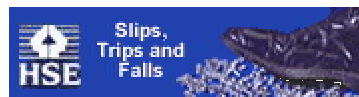


# Risks

issue no 115 – 19 July 2003



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](#) [Disclaimer and Privacy statement](#). The TUC website lists future health and safety events in [What's On](#) - [new events](#) are covered below.

## UNION NEWS

### **Mass offshore safety reps resignation threat over hours**

Hundreds of North Sea health and safety reps are threatening to resign because of the government's failure to fully apply the Working Time Directive to the offshore sector. Rig workers' union Amicus says small print of last week's working hours announcement ([Risks 114](#)) means offshore workers will still not be entitled to four week's paid annual leave. Amicus regional officer Graham Tran said the reaction of the Amicus health and safety reps is unsurprising. "Their threat to resign, which comes almost 15 years to the day that the Piper Alpha disaster struck the North Sea, is because of their fears that health and safety standards offshore will be compromised." He added: "Frankly they have a thankless task in ensuring that record profit making oil companies comply with even the most minimal of safety requirements currently and the failure to implement the Working Time Directive fully is a final blow." DTI guidance issued the same day the law seemingly extended the new rights to rig workers said holiday leave provisions were yet to be agreed for the industry. Amicus says 27,000 offshore workers are employed in the UK. Piper Alpha killed 167 offshore workers in a 6 July 1988 fire and explosion.

- [Amicus news release](#). Also see: **Quick TUC guide on working hours**

### **Casino workers dealt a helping hand**

Fifteen hundred casino workers and support staff in the south-east have signed up for union protection. The recognition agreement, between union TGWU and London Club Management, covers the company's London, Brighton and Southend casinos and its head office staff. TGWU says the workers were drawn to the union because they wanted help securing action on smoky atmospheres in the workplace plus safe travel to and from work, as well as improved pay and representation. One early TGWU priority will be to raise the London congestion charge as a safety issue. Many of the staff say they have to rely on private transport to get to and from work because of the anti-social hours they work. Many casino workers, particularly women, finish work at 6.00am, creating real concerns about personal safety.

- [TGWU news release](#)

### **Migrant workers - overworked, underpaid and over here**

A lack of legal protection for the thousands of migrant workers who

arrive in the UK each year is giving the green light to unscrupulous gangmasters, agencies and employers to exploit them on a massive scale, says a new TUC report. *Overworked, underpaid, and over here* expresses concern that whilst increasing numbers of overseas workers are toiling for long hours, often for very little pay, and housed in appalling conditions, employers are taking advantage of their vulnerability and poor command of English to escape punishment. The report calls on the UK government to help improve the conditions of migrant workers by signing the UN Convention on the Rights of Migrant Workers and their Families. TUC general secretary Brendan Barber commented: "The reality is that most migrant workers only stay for short periods, and their precarious legal status means many end up working incredibly long hours for not much pay, in jobs that UK workers wouldn't want to do. The challenge for unions is to find ways of recruiting migrant workers, offering them support and guidance so they become less exploitable and more aware of their rights." He added: "Everyone working in the UK deserves basic rights at work, and there must be no hiding place for bosses openly breaking the law."

- [TUC news release](#). [Wales TUC](#). [BBC News Online](#). [Sky News](#). [FT.com](#)

### **Government ignores mercy mission pleas**

General union GMB says it is disappointed at the government's failure to intervene to help Mike Ferguson, the ambulance driver who is facing police prosecution for speeding while on a mercy mission. The GMB member was clocked as he delivered a life-saving organ to a waiting transplant patient ([Risks 108](#)). The union says its letters to the Home Secretary and the Health Secretary remain unanswered. GMB branch secretary John Durkin commented: "We have received overwhelming support from the general public for Mike Ferguson and for our campaign to clarify the law on emergency vehicles which exceed the speed limit. Unfortunately, we cannot include the Home Office or the Department of Health who have remained completely silent and ignoring our pleas for help." Gary Baker, NHS lead officer for the GMB in Yorkshire, said: "Every day petitions arrive at our offices from all over the country, and thousands have signed up on our website." He added: "I am still hoping that the government will intervene and lift this burden from Mike and his family. The public understand the absurdity of this action; I hope the government wakes up to the reality as well."

- [GMB news release](#)

### **Privatisation the root cause of Tube crash, says RMT**

The break-up of London Underground's unified management system under privatisation lies at the root of the near-disaster at Chancery Lane ([Risks 93](#)), rail union RMT has said. The union adds that the final report into the January 2003 crash in which 32 people were injured omits key evidence gathered during the investigation. "Chancery Lane was avoidable and predictable and was allowed to happen thanks to a communication breakdown brought about by the fragmentation of the network," RMT general secretary Bob Crow said, adding the union had "made numerous representations to the railway inspectorate highlighting the very problems now underlined by this disaster - and they were swept under the carpet." He added that crucial omissions from the final report meant "the roles played in the incident by the use of agency staff and by Metronet management have been seriously understated." A request from union safety reps to be involved or at least present at an inquiry was refused, he said.

- [RMT news release](#) and [earlier comments from TSSA](#)

## OTHER NEWS

### **Will the government deliver on corporate killing?**

Corporate killing legislation may take longer to deliver than campaigners hope. *The Observer* has reported that when draft legislation is published at the end of the year it will be sent out for industry-wide consultation. Last year, as TUC upped pressure for action on safety crimes, the government was accused in *Hazards* magazine of "consulting us to death" rather than introduce a new law ([Risks 39](#)). Mick Holder, of the Hazards Campaign, said: "More consultation means it's likely there will be no Act during the next parliamentary year which means it's anyone's guess when legislation will arrive." But the TUC is keeping up the pressure on the Government to include the measure in the next Queen's Speech, and the influential All Party Group on Occupational Safety and Health agreed on Wednesday to pull together those supporting the legislation (from the TUC to the Institute of Directors) to press for action sooner rather than later.

- **The Observer [news item](#) and [background](#)**
- **More on corporate safety responsibility: [TUC/Hazards deadly business webpages](#) and [Centre for Corporate Accountability](#)**

- [Wanted! Corporate crime fighter](#). **The Centre for Corporate Accountability is seeking a new deputy director, 2.5 days a week on one year contract, renewal subject to funding. Closing date, Friday 1 August 2003**

### **Hatfield crash accused in court**

The two companies and six men charged with manslaughter after the Hatfield rail crash have made their first court appearance.

Representatives of Network Rail, the successor to Railtrack, and the maintenance contractor, Balfour Beatty, appeared before Central Hertfordshire Magistrates in St Albans on 14 July. If found guilty, the individuals - Charles Pollard, director of Railtrack's north-east London zone; Alistair Cook, 50, infrastructure contracts manager for Railtrack in the same region; Sean Fugill, 50, the area asset manager for Railtrack; Anthony Walker, 46, regional director for Balfour Beatty; Nicholas Jeffries, 53, civil engineer for Balfour Beatty; and Keith Lea, 53, a track engineer for Railtrack - could face life imprisonment and the two companies could be ordered to pay unlimited fines. Four people died and dozens more were injured in the October 2000 crash ([Risks 114](#)). A further six men face charges under the Health and Safety at Work Act only. Both the companies and their employees have said they would defend themselves against the charges. All were given unconditional bail to appear at the Crown Court on 22 July. Unusually, the court imposed an order withholding the home addresses of the 12 defendants after the Crown Prosecution Service and defence lawyers expressed concern that they might receive abuse.

- [BBC News Online](#). [The Independent](#). [Ananova](#)

### **Safety inspections funding crisis**

A wide-ranging audit of health and safety enforcement services in London, for the Association of London Health Managers, suggests that under-resourcing is compromising workplace standards in nearly half of the capital's 33 boroughs. *Environmental Health News* reports the audit, which assessed compliance with minimum HSC enforcement benchmarks, found that not one authority satisfied all five areas and two failed all. The audit inspectors found that budget shortfalls were undermining services in 14 London boroughs. One authority had suspended all health and safety inspections, in a serious breach of its statutory duties. A catalogue of problems included inadequate computer systems and database and poor training and competency assessments. *Thin on the ground*, a 2000 TUC study, revealed that

dramatic cutbacks in local authority safety inspectors had led to soaring serious work injuries, with a serious injury occurring in local authority enforced workplaces every three and a half minutes of every working day. And earlier this month, HSC chair Bill Callaghan warned of a national crisis in local authority health and safety enforcement.

- [EHN Online. HSC news release. Thin on the ground – service sector enforcement down, workplace injuries up.](#) *Hazards* magazine, no.72, October-December 2000

### **Top companies start talking safety**

There has been a “significant” increase in the number of top companies that report publicly on their health and safety performance, according to new research – however, for a third of Britain’s biggest, health and safety still doesn’t appear to be a boardroom issue. Two reports for the HSC show a significant increase in the number of companies that report publicly on their safety performance and a small increase in the number of companies where health and safety is directed at board level. HSC chair Bill Callaghan said he was pleased with the increased reporting “but simply mentioning health and safety is not enough, and now we need to encourage improvements in the quality of reporting.” He added: “I’m encouraged to see that most FTSE 350 companies and other large firms are taking health and safety seriously enough to allocate responsibility to board level directors. But there is room for significant improvement. I want to see all companies regularly review health and safety issues at board level, and that includes smaller companies as well.” The number of FTSE 100 companies publicly reporting was up from 47 per cent in 1995 to 91 per cent in 2002. Companies where health and safety is directed at board level has risen from 58 per cent to 66 per cent. The main reasons cited for board level direction are best practice and that power and control is at board level.

- [HSE news release. HSE is seeking comments on both annual reporting and the role of directors. Deadline for comments is 5 September 2003](#)
- [Health and safety responsibilities of company directors and management board members \(RR 135\), ISBN 0 7176 2713 6, £20.00, and The provision of health and safety information in the annual reports, websites and other publicly available documents produced by the UK's top](#)

[companies and a sample of government departments, agencies, local authorities and NHS trusts](#) (RR 134), ISBN 0 7176 2710 1, £15.00, are available free online can be purchased from [HSE Books](#)

- **More on corporate safety responsibility:** [TUC/Hazards deadly business webpages](#) and [Centre for Corporate Accountability](#)

### **“Appreciable” evidence of breast cancer shiftwork link**

There is “appreciable” evidence of a link between breast cancer and shiftwork, a report published by the HSE has found. Report author Professor Anthony Swerdlow, concludes: “Overall, the evidence for an association is appreciable, but not definitive” and adds “further epidemiological research is needed to clarify the relationship.” HSE commissioned this research following the publication of two articles in the *Journal of the National Cancer Institute* in the United States, which linked shift work and breast cancer ([Risks 24](#)). These articles suggested that an effect of altered light exposure at night on levels of melatonin or other hormones may affect cancer risk. HSE says four published studies were identified that directly investigated whether shift work is associated with risk of breast cancer. Each has different methodological strengths and each found some statistically significant associations. Other research has linked breast cancer to exposures to industrial chemicals, pesticides and radiation.

- [HSE news release. Shift work and breast cancer: a critical review of the epidemiological evidence](#), **Research Report 132, ISBN 0 7176 2708 X, free online or £10.00 from [HSE Books](#)**
- ***Be breast aware* leaflet, free from the [NHS Response Line](#), Tel: 08701 555 45**

### **Jaguar attacks workers toilet breaks**



Luxury car-maker Jaguar has come under fire from workers after slamming the lid on toilet breaks. Paint shop workers were told by personnel chiefs at the Castle Bromwich plant they should not go to the toilet during working time. The loo breaks embargo started with a written briefing from the company’s Employee Relations Department, whose “bell-to-bell” edict says workers must seek permission from their supervisor if they need to leave the

track for any reason. The briefing warns that anyone failing to comply could end up facing disciplinary action. It says: "All employees should endeavour to deal with issues during their break times. This includes leaving to go to the toilet. Due to the continuing high absence trend, it is likely that there will be times when delays in releasing people to go to the toilet cannot be avoided." One worker told the *Evening Mail*: "We can't believe this. People can't go to the toilet by schedule and they are threatening disciplinary action if people need to go outside of break times."

- [Birmingham Evening Mail. Your right to take a toilet break – TUC/Hazards campaign guide and the TUC WorkSmart guide](#)
- [Got a workplace toilets horror story? Tell the TUC bad bogs hotline](#)

### **New law cracks down on air rage offenders**

Air rage offenders could face up to five years behind bars under new laws. The Aviation Offences Act increases the maximum penalty for the most serious offence of endangering the safety of an aircraft from two to five years, and gives police greater powers of arrest of suspected offenders. A total of 648 serious and significant incidents were reported in the year to 31 March. The figures show there was no case where disruptive behaviour contributed to an accident, though there were a number of recorded incidents of violence against cabin crew. The International Transport Workers' Federation, an umbrella group that includes cabin crew unions worldwide, runs a "zero air rage campaign."

- [DfT news release. Ananova. ITF zero air rage campaign](#)

## **INTERNATIONAL**

### **Australia: Qantas unions say no to testing**

Unions at the Australian airline Qantas have told the company to "get serious about safety" and want it to wean itself off its obsession with alcohol and drug tests. National union federation ACTU and 10 Qantas unions say there is no place at work for people "impaired" by drugs or alcohol, but says the proposed alcohol and drug policy will not make the workplace safer. In a July briefing on occupational health and safety at Qantas, the unions add that the blanket zero tolerance regime is a breach of personal and medical privacy, covers some entirely legal

prescription medication and "is aimed at 'weeding out' a problem not addressing the causes and treating them. Education, rehabilitation and support have taken a back seat to discipline and fear." The unions add: "Qantas has conveniently ignored fatigue and other causes of impairment as an issue," and say the company "has advised unions that fatigue monitoring and testing will not be a part of this policy." The briefing tells union members: "The Qantas unions will be working together to ensure random testing is not introduced by Qantas. If you feel that your health is your business, you need to become involved in this campaign."

- **Joint union [OHS at Qantas briefing](#) and [ASU news release](#)**
- **Union news and resources on [alcohol and drug tests at work](#)**

### **India: Deaths cover-up in ship's graveyard**

At least 25 casual workers have died and 50 others have been injured in explosions at the Alang shipbreaking yard in Gujarat in the last six months, Greenpeace has alleged. The campaign group says the yard has mafia links and has suppressed information about the deaths, with only two of the accidents officially reported. In earlier reports, Greenpeace had said workers at the Alang yard were toiling in poor conditions without protective gear, with many suffering skin and lung ailments. There are about 40,000 casual workers at Alang, 90 per cent of whom are illiterate migrants. "They say it is better to die in an accident while working than starve and die," said PK Ganguly, secretary of the Centre for Indian Trade Unions. On 14 July, Greenpeace delivered a sculpture made from the remains of ships taken from Indian shipbreaking yards to delegates attending an International Maritime Organisation meeting in London. The sculpture was made from the funnels of five old ships, one of which, the Greek owned Amina, exploded in the yard, killing nine people and causing over a dozen serious injuries. "The sculpture serves as a reminder of the human and environmental toll caused by current shipbreaking practices," Greenpeace said.

- **[Greenpeace India news release](#). [Times of India](#). [Greenpeace shipbreaking campaign](#)**

### **New Zealand: Unions file claims in drugs test case**

Six aviation industry unions lodged papers with the Employment Court opposing a drug and alcohol-testing regime proposed by Air New

Zealand ([Risks 114](#)). The unions, headed by EPMU, says the company has no lawful right to demand urine or breath samples at any time from its 10,000 staff. EPMU lawyer Anne-Marie Hendra said the unions were not arguing for workers to have the right to take drugs or drink alcohol at work. "The unions are very firm that there is no room in anybody's workplace for impairment because of drugs or alcohol," she said. She confirmed that the unions were opposed to all forms of testing, and not just random sampling. Studies worldwide have found workplace drug screening doesn't work and costs a fortune – and unions say it is a blame the worker short-cut, rather than dealing with real workplace safety issues, like under-staffing, work overload and fatigue.

- [New Zealand Herald. Scoop](#)
- **Union news and resources on [alcohol and drug tests at work](#)**

#### **USA: Unions take the strain**

Union members with strain injuries are far more likely to receive compensation and less likely to suffer damaging social consequences after a work-related injury than non-union workers. Research published this month in the *American Journal of Industrial Medicine* "found that workers with unions at the workplace had approximately a six times increased rate of filing a likely work-related MSD [musculoskeletal disorder]" claim for workers' compensation compared to non-union workplaces with a similar level of strains. The researchers, who conducted phone interviews with a random sample of 3,200 Connecticut adults and a second sample of 323 MSD compensation claimants in the state, also concluded "unions appear to have some protective value in relation to social and economic consequences (including promotion opportunities, stress at home, divorce, losing home or auto due to financial reasons) of MSD." The research suggests unions are good for your health as well as your income, with the study concluding unions promote earlier identification of strain injury cases, making effective preventive interventions possible.

- **Tim Morse and others. *The relationship of unions to prevalence and claim filing for work-related upper-extremity musculoskeletal disorders*, *American Journal of Industrial Medicine*, volume 44, Issue 1, pages 83-93, 2003 [[abstract](#)]**

### **USA: Asbestos deal criticised as a business bailout**

The US Senate has taken a major step toward setting up a national fund to compensate people whose health has been ruined by asbestos ([Risks 114](#)), but the first and biggest beneficiaries of the plan may be companies such as Halliburton — the Texas oil services firm — which could save \$3.5 billion (£2.2bn) of its pending liability for asbestos claims. Other firms, including European engineering giant ABB, saw their share prices rally on news of the possible agreement, which would replace court settlements with trust fund payouts. The money in the fund would come from about 8,500 companies that made or sold asbestos products directly or through their subsidiaries, as well as the companies' insurers. But most of the firms would pay no more than \$25 million (£15.7m) a year. Lawyers who represent people who have been sickened by asbestos cite the Halliburton example to illustrate their contention that the bill is a bailout for big business. An estimated 1.3 million workers in construction and industry face “significant asbestos exposure on the job,” according to the US workplace health and safety watchdog OSHA. The deal, which has been opposed by both unions and insurers, could go before the full Senate later this year, although details on the timing are disputed.

- [Reuters Health](#). [LA Times](#). [BBC News Online](#). [AFL-CIO news release](#). [NYCOSH asbestos in the USA web pages](#)

### **USA: Business seeks to vote away strains controls**

Citizens of Washington State are to face a referendum calling for the state's three year-old ergonomics standard to be axed, as the result of a well-funded industry campaign. The standard has the strong support of the state's workplace safety agency and unions. The Building Industry Association's (BIA) move to trash the law is backed by a range of business lobby groups, although businesses themselves seem less concerned. On 1 July, the BIA submitted a 260,000 strong signature petition to the state government demanding a referendum on the law – under state rules, a petition with more than 198,000 valid signatures must be added to an autumn ballot. Randy Gold, Washington president of BIA, said his association is prepared to spend more than \$1 million (£626,000) to get the initiative passed - already, backers have spent \$347,000 (£217,000) to gather signatures. State regulators estimate that ergonomic injuries strike more than 50,000 Washington workers every year. “What we saw out there was profound human impact because of these kinds of injuries, which we thought

were preventable,” said Dr. Michael Silverstein, the assistant director for industry safety and health at the state’s Labor Department. “Using ergonomics is a practical, affordable and good-business approach to reducing injuries.” Jordan Barab, editor of the *Confined Space* weblog, criticised the business lobby, adding that it has admitted to “outrageous lies” to con voters into signing up to its campaign.

- [Confined Space. Puget Sound Business Journal.](#)  
**More on union ergonomics campaigns in the US from [AFL-CIO](#) and [NYCOSH](#)**

## RESOURCES

### **The workers united will never be short of advice**



A new TUC web resource means union reps can exchange organising and other tips live online. The website - [www.UNIONREPS.org.uk](http://www.UNIONREPS.org.uk) - includes a health and safety section, the busiest part of the site so far, and has had hundreds of reps sign up in its first couple of days online. Safety reps have already exchanged notes on toilet breaks, workplace temperature, training courses and other issues. There’s also useful links and online guides. TUC deputy general secretary Frances O’Grady said: “A well-organised workplace depends on having good union reps. To be the shop steward or workplace rep is not the easiest job, and to do it on top of your work and family commitments can be a real challenge.” She added that the website has been developed as part of the TUC’s “Union reps - Winning respect at work” campaign.

- [TUC briefing](#) and [news release](#). **Sign up to [UNIONREPS](#)**

### **Quick TUC guide on working hours**

After extensive TUC and union lobbying, the government has agreed to extend Britain’s working time laws to 400,000 additional workers ([Risks 114](#)). TUC has produced a detailed online guide to the law and the changes, due to take effect on 1 August this year.

- [Extending the working time directive: Bringing in the excluded sectors - New rights from 1 August 2003](#)

## 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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