

# Risks

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HAZARDS  
MAGAZINE



Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Tom Mellish](#)

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**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over 8,500 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](#).

## ACTION

## **OEDA needs your help!**

The Occupational and Environmental Diseases Association (OEDA) is facing a financial crisis and urgently needs your support. OEDA has provided an indispensable service to people suffering from asbestos related diseases for many years. However, a decision by the Association of London Government to end its grant support is leaving the essential organisation facing an annual shortfall of £30,000. TUC's Tom Mellish commented: "OEDA has been a crucial resource in revealing the devastating effect of asbestos on workers and communities and has helped countless workers facing asbestos disease. Britain's asbestos disease epidemic has nowhere near peaked, so OEDA is more necessary now than ever."

- [The OEDA appeal](#) and [online donations](#). [OEDA online](#).  
Send donations to [OEDA](#), PO Box 26, Enfield EN1 2NT.

## **UNION NEWS**

### **Union reps get into networking**



UNIONREPS.org.uk has signed up an impressive 2,000 members in just two months. The TUC's new internet community for trade union reps, which already involves union reps from 53 of the TUC's 70 affiliated unions, allows participants "to share problems, tips, and debates with reps from different workplaces, different unions, and different regions." TUC adds that "expert guides from unions and allied organisations such as *Hazards* magazine are also on hand to contribute to discussions." Discussion topics have ranged from ways to enforce minimum temperatures, to what to do with rusting shopping trolleys, to tips for better communication with branch members. The safety bulletin board is the most active single area of the site. TUC deputy general secretary Frances O'Grady said: "Union reps come from all walks of life, and have many specialist skills, but isolation in the workplace sometimes makes it hard to know where to turn for support or feedback. Getting together online with UNIONREPS.org.uk helps make the distances irrelevant, and lets individuals' knowledge and experiences benefit the whole community."

- [TUC news release. Sign up for UNIONREPS.](#)

### **Union victory on safety laws**

Unions have hailed new health and safety laws as a “significant development” for workers. For the first time unions can directly enforce health and safety laws against employers, backed up with the force of legal penalties where employers fail to comply. Andy Gilchrist, general secretary of the firefighters’ union FBU, said the new power “opens up employers to a range of civil and criminal action that we have not seen in this country before. If they ignore what has happened they are in for a very rude awakening.” FBU fought the Health and Safety Executive and the government in Europe to win the right to take direct legal action against employers ([Risks 126](#)). Lawyer Frank Maguire, who represented the FBU before the European Commission, said: “Unions will no longer have to rely on the HSE to enforce health and safety laws. Unions will be able to take court action to seek injunctions and force employers to carry out risk assessments.” He said the injunctions could be used to “prevent work from starting or halt work that has started until they are complied with. If employers break these injunctions they face unlimited fines and imprisonment.”

- [The Scotsman. FT.com.](#)

### **Union training is just the job**

Being a union safety rep is not a hobby, so essential training should take place during paid work time, says bakers’ union BFAWU. Its annual health and safety conference in Cardiff was for the first time held on a weekday and attracted a record attendance. BFAWU regional officer Dave Dash said: “All health and safety representatives have a right to paid release from work to attend this conference, updating them on any changes to health and safety that may affect their members at work.” The union has run high profile campaigns on issues affecting its members, including bakers’ asthma and hot work.

- [BFAWU news release](#) and [health and safety pages](#).

### **Unions safety campaign is tops, says MP**

A union campaign against retail industry violence and abuse is the most effective trade union campaign in parliament, according to an MP. Leigh MP Andy Burnham, the parliamentary private secretary to home secretary David Blunkett, said the year old “freedom from fear” campaign run by retail union Usdaw “touched on all the big issues” in

every MP's constituency. Speaking at the union's retail conference, Burnham said: "As a society, we need to show that we mean business. We need to fight back and say this is not right. We need to get back some basic standards of respect." John Hannett, Usdaw's deputy general secretary, said: "Andy Burnham is one of many MPs, including David Blunkett and prime minister Tony Blair, who have supported our campaign."

- **Usdaw on the [MP's praise](#) and the [anniversary of the Freedom from Fear campaign](#).**

## OTHER NEWS

### **Cleaners face work asthma risk**

Working as a cleaner may more than double the risk of developing asthma and other breathing problems, a study has found. Writing in the November issue of the journal *Thorax*, researchers warn that anyone doing household chores could come into contact with irritants in cleaning products. The research team asked a sample of 4,500 Spanish women if they had experienced any respiratory symptoms and if they had been diagnosed or treated for asthma in the previous year. Respiratory symptoms that could be attributed to work were more than twice as common among domestic cleaners as in other jobs – 12 per cent among current and former cleaners and 5 per cent among those who had never worked as cleaners. Women working as cleaners in hospitals or health care centres instead of houses also had an increased risk of developing asthma and bronchitis. An October study concluded a quarter of all asthma cases could be linked to work ([Risks 129](#)).

- **[BBC News Release](#). [Reuters Health](#).**
- **M Medina-Ramón, J P Zock and others. Asthma symptoms in women employed in domestic cleaning: a community based study, *Thorax*, vol.58, pages 950-954, November 2003 [[abstract](#)].**

### **Rail union celebrates as maintenance goes in-house**

Rail unions have welcomed the news Network Rail is to bring the maintenance of Britain's railways back in-house. Network Rail will now

stop using private contractors for maintenance work, a decision which will affect seven contracting firms. Unions and passenger groups have long argued splitting up British Rail and passing its work on to private contractors has been inefficient, and detrimental to safety. Bob Crow, general secretary of rail union RMT union, said: "It will be far better now, with people coming to work dedicated to one company, not working for one contractor one week and the next for another. You will see the dedication being put back into the industry." Two weeks ago one of the biggest contractors, Jarvis, pulled out of rail maintenance because of "reputational problems" and the threat to profits. The firm had been criticised after the Potters Bar disaster which claimed the lives of seven people last year ([Risks 108](#)). On 27 October, the Health and Safety Commission issued a discussion document on rail safety. It said *Safety on the railway – Shaping the future* "is aimed at all those who work in the rail industry and those interested in its safety performance."

- [BBC News Online](#). [The Independent](#). [Ananova](#). [TSSA news release](#).
- [HSC news release](#). [Safety on the Railway – Shaping the Future discussion document](#) and questionnaire. **Hard copies can be obtained from [David Gregson](#), HSE, Rail Policy, 3NW Rose Court, 2 Southwark Bridge, London, SE1 9HS. Telephone: 0207 717 6064. Deadline for responses, 31 December 2003.**

### **Tube "failing safety standards"**

London Underground (LU) is failing to meet engineering safety standards, official reports show. An internal Health and Safety Executive (HSE) report obtained by the BBC's Kenyon Confronts programme exposes thousands of examples of "substantial non-compliance" - most concerning the condition of the track. Following derailments at Hammersmith and Camden Town earlier this month, LU said inspection procedures were adequate. But in its response to the HSE report - issued in May - it admitted there were problems. HSE blamed the variable quality of track inspections across the network on staff shortages and pressure on resources. Members of rail union RMT are to be balloted over possible strikes and "go slows" following the derailments. RMT general secretary Bob Crow said drivers would be asked to reduce speeds as part of a campaign of industrial action, and added that the union would not tolerate any compromise on safety.

The union says LU should follow the lead of Network Rail and take maintenance work back in-house.

- [BBC News Online](#) and [Kenyon Confronts video](#). [The Guardian](#). [The Independent](#). [Evening Standard](#).

### **Smoking bans work at work**

The campaign for smoking bans in public places is gaining converts. Writing for *The Independent* Stephen Pollard reports from New York, saying that the impact of the Big Apple's smoking ban has been wonderful, reclaiming the city from the smokers. Before seeing the ban in action, Pollard had been an opponent of smoking bans. Now though, he is now happy to concede that smoking bans do work and would be OK in the UK. The tobacco lobby, meanwhile, continues to argue for its discredited voluntary approach ([Risks 105](#)), described by anti-smoking group ASH as "pathetic" ([Risks 108](#)). Another group, the International Non-Governmental Coalition Against Tobacco (INCAT), has accused the tobacco lobby of jeopardising workers' health and the welfare of customers. INCAT director Doreen McIntyre said: "The hospitality trade are behaving like dinosaurs in this respect. It is the only sector that simply refuses to treat workers' health needs seriously."

- [The Independent](#). [Ananova](#).
- **Union resources on passive smoking at work from [TUC](#) and [Hazards](#).**

### **Deaths highlight need for needlesticks action**

Deaths of health care workers linked to needlestick injuries show the need for the NHS to respond positively to union campaigns for safer needles and work methods. Four UK health workers have died after being injured with needles used on patients infected with HIV, according to official figures. Another nine are living with HIV after suffering similar needlestick injuries while working in the NHS. There are hundreds of reported incidents each year in which NHS staff are exposed to a risk of HIV or hepatitis infection. Lisa Power, a spokesperson with HIV charity the Terrence Higgins Trust said: "We support the use of retractable needles and any other measures to improve the safety of injecting equipment." In October, the Commons

public accounts committee highlighted the growing problem of needlestick injuries in the NHS ([Risks 128](#)). Unions UNISON, GMB and RCN have all called for action on needlestick safety.

- [BBC News Online](#). [Union needlestick resources](#). [The Safer Needles Network](#).

### **European blueprint for a chemicals crackdown**

Chemicals found in many household items are set to be more tightly regulated, under plans put forward by the European Commission. Draft proposals published on 29 October would require companies to disclose basic data on all the chemicals they produce. Around 30,000 chemicals will undergo tests to prove their safety if the proposals become law in 2005. The new legislation, known as Reach - Registration, Evaluation and Authorisation of Chemicals - will require chemical companies to subject each substance to official screening before it can be licensed for use. At the moment only 10 per cent of chemicals on the market have undergone such stringent tests. The Reach process will identify potentially harmful chemicals - like those which cause cancer or damage genetic material - and classify them as "substances of very high concern." The proposal will need the approval of the European Parliament and the council of ministers if it is to become law.

- [BBC News Online](#). [The Independent](#). [Friends of the Earth news release](#). [Confined Space](#). [Women's Environmental Network](#).
- [EU chemicals webpages](#) and [impact assessment of REACH](#). **Chemicals Policy Initiative: [Excellent US website on chemicals policy](#)**.

### **Nurse's £47,621 back injury**

A former nurse who aggravated a spine condition while tending to a patient has been awarded a total of £47,621 compensation. Joyce Rowe, now 59, sued Gwynedd Community Health NHS Trust after suffering serious injuries in the December 1995 incident. Judge Gareth Edwards QC, who delivered his decision at Mold Law Courts, said he was concerned about the delay in resolving the case. Mrs Rowe sued the NHS trust for damages after she says she was instructed to carry

out the handling of the patient in a dangerous manner - which was denied by the trust. Judge Edwards found in her favour and ordered that she be paid £47,621 plus all her legal costs. "What she had been instructed to do was unsafe," the judge said. "It was the health trust's duty to be aware of those dangers." He said the payout was a relatively modest amount but added that it was a fact of legal life that the level of damages "for personal injury in this country is extremely modest."

- [BBC News Online.](#)

### **Back to work pilot scheme takes off**

The government's "back to work" pilot scheme to get people on incapacity benefit back into the workforce is up and running. The Department for Work and Pensions says the "Pathways to Work" proposals launched last November ([Risks 81](#)) include: Making sure work pays - with a new Return to Work Credit of £40 a week payable for a year for those earning up to £15,000; new rehabilitation services - provided jointly by the NHS and Jobcentre Plus - to manage the conditions that most often stop people working; and early support from skilled personal advisers at Jobcentre Plus, including work-focused interviews. Work and pensions secretary Andrew Smith said: "The pilots will give people individual help tailored to their needs, provided by a specially trained personal adviser. This is not about forcing ill and disabled people into employment but giving people who can get back to work the support to do so." The first three pilots are in: Bridgend and Rhondda Cynon Taf; Renfrewshire, Inverclyde, Argyll and Bute; and Derbyshire. They will run until April 2006.

[DWP news release.](#)

## **INTERNATIONAL**

### **Australia: 10,000 march for work death laws**

Pressure is mounting on the on the New South Wales state government to introduce industrial manslaughter legislation. An estimated 10,000 workers chanted "jail bosses that kill" as they marched through Sydney and rallied in front of Parliament House to protest at workplace deaths. The secretary of the NSW Labor Council, John Robertson, said the state's labour government was re-elected on

a policy of being tough on crime. "The biggest crime in this state is industrial manslaughter," he said. However, the minister for industrial relations, John Della Bosca, insisted employers found responsible for fatal accidents could already be sent to jail. He said the state government was willing to amend safety laws by adding an offence dealing with "breach of duty resulting in death" that would include a maximum penalty of imprisonment. Mr Della Bosca said the government would introduce "fine tuning" legislation early next year. Protocols would also be put in place before Christmas to keep police investigations of workplace accidents open until negligence was ruled out. Unions however say the new law is needed because deaths are not treated seriously by the courts, with no employer ever jailed to date for safety crimes and 75 per cent of workplace deaths attracting less than 20 per cent of the maximum fine.

- [Workers Online](#). [Unionsafe](#). [Financial Review](#). [Sydney Morning Herald](#). [The Australian](#). [More on industrial manslaughter campaigns worldwide](#).

### **China: Workplace deaths up by 9 per cent**

The number of workplace deaths in China has gone up by 9 per cent compared to the same period last year, according to latest official figures. Accidents in mines and factories killed 11,449 people in the first nine months of 2003, despite a nationwide safety crackdown. Fatalities were down slightly in China's coal mines, but the number of deaths in non-mining industries rose by 19.1 per cent, to 5,203. Some analysts blame the rise in accidents on China's shift to a market-style economy. "Workers are working longer hours since state owned industries were privatised, and they have no knowledge of health and safety issues," said Han Dongfang, director of the Hong Kong-based China Labour Bulletin. He added that the real number of deaths was much higher than the official figure, because some operators paid local officials and victims' families not to report fatalities. In one of the most recent incidents, a fire at a shoe factory on 19 October in Yueqing City killed five workers and injured another five.

- [BBC News Online](#). [China Labour Bulletin](#).

### **Europe: Unions say nothing justifies workplace gene screening**

Europe's top union body has called for a ban on genetic screening in the workplace. The ETUC position was spelled out at a 29 October workshop, where it called for the prohibition to be included explicitly in a European Commission directive on the protection of workers' personal data. ETUC said gene testing wasn't yet a problem in EU workplaces and said EC legislators should make sure this remains the case. It said the tests would reduce efforts to prevent exposure to occupational hazards "in particular in the chemical field and to introduce discrimination among workers according to certain genetic characteristics. The United States' experience shows that genetic screening could lead to indirect forms of racial discrimination." ETUC added: "From the prevention point of view, nothing justifies a genetic screening compared to risks at work." It added that Austria, Belgium and Finland have already prohibited genetic screening in the workplace. In the UK, TUC has called for a UK ban on workplace genetic testing ([Risks 125](#)). In October, the US Senate backed draft legislation to ban gene screening at work ([Risks 128](#)).

- [ETUC news release. Why workplace gene screening is a bad idea.](#)

### **Russia: Disasters prompt calls for mine safety review**

A week long safety drama in a southern Russian coal mine has ended with the rescue of 44 workers. One man is known to have died after being trapped in a flooded mine and another is still missing. The miners were trapped 800 metres (2,600 feet) underground in Zapadnaya coal mine in Novoshakhtinsk. Two days after the 23 October disaster, 33 miners were rescued. A further 11 were rescued on 29 October after rescuers dug through more than 50 metres (164 feet) of rock. On the same day, a powerful explosion hit a mine in the Russian far eastern town of Partizansk, killing at least three miners with up to 40 reported missing. Russian president Vladimir Putin said he would discuss the accidents with his prime minister. "Unfortunately, these sort of events are becoming systematic in character. We have to carefully look into this," he said. Apart from the natural hazards associated with the work, miners complain of deteriorating safety conditions.

- [BBC News Online](#). [The Independent](#). [Ananova](#). [BBC News Online on the latest mine disaster, Russia's mine](#)

[safety crisis](#) and on [President Putin's call for a mine safety review](#).

### **South Africa: Productivity pressures blamed for mine deaths**

Unions are blaming production pressures and poor enforcement of safety laws for the high number of fatalities and injuries in South Africa's mines. The National Union of Mineworkers (NUM) said all mining groups use bonus schemes to stimulate productivity and questioned if these schemes are compatible with efforts to reduce accidents. NUM's Peter Bailey told a tripartite mine safety seminar the union would not tolerate a system that instead of complementing wages, ended up "exceeding them." He said: "Such target-driven compensation is bound to result in accidents." Eric Gcilitshana, the NUM's health and safety secretary, said the union was concerned that little was being done to avoid preventable accidents. He said there was a feeling within the union that a law compelling mining houses to shut down after fatal accidents was not being enforced. Last year about 288 people died in mine accidents, according to government figures. Reports also show cases of the industrial disease silicosis have increased in the last two years.

- [AllAfrica.com. Business Day.](#)

### **USA: Official asbestos warning is under attack**

The US government's 17-year effort to warn motor mechanics of the dangers of cancer-causing asbestos in brakes is under attack. The international law firm of Morgan, Lewis & Bockius has petitioned the government's Environmental Protection Agency to stop distributing warning booklets, posters and videotapes that give mechanics guidance on the need to protect themselves from asbestos. The petition says the science on which the material was based is unproven and irrational. The challenge, using an obscure legal process, comes as latest figures show imports of asbestos to the US have tripled in the last decade and had a value of \$208.9m (£123m) last year. More than \$124 million (£73m) worth of asbestos brake material was imported into the US last year. Dr Barry Castleman, an authority on asbestos and health issues, condemned the legal action. "In making this move on EPA, the law firm seeks to justify corporate suppression of warnings in the past with government suppression of warnings today," he said.

"The loser in this gambit is the public." He indicated the Canadian asbestos industry ([Risks 129](#)), a major asbestos exporter to the US, was behind the manoeuvre.

- **Special feature by Andrew Schneider, St Louis Post-Dispatch, on the [legal attack on the EPA standard](#) and [increased US asbestos imports](#). The lawyers' letter in full [[pdf format](#)].**

### **Zimbabwe: Minister defends asbestos trade**

A Zimbabwean government minister has claimed asbestos is "environmentally friendly" and the country's asbestos mining industry is a "critical" source of US\$40 million (£23.6m) in foreign revenue each year. Minister of mines Edward Chindori-Chininga told an asbestos industry-organised media workshop in Harare: "The mining and export of asbestos is critical to our economy. Not only in terms of foreign currency earnings, but also because of thousands of jobs it sustains." He added: "The chrysotile fibre from Zimbabwe is highly sought after in the developing world because it provides an environmentally friendly and a cost-effective roofing and water transportation solution." The workshop, organised by the Zimbabwe National Chrysotile Asbestos Taskforce (NCATF), was aimed at devising a marketing strategy for the troubled asbestos industry. Zimbabwe exports 93 per cent of its asbestos production, with exports this year expected to exceed 190,000 tonnes. Critics say the media workshop is part of an asbestos industry drive to put a healthy gloss on its deadly product ([Risks 129](#)), and which has seen Zimbabwean asbestos companies send top executives on numerous promotional trips to South Africa and the Far East.

- [AllAfrica.com](#). [Zimbabwe Independent](#).
- **Why the minister has got it wrong: [International Ban Asbestos Secretariat](#). Laurie Kazan-Allen, The asbestos war, IJOEH, vol.9, no.3, pages 173-193, 2003 [[pdf format](#)].**

## RESOURCES

**HSE targets Asian workers**

An HSE "Worksmart" television series goes live this month and will bring health and safety communication to thousands of UK Asian viewers. Four leading TV satellite channels are to run a series of 45 second real-life mini-programmes on health and safety – all featuring Asian participants. Chris Bisson, star of East is East, and formerly Asian taxi boss Vikram in Coronation Street, has lent his support to the campaign. He said: "Health and safety issues are a vital part of everyone's life. I'm delighted to be able to help in getting the message across to the Asian community in Britain."

- [HSE news release.](#)

## 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](#)

#### **COURSES FOR JANUARY TO MARCH 2004**

[South West](#), [Wales](#)

#### **Construction Safety Campaign AGM, Liverpool, 8 November**

The Construction Safety Campaign's 2003 AGM and national meeting is to be held in Liverpool on 8 November. Key issues are corporate killing, asbestos risks, employee consultation and roving reps. Further details from CSC, PO Box 23844, London, SE15 3WR, [email](#) or phone 07747 795954.

#### **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](#)**TUC courses for safety reps****

**COURSES FOR SEPTEMBER TO DECEMBER 2003**

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

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**USEFUL LINKS**

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