

# Risks

issue no 123 – 13 September 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 8,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#). The TUC website lists future health and safety events in [What's On](#) – [new events](#) are covered below.

## ACTION

### Stop the shop violence day – 17 September



Shopworkers' union Usdaw says its 17 September "National respect for shopworkers day" looks set to be a stunning nationwide success. The event, when the nation's shopping public is urged to show some respect to their local retail staff, is the first of its kind and forms part of Usdaw's "Freedom from fear

campaign." Usdaw's deputy general secretary John Hannett told the TUC conference that violent attacks on shopworkers have increased by 75 per cent since 1999, adding: "Our campaign aims to raise these issues, to restore safety and keep shopworkers free from fear." Speaking at the TUC conference, Chancellor of the Exchequer Gordon Brown gave his support to the Usdaw initiative: He said: "Because no one should see their health or safety recklessly put at risk in the workplace we will support the freedom from fear campaign and ensure greater protection for people in workplaces from factories to hospitals and shops remembering that safety at work is the mark of a civilised society." A TUC fringe meeting on violence at work heard Billy Hayes, general secretary of the communication workers' union CWU, add his support. "The CWU, along with Usdaw, knows that the customer is not always right - we must protect our members from customers who are abusive, violent or criminally in the wrong," he said.

- [Usdaw news release, latest update and 17 September events](#), details of [Gordon Brown's comments](#) and [Freedom from fear webpages](#). Comments from [CWU's Billy Hayes](#) and [Gordon Brown's speech to TUC in full](#)
- **To show your support, [contact USDAW](#) and find out what you can do in your local area**

## UNION NEWS

### No more Mr Knackered Guy



A campaign for humane work hours and an end to overtime coercion by employers has been launched by TUC. A TUC poll has revealed that large sections of the workforce are enduring illegally long hours without ever agreeing an "opt out" from the 48 hour working week ceiling. TUC found that one in four of those who

have signed an opt out were given no choice; two in three people who work more than 48 hours a week have not been asked to sign an opt

out; and that only one employee in three even knows there is a 48 hour limit. TUC estimates that across the UK more than 350,000 people have been given no choice about opting out of the working time regulations and nearly three million who work more than 48 hours have not signed an opt out. TUC's "It's about time campaign" is aimed at tackling Britain's long hours culture and persuading the European Commission to end the UK opt out when they review it in the next few months. TUC general secretary Brendan Barber said: "What makes me angry is that people cannot see that the UK's very long hours are a symptom of something sick about our workplaces. Long hours are a symptom of badly organised, unproductive workplaces. It's too often an easy way out for incompetent managers."

- [TUC news release](#), [It's about time campaign](#) and [workSMART working hours guidance](#). [BBC News Online](#). [The Journal](#). [The Scotsman](#). [PCS report](#)
- **Related information:** [TUC Changing Times webpages](#) and the *Hazards* [get-a-life](#) and [worked to death](#) resources
- **The TUC is asking people with examples of long hours abuses to tell their stories via [workSMART](#) or to the TUC's time line 0870 8 500 500. A free advice *Time's up for long hours* leaflet can be ordered or is free online in [pdf format](#)**

### **Safety takes centre stage at TUC**

Union safety concerns and campaigns took centre stage at this week's TUC Congress. The union movement's premier annual event heard George Brumwell, general secretary of construction UCATT, introduce the health and safety debate. He said "it's never possible to say that it's been a good year for health and safety - and this year has sadly been no exception." Stress was a top concern, he said, adding: "It kills more people than any other workplace hazard, through early heart disease or strokes, and it causes more time off to be taken than any other preventable illness, whether people have a diagnosed mental illness or not." A composite motion agreed by the conference called for action to address stress, passive smoking and violence at work, and for new rights for safety reps. Brumwell said: "Unions have a powerful message to put across, and we need to be firmer about it." He added that unions were calling for new powers for safety reps, "not power for power's sake, but power in the interests of working people." He added that TUC and the unions would continue to press for the introduction of the much delayed corporate killing law.

- [George Brumwell's speech to the TUC. Composite motions \(scroll down to C21\)](#)

### **Schools must learn violence lessons**

Attacks on teaching staff are not being dealt with effectively, a teaching union has charged. Sue Rogers, national treasurer of NASUWT, told this month's TUC conference: "In schools, research by NASUWT indicates that there is an act of abuse aimed at a teacher every seven minutes. Such incidents include verbal abuse, physical assaults, racial and homophobic abuse, intimidation and sexual assault." She said that most of the attacks were perpetrated by pupils but some were the actions of parents, and criticised the lack of action by school management. She said: "Half of teachers are not satisfied with the action employers take to protect them. We urge schools to put in place reporting systems which lead to strong action against perpetrators of abuse." She added the union receives requests for around six ballots each month for action to refuse to teach abusive pupils.

- [NASUWT news release](#)

### **Tax credit staff "faced death threats"**

Inland Revenue workers were threatened with physical violence – and even received death threats - from people frustrated by non-payment of the new tax credits. A highly critical report from civil service union PCS concludes too few staff were asked to do too much in too short a time. It says Inland Revenue staff burdened with long hours and poor working conditions were unable to cope. At the height of the problems, hundreds of Inland Revenue workers took part in a walkout because of the extreme pressure they were under. The PCS report is the union's submission to a National Audit Office investigation into the botched tax credit introduction. According to the PCS report, Inland Revenue workers in offices throughout the country reported overcrowding, health and safety violations, assault and even death threats from claimants. Graham Steel, PCS senior national officer for the Inland Revenue, said "the pressures put on staff and customers through computer failure, poor planning and allocation of resources seriously undermined what is a flagship government programme."

- [PCS news release](#) and *A PCS evaluation on the introduction of New Tax Credits*, [full report \[pdf format\]](#). [BBC News Online](#)

### **Women win on call battle**

Nine women wardens have won a legal battle that could have major implications for people who are forced to remain on standby after completing their hours of work. The GMB members lived in sheltered homes for the elderly in the London borough of Harrow and worked a basic 37-hour week - but they were kept on call for another 76 hours. An employment tribunal said the council had breached working time regulations and awarded the women £1,500 compensation each. The tribunal said the council had not given the women proper daily rest or given them the national minimum wage for their time on standby. It decided the 76 hours the workers were on call counted as work. Tony Warr, the GMB union official who backed the women's case, said: "This is a major breakthrough for low paid and overworked employees. The conditions imposed on these dedicated workers made a nonsense of the requirement that they should enjoy a minimum of 11 hours of uninterrupted rest from work every day." A European Court of Justice ruling this week reinforces the working hours rights of on call workers. A German doctor successfully argued that any time he was on call - including time sleeping - should be counted as his working hours, not just the time he spent treating patients.

- [\*\*BBC News Online. European Court ruling: Judgment of the Court of Justice on the reference for a preliminary ruling in Case C-151/02, Landeshauptstadt Kiel v Norbert Jaeger\*\*](#)

### **Rail union says don't turn hard hat policy on its head**

A plan by Network Rail to make the wearing of hard hats compulsory for all workers on the railway infrastructure could prove counterproductive, the rail union RMT has warned. "For RMT safety always comes first, and we fully support the need for safety helmets to be worn where there is risk of head injury," said RMT senior assistant general secretary Mick Cash. "However, we fear that to impose a blanket instruction to wear hard hats in all circumstances would reduce the status of safety helmets to that of uniform. This would potentially bring any justified need for head protection into disrepute." He added that with 120,000 certificated infrastructure workers in the industry, and the need for mandatory hard hat notices, the cost to the industry could run into millions. "We would urge Network Rail to keep a sense of proportion and keep to a risk assessed approach to the wearing of head protection," Mick Cash said.

- [RMT news release](#)

## OTHER NEWS

### **Euro-ban on smoking at work is likely**

A complete ban on smoking in the workplace could be a step closer after a top European official announced plans for new European Union-wide measures on passive smoking. European Commissioner for health and consumer protection David Byrne told a major tobacco conference in Helsinki last month that although a framework convention on tobacco control did not include a mandate for blanket action against passive smoking, there was still scope to act on the hazards at the workplace. He said "as regards health protection at the workplace, I am determined to exploit all the possibilities that the Treaty offers. I am pleased to announce that together with my colleague responsible for employment and social affairs we are about to conceive a major initiative aimed at banning smoking in workplaces." He would be working on the development of the initiative with Anna Diamantopoulou, the European Commissioner for employment and social affairs, he said. A Commission health spokesperson told *Personnel Today* magazine this week that it was looking at the possibility of basing a ban on current European health and safety legislation.

- [Full text of speech by David Byrne, European Commissioner. Personnel Today](#)
- **TUC's European [SmokeatWork](#) website and [Hazards smoking webpages](#)**

### **Police officers may face random drugs tests**

The government is to reconsider introducing random drug tests for police officers in England and Wales. Ministers had rejected the idea last year but Home Office minister Hazel Blears has instructed the Police Advisory Board to examine the issue again following calls from the Police Superintendents Association. Association president Kevin Morris told the organisation's September annual conference that testing is a matter of ethics for police who have to enforce the drugs laws. However, the Police Federation, the organisation representing frontline police officers, is opposed to the idea. An Independent Inquiry into Alcohol and Drug Testing at Work, convened by the government and which includes TUC representatives, is currently preparing its report on the use of tests at work ([Risks 100](#)). Unions have been critical of the tests because they don't spot impairment, frequently

give false results, don't support preventive efforts and take the focus away from more pressing workplace hazards like fatigue, stress and under-staffing.

- [BBC News Online. Ananova](#)
- **What's wrong with testing? [Find out here](#)**

### **Employers need to think more about mental health**

Few managers feel able to offer support or advice to employees with mental health problems – and their lack of confidence is shared by employees. Just 2 per cent of the 1,596 people questioned in the survey from The Work Foundation said their manager would be able to help if they had a problem. Most managers said their company had no procedures in place to help people with depression or mental illness. The survey found that almost half of employees would turn to their boss for advice if they had a mental health problem. However, 66 per cent of managers rated themselves as learners or novices when it came to the issue. Mental health problems are common at work, however. Two-thirds (66 per cent) of employees report that they, or a work colleague, have experienced a problem whilst 70 per cent of line managers have managed a member of staff with a diagnosed or suspected mental health problem. The survey was carried out to mark the launch of a Department of Health guide, *The line managers' resource pack*, which offers practical advice on managing and supporting mental health in the workplace. Research for HSE published this year also found "mental health problems are not well understood by employers and managers" who offered "little support to individuals suffering from anxiety or depression" ([Risks 90](#)).

- [The Work Foundation news release. BBC News Online. HR Gateway on the \*\*lack of mental health policies\*\* and \*\*lack of management skills\*\*](#)
- **For further details of The Work Foundation's *Managing mental health research report* [email](#) or telephone 0870 165 4700. For further details of *Mind Out: The line managers' resource pack* [email](#) or telephone 0870 443 0930**

### **Insurers say it will pay to be safe**

Businesses with good health and safety practices could pay less employers' liability (EL) insurance, under an initiative launched by the Association of British Insurers (ABI). It says its "Making the market

work" scheme is the latest ABI initiative to improve the operation of the EL insurance market, in the face of rising costs for insurers and higher premiums for businesses. ABI's John Parker said the initiative, which calls upon trade groups to produce health and safety plans for scrutiny by ABI, "is good news for businesses and insurers." He added: "Businesses will understand the health and safety practices insurers are looking for, while insurers will be able to reflect good health and safety in the terms they can offer. Hopefully, we will also see rising standards of health and safety across the small business sector." TUC's Owen Tudor welcomed the ABI initiative. "This is a sensible move to improve the relationship between good practice in prevention and insurance premiums," he said. "The ABI should take notice of the mass of evidence which exists to prove that working in partnership with union safety reps cuts injury rates dramatically. Logically, there should be a premium discount for companies which recognise unions." Des Browne, minister for work, also welcomed the ABI move.

- [ABI news release](#). More on [how unions make work safer](#)

### **Government chips in to union safety projects**

Safety partnership initiatives are among 23 projects sharing the latest £1m payout from the DTI Partnership Fund. Among the latest batch of successful projects receiving five figure support of up to £50,000 is "Continued commitment to health and safety," a partnership between Norfolk County Council and the unions UNISON and the GMB. The project is seeking "a high level of commitment, understanding and ownership of health and safety issues by front line operatives, senior managers and trade union representatives." A project run by Devon Cornwall Probation Board and probation officers' union NAPO is aiming to improve jobs "and reduce excessive workload for staff," while investigating measures to reduce sickness absence related to anxiety and stress. A number of union-backed work-life balance projects also won substantial DTI awards.

- [DTI news release](#). [TUC comment](#). [DTI Partnership Fund](#): **Contact the helpline on 020 7215 6252 or write to The Partnership Fund, Employment Relations Directorate (Room UG133), Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET**
- [TUC Partnership Institute](#)

### **Looking up for looking down**

The HSE has launched a new safety campaign on working safely at height. Launching the "head for heights" campaign, Bill Callaghan, chair of the Health and Safety Commission, said: "Falling from height is the single biggest killer of workers in Great Britain. Last year 49 workers died and many thousands were seriously injured as a result of falling from height. In most of these cases, these deaths could have been prevented. We are working with industry to reduce the number of deaths and injuries and this campaign is one way we hope to reduce the risk of falls from height and improve safety at work." HSE is kicking off the campaign with a nationwide inspection and enforcement blitz. Inspectors will be looking to see if: All work at height has been identified; work at height has been eliminated where possible; where elimination is not possible, fall prevention measures are in place such as guard rails, scaffolding and safe working platforms; and where fixed measures are not possible, fall arrest systems are in place such as safety harnesses and other personal protective equipment (PPE). They will also check on the suitability of equipment, training and supervision.

- [HSE news release. HSE's head for heights campaign](#)

## **INTERNATIONAL**

### **Australia: Children claim Esso wrecked their lives**

The deadly 1998 gas explosion at Esso's Longford, Australia plant broke up the marriage of a worker the company wrongly claimed was at fault for the blast, a judge has heard. Senior counsel Dyson Hore-Lacy told Justice Philip Cummins that a psychologist had no doubt the explosion caused the separation of control room operator Jim Ward and wife Elizabeth. He said there was ample evidence of a connection between the explosion and the separation of the couple, who had been happily married for 15 years. Mr Hore-Lacy was representing Haydn Ward, 16, and Katlyn Ward, 15, the couple's children, who are seeking compensation in the Supreme Court. In 2001, Justice Cummins fined Esso a record Aus\$2 million (£827,000) after it was found guilty of 11 charges under the Occupational Health and Safety Act. He said the explosion was the fault of Esso, not Mr Ward. Two workers died and eight were injured in the disaster on 25 September 1998. In November last year, a coroner also found the Esso was "solely responsible" for the tragedy ([Risks 80](#)).

- [The Age](#)

### **Australia: Truckies drive safety into the AGM**

Australian truck drivers doubling as shareholder activists will raise health and safety concerns at the annual general meeting (AGM) of Boral, a publicly-listed concrete company facing fines and Supreme Court action over its safety record. Dudley Wellard, an owner-driver with the company, unveiled the campaign to delegates of NSW Labor Council, inviting other workers to turn up at an opening barbecue outside the Australian Stock Exchange. He said the activists had formed their own group, Boral Ethical Shareholders, with backing from the transport union TWU. The group's adviser, Michael Walsh of *Ethical Investor* magazine, has helped drivers get seven resolutions onto the agenda of Boral's 21 October AGM. They relate to health and safety standards and executive pay. Wellard said health and safety was a key issues for drivers because Boral's practice did not match its theory. "In the past month alone, it has been fined Aus\$200,000 (£82,700) for breaches of the OHS Act and a driver in Victoria has won the right to sue the company for the skin cancers he developed," he said ([Risks 118](#)).

- [Workers Online](#)

### **Ghana: Unions call for national safety laws**

The Ghanaian government should introduce a national health and safety law, a top union official has said. Joshua Ansah, general secretary of the Timber Woodworkers Union (TWU), said Ghana does not have a national policy on occupational health and safety, and existing laws fall short because they do not cover employment sectors including forestry, agriculture, fisheries and health services. Speaking at a two-day occupational health and safety (OHS) and HIV/AIDS awareness workshop, he said policy makers and employers must ensure that provision of safe and healthy working environment become a key consideration in all investment and production decisions. The event was organised by the TWU in collaboration with the global building unions' federation IFBWW. Ansah also called for a new law giving union health and safety officers authority to stop dangerous work activities.

- [Ghana web](#)

### **Philippines: Violence against media "out of control"**

The media crisis in the Philippines has reached crisis point, a global union has warned, with the assassination on 6 September of the sixth

journalist this year. In a letter to the President, the international journalists' union IFJ has called for the authorities to properly investigate these killings. "The situation in the Philippines is clearly out of control," said IFJ president Christopher Warren. The IFJ intervention follows the murder of radio journalist Juan Porras Pala, adding to a death toll which the IFJ says ranks the Philippines equal to Colombia as the most dangerous place in the world for journalists. IFJ, which intends to take its call for an investigation to the United Nations, says Pala is the 42nd journalist to be killed in the Philippines since 1986. All 42 cases remain open, with no arrests to date.

- [IFJ news release](#). [Grist Magazine](#)
- **Related information:** [International News Safety Institute](#)

#### **USA: Jail sentence for asbestos crimes upped to 14 years**

A US company boss has had his jail sentence for asbestos-related crimes extended. Joseph Thorn, 41, was resented to 14 years in prison for violating asbestos removal laws and jeopardising the health of hundreds of employees. The move comes after an original October 2000 sentence of five years and five months for money laundering and illegal asbestos removal was appealed by federal prosecutors, who believed the punishment was too lenient. Assistant US attorney Craig Benedict said the actions of the former owner of A+ Environmental Services Inc "resulted in the substantial likelihood of death or serious bodily injury" to roughly 700 people who worked for him between 1990 and 1999. Thorn's former employees testified in 2000 that they had worked in asbestos "snowstorms" without the required respirators. Some customers were told the asbestos was removed and shown fraudulent air tests, witnesses said. Jordan Barab, editor of the US safety website *Confined Space*, questioned how the company had got away with its dangerous behaviour for so long. "So this guy operated for 10 years, grossly violating asbestos standards in over 1,000 buildings - including schools?" he said. "Who's minding the store up there?"

- [Confined Space](#)
- **More on corporate safety crimes from the [Centre for Corporate Accountability](#) and the [Hazards deadly business web resources](#)**

#### **USA: Overwork is hurting America**

Americans are working long hours and taking little leisure time, with profound effects on health and well-being. Over the last decade, labor statistics show that US workers have surpassed the Japanese in hours worked, and now top western Europe by nine weeks per year ([Risks 122](#)). In studies on job stress and health, workers experiencing heavy workloads with little decision-making power were at greatest risk for high blood pressure and heart disease, commented Dr Paul Landsbergis, of the Mount Sinai School of Medicine in New York ([Risks 118](#)). Workers who experience job strain - high demands and little control - have double the risk of dying from heart disease, he said. Joe Robinson, founder of the Work-to-Live campaign, commented: "I tend to think overwork is the No.1 family values issue." He added: "We work 100 hours a year more than the Japanese. I'd hate to see what our karoshi numbers look like."

- [Long Beach Press Telegram. Work to Live vacation campaign](#)
- **Work-life balance advice: TUC Changing Times website. [Hazards get-a-life](#) and [worked to death](#) and karoshi web resources**

## RESOURCES

### **HSE risk management zone**

The HSE has added a new "risk management" section to its website. HSE says effective management of risk is central to providing a safe and healthy workplace. The various links "provide access to resources to help you manage risk."

- [HSE risk management website area](#)

## EVENTS AND COURSES

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

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

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

### **Asbestos and the law conference, Liverpool, 16 September**

Merseyside Asbestos of Victims Support Group is organising an "Asbestos and the law" conference, to take place in Liverpool on 16 September 2003. Speakers include UK and international medical and legal experts.

- [Further details](#) and [application form](#). **Other enquiries to Merseyside Asbestos of Victims Support Group, Unit 3, Oriol Close, Water Street, Liverpool, L2 8UQ (marked "asbestos conference")**

#### **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. The HSE's Euroweek action pack can be ordered [online](#) at HSE's Euroweek website or by calling 0800 085 0050, and the European Agency [website](#) has resources and background information too. [Future years' themes](#) have also now been decided.

#### **Dangerous substances conference, 16 October**

Sheffield Occupational Health Advisory Service (SOHAS) is organising a one-day conference for employers, trade unionists, health and safety managers and occupational health professionals. The event, to run on 16 October as a contribution to European safety week, will include a talk on the HSE's policy on risk assessment and dangerous substances at work and workshops on work related asthma, managing asbestos in premises, dermatitis and skin disease, work related cancer and substitution of dangerous substances. Cost £30, including refreshments and lunch. Venue to be announced.

- [Further details](#) and [online booking form](#)

#### **Corporate safety crimes conference, Glasgow, 23 October**

Ministers from the Scottish Executive and Westminster, Crown Office officials, trade unions, employer organisations, the Health and Safety Executive, lawyers, academics and bereaved families will be among the speakers at a Centre for Corporate Accountability "Safety and corporate criminal accountability" conference in Glasgow on Thursday, 23 October 2003. CCA says it is Scotland's first major conference on the issue.

- [Further details and registration](#). **Standard fee, £30. Lawyers, businesses and government bodies, £50. Unwaged, £10**

### **IIAC public meeting, Glasgow, 18 March 2004**

The Industrial Injuries Advisory Council (IIAC), the body that advises the government on which accidents and diseases should qualify for industrial injuries payouts, is giving members of the public a chance to find out about its work. A day of presentations and structured workshops at the 18 March 2004 meeting in Glasgow will: Describe the process of "prescribing" occupational diseases – picking the ones that get added to the list; seek opinions about new issues of concern in occupational health; and will provide an opportunity to contribute ideas on IIAC's future work programme. IIAC says individual cases or claims cannot be discussed at the meeting, however.

- **Admission free, by ticket only. To apply for tickets or to get further information, contact [Neil Davidson](#), IIAC Secretariat, tel. 0207 962 8066. [IIAC website](#)**

### **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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