

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 8,000 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](#).

ACTION

Do you know a compo robber?

The Health and Safety Executive is investigating whether last year's big increases in employers' liability insurance premiums led to an increase in workplace insurance dodgers. Employers' liability insurance is compulsory for almost all employers to make sure that workers can be properly compensated if they are injured or made ill by their work. Do you know of any cases in 2003 where an employee made a compensation claim for a work-related injury or illness, and found out their employer did not have employers' liability insurance? The more information you can provide, the better – including when, where, how, who, whether the employer claimed they did not employ the compo claimant or if there was any reason why the employer was exempt from employers' liability insurance (for example, a crown body).

Send details to [Sara Marsden](#) at Greenstreet Berman, the consultancy undertaking the research for HSE.

JOB VACANCY

Want to be TUC's head of safety?

The TUC has a vacancy for a senior health and safety officer. The post holder, as replacement for Owen Tudor, who is now head of TUC's European Union and International Relations Department, will take the lead on policy development, campaigning and union support on health and safety. As well as providing advice and guidance to affiliated unions, the post holder will produce detailed submissions to the government on health and safety, represent the TUC externally eg. at media events and lead the TUC's union health and safety officers network. The successful candidate will need considerable experience of policy and campaigning work in a comparable organisation as well as: A degree or equivalent qualification; experience of project and campaign management, including initiating projects and campaigns;

experience of campaigning and lobbying, including writing for and speaking to a variety of audiences; ability to understand and digest complex information and present it in a clear and concise manner; and influencing, negotiating, advocacy and strategic planning skills.

- **[Senior Health and Safety Officer](#), salary £36,849 rising incrementally to £38,872 per annum, including LW, based at Congress House, London. Deadline for applications, noon 19 November. To obtain an application pack, contact: Personnel and Training Office, TUC, Congress House, Great Russell Street, London WC1B 3LS or [email](#) or voicemail 020 7467 1340. Quote reference number Ref: OSD/80/03 when applying for an application pack.**

UNION NEWS

We won't stand the heat, we'll get out of the kitchen!

A row over working conditions for kitchen staff at a Kirklees school has been temporarily resolved with contractors agreeing to make improvements within a month. Public service union UNISON had advised its members at Rawthorpe High School to walk out on 3 November unless the overheated kitchen was provided with a better ventilation system. The threat was enough to prompt Jarvis, the contractor responsible for building the kitchen, to agree immediately to the necessary fix. "From the word go we knew there would be problems with the kitchen as it was to be built in the middle of the school and would not have any windows," said UNISON chief steward, Jean Goodison. "Our members have been suffering from bad heads and dizziness because of the inadequate ventilation. It is obvious that what is installed is not enough and we have been arguing with the contractors for months to try and get them to resolve the situation." UNISON representatives say Jarvis ignored comments warning about the flaws in the original design.

- **[UNISON news release](#).**

School death sparks call for new security talks

Teaching union NASUWT is calling for the government to reconvene a

specialist school security forum. The union move comes after a 14-year-old Lincolnshire schoolboy, Luke Walmsley, was stabbed to death at school. Chris Keates, deputy general secretary of NASUWT, has written to Secretary of State for education Charles Clarke calling for the joint DfES/Home Office School Security Working Party to be reconvened. "This is an horrific event. It is a tragic example of how the increasing use of weapons in crime on the streets is spilling over into the once relative calm and security of schools." He added: "This tragedy demonstrates again that violent incidents are not confined to urban areas." The NASUWT letter to the minister says that although such incidents are "extremely rare" in schools "they understandably cause considerable concern amongst teachers, pupils and parents." The letter adds: "NASUWT is concerned to ensure that something positive emerges from this terrible tragedy" and says the reconvening of the working party "would be an appropriate response."

- [NASUWT news release](#). [BBC News Online](#). [The Independent](#).

Bank understaffing causing stress "epidemic"

Banking workers are facing an "epidemic" of stress caused by understaffing. A survey by banking union UNIFI found the problem is most acute in London and the south east, and blames understaffing stemming from recruitment and retention problems. Ed Sweeney, UNIFI general secretary said: "Finance staff in London and the south east are frequently skipping their lunch breaks, coming in early and staying late. Customers often queue for up to an hour and vent their frustration on staff." The union says the use of temporary and contract workers means full-time experienced staff are having constantly to train new colleagues. The UNIFI survey found 99 per cent of UNIFI members in London and the south east said they sometimes feel stressed at work compared to 78 per cent nationally. UNIFI says 85 per cent of respondents believed the level of stress is having a negative impact on their home and family life and 82 per cent on their working lives. Ed Sweeney added: "Our research has shown that unions can make a difference. Unions tend to ensure that work-life balance policies are enforced and that unfair practices are challenged."

- [UNIFI news release](#).

Tube strike looms over sacked sick worker

London Underground (LU) workers from one Tube line are to go on a 24-hour strike in protest at the sacking of a union rep. The row flared after the man was seen coming out of a squash club while on sick leave. However, rail union RMT member says the member has medical proof saying sporting activity was part of his recovery programme and has accused the company of "snooping" and "scraping the barrel" to get rid of the union activist ([Risks 127](#)). About 100 RMT members who work on the Hammersmith and City Line are scheduled to walk out the evening of Thursday 13 November. Bob Crow, the union's general secretary, said: "Despite the slurs on his character this is a clear case of victimisation of an RMT member making every effort to get back to work after sustaining a serious injury." He added: "The clear majority for strike action shows that his colleagues have not been swayed by an attempt at media assassination. LU must reinstate our member." RMT members voted 2-1 for industrial action.

- [BBC News Online](#). [Ananova](#). [Union rehabilitation guide](#).

OTHER NEWS

It's official – life is cheap

The Health and Safety Executive's top boss has slammed low penalties, down 21 per cent on last year, for workplace safety criminals. HSE director general Timothy Walker said HSE has introduced a more targeted inspection regime to catch the worst offenders, but added: "Why then do general levels of fines – the foremost deterrent – remain too low to deter companies from committing more serious breaches?" Commenting on the "disappointing" levels of fines published this week in HSE's fourth annual *Offences and penalties* report, Mr Walker continued: "It is incomprehensible that fines for especially serious big company breaches in health and safety are only a small percentage of those fines handed down for breaches of financial services in similarly large firms. I understand that financial service breaches can affect people's wealth and well-being, but breaches in health and safety can, and do, result in loss of limbs, livelihoods and lives." The report provides details of enforcement action for 2002/03 and shows that 933 companies, organisations and individuals were convicted of health and safety offences. The average fine for health and safety cases across the UK fell by 21 per cent, from £11,141 in 2001/02 to £8,828 in 2002/03 - partly because there were fewer of the larger fines.

- [HSE news release](#). **Offences and Penalties report** [[pdf format](#)] and [enforcement action webpage](#).
- **Naming and shaming: HSE [prosecutions](#) and [notices](#) databases.**

outrage as workers lose on penalties

Last year's dramatic drop in the average penalty for criminal health and safety offences has been labelled an "outrage" by a top safety organisation. Mick Holder of the London Hazards Centre said the 21 per cent fall in average fines from £11,141 in 2001/2 to £8,828 in



2002/3 was "very bad news indeed." He said the public had been assured the 1998 Howe case, a Court of Appeal ruling that penalties for workplace safety violations were too low, would usher in more realistic penalties, but this had proved not to be the case. "Fines are meant to act as a deterrent but clearly here we see no real deterrent," said Holder. "Employers are getting away with killing, disabling and injuring their workers at the expense of a paltry

fine." Condemning the low penalties as "an outrage," he added: "Nothing will change until errant employers face real sanctions in the Crown Court, such as prison and much higher fines that reflect the seriousness of the crimes."

- [LHC news release](#). **Related information: [Centre for Corporate Accountability](#). [Hazards deadly business website](#).**

Minister welcomes HSE stress guide

The government's safety minister has welcomed new practical guidance to help employers and employees develop solutions to workplace stress problems. Speaking at the launch the new guide, minister for work Des Browne, said: "The government's approach is based on encouraging supportive organisational cultures where employers work with staff and their representatives to identify and address real employee concerns in a positive way." The guidance, *Real solutions, real people - A managers' guide to tackling work-related stress*, contains pointers on how to go about tackling problems identified by a stress risk assessment. It includes an introduction on how to use the resource, learning points, prompt cards, and an action plan to record and monitor what needs to be done. HSE says case

histories deal with the six workplace stress points: Demands; control; support; role; relationships; and change.

- [HSE news release](#). *Real solutions, real people - A managers' guide to tackling work-related stress*, £20.00 for an introductory period of six months and then £25.00 from [HSE Books](#). Six of the [case studies](#) from *Real solutions, real people* are available on [HSE's stress webpages](#). [HSE stress management standards pilot](#).

Bosses urged to cut work stress

More than half of British workers believe bosses should be actively trying to improve their employees' health, a survey suggests. Most of the 2,020 people questioned said this would cut stress levels, improve general wellbeing, boost productivity and reduce sick leave. The 2003 Annual Consumer Attitudes to Healthcare Survey for Standard Life Healthcare "shows that attitudes towards the way companies are engaged in the wellbeing of their staff are changing," said Mike Hall, the company's chief executive. "People are now looking for their employers not only to ensure that their healthcare is covered when they are sick but to intervene to prevent work related illnesses, such as stress. It's a win-win situation for employers as active management of staff stress and wellbeing can lead to an increase in company productivity and a reduction in illness related absence from work." Health and Safety Executive policy head Chris Rowe welcomed the study and added: "All employers have a duty to make sure that their employees' health is not put at risk from exposure to work related stress."

- [Standard Life news release](#). [BBC News Online](#).

NHS staff fury at assault let off

Unions and staff at a Scottish hospital have hit out at a sheriff for failing to impose a sterner sentence on a patient who assaulted a nurse. The outburst came after a 44-year-old man, who struck a nurse while he was being treated in Raigmore Hospital Accident and Emergency department, was ordered to pay her £200 compensation and was then freed so he could take part in the New York marathon. Sheriff Alexander Pollock said Christopher McDermott's actions were completely unacceptable but imposed a compensation order instead of

a prison sentence. "If courts are going to deal with cases like this they should be prepared to look at custodial sentences," said UNISON's regional Highland officer Donald Shiach. "NHS staff should not have to face this kind of harassment." Frank Sobande, safety manager for Highland Acute Hospital's NHS Trust said: "We need to make a public example of incidents like this to deter others." He added that the hospital was working towards persuading more nurses to press assault charges.

- [Inverness Courier](#).

INTERNATIONAL

Australia: Job strain and insecurity is bad for you

Job strain and job insecurity are strongly linked with poor health, particularly mental health, a study has found. Researchers reporting in the November issue of the *Journal of Epidemiology and Community Health* assessed 1,188 employed professionals, aged 40-44 years, for depression, anxiety, physical, and self rated health. They found 23 per cent reported high job strain (high demands and low control), while 7.3 per cent and 23 per cent reported high and moderate job insecurity respectively. Insecure employment and high job strain showed strong, independent associations with physical and mental health, which persisted after adjusting for factors such as gender, education, employment status and personality. The research team concluded: "The results of this study raise concerns about the adverse health effects in people who might be experiencing both high job strain and high job insecurity." They add: "As the labour market becomes more globalised and competitive, employees are more likely to encounter these two work conditions simultaneously. Therefore the influence of work on health is an important focus for future population health research, policy and intervention."

- **R M D'Souza and others. Work and health in a contemporary society: demands, control, and insecurity, *Journal of Epidemiology and Community Health*, vol.57, pages 849-54, 2003 [[abstract](#)].**

Australia: Unions condemn criminal logic

Unions in Australia are stepping up their campaign to collar the workplace safety criminals. "It has taken the tragic death of 16-year-

old Joel Exner to focus public opinion on laws that allow an employer guilty of killing a worker to get off paying a measly \$1800," (£763) says Peter Lewis, editor of the union web weekly, *Workers Online*. In an editorial he says the death of the teenage construction worker and a 10,000 strong march is support of industrial manslaughter laws last week ([Risks 130](#)) had not moved the New South Wales state government. Instead there was "a system of fines that allows individuals to hide behind a corporations law that allows companies to dodge their debt by liquidating and rising like a Phoenix to continue business as usual. It has also exposed a judiciary that sees nothing wrong with locking up drink-drivers who kill, but draws the line at company executives with QCs who say sorry... In short it has exposed a vicious cycle of employers who cut corners, courts that see this as acceptable and government that is not prepared to take on the Top End of Town." He concludes that "to argue that there should not be criminal sanctions for workplace deaths is to argue that workers are somehow worth less than other people. And that's an offensive argument, as offensive as \$1800 for a life."

- **Workers Online [editorial](#) and [related article](#). More on [union corporate killing campaigns](#).**

Canada: Corporate killing law passed

A union backed corporate killing law has been passed in Canada. United Steelworkers' national director Lawrence McBrearty said the passage in the Senate of the "Westray Bill" is a victory for working people, 11 years after the death of 26 miners at the Westray coal mine in Stellarton, Nova Scotia. "Our union has fought long and hard for this legislation to hold corporations, their executives and directors criminally accountable for deliberately putting workers' lives at risk," McBrearty said. "We fought for the Public Inquiry in the mid-1990s, which put forward a recommendation in favour of this kind of law. Our activists lobbied every federal politician in two separate parliaments to get their support for a law to amend the Criminal Code of Canada." The union leader added: "I am deeply proud of our members and of everyone who supported our efforts... While their loved ones will be forever remembered for the terrible tragedy that killed them, the families of the Westray miners can also be proud of the fact that there will be 'no more Westrays'."

- **[USWA news release](#). [USWA Westray campaign](#).**

China: Firework factory blast kills child labourer

A firework factory explosion in a Chinese village has killed a 14-year-old child labourer and left 11 seriously injured. The 19 October factory blast occurred in Dapingling village, Hunan Province. The injured workers were sent to Chenzhou City People's Number One Hospital and Jiahe County People's Hospital. A 14-year-old boy, Li Ping, was certificated dead shortly afterwards and several workers were reported to be in a critical condition. Lei Cuiyun, one of the owners, tried to kill herself by cutting her wrists but was stopped by onlookers. The next morning however, she was found dead after drinking pesticide. The Chenzhou police reportedly arrested Li Zhide, the other owner.

- [Sanxiang City Daily/China Labour Bulletin](#).

Global: UNI tackles workplace violence

A global union and its affiliates have won an International Labour Organisation code on violence in the service sector, in the face of stiff opposition from employers. Service sector union federation UNI says unions overcame "the determined opposition and obstructionism of employer delegates at a recent tripartite meeting of experts to help draft a new ILO code of practice on workplace violence in services." The international union delegation to ILO included safety specialists from UK unions UNISON and Usdaw. UNI says hurdles included a discussion on the contribution of stress where "many employers disputed the actual existence of stress in the workplace," adding "at times it appeared that the employers were determined to sabotage the code." The union group, led by Jon Richards of UNISON, "overcame the ideologically driven opposition of the employers to deal with the issue at all." The code will be presented to the ILO's governing body later this month, which must approve it before it is officially issued.

- [UNI news release](#).

Honduras/USA: P Diddy rapped by sweatshop campaign

A leading anti-sweatshop watchdog has condemned conditions in a Honduran sweatshop producing fashion items for sale in the US. Charles Kernaghan of the National Labor Committee (NLC) and 19-year-old Honduran garment worker Lydda Eli Gonzalez, said fashion and music entrepreneur, Sean "P Diddy" Combs, uses a sweatshop in Honduras that pays workers 24 cents (14 pence) to produce a t-shirt

that he sells for \$40 (£24) in the US. Kernaghan produced evidence from an NLC study showing deplorable working conditions, including daily body searches, contaminated drinking water for employees, daily shifts of 11 and 12 hours and mandatory pregnancy tests – with workers fired where the tests proved positive. Kernaghan said: “We call on all Americans to deliver a clear message to this Administration, no more trade agreements that fail to outlaw sweatshops.” Lydda Gonzalez said she wanted to tell Mr Combs “we want our jobs but we want to be treated with decency and respect.”

- [USWA news release](#). [Newsday](#). **Related information: [Labor Education in the Americas Project \(LEAP\)](#) Honduras webpage.**

Japan: Depressed workers win compensation

Two workers who suffered from depression after their employer left them nothing to do have qualified for workers’ compensation. An increasing number of workers receive compensation because of overwork, but this is the first time it has been granted because “management stripped employees of duties.” Yoshihiro Matsumoto, the head of the Kanagawa office of the Japan Centre for Health and Safety of Working People, which assisted the workers, said: “It’s a landmark decision because there were no previous cases of workers’ compensation granted because of depression caused by ill-advised management stripping workers of things to do.” After the men, both in their 30s, refused a move to an affiliate company, management retaliated, forcing the workers to sit without work at desks equipped with no computers and telephones. Months later, the two employees were separated from other workers by partitions. Both became depressed. Ministry of Health, Labour and Welfare data show that 148 applications were made for workers’ compensation because of psychological problems from April to September 2002. Of these, 53 cases involved suicide. Figures show 44 of the 148 applications were deemed eligible for compensation.

- [Mainichi Shimbun](#). **Related information: [Worked to death](#) – how depression and suicide have become top occupational diseases of the 21st century workplace.**

Sweden: Accident rates soar as standards fall

There has been a sharp rise in the number of reported work-related accidents and illnesses in Sweden, official statistics show. Accidents resulting in long-term absence from work increased by 50 per cent between 1997 and 2001, coinciding with government moves to erode Sweden's renown safety system. Total sick leave rose by 60 per cent during this period. Joint union-management publication *Prevent* says the total number of accidents at work reported during the year was just over 37,000, and work-related illnesses totalled 26,000 cases. In six out of 10 accidents the victims were men, while six out of 10 reported illnesses were contracted by women. The greatest number of long-term illnesses are related to organisational or social factors and strain injuries, the figures show.

- [Prevent.](#)

Taiwan: Authorities start safety clampdown

Safety authorities in Taiwan are pushing employers to abide by occupational health and safety regulations. A new Enhance Enforcement Programme (EEP) is targeting those companies with a high number of occupational fatalities or those who repeatedly violate safety regulations. In a naming and shaming move, the safety authority CLA says it will also publish a list of companies with poor safety records. Official statistics show that in the last three years several businesses have had at least two occupational fatalities on a work site, causing the deaths of tens of workers. Stringent inspections will target the most dangerous workplaces with between one to four inspections a month. At the same time, penalties will be raised to two to five times the previous limits.

- [Taiwan News.](#)

USA: Workplace ergonomics rules repealed

A law that has protected thousands of US workers from strain injuries has been dumped. Washington state's workplace ergonomics rules had survived lawsuits and a campaign through the state legislature – but couldn't survive a million-dollar TV campaign by business interests. The \$2 million plus Building Industry Association's (BIAW) PR offensive ended when a referendum this week backed a repeal of the rules. After paying signature-gatherers to get the necessary signatures to trigger a ballot ([Risks 115](#)), the business lobby spent heavily on a television campaign that portrayed the rules as a job-killing regulation.

Supporters of the law, mostly unions who champion the ergonomics rules as commonsense worker protection, blamed the defeat on the BIAW's financial advantage. Karen Keiser, a state senator and spokesperson for the Washington State Labor Council accused this industry lobby of misinformation and distortion about the rules' potential impact on jobs. "It was an outright lie and it was never debunked," said Keiser.

- [Seattle Post Intelligencer](#). [Confined Space](#).

RESOURCES



It's about time... the government listened

TUC has produced a detailed briefing for MPs to support its case for an end to the UK opt out from the European working week ceiling. It says UK men with full time jobs work the longest hours in Europe. This is because the UK is the only EU country that allows every worker to opt out of the 48-hour limit on the average working week. It tells MPs: "The law is widely ignored, and only a minority know their working time rights. The EU will shortly start a review of the UK opt out. We believe it's about time to end the opt-out and introduce a 48-hour limit on the average working week."

- [TUC briefing](#). [More on the TUC campaign](#). [Hazards resources on working hours and better ways to work](#).

ASLEF shift-work guide

Train drivers' union ASLEF has made its authoritative *Shift-work, lifestyle and health guide* available online. The 32 page guide is thoroughly referenced and is intended "to assist both our elected representatives and our members in coping with shift-work and the long hours culture in Britain's railways." The guide is a useful resource for anyone concerned about shift-work and long hours, whatever their industry.

- [ASLEF guide](#).

What HSC did and what it will do next

The Health and Safety Commission has published its latest annual report and accounts, for the period April 2002 to March 2003. HSC chair Bill Callaghan its enforcement arm HSE managed to "achieve largely what we set out to do and more last year." Announcing the report with a volley of this season's soundbites, he promised "a new strategy to take the health and safety system to 2010 and beyond" with the aim of seeing "health and safety as a cornerstone of a civilized society." Here's hoping.

- [HSE news release](#) and [annual report](#).

Freight safety phone line

The Health and Safety Executive (HSE) and Freight Transport Association (FTA) have opened a new workplace transport safety advice centre designed specifically to give information and advice on all aspects of workplace transport safety. FTA transport advisers are now on hand to give guidance and advice to vehicle operators, drivers and those responsible for site safety on this major cause of workplace injury and fatality. For the next year, they can call a new dedicated number for the service - 0870 099 0099 - open between 9am and 5pm, Monday to Friday.

- [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](#) [Scotland](#) [Southern and Eastern](#) [East and West Midlands](#) [Northern](#) [Yorkshire and Humberside](#)

Construction Safety Campaign AGM, Liverpool, 8 November

The Construction Safety Campaign's 2003 AGM and national meeting will 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](#)

USEFUL LINKS

Visit the TUC http://www.tuc.org.uk/h_and_s/ website pages on health and safety. See what's on offer from [TUC Publications](#) and [What's On in health and safety](#).

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

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

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