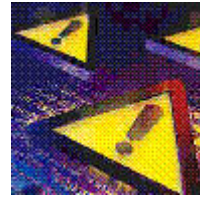


Risks

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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.

FEATURE ON CORPORATE RESPONSIBILITY

Workers' Memorial Day 2003 - this time it's personal

Brendan Barber, due to take up the job as Britain's top trades unionist in May, has given his personal commitment to Workers' Memorial Day. In a statement ahead of the 28 April event, he said: "When I was elected as general secretary elect of the TUC, I committed myself to ensure that working people's main interests were at the heart of the TUC's work. Health and safety are indeed central concerns." Barber welcomed the support Workers' Memorial Day now gets from Ministers and MPs, from the HSC and globally from the International Labour Organisation. He added, though, that this is primarily a workers' day. "Workers' Memorial Day is an event that is, rightly, controlled by local trade unionists and the families of workers who have died because of work - often tragically young. It is not a day for grand and empty gestures, but for private thoughts and public demonstrations." He added that the global theme of "employer accountability for health and safety" - which was proposed by TUC - should lead "to more serious penalties for serious health and safety breaches - and, if the courts deem it appropriate, jail sentences for the worst offenders - especially those found guilty of a new law against corporate killing."

- [Full statement from Brendan Barber](#), TUC general secretary elect
- Find out what's happening in the UK on the [TUC Workers' Memorial Day updates page](#)
- For news and resources from the UK and worldwide, see the [Hazards WMD webpages](#)
- Tell us what you are doing for Workers' Memorial Day! Send details to [Hilda Palmer](#), the TUC WMD 2003 co-ordinator

Fines don't add up to work death justice

A demolition firm has been fined £40,000 after the death of one of its workers at Blyth Power Station. London-based Brown and Mason, which has a £12 million contract to demolish the power station, was fined £35,000 for failing to ensure the safety of its employees and £5,000 for failing to prepare a proper risk assessment. The prosecution followed the death of Jimmy Hall, 21, in May 2001. Mr Hall's mother Pat Henderson said she had hoped for a bigger fine to act as a deterrent to other construction companies. She said: "It was the first

year Jimmy had been on the job and I don't think he was trained properly. The £40,000 is nothing to a company that size, they haven't had to go through what I've had to suffer. Jimmy's son was given compensation, but he'll never get the love Jimmy would have given him. I wanted justice for Jimmy, so that nobody goes through what I had to go through." Mr Hall was killed when assistant site manager Richard Brown - the son of one of firm's directors - cut a wire supporting a junction box that fell on to Mr Hall. Judge Guy Whitburn also ordered the company to pay £3,750 costs.

- [The Journal](#)

Firm fined for horror accident

Tyneside company SAI Automotive has been fined after a worker was caught in a spiking machine. Paul Smith suffered horrific injuries including three shattered vertebrae, a punctured lung, broken ribs and a dislocated knee as a result of the incident at the car component factory. The firm was fined £14,000 with £1,540 costs after it admitted failing to ensure the safety of an employee. Mr Smith was working alone on the carpet moulding production line when the spiking machine suddenly lowered as he was bending to adjust it, crushing and trapping him. Laura Lyons, prosecuting for the HSE, said Mr Smith could have been killed, adding: "There should've been a clearer system of working and it should've been monitored by the employers. It's a very dangerous piece of equipment to operate. It's a complicated and sophisticated system and one the operator could not have been expected to fully understand." The machine was originally designed to be operated by two workers, but in a bid to up production the company had switched to one person operation for most tasks.

- [Evening Chronicle](#)

UNION NEWS

Don't choke on the smoke!

Pressure on the government to regulate smoking in the workplace will be stepped up in April when the TUC, the Chartered Institute of Environmental Health (CIEH) and Action on Smoking and Health (ASH) hold a "Don't choke on the smoke" campaign conference. The three organisations will be calling on the government to adopt the long-delayed Approved Code of Practice (ACoP) on passive smoking. They will reveal opinion poll results and evidence of the levels of illness caused by environmental tobacco smoke. Similar research has recently

led to a spate of legal bans on smoking at work, most recently in Ireland ([Risks 91](#)). TUC general secretary elect Brendan Barber said: "We will soon have the most confusing laws, the smokiest workplaces, and the most passive smoking diseases. The government could stop this relentless slide to last place in the clean air stakes by accepting the code of practice drawn up by its own advisers." Marsha Williams of the anti-tobacco campaigning group ASH said: "Simply put, passive smoke is a killer and if ministers do not move quickly to effectively ban smoking in all workplaces the reality is that workers will continue to die."

- [TUC news release](#). Also see the [ASH webpage on smoking bans around the world](#) and on the [long-delayed Approved Code of Practice](#)
- **The conference takes place on Wednesday, 9 April from 10am to 4:30pm at Congress House, the TUC headquarters in London WC1. Registration is £30 for members of ASH, the CIEH and the TUC, £40 for public and voluntary sector organisations and £50 for others. Cheques should be payable to ASH and sent to 102 Clifton Street, London EC2A 4HW**

UNISON opposes over-reaction on smoking breaks

Twenty thousand Liverpool council workers have been warned they could lose their jobs for taking unofficial cigarette breaks. An email from chief executive David Henshaw warns all staff that sneaking away for a cigarette could constitute gross misconduct, reports the *Liverpool Echo*. He also warns that anybody leaving the office faces disciplinary action for taking "absence from work without permission." According to the correspondence, some workers have been sneaking to the toilets for a smoke, while others have been leaving the office altogether. Sheila Kearney, branch secretary of UNISON, said: "We do not believe that this is something which can be classed as gross misconduct and I have written to Mr Henshaw expressing our concerns." National UNISON guidance on smoking policies says there should be "consultation with safety representatives and branches over the introduction and content of such policies - since this is a health and safety issue there is a right to consultation. The HSE recognises that full in-depth consultation with employees and their representatives is high desirable for the smooth implementation of smoking policies." TUC's Owen Tudor said: "unions are against smoking at work, not smokers. This is the sort of confused response that HSC's draft ACoP is

designed to avoid.”

- [Liverpool Echo. Ananova. UNISON information sheet on smoking in the workplace](#)
- [Hazards guide to smoking, drink and drugs at work](#)

Tube safety rep victimised for safety stand

Tube bosses have been accused of victimising a leading union safety representative in order to curb criticism of the Underground's poor safety record. Train drivers' union ASLEF says LUL managers dismissed long-standing safety rep Adam Parker on trumped up charges last week. ASLEF general secretary Mick Rix said: “Adam Parker is one of the most skilled and experienced health and safety experts working on London Underground” and condemned Tube managers for “victimising him at a time when its own safety record is so deplorable,” adding: “It seems clear that Tube managers find it awkward to have questions raised about their safety procedures and have singled Adam Parker out in order to intimidate others. We are demanding his reinstatement and will do whatever is necessary to support our victimised member.” Mr Parker was dismissed last week on charges relating to an incident that occurred, allegedly, in 1999. It was not reported until two years later.

- [ASLEF news release](#)

Train guards balloted on safety strike

More than 5,000 train guards across Britain are to be balloted on industrial action in a dispute over safety. Staff at 21 train companies will be balloted by their union, the Rail Maritime and Transport (RMT) union, who say most train operators had failed to honour a commitment to restore the safety duties of guards to the industry's rule book. “Under Railway Safety Limited, it seems that railway safety has become very limited indeed,” said RMT general secretary Bob Crow. “For most operators, safety has come a poor second to profit.” Mr Crow said most operators had “flatly refused” to sign up to an agreement the union has reached with GNER to recognise the crucial role played by guards.

- [BBC news online](#)

Union wins time off from the pub

Bar managers' union TGWU has won a commitment to a working hours ceiling of 48 hours from pub chain The Spirit Group – and is gaining

lots of new members impressed by its stand. The company accepted the average working week limit to head off a move by the National Association of Licensed House Managers (NALHM), a section of the TGWU, to take the company to court over excessive work hours. The union says it might still take two test cases if the company continues to insist the Working Time Regulations do not apply to pub managers. Peter Love, national officer for NALHM, said: "Very recent correspondence from Spirit informed us that any manager who wished some quality of life need only ask and the company would apply the 48-hour week. The Association regards this as a moral victory for all Spirit managers as without NALHM speaking up for them and their interests no action would have been taken by the company." TGWU says 98 pub managers and their partners employed in the Spirit Group joined NALHM last year, to register their concerns over working hours.

- [TGWU news release](#)

Wolves workers get millions in compensation

The Wolverhampton District of the union TGWU recovered £3,364,446.13 for 697 members injured at work in 2002. The union says this represents a 15 per cent increase on the previous year ([Risks 67](#)), with settlements ranging from £100 to £525,000. John Walsh, TGWU regional industrial organiser for the Black Country, commented: "For the less than the price of half a pint of beer in the case of our part-time members, or less than the price of a pint of beer in the case of our full-time members, the TGWU provides specialist solicitors, barristers, and Queen's Counsellors to fight for justice for those injured at work. Had any of the 697 not been members of the union they could have been charged £140 per hour plus VAT by solicitors." He called on employers to "constructively engage" with the TGWU and its health and safety representatives as a measure to improve safety and reduce compensation costs and lost time.

- [TGWU news release](#)

Payout for teacher who fell out of work

A schoolteacher who slipped on a chip has been awarded £44,650 High Court damages. NASUWT member Carol Harper was employed at King Edward VI High School in Westway, Stafford, when she slipped and fell down eight steps, fractured a bone in her left ankle. After the May 1999 accident she was off work for a year and eventually had to retire from the profession. Staffordshire County Council agreed the amount of damages but denied liability. The school had put up notices telling

children not to take food from the dining room, had teachers monitoring the practice and also had a policy requiring the doors to be locked between the area and the stairs at lunchtime. But the judge found that on the day of the accident the doors were unlocked for some reason and should have been checked, with the stairs swept if necessary.

- [Ananova](#)

Teachers demand law change after gun pupil readmitted

Union chiefs have called for a change in legislation after a school was forced to take back a pupil expelled for shooting a teacher. The 11-year-old is back at Llantwit Major Comprehensive School, South Wales, after shooting his sociology teacher John Alter in the neck with a toy ball bearing gun. School head Dr Michael Norton permanently expelled the pupil after the incident, and was backed up by his board of governors. But the boy's parents appealed to an independent panel, which overturned the school's decision and forced it to take him back. Gethin Lewis, secretary of the National Union of Teachers in Wales, said incidents with replica weapons were becoming more common and were the cause of extra stress and fear within schools. Calling for a law change, Mr Lewis said: "The final decision in cases like this should rest with the school headmaster and the governors." He added: "Our view is that any pupil found with a knife or a gun, whether replica or real, should be expelled."

- [Ananova](#). [NUT news release](#)

Exploding passengers should be banned from flying

Unions in Britain and Australia are calling for a serious assault on air rage. The British Airline Pilots' Association (BALPA) said it was disappointed that Courtney Love had not been charged with air rage after she was arrested at Heathrow for verbally abusing crew members on a flight from Los Angeles. Love, former lead singer of the band Hole, was released after nine hours in custody with a caution for "causing harassment, alarm and distress". Jim McAuslan, general secretary of BALPA said: "Air rage should be taken much more seriously. She is in the public eye and she should be setting an example, not acting in such a way that causes distress to the crew and its passengers." He said BALPA hoped a Private Members Bill would lead to an automatic custodial sentence for air rage. In Australia, Melbourne Airport security staff are pushing for an air rage provision in employment contracts. LHMU organiser Mark Russell said abused

security staff needed automatic access to workers' compensation and psychological counselling. He added that the union had asked Qantas for a "no-fly" policy for passengers who abused security staff.

- [BALPA news release](#). [LHMU news release](#). [BBC News Online](#)

OTHER NEWS

CBI boss under fire for 'politically correct safety' gaffe

The leader of the CBI, Britain's top business mouthpiece, is under fire for an attack on workplace safety. Responding to a Learning and Skills Council (LSC) report that showed 78% of employers provided health and safety training – far more than provided skills training – CBI director general Digby Jones said UK laws had spawned a "compensation culture". He said that safety was a "politically correct" priority. LSC, however, said it was "absolutely not" arguing there was too much safety training. An LSC spokesperson told *Risks*: "We are simply suggesting employers also need to pay attention to skills training as, because of the introduction of new technology, organisational change and the lack of training and HR development, skills gaps are becoming a real problem." HSC chair Bill Callaghan also hit back at the CBI leader, saying "improved productivity and health and safety go hand in hand." And TUC safety officer Owen Tudor commented: "The CBI director general is becoming known for his public gaffes. But it's worse than a mistake when more than a fifth of firms confess that they break the law on health and safety training. Studies show that safety training saves lives and prevents injury – safety training is morally right, not politically correct."

- [LSC news release](#). [FT.com on the CBI comments and the HSC rebuttal](#). **Copies of *Skills in England 2002* are free from LSC, tel: 0845 019 4170 or [online](#)**
- **Related information:** [TUC report on closing the skills gap](#)

Widow to sue steel firm over work death

A widow is to sue steel maker Corus over the death of her husband. Bob Powlay, 54, was crushed by a three and a half tonne plate at the pipe works in Portrack, Stockton. Corus pleaded guilty at Teesside Magistrates' Court last week to a breach of health and safety regulations and was fined £10,000 and costs of £1,286 ([Risks 92](#)). Mrs

Powlay said that a transcript of last year's inquest into her husband's death and the report of the investigation which followed the tragedy, conflict with some of the evidence offered in mitigation by Corus at the court. She said: "I am defending my husband against some of the things that have been said. He is not here to defend himself. I am very angry." A Corus spokesperson said: "Corus considers the health and safety of its employees as the highest priority and has co-operated fully with the investigations and recommendations made by the Health and Safety Executive since the accident occurred." The company has one of the UK's worst workplace fatalities records, with at least five other deaths at Corus plants since Bob Powlay was killed in October 2000 ([Risks 88](#)).

- [Stockton Times](#). More on the [Corus fatality record](#)

Employee claims post traumatic stress dismissal

A Clacton care worker lost her job as a result of witnessing an horrific stunt show death, it has been claimed. Caroline Hill was left suffering from post traumatic stress disorder by the accident in August 2000, an employment tribunal was told. She was supervising a group of residents with learning disabilities at the event, and was standing just feet away when a motorcycle failed to clear a line of people lying on the ground and landed on the commentator, killing him. She is claiming disability discrimination and unfair dismissal from Clacton Family Trust Ltd who she claims fired her after she confided to a manager that the trauma had caused her to attempt suicide. She told the tribunal that after the event she had been refused time off by a manager despite being in a distressed state. Miss Hill added she had not been able to work since losing her job and was still distressed about the fatal accident. The tribunal was adjourned until next week.

- [East Anglian Daily Times](#)

Protection for MoD, none for asbestos victims

A former sailor from Devon, who says his health was ruined by exposure to asbestos, has lost his case for compensation from the Ministry of Defence (MoD). Alan Matthews, 65, from Exeter, said he was exposed to large quantities of asbestos dust while serving in the Royal Navy 40 years ago. But five Law Lords refused to strip the MoD of the last vestiges of the Crown immunity, which protects it from being sued over injuries suffered decades ago. Mr Matthews said he was "absolutely gutted" by the Lords' decision and his lawyers are now to take the case to the European Court of Human Rights in Strasbourg.

The 1947 Crown Proceedings Act barred lawsuits against the MoD over injuries sustained by services personnel, until it was repealed in 1987. But the change was not applied retrospectively, meaning those injured before 1987 could not bring claims. Mr Matthews originally won his case in the High Court, but this was overturned by the Court of Appeal, a decision backed by the House of Lords.

- [BBC News Online](#), [FT news](#)

INTERNATIONAL

Australia: Unions fight random alcohol testing

Unions are fighting a plan by Australian defence contractor Tenix to introduce random alcohol testing of employees. The company wants to impose tough penalties for workers found to have a blood alcohol reading above 0.02, a quarter the UK drink-drive limit. Company spokesperson Liam Bathgate said the proposed testing was not being introduced in response to an alcohol problem. "We have a duty to look after the safety of our employees and that's what we're trying to do," he said. Unions, including the Australian Workers Union (AWU), the Electrical Trades Union (ETU) and the Australian Manufacturing Workers Union (AMWU), are opposed to the plan because it is too "intolerant". AWU national secretary Bill Shorten said unions believed alcohol testing - in the presence of a union shop steward - was only appropriate if there was a suspicion a worker was under the influence or if there was a workplace accident. He said the unions were seeking a limit of 0.04 per cent blood/alcohol content, rather than the 0.02 per cent being sought by Tenix. The unions also want any worker found to be affected by alcohol to be offered counselling, rather than face dismissal or other disciplinary action.

- [Yahoo. Union guide to drug and alcohol testing](#)

Australia: Union push for safer sites

A report from the Australian construction union CFMEU is calling for "an urgent and practical clampdown" on dangerous building employers. The report, which has been mailed to all federal and state politicians, calls for a national review of occupational health and safety laws, the introduction of industrial manslaughter legislation and the establishment of a national database to track accidents and incidents in the construction industry. Speaking ahead of the publication of a government report on health and safety, due later this month, CFMEU national secretary John Sutton said that any weakening of the

regulation of workplace health and safety by the federal government would lead to more deaths and injuries and would be “vigorously opposed” by the union. He added: “The CFMEU has mailed all federal, State and Territory parliamentarians this week, outlining strong practical measures that could be taken to improve safety in the industry this year. We’re reminding parliamentarians that poor health and safety not only puts workers’ lives and the welfare of their families at risk; it also costs the industry over \$100 million in lost time each year.”

- [CFMEU news release](#)

Australia: Road worker drive against safety corner-cutting

Hundreds of Australian road workers have taken their campaign to the streets in a drive for improved workplace safety on road worksites and to stop cost- and corner-cutting by contractors. The road construction workers, asphalters and traffic controllers, all members of the Australian Workers’ Union (AWU), rallied outside of the official transport agency calling for new safeguards including: A police presence at road worksites; a separation of the worksite from traffic using concrete barriers; speed cameras to slow down traffic; and a 25km/hr speed limit where barriers are unsuitable and traffic is within three metres of the worksite. The move comes after the death late last year of an AWU member struck by a runaway truck during his lunch break. AWU national secretary Bill Shorten said: “No tenderer should win a job where they fail to include how they will satisfactorily meet road traffic management and occupational health and safety standards,” Mr Shorten said. He added: “The AWU is calling for a change to tender contracts so that the price of managing safety is itemised separately to the cost of the road works.” Last year, US safety enforcement agency OSHA issued detailed guidance on road worker safety ([Risks 71](#)).

- [AWU news release](#)

Canada: Killer Asbestos mine lives on

The recently closed Jeffrey asbestos mine, once the western world’s largest producer of the killer mineral, is to reopen following negotiations with the mineworkers’ union. The mine, still teetering on the brink of bankruptcy as global demand for asbestos plummets ([Risks 75](#)), was once so important to the Quebec town it was named “Asbestos”. The Canadian Press reported: “The initial reopening of the mine provided jobs for 250 people and has breathed new life in

Asbestos, a town of about 6,500 located about 150 kilometres northeast of Montreal." Canada's national government and the provincial government of Quebec have invested millions in a global drive to promote asbestos and to attempt to block or delay asbestos bans in the European Union and elsewhere ([Risks 5](#)). The Canadian industry now concedes its major markets are the developing world, although the Asbestos mine also had a Canadian \$22.9 million (£9.3m) contract with Thiokol Propulsion, the world's leading supplier of solid propellant rocket engines for space flights. Canadian unions CAW and CUPE have backed international union calls for worldwide ban on asbestos.

- [Canadian Press](#)

Global: Safety off the rails from Australia to Zimbabwe

Fatal rail accidents in Zimbabwe and Australia that claimed the lives of 67 people are "a grim reminder that transport safety remains a major issue for all countries," says the global transport workers' union federation ITF. On 1 February, the Zimbabwe Amalgamated Railway Union (ZARU) reported 60 people had been killed, including 7 railway workers, when a passenger train with over 1,100 passengers collided head on with a goods train. The previous day the Australian Rail, Tram and Bus Union (RTBU) reported that seven people, including the driver, were killed and 40 injured in Sydney, Australia when a commuter train crashed. Further rail crashes occurred in both countries the day after the tragedies. ITF and its railway union affiliates worldwide "will once again focus on transport safety during the Railway Day of Action on 14 March 2003," ITF says, stressing a common theme of "Safety first!"

- [ITF news report and ITF International Railway Day of Action, 14 March](#)

USA: Knackered nurses are not an option

A US nursing union says the introduction of legal limits on the overtime worked in the nation's hospitals is the healthy choice for nurses and patients. "Patients need quality time, not mandatory overtime," said Diane Sosne, co-chair of the Service Employees International Union (SEIU) Nurse Alliance. "Exhausted nurses working back-to-back shifts just can't give the quality care that patients deserve." The union points to a study of nurse burnout published in October 2002 in the *Journal of the American Medical Association* that "proves what nurses have been arguing for years: Working too many hours while caring for too many

patients leads to increased patient deaths and job dissatisfaction.” The union is canvassing support for a Safe Nursing and Patient Care Act, currently being considered in the US after six states introduced legal nursing overtime limits in the past two years, with 17 other states considering similar legislation. SEIU says that “mandatory overtime has led many nurses to leave hospital jobs because they are unable to give patients high quality care, contributing to a growing shortage of nurses.” UK union UNISON has also found overwork is a prime cause of nursing shortages ([Risks 78](#)).

- [SEIU news release](#) and [SEIU Nurse Alliance](#)
- **Linda H Aiken and others. Hospital nurse staffing and patient mortality, nurse burnout, and job dissatisfaction, JAMA, vol.288, no.16, pages 1987-1993, 2002 [[abstract](#)], and [Reuters Health](#)**

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, 28 February

[International RSI Awareness Day](#) is held each year on the last day of February - which this year is 28 February. Unions and workplace health campaigners worldwide use the day to highlight the work hazards that cause strain injuries, and to undertake workplace activities on strains prevention and push for preventive action by employers and governments.



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.

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 TUChttp://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](#)

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