

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 7,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). [Past issues](#) [Useful links](#) [Disclaimer and Privacy statement](#).

UNION NEWS

TUC welcomes corporate killing move - unions want more



A commitment by Home Secretary David Blunkett to fulfil Labour election commitments by bringing forward corporate killing proposals this year has been welcomed by the TUC, unions, employers and safety campaigners. Some unions took the opportunity to get in bids for extra measures. Saying a timetable for introducing the new law would be announced in the autumn, Blunkett said: "There

is great public concern at the criminal law's lack of success in convicting companies of manslaughter where a death has occurred due to gross negligence by the organisation as a whole. The law needs to be clear and effective in order to secure public confidence and must bite properly on large corporations whose failure to set or maintain standards causes a death." TUC general secretary elect Brendan Barber said: "Unions are keen to help draft the detail of the proposed legislation in partnership with employers. This move will be good for workers, good for the public and good for responsible and accountable employers." However, unions also stressed their support for criminal sanctions for individual directors (which would need tougher company law duties) and the need to remove crown immunity. George Brumwell, general secretary of construction union UCATT said: "In the most serious cases the penalty should include imprisonment for individual directors. If custodial sentences can be given for cruelty to animals or killing someone outside work, there is no reason why the same penalty should not apply to a death at work." Ruth Lea of the Institute of Directors said that if a manager or safety officer was responsible for recklessness that led to a death, they should have the book thrown at them.

- [Home Office news release](#). [TUC news release](#). [GMB news release](#). [CIEH news release](#). [CBI news release](#)
- [The Guardian](#). [BBC News Online](#). [The Independent](#). [Ananova](#). [Financial Times](#)
- **Latest news: The manslaughter law updates page from the [Centre for Corporate Accountability](#) and the [TUC/Hazards "deadly business" campaign](#)**

Rogue bosses escape justice as a result of HSE cuts

The funding crisis facing the HSE will allow rogue bosses to escape prosecution for health and safety offences, inspectors' union Prospect has warned. Government plans to reduce spending over the next year by 5 per cent across all HSE departments "has left the executive unable to carry out prosecutions for health and safety offences according to best practice," says the union. It adds HSE's budget

allocation for 2003-2006 "was insufficient even to keep up with rising costs, let alone fund the improvements needed to tackle the unacceptable toll of death, injury and ill-health caused by criminal employers." Stephen Kay, chair of Prospect's HSE branch, said: "We see enforcing the law on health and safety as being the core purpose of HSE. It is vital that it remains an effective prosecution body working to 21st century principles. But we are concerned at the message that HSE and the government are sending out by the failure to resource prosecution work - that HSE is not serious about prosecution and that it doesn't matter if negligent employers get away with it." The union says safety enforcement needs more money, as employers can only expect to be visited once every 10-15 years, if at all.

- [Prospect news release. Prospect safety campaign](#)

Union warns job cuts could risk offshore safety

A union has lodged a formal complaint with the energy industry training regulator, saying the firing of competent, trained safety staff at RGIT Montrose could jeopardise offshore safety. Amicus has officially complained to Cogent, the sector skills council, over redundancies at the Aberdeen-based company. Graham Tran, north east regional officer for the union, said the situation could be "very serious indeed," adding: "We have formally lodged a complaint with Cogent in relation to our findings and feedback from our members." He said two of the three firefighters facing redundancy were "frog-marched" from the premises in the past week. Cogent's investigation into the Amicus allegations is expected to take around two weeks. Aberdeen Central Labour MP Frank Doran has said he will raise the issue with the HSE and the UK Offshore Operators' Association.

- [Aberdeen Press and Journal](#)

Union "grave concerns" on BP job cuts risk

Unions at BP's Grangemouth petrochemical plant have pledged to fight further job cuts, and have warned the company to stand by its pledge to retain safety critical maintenance jobs. Pat Rafferty, regional industrial organiser for the union TGWU, said Colin MacLean, BP complex site director, "gave very clear guarantees on some aspects of continued operation in negotiations during the last review. These guarantees included bringing services in-house and retaining safety critical maintenance resource. It has been intimated that the company intend to go back on these guarantees which is totally unacceptable to our members."

- [TGWU news release](#)

Road workers' finger cash fight

Edinburgh city council has been hit with compensation demands from workers suffering from a debilitating condition brought on by years of using devices such as snowploughs, drills and jack hammers. Local authority union UNISON is backing at least two dozen claims after checks found workers had vibration white finger (VWF). Wattie Weir, service conditions convenor with the union and who has himself been diagnosed with VWF, said: "None of us has ever been warned about vibration white finger over the years." Some workers have been told they may have to give up their jobs as a result of the condition.

- [The Scotsman](#)

Workers can make the difference

The construction industry's awful safety record will only be improved if construction employers respect and engage with the workforce and embrace trade unions, George Brumwell, general secretary of construction union UCATT, has warned. The call came in the annual Symonds safety lecture at the Institution of Civil Engineers, delivered this week on Brumwell's behalf by TUC's Owen Tudor. "I strongly believe that the way to improve the safety record of the construction industry is to engage the whole workforce from the site operatives up to the directors and in a way that encompasses everybody in between," said Brumwell's speech. Other factors identified as having a major impact on construction safety are roving safety reps, more emphasis on occupational health, better worker training and safety enforcement and "the right to say no" to dangerous work.

- [Symonds safety lecture](#)

OTHER NEWS

£1 million payout for workplace brain injury

The High Court in Birmingham has approved a settlement of £1million in damages to a worker who suffered a severe head injury in an accident at work. At the time of the accident, Peter Bieliauskas, 51, was employed as a boat builder at JL Pinder and Sons of Stoke Prior, Bromsgrove. The case was problematic as the employer did not have the legally-required employers' liability insurance. He suffered a fractured skull and severe brain trauma as a result of an August 2000 fall through a roof light onto a concrete floor. Hilary Pickup of law firm

Irwin Mitchell, who represented Mr Bieliauskas, said: "My client suffered an extremely severe brain injury as a result of a lax approach to health and safety by his employers." She added: "The Health and Safety Executive prosecuted his employers and fined them £3,000."

- [Irwin Mitchell news release](#)

Tories call for action on workplace smoking

The shadow health secretary Dr Liam Fox has joined the TUC and health campaigners in calling on the government to protect employees from cigarette smoke in the workplace. MP signatories to an Early Day Motion ahead of the 31 May World No Smoking Day, which has support from Labour as well as opposition MPs, say workers have the "right not to be exposed to cigarette smoke if they do not want to be; believes that everyone should be able to work in a smoke-free environment, while recognising the difficulties that poses in some sectors - notably entertainment and hospitality; notes that the Health and Safety Executive has already looked into this issue and drafted an approved code of practice to address the problem; is disappointed that the government has failed to publish the draft ACOP; and calls on the government to do so immediately in order to facilitate a proper public scrutiny of the current legal position and to allow steps to be taken to ensure that people receive an appropriate level of protection from cigarette smoke in the workplace."

- **Check to see if your MP is signed up to Liam Fox MP's [World No Tobacco Day EDM 1184](#) – if not, ask why not. [Find your MP](#) - you only need to know your postcode**
- [The union workplace smoking campaign](#)

Bosses charged over chimney deaths

Two company bosses have been charged with manslaughter after a pair of steeplejacks were killed by a fireball which engulfed them while demolishing a chimney in Greater Manchester. Paul Wakefield, 40, and Craig Whelan, 23, were working inside the 200ft tower in Westhoughton, near Bolton, when there was an explosion. Their deaths at the Carnaud Metalbox tin can plant triggered an investigation by Greater Manchester Police and the HSE. Now two of the company's managers have been charged with manslaughter and police say a third manager, believed to be from Swansea, is to be summoned. Ian Billington, 39, and Colin Stevens, 57, each face two counts of manslaughter. They appeared before Bolton magistrates this week.

The force of the explosion, which happened on 23 May last year, dislodged a 180ft ladder. The investigation had to be delayed while the site was made safe.

- [Manchester Online](#)

Met chiefs cleared of safety breaches

Two of England's most senior police officers have been acquitted of a number of health and safety breaches. Metropolitan Police Commissioner Sir John Stevens and his predecessor, Lord Condon, who retired in January 2000, had pleaded not guilty to charges under the 1974 Health and Safety at Work Act. Sir John Stevens was cleared of one of three charges brought by the HSE and Lord Condon was cleared of two of the four charges he faces. The jury has not yet reached verdicts on the outstanding counts and has been told they can now bring in a majority verdict, if they cannot agree unanimously. A verdict on the remaining charges is expected next week. The trial followed the death of PC Kulwant Sidhu and injuries to PC Mark Berwick after they fell through the roofs of two separate buildings while chasing suspects. Both defendants pleaded not guilty to all charges ([Risks 90](#)). The prosecution case alleged that Sir John Stevens and Lord Condon failed in their duty to protect officers.

- [BBC News Online](#)

Minister urges action on dangerous work chemicals

Health and safety minister Nick Brown has urged employers using hazardous chemicals to look at ways of preventing ill-health, including cancers, respiratory diseases and skin diseases. Speaking at the launch of HSE's Euroweek pack, on this year's theme of dangerous substances, the minister said: "This initiative deserves widespread support throughout the UK. The European Week for Health and Safety is an opportunity for employers, employees and their representatives to look at ways of improving their work environment. The misuse of dangerous substances and chemicals at work can result in debilitating ill health or even cause death." HSE is encouraging participants in Euroweek to organise campaigns focusing on the week's theme of dangerous substances ([Risks 106](#)), and send feedback to HSE. The free action pack includes a 12 page newsletter, a mini CD ROM, stickers, factsheets, leaflets and a poster for the Euroweek, which begins on 13 October. It is designed to help organisations that use potentially harmful chemicals plan an initiative to protect workers' health.

- [HSE news release](#). Requests for the free action packs can be made on 0800 0850050 or [online](#)

Farm injuries and illnesses affect kids

The HSE has published *Farm Child UK*, a two part Contract Research Report by the Institute for Rural Health. The project was designed to fill an information gap on non-fatal injuries and illnesses and was based on a network of 35 participating rural GP practices in England and Wales supplying information in respect of children presenting at the surgery or seeking a GP home visit for treatment. HSE says that the study "provides insight into the farming community's approach to government and its relationship with primary healthcare and rehabilitation services in rural areas."

- [HSE news release](#). Copies of *Farm Child UK* Parts 1 and 2, RR110, ISBN 07176 2209 6, £30 from [HSE Books](#) or [free online](#). Also: [New HSE children's farm safety video](#)

Online probe on stress at work

The Work Foundation has launched an online survey looking at mental health issues that affect the workplace. The group is working with mental health campaign "Mind out for mental health" and says the Department of Health-backed campaign is designed to improve the way mental health is managed in the UK workplace. The Work Foundation also wants to look at the way people with stress or other mental health problems are managed and supported by their employer. It says the findings of the survey, which takes just five minutes to complete, will be published in July along with resources, advice and guidance for line managers.

- [Personnel Today](#). [Mind out for mental health website](#) and [online survey](#)

Bus drivers to get extra safety training

Bus drivers in the capital are to be given extra training in safety and dealing with passengers, under plans to be announced by the Mayor of London. Transport for London has responded to complaints and is to offer a new Btec course. The course will offer safety training and classroom lessons on dealing with unhappy or angry passengers. The driver training plans come as Transport for London and Mayor Ken Livingstone continue to increase the range and frequency of bus

services in London. Earlier this month a bus driver was injured by a rock thrown at him by a disgruntled passenger in Leytonstone. He was attacked after asking a man and woman to fold a child's buggy while getting on his bus.

- **This is Local London on [safety training](#) and the [rock attack](#)**

INTERNATIONAL

Australia: Unions organise for safer work

Australia's trade unions have resolved to put organising at the centre of their health and safety strategy. An Australian Council of Trade Unions (ACTU) seminar this week attracted representatives from over 20 unions and labour councils around the country and "confirmed the fundamental importance of good occupational health and safety to all workers, and its central role in union organising." A union wish-list included a union right of entry and a right to union-initiated prosecutions, mandatory employee consultation and the right of health and safety reps to issue provisional improvement notices – this right already exists in some Australian states, but is not country-wide. The seminar concluded that developing and supporting union health and safety representatives is vital to building union organisation and to improving health and safety in workplaces. Part of the package had to be better support for union safety reps, delegates agreed.

- **[OHS Reps](#) and [UnionSafe](#) – union news and resources websites from Victorian Trades Hall Council and NSW Labor Council**
- **More on [union safety reps, inspection notices and the union effect](#)**

Europe: Happy not sick workplaces urged by labour minister

A Swedish government minister has told unions that employers must stop making people sick. Sweden's minister of labour Hans Karlsson told the first UNI-Europa regional conference that organisational changes, bad leadership and a lack of opportunities for workers to develop and influence their working lives, as well as more traditional health and safety risks, were to blame. "We need to create workplaces that do not make people sick," he said. "We need workplaces where people can be happy and develop." A sharp growth in the number of long-term sick people has become a major political issue in Sweden.

- [Global Unions](#)

USA: Democratic election fever could cure strain injuries

The Democratic candidates in the US presidential race are promising to resurrect the ergonomics regulation overturned by congressional Republicans, with the backing of President Bush and powerful business groups, in 2001 ([Risks 25](#)). The Republican controlled Congress overturned the ergonomics rules just two months after Bush took office, after intense lobbying by business groups. The Occupational Safety and Health Administration (OSHA) regulation is the only government standard that has been overturned though a provision in the Congressional Review Act of 1996. Democratic presidential candidates are now backing union calls to reintroduce the ergo standard. Eight of the nine candidates who are seeking the Democratic nomination have so far indicated they would seek a new regulation. *The Hill*, the paper reporting news from Congress, says that at a time when some liberals complain that differences between the Republican Party and Democratic Party are vanishing, "the regulation of ergonomic injuries is a standout issue."

- [The Hill, the newspaper for and about the US Congress. Background on the US ergonomics campaign from AFL-CIO and NYCOSH](#)

USA: Unions disappointed at weak asbestos action

US union federation AFL-CIO has said it is "deeply disappointed" at a move to bypass unions and introduce an asbestos compensation system that is good for business and bad for asbestos victims. The statement from AFL-CIO general counsel Jon Hiatt came this week as Republican senator Orrin Hatch's introduced a weak asbestos bill, on the eve of an expected deal from employers and insurers. Hiatt said unions had joined these negotiations because they "believe that a no-fault system that provides fair compensation, is securely funded, is based on sound medical criteria, and is implemented through a well-designed administrative system would be of mutual benefit to business and victims alike, as well as to the public at large." He added the Hatch bill, which is strongly supported by the Alliance of American Insurers, "is none of these things. Rather, it is merely a vehicle to relieve businesses and insurers of hundreds of billions of dollars of liability while significantly short-changing the asbestos victims of the fair compensation they are due." The unions have welcomed a separate move by Democratic senator Patty Murray, who is proposing legislation that would ban asbestos in the USA ([Risks 105](#)).

- [AFL-CIO statement. Seattle Post-Intelligencer.](#)
[Bloomberg.com.](#) [Reuters](#)

RESOURCES

Usdaw charts back pain at work



Shopwork union Usdaw has made its "Charting back pain" guide available online. The guide highlights "the use of a powerful tool called 'body mapping' which can be used to develop members' awareness of the health and safety concerns in their work situation and to identify practical solutions to any problems they face." As well as details of back pain problems in shopworkers, the report includes a "how-to" guide to body mapping at work.

- [Usdaw guide.](#) **Related materials:** [Online mapping resource](#) and [photogallery of Usdaw and other bodymapping sessions at work](#)

What you said on revitalising health and safety in construction

The HSE has published summaries of the responses to last year's *Revitalising health and safety in construction* discussion document. It says the discussion document was intended to stimulate debate and the development of imaginative proposals to revitalise the industry's approach to the control and management of health and safety risks. The discussion period ended on 31 December 2002, with about 300 responses received. HSE says a consultative document will follow.

- **Summary of responses** [[pdf format](#)]. **HSE discussion documents webpage including** [summaries of public responses](#), [HSE page on the construction discussion document](#) and [full Discussion Document](#) [pdf format]

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR APRIL TO JULY 2003:

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

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!

Law enforcement and corporate accountability, 7 July

Government ministers, MPs from all main political parties, trade unions, employer organisations, bereaved families and the Health and Safety Executive are all speaking at the TUC-Centre for Corporate Accountability 3rd joint conference on “Law enforcement and corporate accountability.” Speakers include: Rt. Hon. Nick Brown MP, minister for work; Brendan Barber, TUC; Janet Asherson, CBI; Anne Jones, Simon Jones Memorial Campaign; Neal Stone, HSE; Lord Falconer; Home Office minister; Patricia Peters, Institute of Directors; Tony Lloyd MP, chair, TU group of Labour MPs; Ross Cranston QC MP, former Solicitor General; and many more...

- [Registration/further details](#) for the **Law enforcement and corporate accountability conference, Monday 7 July, TUC, Congress Centre, Great Russell St, London WC1. Standard fee £25 (£40 for lawyers and businesses). Contact [Sugar Munthali](#) at CCA on 0207 490 4494**

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](#).

Subscribe to [Hazards](#) magazine, supported by the TUC as a key source of information for union safety reps.

What's new in the [HSC/E](#) and the [European Agency](#).

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01787 881165; fax: 01787 313995.