial profession to decide whether or not to change the rules.

- **Justice 2 Committee [news release](#) and [webpage](#). Full report: [2nd Report 2003: Petition PE336 on civil justice for asbestos victims](#) (submitted on behalf of Clydeside Action on Asbestos). [BBC News Online](#)**

Rail safety plan is put on hold

A state-of-the-art train safety system promised by the Deputy Prime Minister, John Prescott, after the Ladbroke Grove accident in 1999 ([Risks 20](#)) is to be put on hold by the Strategic Rail Authority (SRA). The system, known as the European Rail Traffic Management System, automatically stops trains that go past danger signals no matter what speed they are travelling. Costing £3.6bn, it is projected to save nearly 400 lives over 40 years. But the SRA is expected to announce that work on the system will not begin until at least 2010, despite Mr Prescott's pledge that "no expense would be spared" to implement it. Louise Christian, a solicitor who has acted for rail crash victims, said: "When we get another fatal crash caused by a train going through a red light, everyone will say why wasn't the Cullen recommendation

implemented." In February last year, the accident prone then transport minister Stephen Byers first indicated the safety improvements might be abandoned on cost grounds ([Risks 40](#)).

- [ASLEF news](#)

"Real progress" on site safety says HSE

Britain's top construction safety boss says there has been "real progress" on site safety, although adds there is "little hard evidence of a sustainable downward trend in fatalities and injuries." Kevin Myers, HSE's chief inspector of construction, was speaking at the presentation of the second report on health and safety performance in the construction industry to Nick Brown, the minister for health and safety. Kevin Myers said: "There is evidence of real progress in delivering the action plans. The drive towards a fully qualified workforce is producing some real changes - as well as challenges. On major projects, we are beginning to see benefits that challenge the perception that a highly mobile workforce cannot be readily trained and competent in health and safety." He added: "HSE inspectors are reporting some signs of improvement in risk awareness amongst duty holders at all levels of the industry. However, there is still some way to go in translating this into a step change in standards on site and little hard evidence of a sustainable downward trend in fatalities and injuries." Nick Brown said: "I am pleased to see the impetus generated by the Summit being maintained and reiterate our commitment to work with the industry to achieve the much needed improvement."

- [HSE news release](#). **Health and safety performance in the Construction Industry - Progress since the February 2001 Summit** [[pdf format](#)]

Alarm after safety blitz

Two construction sites were shutdown after an HSE safety blitz across the Yorkshire and Humber region revealed widespread breaches of safety rules. HSE said enforcement action was taken at a third of the sites visited during the week-long exercise last month, when 131 sites, including 76 smaller sites, were visited. The major risk of falls from height was not adequately controlled at approximately half the sites visited. HSE inspectors issued 45 prohibition notices and two sites were closed down because of a failure to meet basic safety standards. Geoff Cox, HSE operations manager for Yorkshire and the East Midlands, said: "We were surprised by the number of sites where safety standards were inadequate, despite the pre-publicity given to

the blitz.”

- [Evening Press](#). **HSE safety and health awareness days in the region to address the needs of smaller contractors – further details from Chris Wilson, HSE, telephone 0114 2912309**

UNISON hits back at sickness claims

A union has warned that an assault on absenteeism by managers at Birmingham City Council is being used as a fast-track means of dismissing people. In evidence to a council scrutiny committee UNISON accused the council of trying to “bully” staff into being healthy. The statement came after council leader Albert Bore said sickness absence levels were unacceptable. However, the sickness absence figures cited by Bore, putting the average days off sick at almost 18 days per year, have been hotly disputed. The council’s own scrutiny committee noted: “It is not possible from the information available to tell whether the contribution of long-term sickness to the overall absence figure has changed.” Muhammad Afzal, cabinet spokesperson for human resources, said absenteeism was falling fast, adding that if all council staff were assessed, including teachers, sickness levels were an average 12.6 days. UNISON’s concern about the council leader’s crackdown on absenteeism was echoed in some of the committee’s findings. It concluded: “One of the core questions this raises is whether the introduction of the revised attendance management policy has actually had a positive effect upon absence.”

- [This is Birmingham](#). **Related information: *Control or management? UNISON guide to sickness absence policies* [[pdf format](#)]**

INTERNATIONAL

New Zealand: Stiff penalties planned for rail safety failures

Rail companies in New Zealand could face hefty fines and their bosses jail time if they fail to meet tough safety audits and spot checks under new safety laws. Land Transport Safety Authority director David Wright said a new Railway Bill, due to take effect in the middle of the year, would allow the regulator and operators to actively manage rail, identifying problems before they became accidents. Rail and Maritime Union secretary Wayne Butson said the changes were overdue and reflected a radical change in philosophy. The railways were privatised too quickly in 1993 without adequate safety checks and balances, he

said, adding that the government had found out the hard way that it had gone too far after five Tranz Rail workers died in seven months, prompting a ministerial inquiry in 2000. Court-imposed penalties under the new law will include a \$100,000 fine (£33,000) or a year's jail for not holding a licence, a \$30,000 (£10,000) company fine and \$10,000 (£3,300) driver fine for failing to report an accident, and a \$25,000 (£8,300) fine or six months' jail for operators that breach the safety rules.

- [New Zealand Herald](#)

Sweden: Making light work of ergonomics

Ergonomic conditions have improved in 60 per cent of Swedish workplaces in the last two years, researchers have found. A survey of 1,167 human resources managers and safety representatives by *Worklife* magazine found that 60 per cent believe ergonomic conditions at their workplace are good. The same number think the situation has improved in the past two years. Responses from managers were more positive than those from safety representatives. The report says the main measures to improve ergonomics were new tables and chairs and a reduction in the amount of heavy lifting thanks to better equipment. Many respondents also reported improvements in computer equipment and lighting. Major problems remain, however. The survey found two out of three respondents thought workplace stress was affecting ergonomic conditions. Four out of five respondents in the public sector said that the level of stress must be brought down, as did two-thirds of private sector respondents.

- [Worklife](#)

USA: Injured worker drug and alcohol tests "illegal" says court

The Ohio Supreme Court has declared unconstitutional a law that allows employers to give drug or alcohol tests to people injured at work. The ruling struck down a portion of Ohio's compensation law that made it possible for employers to deny workers' compensation to employees who refuse to take a drug or alcohol tests after a workplace injury. Under the law, a worker's refusal to be tested would act as a presumption that he or she was intoxicated or under the influence at the time of the injury. The court ruled that a drug or alcohol test in these circumstances "violates the protections against unreasonable searches" laid down in the US constitution. The state's union federation Ohio AFL-CIO brought the lawsuit before the court. The majority decision was exactly what the union was looking for, said William

Burga, president of the Ohio AFL-CIO. "This law was not designed to prevent drugs in the workplace," he said. "It was designed to deny benefits to workers." Business groups expressed dismay at the court ruling.

- [Columbus Business First](#)
- [Union-friendly guidance on drink and drugs tests](#)

RESOURCES

CSP on latex and risk assessment

Physios' union CSP has published detailed briefing papers for union safety reps on risk assessment and latex and latex allergy.

- [CSP safety webpages](#)

New fire and explosion guidance

The HSE has issued guidance on a new law on workplace fire and exposure risks. HSE says: "This leaflet provides practical advice to employers (particularly those with small and medium-sized businesses), and the self-employed, about the basic requirements of the Dangerous Substances and Explosive Atmospheres Regulations 2002 – usually known as DSEAR. It is not intended to be a comprehensive guide to DSEAR and, because it is a snapshot view, it cannot include all matters covered by DSEAR." The regulations apply at most workplaces where a dangerous substance is, or could be, present.

- [HSE free leaflets on fire an explosion](#). *Fire and explosion - how safe is your workplace - a short guide to the Dangerous Substances and Explosive Atmospheres Regulations - single copies free from HSE Books or online in pdf format.* [HSE webpage on the DSEAR regulations](#)

New US teen safety site

Keeping America's working teens safe and healthy is the goal of a new website, says US workplace safety watchdog OSHA. "Every year 70 teenagers die from work-related injuries and 77,000 more are injured seriously enough to require emergency medical treatment - and that's just not acceptable," said OSHA administrator John Henshaw. "This site is one more way to provide our young workers with the knowledge they deserve so they can have safe and positive work experiences."

OSHA says the "Teen workers" safety and health site educates young workers, parents, employers and educators on workplace safety. The site offers educational resources such as factsheets on workplace rights and responsibilities, hazards on the job, ways to prevent injuries, work hours and job restrictions.

- [Teen workers. OSHA news release](#)

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!

RSI bazaar, 22 February

An "RSI bazaar" is being organised by the Central London RSI Support Group and the National Union of Journalists (NUJ). The event – listed as a European Year of People with Disabilities activity – takes place on Saturday, 22 February 2003 at the NUJ Building, Floor 5, Headland House, 308-312 Gray's Inn Rd, London WC1X 8DP, a few minutes walk/wheel from Kings Cross. Times (approx), from 10am to 4.30pm.

- [RSI bazaar](#). For further details contact or to confirm attendance, contact [Kevin Fleisch](#), 020 8925 2286
- [European Year of People with Disabilities](#). Related websites: [UK government](#), [ETUC Europe-wide union campaign](#)

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. Order a poster from the [TUC](#) (single copies free) or bulk copies at a good price from [Hazards](#)

Hazards Conference, 5-7 September

The Hazards Conference will be in London. Margaret Sharkey at the London Hazards Centre is the co-ordinator of the London end of the organisation. You can contact her via e-mail at margaret@lhc.org.uk or on 020 7794 5999.

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

The theme for the Week in 2003 will be 'dangerous substances' (EU Agency [press release](#)). 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. [Future years' themes](#) have also now been decided.

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 JANUARY TO MARCH 2003:

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

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