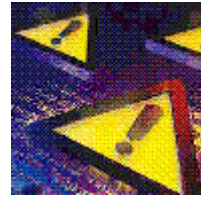


Risks

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HAZARDS
MAGAZINE



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 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.

ACTION

MPs call for better work disease tracking

A Labour MP is pushing for the government to sign up to an international standard on the notification and recording of occupational accident and diseases "with the aim of identifying their causes and establishing preventive measures". Early Day Motion (EDM) 663, sponsored by Luton North Labour MP Kelvin Hopkins calls on the government to adopt the International Labour Organisation's Convention 155 protocol on occupational health and safety. The EDM says "the adoption of this protocol by the UK government will assist in assessing the scale and reducing the incidence of occupational injuries and illnesses in the UK; ... and calls upon the government to join the 38 countries (including eight other member states of the European Union) that have ratified ILO Convention 155 over the last 22 years." TUC is backing the initiative.

- **See if your MP has signed [Early Day Motion 663: ILO Convention 155, Occupational safety and health](#) – if not, ask why not. [Find your MP](#) – you only need to know your postcode**
- **[ILO Convention 155](#) – the protocol in full**

FEATURE ON FINES AND PENALTIES

Penalty bill on hold

The Health and Safety (Offences) Bill was not reached in debate in the House of Commons on 7 February and will now continue its second reading on 7 March. Scarborough and Whitby MP Lawrie Quinn's ten minute would raise the maximum level of fines for most health and safety offences to £20,000. The Bill would also make it possible to imprison employers for the most serious offences, and raise the fine for employers who are not properly insured. TUC's Owen Tudor said: "We need to make progress. Small fines are not an adequate deterrent for the corporate cowboys. The courts need access to higher fines and jail sentences."

- **New! [31 January 2003 second reading debate](#). Lawrie Quinn's [Health and Safety at Work \(Offences\) Bill](#) and [explanatory notes](#)**
- **Is your MP going to vote and is your MP going to vote "yes"? Make sure you ask. [Find your MP](#) – you only need to know your postcode**
- **Updated [TUC briefing](#) on the bill. [Lawrie Quinn MP](#)**

[website](#) and [background document](#). [Centre for Corporate Accountability](#) and the [Hazards/TUC deadly business guide](#)

UNISON welcomes jailing of nurse's assailant

UNISON Scotland has welcomed the jailing for three months of a hospital visitor who headbutted an accident and emergency unit nurse. "Whilst we do not want to criminalise anyone it is totally unacceptable that this man while on a visit to an accident and emergency unit headbutted a nurse who was trying to provide care to his relative," said Jim Devine, UNISON's Scottish organiser for health. "The nurse has been off work for many weeks and as I understand is scarred by the incident and severely traumatised to the extent that she vowed never to work in A and E again. One hopes that this sends out a very clear message that being physically or verbally abused at work is not part of an NHS worker's job."

- [UNISON Scotland news release](#). **UNISON violence survey and action plan [summary](#) and [detailed report](#)**. Also see: **Scotland gets "treatment ban" for violent patients**

Work killers escape through legal loopholes

Since Labour gained power 2,000 people have died at work, but government promises to clampdown on corporate safety criminals have not been matched by action, a workplace justice campaigner has charged. Writing in *The Observer*, David Bergman of the Centre for Corporate Accountability, says: "Harm resulting from corporate activities is rarely seen as 'real crime' and is therefore hardly ever subjected to a serious level of investigation. Even when it is, the law protects from prosecution people who have been negligent or reckless." As proof, he says in the last 10 years, 3,000 workers and 1,000 members of the public have died in work-related incidents. "Most of these deaths result from corporate activities. Yet only 11 companies have been prosecuted for manslaughter, only four of which - all very small firms - were convicted. The number of directors who have ever been jailed for such offences is just two." Bergman concludes: "Despite Labour's emphasis on law and order and helping the victims of crime, people who have suffered because of corporate negligence continue to watch companies and directors go free because the government has failed to legislate to close the legal loopholes."

- [The Observer](#). Also see the [TUC/Hazards "deadly business" guide](#) and the Centre for Corporate Accountability [webpage](#) and guide to [work manslaughter cases](#)

Transco charged over gas blast deaths

The gas supply company Transco has been charged with culpable homicide following a December 1999 explosion in Larkhall, South Lanarkshire that killed four members of one family ([Risks 45](#)). It is the first time in Scotland that a company has been accused of culpable homicide. The indictment follows a lengthy investigation by the Lanarkshire Area Procurator Fiscal, assisted by a specialist team of police officers from Strathclyde Police. In a statement Transco said it intends to contest the charges. The case has been indicted for trial in the High Court Edinburgh on 7 March 2003 on a charge of culpable homicide, with a contravention of Sections 3 and 33 of the Health and Safety at Work Act 1974 as an alternative. Ian Tasker, health and safety officer for the Scottish Trades Union Congress (STUC), said: "The STUC have welcomed the announcement that charges have been laid and a court date set for the trial to commence. We would see the decision to proceed as a test of Scots Common Law to deal with allegations of corporate killing and consider how this transfers to cases involving fatalities to workers."

- [Scottish Executive news release](#). [BBC News Online](#)

Building employer faces manslaughter charges

Terrence Astin, of Poole, is to face charges of manslaughter and two charges under the Health and Safety at Work Act following the death of his employee, Marc Polden, 30, after an incident on a London construction site. On 23 August 2001, Marc Polden was working on a construction site in Leadbury Mews, Notting Hill. He was cutting a tank which caught fire and he received burns. He was taken to the special burns unit in Salisbury but sadly died a week later. The hearing at the Old Bailey on 13 February is a plea and directions hearing but if the accused pleads guilty he could be sentenced on the day.

- [London Hazards Centre press release](#)

Employers pay out but workers really pay

Dangerous employers continue to shell out large sums in compensation and fines, but it is their staff who really pay the price for

work hazards. Construction giant Tarmac has paid out £500,000 compensation to Brian Tighe, 54, who suffered skull fractures, a broken back, broken ribs and permanent brain damage after falling 22 feet at work in December 1989. The judge also approved a £48,000 settlement to Michael Tighe, Brian's brother, who took on the role of carer. Jacqueline Collins, who was held at knifepoint a robbery at an Edinburgh off-licence where she was the only worker on shift, was awarded £179,000 in damages from Victoria Wine. The judge said: "I am satisfied that the firm's failure to take reasonable care and introduce double-manning materially increased the risk of a robbery of this type, and indeed of other forms of violence occurring." A former crisp factory worker with KP Foods and member of the union GMB has received a £78,000 payout from the company after a back injury forced her to quit her job – she had previously warned supervisors and the company nurse about problems. And steelmaker Corus has been fined £10,000 over the death of fitter Bob Powlay, 54, who was crushed under a three-and-a-half tonne steel plate.

- **News reports on the [Tarmac](#), [Victoria Wine](#), [KP Foods](#) and [Corus](#) cases**

UNION NEWS

It could be you -TUC safety rep award 2003

Are you one hell of a safety rep? You know someone who fits the bill? This year, for the first time, the TUC will be making an award "to the trade unionist who represents the best aspects of being a safety representative." The award will be made at the 2003 Congress, which takes place in Brighton from 8-11 September. Unions may submit as many nominations for this award as they wish, but each nomination must be signed by the union's general secretary.

- **Nomination details and conditions for the [2003 TUC safety rep award](#). The deadline is 13 June 2003**
- **[Other TUC union rep awards](#) in categories for women, learning reps, organising and youth**

RMT questions Tube on agency maintenance role

Safety critical checks on Central Line trains have been carried out by agency staff because of staff shortages created in the run-up to Tube privatisation, rail union RMT has revealed. RMT says there is effectively a recruitment freeze until responsibility for maintenance of the Bakerloo, Victoria and Central lines contract is taken over by the

private Metronet consortium. "That means Central Line maintenance staff have been working high levels of overtime just to cover basic duties and management have brought agencies in to carry out safety-critical work like the five-day inspections on motor bolts," RMT says. The affecting lines include the scene of the 25 January Tube train derailment in which 32 people were injured ([Risks 91](#)). RMT's Bobby Law fears inexperienced staff may have been left to perform the safety critical work. He said: "Were they qualified to do it? Were they properly supervised? Was there a system in place to audit the work? Just how many maintenance vacancies are there? And why have they not been filled?" He added: "There are so many urgent questions that need answers and our safety reps will continue to raise them until we get answers."

- [RMT news release](#)

Pilots warn government of long hours dangers

A top official of the pilots' union BALPA has warned the government it is "sleepwalking into a piece of folly" on air safety unless it blocks European Parliament proposals for new rules on pilot flying hours ([Risks 90](#)). BALPA chair Captain Mervyn Granshaw said letters to transport minister John Spellar MP and to Brian Simpson MEP, who steered the proposals through the European Parliament, warning them the proposals will force pilots to fly beyond the safety limits set by safety experts, sharply increasing pilot fatigue, and will make flying for passengers and crews alike less safe. "Safety should continue to be paramount," Captain Granshaw said. "If John Spellar agrees with us, then we would expect the British government to block the proposals as they stand. At present, the minister says he is happy to give support to the European Union proposals with a number of relatively minor amendments." Granshaw added: "These proposals are opposed not only by all 31,000 airline pilots in Europe but by all pilot organisations in every country in the world. The proposals are downright dangerous and we will not sit back and see the European Union and the UK government sleepwalk into a piece of folly."

- [BALPA news release](#)

GMB says ergo guide must go

General union GMB says it is "appalled" that a new HSE guide to ergonomic hazards has no reference to safety reps. The union has called on HSE to reprint the document. HSE's *Understanding ergonomics at work* guide outlines the actions duty holders should take

to maintain and improve health and safety, taking an ergonomic approach. Kim Sunley, the GMB's acting director of health and environment, said: "Once again the valuable contribution of safety reps in improving workplace conditions has been erased from the history books. It is such a shame, as this guide has the potential to be a very useful book. But how can we issue it to our safety reps when their role has not been recognised?" She added that it is well established that "participatory approaches are best at tackling ergonomic and other workplace safety problems." The GMB is writing to HSE director general Timothy Walker to complain about this omission.

- [GMB news release](#). **HSE's new Understanding ergonomics at work guide [pdf format]**
- **Find out more about [the safety rep role](#), [the union effect on health and safety](#), and [participatory research](#)**

OTHER NEWS

Weapon used in postman murder

Detectives have said a postman murdered while delivering mail in north Wales, had been beaten about the head with a blunt weapon. They added that they were still trying to establish a motive for the attack on 30-year-old father Paul Savage. Mr Savage had only been a post worker for three months. Two young men were spotted in Clayton Road, Mold, shortly before Mr Savage was found lying unconscious beside his bicycle and postal sack on Tuesday morning. An incident room has been set up on Deeside and a total of 30 officers have been assigned to the murder inquiry. Royal Mail briefed staff before they resumed deliveries following the attack and counsellors were brought in to talk to workers. "Our postmen and women are still stunned by what has happened and several of them took advantage of being able to speak with a trained counsellor this morning," said Royal Mail area manager Graham Brownhill. Royal Mail chair Allan Leighton joined members of the Communication Workers' Union (CWU) postal executive in a minute's silence. Billy Hayes, CWU general secretary, said everyone in the industry was shocked by this terrible murder. "Words cannot express the great sense of loss we all feel. Our thoughts are with Paul's widow and daughter at this awful time for them both."

- [BBC News Online](#). [CWU news release](#). **A special**

number has been set up for anyone with information on the murder - 01352-707552 or Crimestoppers on 0800 555111

Woman dies in sugar plant accident

A woman has died after being hit by a mechanical shovel at a sugar processing factory. The HSE has begun an investigation into the death of 40-year-old Lorraine Waspe at the British Sugar plant in Bury St Edmunds, Suffolk. The investigation could take "months rather than weeks", said an HSE spokeswoman, adding: "We need to carry out a thorough investigation to ascertain what happened, why it happened and whether it could have been prevented. What we are really looking for is to see if there have been any breaches of health and safety legislation that exists to protect employees in the workplace."

Colleagues of Mrs Waspe, who was a seasonal employee in the despatch department, are being offered counselling. A Suffolk Police spokesperson said the death was not being treated as suspicious.

- [Evening Star](#). [Ananova](#). [BBC News Online](#)

Scottish "treatment ban" for violent patients

Violent patients who attack NHS staff could be refused treatment by health chiefs under new guidance from the Scottish Executive. Health minister Malcolm Chisholm says the ultimate sanction of withholding treatment from violent patients will be given to NHS Boards for the first time. The new guidance deal with issues like stress, biological and chemical dangers, lone working, and "covers all the major health and safety issues that could affect staff as part of their day-to-day work" in the NHS in Scotland. Commenting on the new treatment ban option, Mr Chisholm said: "This sanction, backed by staff, is the right step for us to take to deter attacks against health service workers." He added: "This new guidance will help staff deal with the small minority of individuals who make such violent attacks and ensure that all NHS staff feel safer and more secure at work."

- [Scottish Executive guidelines](#). [BBC News Online](#)

Scotland to consider smoking ban

The Scottish parliament will debate a ban smoking law later this year. The Regulation of Smoking Bill, proposed by the Scottish National Party's Kenny Gibson, will be lodged after the May elections. MSPs have been sparked into action by new decisions to ban smoking in

workplaces and public places by the Welsh Assembly and the Irish parliament ([Risks 91](#)). The anti-smoking lobby hopes that these radical measures could finally embarrass Westminster into adopting anti-smoking legislation – something it has resisted despite a 1997 election commitment. Dr Sinéad Jones, director of the BMA affiliated Tobacco Control Resource Centre, said countries like South Africa, Thailand, the US and Canada had smoking restrictions in the workplace. The UK was the only country in Europe with no anti-smoking legislation.

- [Sunday Herald. ASH daily news](#)

Rail safety system stalled

A deadline for the introduction of a new safety system for high speed trains cannot be met, the government has conceded. Lord Cullen's inquiry into the Paddington rail crash said the system should be in place on all high speed lines by the end of the decade ([Risks 20](#)). However secretary of state for transport Alistair Darling has accepted HSC advice that a date of 2010 for the new European system - which stops trains going past red signals - is "not viable." HSC warned the European Rail Traffic Management System (ERTMS) will not be available in a sufficiently advanced form until well into the next decade. The advanced "level two" version of ERTMS – which rail unions want to see introduced - is currently working on just one line in Switzerland. In the meantime work continues on another safety system, the train protection and warning system (TPWS), which stops trains from passing red signals - but this only works if trains are travelling at below 70mph. The letter from HSC chair Bill Callaghan to the transport secretary said "there is a clear and credible path to the installation of ERTMS at a future date," adding: "ERTMS would be essential if train speeds above 125 mph are contemplated."

- [Department for Transport news release. BBC News Online](#)

Industry push to protect builders' bods

Britain's builders are making an industry-wide effort to reduce its high rate of accidents and improve occupational health. A series of safety and health awareness days, organised jointly by building employers' groups, construction companies and safety professionals body IOSH, are being held around the country throughout February and March. Bill Callaghan, chair of the HSC, said: "These safety and health awareness days are an excellent example of how the industry can work together to improve its health and safety performance." The awareness days,

which include practical advice on the common site hazards, are aimed at small contractors who employ fewer than 16 people and the self-employed, who together make up 83 per cent of the industry. The events are behind held at venues across Scotland and England.

- [HSE news release](#). **If you are in the industry and employ fewer than 16 people or are self-employed and would like to know more about these events, see [Working Well Together website](#) or contact Joy Jones on 020 7556 2130**

INTERNATIONAL

Australia: Four out of five workers want an end to overwork

Eighty per cent of Australian employees want more family friendly workplace laws and a cap on long working hours, according to one of Australia's largest workforce surveys. Australian union federation ACTU's *National survey of workplace issues* covers more than 8,000 employees nationwide and found high levels of workplace stress, insecurity, financial difficulty, understaffing, excessive workloads and unpaid overtime. "Most Australian employees say they are under increasing workplace pressure which is damaging their personal and family life, but two-thirds say they are still worse off financially," said ACTU president Sharan Burrow. Fifty-five percent of employees surveyed said the impact of work on their personal life had increased in the last few years, and 75 per cent of these reported a negative impact on their families. ACTU found 79 per cent felt there should be a limit on the number of hours worked in a week and 78 per cent reported understaffing and work overload.

- [ACTU news release, factsheet and full survey report](#)

Northern Ireland: staff return to work after terror threat

Staff at a County Tyrone social security office have returned to work after a one day walkout. It followed a threat against Catholic builders who are refurbishing the Omagh office. The Department of Social Development said it was disappointed by the "unofficial action" taken on the basis of an anonymous threat.

- [BBC News Online](#)

USA: A week of death

In the week America mourned the death of the seven crew of the

space shuttle Columbia, the deaths of another 120 so US workers went largely unremarked. Jordan Barab, a US safety expert who has worked for both federal agencies and unions, commented that "the real anguish and public grief" about this tragedy was in sharp relief to the largely unheralded, largely anonymous fate of the ordinary workers who faced "in many ways the same death that the astronauts faced. They died doing their jobs, just as (statistically) about 120 other Americans died doing their jobs last week, not including the 165 who die every day of occupational related disease." Barab adds: "If the 18 people who die every day in America's workplaces all died at the same time, there would be national headlines. Most, however, die one at a time, hardly noticed by anyone except their family, friends and co-workers. What about heroism? Does the fact that you 'knowingly' face danger for a higher cause make you a hero? Exploring the frontiers of space? Knowingly working in a dangerous workplace to feed your family?"

- **Hazards**

USA: The colour of hazards

Hazardous job ghettos are still putting black and ethnic workers at much higher risk of occupational accidents and disease, a US researcher has found. Dr Linda Rae Murray, writing in the *American Journal of Public Health*, says the distribution of jobs "is a product of our social, economic, and cultural history, and therefore is littered with gender, racial, and ethnic 'job ghettos'," with the dirty, difficult and dangerous jobs falling overwhelming to certain groups of workers. In the US, for example, 50 per cent of all garbage collectors are black; 97 per cent of all dentists are white. Murray says the statistics and research examining racial inequalities in occupational health are inadequate, and calls for policy and research initiatives to address this. She adds that making workplaces safer should be a prime objective. "Finally, and most importantly, the best way to guarantee safer workplaces is by ensuring that workers have the right to organise unions," Murray says. "The fact that less than 15 per cent of all US workers over age 16 belong to unions hampers effective legislation and regulations needed to guarantee safe workplaces."

- **Linda Rae Murray. Sick and tired of being sick and tired: Scientific evidence, methods, and research implications for racial and ethnic disparities in occupational health, American Journal of Public Health, vol.93, pages 221-226, 2003 [[abstract](#)]**

- **More on the [union effect](#)**

USA: Lead linked to male infertility

Men who are exposed to high levels of lead may be at increased risk of becoming infertile, a study suggests. Researchers in the United States have found evidence to suggest that lead can damage sperm. The research team, writing in the journal *Human Reproduction*, say they examined the semen from the partners of 140 women undergoing their first IVF cycle. The study of 100 healthy men aged 22 to 80 found that high lead levels in semen were associated with low fertilisation rates. They also found that lead can prevent sperm from fertilising the egg. "We have evidence that higher lead levels interfere both with the ability of the sperm to bind to the egg and with its ability to fertilise the egg," said Dr Susan Benoff, one of the researchers. Many men, such as plumbers, plastic and chemical workers, painters and printers, are exposed to lead at work.

- **[BBC News Online](#). Susan Benoff and others. Increased seminal plasma lead levels adversely affect the fertility potential of sperm in IVF, *Human Reproduction*, Vol. 18, No. 2, 374-383, February 2003 [[abstract](#)]**

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!

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). The HSE will be launching their new guidance on Display Screen Equipment at the conference which features keynote speeches from HSC musculoskeletal priority programme champion Owen Tudor and Professor Peter Buckle from the Robens Institute. Further [details](#) on the conference.

Railway Workers' International Action Day, 14 March

The Railway Workers' International Action Day – with a "Safety first!" theme - will take place on Friday 14 March. The event is organised by

ITF, the International Transport Workers' Federation, and involves railway workers' unions all over the world taking action to highlight railway safety issues



"because we strongly believe that safety is constantly jeopardised with increased competition introduced by undercutting working conditions and social standards." ITF adds: "Our position is simple but fundamental; 'safety must come before profit'. This message applies to all the railways be they public or private. We also stress that the governments and employers must listen to the knowledge and experience of the railway workers in promoting railway safety."

- [ITF campaign briefing and resources](#)

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 Work Hazards Conference, 18-20 September

The next European Work Hazards Conference, where union health and safety reps and union safety officers, specialists and advisers come together to discuss approaches and strategies, will be held in Copenhagen, Denmark, from 18-20 September 2003. [European Work Hazards Network](#)

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](#)

NEW COURSES FOR APRIL TO JULY 2003:

[North](#), [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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