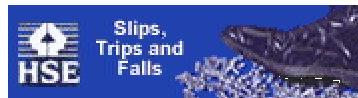


# Risks

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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 7,500 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.

## UNION NEWS

### **Union pressure wins hours victory**

New measures to protect over 400,000 additional workers from excessive hours and unreasonable working patterns are to be introduced by the government. The move, which follows extensive lobbying by the TUC and unions, will extend the 1998 Working Time Directive provisions to employment sectors previously excluded: non-mobile workers in the road, rail, air and sea transport sectors; mobile workers in the rail and non-HGV road transport sectors; and offshore oil and gas workers. The regulations, which will take effect on 1 August 2003, will also be phased in for doctors in training. Under the regulations, workers will be entitled to: An average 48-hour working week; four weeks' paid annual holiday; rest breaks; health assessments for night workers; and an 8-hour limit on night working. TUC general secretary Brendan Barber welcomed the move, but warned: "There is also no guarantee that workers will see the benefits of the new protections as under the UK opt-out to the working time rules it is far too easy for employers to pressure staff to work more than 48 hours a week. If the government is serious about ending the UK's long hours culture, it should end the UK's working time opt-out when it is reviewed this autumn." The working times provisions were extended to young workers in April ([Risks 101](#)).

- [TUC news release](#). [DTI news release](#). [BBC News Online](#). [Scotland on Sunday](#)
- **More on work-life balance:** [TUC Changing Times](#) and [Hazards Get-a-life!](#) webpages

### **GMB secures £4.35 million for injured worker**

GMB member Tracy Henworth has been awarded £4.35 million compensation for severe injuries sustained on the way back from a 1997 works christmas party. Tracy and 15 work colleagues were in a mini-van that was struck from behind by an articulated lorry owned by George Hammond plc. One worker was killed and several were injured. Tracy, who is now 40, sustained devastating brain injuries. She remaining unconscious for nearly three months in the Kent and Canterbury Hospital and now requires 24 hour care. The great majority of the damages awarded will pay for the future cost of care. GMB's Paul Maloney said: "Although the accident was not work related, the GMB union offers members and their families legal assistance outside of work in cases like this."

- [GMB news release](#)

### **Teachers' zero tolerance warning to unruly pupils**

Zero tolerance of verbal and physical abuse will be the message teachers send out to their pupils when they don a new NASUWT badge. The badge, distributed this week to 5,000 teachers in schools in the NASUWT's eastern region, says: "Zero tolerance, no to assaults, yes to respect." The initiative comes after a regional survey revealed in April that one teacher faces a verbal or physical assault every seven minutes ([Risks 100](#)). Eamonn O'Kane, general secretary of NASUWT, said: "This zero tolerance campaign must be backed by the school. Teachers should be able to record incidents of abuse which should be acted upon as part of a vigorous campaign to tackle offenders, including the use of temporary and permanent exclusions." He added: "NASUWT believes that teachers are entitled, like any other employee, not to be abused in the course of their work. Their employers have a duty to protect them from physical and verbal assaults."

- [NASUWT news release](#)

### **Shopworkers take fear campaign to No.10**

Retail union Usdaw took its "Freedom from fear" campaign to 10 Downing Street this week, when it delivered a national petition calling for greater protection for shopworkers. Usdaw's John Hannett, together with four retail workers who have direct experience of violence and abuse, presented the 100,000-plus signature petition. He said latest figures show tens of thousands of shopworkers are subjected to physical and verbal abuse each year ([Risks 111](#)), adding: "These appalling figures are only the recorded figures and we know many more incidents go unrecorded. Our members are telling us loud and clear - enough is enough. The petition is just one step in our ongoing campaign to get employers, the government and the police to take retail crime much more seriously." The Usdaw delegation also met with MPs to lobby support for an Early Day Motion calling for respect for shopworkers.

- [Udaw news release. Usdaw "Freedom from fear" campaign](#)

### **TGWU launches a busworkers' charter**

Transport union TGWU has launched a "busworkers' charter," calling for safer and more humane work patterns. Tony Woodley, the union's general secretary elect said the charter, which calls for minimum standards on pay, terms and working conditions across the UK bus

industry, will underpin the union's summer campaign to highlight the growing pressures on workers in the industry. Charter demands include: Flexible hours packages linked to longer personal free time; a complete revision of the "domestic driving hours rules" to reduce the working week; and driving periods to be a maximum of 8 hours daily, with a maximum of four and half hours continuous driving without a break.

- [TGWU news release](#)

## OTHER NEWS

### **Rail bosses to face crash death charges**

Network Rail, the maintenance firm Balfour Beatty and six senior managers are to face manslaughter, gross negligence and safety charges over the October 2000 Hatfield train crash in which four passengers died, the British Transport Police has announced. Welcoming the move, TUC general secretary Brendan Barber said unions, like the public, wanted to see safer railways, adding: "There is a lack of understanding of risk management principles, a lack of accountability and a proliferation of subcontracting which only compounds the lack of clarity of roles and responsibilities." He said the prosecution "will face enormous challenges" because of the shortcomings of the current law. UCATT general secretary George Brumwell echoed these concerns, saying the defendants will fight tooth and nail to escape the consequences of their actions, but added: "It is excellent that the principle of charging both companies and individual managers has been established, and we shall now see the truth unfurl." Bob Crow, general secretary of rail union RMT, also welcomed the charges, saying: "We have long campaigned for bosses to be held accountable if their negligence causes death or injury." Mick Rix of train drivers' union ASLEF said the government should stop stalling on the promised corporate manslaughter law. "The public is sick to the teeth in seeing fat cat executives escape prosecution for their involvement in the death of workers and members of the public," he said.

- [TUC news release](#). [ASLEF news release](#). [UCATT news release](#). [CCA news release](#). [BBC News Online](#). [Ananova on the charges and the response from campaigners](#). [Sky News](#). [The Independent](#). [The Times](#). [The Guardian](#)
- [TUC/Hazards deadly business campaign](#). [Centre for](#)

## [Corporate Accountability](#)

### **Will HSE dare to let site safety reps help?**

The HSE is to investigate how union safety reps can help improve the construction industry's woeful safety record. In an "action plan" prepared in response to a construction safety consultation last year, HSE lists several measures aimed at "engaging the workforce." The safety watchdog says it will "ensure workforce engagement," "pursue the HSE-wide programme on employee involvement and consultation" and will consult "on proposals to harmonise the 1977 'Safety Representatives' regulations and 1996 'Consultation' regulations." HSE adds it will be "making recommendations to Ministers following evaluation of the Worker Safety Adviser pilot," the "roving reps" scheme which has already been found to be a major success ([Risks 100](#)). It says it will explore "non-regulatory levers to promote and explore employee involvement, such as publicity, awards for safety representatives and the integration of the safety representative's role with enforcement activity." HSE said the research showed the industry culture was the greatest barrier to change, with inertia and complacency the most frequently cited characteristics. Effective involvement of the workforce is widely recognised as important in itself and a prerequisite for progress on other issues, HSE said.

- **HSE webpage on the [discussion document and responses](#), including a pdf version of [Acting on Responses to HSE's Discussion Document: Revitalising Health and Safety in Construction](#)**
- **How union safety reps could help HSE – [find out about the "union effect" on safety](#)**

### **Work equipment laws led to cost-effective improvements**

A European law on work equipment safety has led to cost-effective safety improvements, researchers have found. UK employers, who originally objected to the law, now concede the Provision and Use of Work Equipment Regulations (PUWER 98) and the Lifting Operations and Lifting Equipment Regulations (LOLER) have been as success. Researchers evaluating employers' perceptions of the law found that "duty holders" believe that the regulations have led to safety improvements, such as safer equipment, improved working practices and a more competent workforce, and are more practical and flexible than the old laws they replaced. Even small and medium sized companies on the whole said they did not believe that the cost of

compliance with the laws was a concern. HSE's Gwyneth Deakins, commented: "The research shows that changes to and the implementation of new regulations governing the use of work equipment in Great Britain has on the whole, been successfully undertaken. This research fulfills the European Commission's requirement to evaluate the implementation of its directives on the use of work equipment regulations."

- [HSE news release](#). Full report: [Evaluation of the implementation of the use of work equipment directive and the amending directive to the use of work equipment directive in the UK](#), RR125, ISBN 0 7176 2702 0, £20, from [HSE Books](#)

### **Attacks against NHS staff soar**

A record number of NHS staff were attacked at work last year, official figures suggest. The Department of Health says there were 112,000 violent or abusive incidents involving NHS staff between April 2001 and March 2002. Officials have also revised upwards their estimates for the preceding 12 months, up from 84,000 to 101,000 incidents in the period April 2000 to March 2001. A report by the National Audit Office, published in March, suggested that thousands of violent or abusive incidents against NHS staff go unreported ([Risks 99](#)). Health Minister John Hutton told MPs that in April the new NHS Counter Fraud and Security Management Service was given responsibility for tackling violence against NHS staff. He added that NHS trusts had launched 51 violence related prosecutions between June 2002 and March 2003. A spokesperson for health service union UNISON commented: "We would like to see a more robust approach when it comes to penalties for people found guilty of attacking health workers. For instance, people know when they attack a police officer they are going to get a tough sentence. We would like to see that extended to all public sector workers, but particularly health workers."

- [BBC News Online](#)

### **New call for action on passive smoking risks**

Health workers and local councils in the north east of England have been urged to step up the fight against passive smoking. Deputy regional director of public health, Dr John Woodhouse, called on frontline organisations in the region to focus on the damage caused by inhaling the smoke of others. In a letter to every primary care trust chair and local authority leader, he said it was "imperative" that

tobacco consumption in the region was reduced, adding: "In particular I would like you to look at how we can increase the number of smoke-free public places and places of work. We know there is strong support for such action amongst both non-smokers and smokers." June proposals for a regional office for tobacco control ([Risks 113](#)) have been endorsed by the Association of North East Councils and the Regional Assembly for the North East. The office, possibly funded by European cash, would aim to help introduce a ban on smoking in restaurants, pubs, shopping centres and other public places over a 10-year period. The government's chief medical officer Sir Liam Donaldson last week urged the government to introduce smoking bans in public places ([Risks 113](#)).

- [BBC News Online](#). **Union information on smoking: [SmokeatWork.org](#) and [Hazards smoking webpages](#)**

## INTERNATIONAL

### **Australia: Bar workers get smoke exclusion zone**

Unions have welcomed new guidelines that forbid smoking within 1.5 metres of bars in pubs and clubs but say more action is needed to ensure workers' health is genuinely protected. They say the measures are voluntary, with no supporting legislation - so there is no way to enforce the guidelines - but Tim Ferrari from the Liquor, Hospitality and Miscellaneous Workers Union (LHMU) says his union will monitor employers closely to ensure they are abiding by the agreement. "We will also continue to push government to make a date for outlawing smoking in enclosed workplaces," he said. Union leaders say the measure is a useful interim step, but they will continue to campaign for genuinely smoke-free workplaces. NSW Labor Council health and safety officer Mary Yaager said employers should be wary of resting of their laurels until specific legislation is enacted because current laws already put the obligation on employers to deal with work hazards, including smoke-filled workplaces. The union push for smoking bans has included some high profile stunts. LHMU delegates to the Labor Party conference in Western Australia this week lit up to highlight the refusal of the state's Labor government to ban smoking. The conference was smoke free.

- [UnionSafe](#). [LHMU news release](#). **More information: Australia - [SmokeFree'03](#); Europe - [SmokeatWork.org](#); International - [Hazards smoking pages](#)**



## **Australia: New law can jail dangerous employers**

Employers will face jail if their negligence causes death or serious injury to a worker, under tough new laws unveiled by the Western Australia state government. The new law will also give new rights to accredited workplace safety reps, including a right to issue Provisional Improvement Notices (PINs) to enforce safety standards at work, bringing Western Australia into line with three other

Australian states. The reforms come after 22 workplace deaths in the past year – a five-year high. Other provisions of the new law include an increase in the maximum fines for corporations from \$200,000 to \$500,000 (up from £80,000 to £200,000) for a first safety offence and \$625,000 (£250,000) for subsequent offences. Announcing the new law, Consumer and employment protection minister John Kobelke said: “Sentencing guidelines will be introduced to encourage the courts to impose penalties consistent with the offence.” He added that the law was intended to give safety “higher status and to get people to take it much more seriously because that's the only way we can stop these accidents happening.” The reforms have been welcomed by unions but opposed by employers.

- [Government of Western Australia news release.](#) [The Sunday Times \(Australia\).](#) [The West Australian on the changes and employers' objections.](#) [More on Provisional Improvement Notices.](#) [TUC/Hazards "deadly business" campaign](#)

## **Ireland: Builders want safety penalty points**

Trade union groups have backed calls to introduce penalty points to boost safety on Irish construction sites. The call was made by Paddy O'Shaughnessy, general secretary of the Building and Allied Trades Union (BATU). Addressing the conference of Ireland's top union body, the Irish Congress of Trade Unions (ICTU), he said that more than 100 people had been killed on sites in the past five years and that this was avoidable if the law was changed. The call came on the same day a Galway firm was hit with a half million euro (£350,000) fine - the biggest ever under safety law - following the death of an inadequately trained worker in an accident two years ago. O'Shaughnessy urged the introduction of a penalty points system for employers and contractors. Under the scheme, companies that accumulate a certain number of

points would have their sites shut down until safety issues are rectified, he said. Earlier this year BATU organised massive demonstrations to highlight the high fatality levels in the industry. Eric Fleming of general union SIPTU said funding cutbacks were preventing the Health and Safety Authority, Ireland's HSE, from ensuring that all sites adhered to safety standards.

- [Business World](#). [HSA news release](#). [BATU news release](#)

### **Japan: Toyota widow compensated for work suicide**

The widow of a Toyota Motor Corp employee who took his own life in 1988 as a result of overwork has been told by a High Court in Japan she is entitled to compensation. Presiding Judge Katsusuke Ogawa said the 35-year-old's suicide was triggered by excessive hours and workload. "His depression and suicide both resulted from his job," the judge ruled. It is the first time that a high court has ruled that workers' compensation should be paid in a job-related suicide, according to a lawyer for the plaintiff. The case was brought the Health, Labour and Welfare ministry, which was appealing the decision of a lower court that had also found the widow was entitled to compensation. "The husband had accumulated a substantial amount of fatigue due to his heavy workload and working overtime every day," Judge Ogawa said. "That, coupled with being appointed head of the labour union's works committee, made him suffer depression."

- [The Japan Times](#). [Yomiuri Shimbun](#)

### **Malaysia: Chemicals cause 70 per cent of work diseases**

Almost 70 per cent of all occupational diseases in Malaysia are due to chemical exposure, the country's top safety official has said. Malaysia's National Institute of Occupational Safety and Health (NIOSH) reports the occurrence of diseases and sickness including poisonings and skin and respiratory problems was partly due to inadequate protective equipment selection, use and maintenance. NIOSH chair Tan Sri Lee Lam Thye said the agricultural sector was one of the most hazardous in the country. He added: "The use and spraying of herbicides and pesticides exposes the workers to high risks in terms of exposure to chemicals if they are not properly equipped and protected." He said the safety and health of workers were a key issue in the agricultural sector as they could be exposed to many kinds of occupational safety and health hazards. "We need to ensure that the workers' right to a safe work environment is protected," he said. He

called on employers in the agricultural sector to be mindful of safety and health at the workplace and to invest in safety to increase productivity in the long term.

- [Worksafereps news report](#)

### **New Zealand: Unions welcome stress action**

New Zealand's top union body says new official guidelines for managing stress and fatigue in the workplace will highlight the "devastating consequences" of stressful work. The new guide from the Labour Department's Occupational Safety and Health Service defines stress and its causes, and gives information on how to deal with it. Greg Lloyd, health and safety adviser with the national union body NZCTU, said although employers have had a legal obligation since 1993 to do all they can to avoid stress-related problems at work, "the recent amendments to the health and safety law bring these responsibilities into sharper focus. The responsibility is on employers to recognise that there is a problem. But workers also have a responsibility to tell their employer if they are suffering from stress which may cause illness or injury." He added: "For that to happen, there needs to be good communication between workers, union, and employers on all health and safety matters, including stress and fatigue." In a case last month, a coroner found the Occupational Safety and Health Service was implicated in the stress-related suicide of one of its own senior inspectors, Ronald Ward.

- [NZCTU news release. New stress guide. New Zealand Herald on the Ronald Ward's suicide](#)
- [Hazards magazine's Get-a-life! webpages](#)

### **New Zealand: Unions challenge airline drugs tests**

An airline's plans to randomly test its employees for drugs and alcohol are being challenged in a union test case. A group of six unions have won the right to have their case against Air New Zealand considered at a special judicial hearing in October. The company introduced a new drug and alcohol policy late last year, which includes the option to randomly test any of its 10,000 employees, from flight attendants to caterers. New Zealand's top union body, NZCTU, says workplace drug testing has become increasingly common in New Zealand in recent years, with at least 300 companies now checking up on their employees. Andrew Little, national secretary of EPMU, which is heading the union test case group, says the legality of some of these policies has never been tested in court, and the union believes testing is both

unlawful and unnecessary. And NZCTU says there is no proof random testing reduces workplace injuries, and that drug and alcohol abuse issues should be dealt with by communities, not employers. Research has shown that union-run prevention programmes work best ([Risks 3](#)).

- [NZCTU news release](#). More information: [Union approaches to workplace drug tests](#)

### **USA: Asbestos fund still too small**

A US Senate panel has voted to end the flood of asbestos lawsuits and instead compensate asbestos disease victims from a privately funded trust of up to \$153 billion (£93.6bn). However, the vote of the Judiciary Committee was close and largely on party lines, suggesting the proposal may still face problems getting approval from the full Senate. The fund was upped dramatically from an originally proposed total of \$108 billion, after pressure from Democrats and unions. The payouts compromise increased several awards for cancer and other diseases beyond what Orin Hatch, the senator who fronted the business-backed original proposal, had wanted. For example, it raised from \$400,000 to as high as \$1 million the award for a non-smoking lung cancer victim with evidence of asbestos exposure. However, the latest deal has not won the backing of either unions or insurers. Jonathan Hiatt, counsel for the US union federation AFL-CIO, said the planned awards, as low as \$25,000 for a smoking lung cancer victim, were not enough. And insurers, who had backed the earlier, meaner, business-friendly proposals said they would oppose the new deal after senators decided to ask industry and insurers for \$52 billion each in contributions to the fund - \$7 billion more than the \$45 billion each side had agreed to pay.

- [Reuters on the settlement agreement, fund size argument and union comments](#). [FT.com](#)

## RESOURCES

### **Top journal IJOEH is now online**

The International Journal of Occupational and Environmental Health (IJOEH) includes papers on working conditions across the world, and is now providing many of its articles online. Recent themes covered in the journal have included: industry-efforts to influence (or direct involvement with) organisations including the International Agency for Research on Cancer (IARC) and the International Commission on Occupational Health (ICOH); pesticides and human rights;

international asbestos industry and government lobbying against asbestos bans; and hazards in the microelectronics industry. The website also includes a useful "world news" page.

- [IJOEH online](#)

### **NZ safety reps' website goes live**

A new website, part of a campaign to increase workers' participation in workplace health and safety, has been launched in New Zealand. The joint initiative between the official compensation agency ACC and the New Zealand Council of Trade Unions, "is targeted specifically at workers who have been elected as health and safety representatives under the amended Health and Safety in Employment Act." The new law took effect on 5 May. The website, [www.worksafereps.org.nz](http://www.worksafereps.org.nz), "provides reps with news and resources about workplace health and safety, including information on workplace hazards, answers to frequently asked questions, information on training programmes, legislation and campaigns." The site also has a "sharing solutions" forum for safety reps.

- [Worksafereps. NZCTU news release](#)

## **EVENTS AND COURSES**

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!

### **TUC courses for safety reps**

#### **COURSES FOR SEPTEMBER TO DECEMBER 2003**

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

#### **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](mailto:margaret@lhc.org.uk) or on 020 7794 5999.

#### **Get in on the ACTS, 17 October**

If you want to know more about the behind the scenes working of a

top advisory panel on dangerous substances, you are being given your chance. The HSC's Advisory Committee on Toxic Substances (ACTS), an expert group that advises on "control of risks arising from the supply of or exposure to toxic substances at work," is to hold its first [open meeting](#) at HSE's London HQ. The 17 October open meeting will coincide with European Week for Safety and Health 2003, which this year takes the theme "prevention of risks caused by dangerous substances." Places must be booked in advance, no later than 15 August, by contacting the [ACTS Secretariat](#), HSE, Floor 7NW, Rose Court, 2 Southwark Bridge, London SE1 9HS. Tel: 020 7717 6780. Tell HSE your full contact details, your job title and organisation and details of any particular areas of interest you might have in ACTS work. [More information on ACTS](#).

### **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/](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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