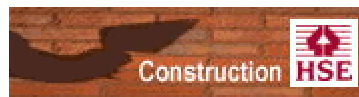


# Risks

issue no 132 – 15 November 2003



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

## CONTENTS

- [Union news:](#) \*[TUC welcomes expected euro crackdown on long hours](#) \* [no sex please, we're British workers](#) \* [HSE union backs MPs' call for more port inspectors](#) \* [European support for union port safety campaign](#) \* [speeding charges dropped for emergency driver](#)
  - [Other news:](#) \*[will Blunkett get tough on the safety criminals?](#) \* [rail supervisor cleared of manslaughter](#) \* [rail union slams drink and drugs "kangaroo court"](#) \* [unions up the working time pressure](#) \* [working together keeps seafarers ship shape](#) \* [qualified welcome for Euro chemical safety plans](#) \* [major award for workers' safety campaigner Alan Dalton](#)
  - [International news:](#) \*[Australia: charter demands respect for safety reps](#) \* [fewer hours builds healthier workplaces](#) \* [Canada: unions welcome corporate safety crimes law](#) \* [Global: the killer that won't die](#) \* [Romania: brutal child slave trade uncovered](#) \* [USA: work is bad for you, no bones about it](#) \* [study finds pain at work costs billions.](#)
  - [Resources:](#) [on-the-spot car phone fines](#)
  - [Events and courses:](#) [T&N asbestos protest, 27 November, Manchester](#) \* [become a workplace agent for environmental justice](#)
- \*[IIAC public meeting, Glasgow, 18 March 2004](#) \*[TUC courses for safety reps](#)

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## UNION NEWS

### **TUC welcomes expected Euro crackdown on long hours**



The TUC has welcomed indications that the European Commission is to crack down on the abuse of the UK opt out from the 48 hour average working hours ceiling. TUC general secretary Brendan Barber said: "This is very welcome news. The UK is the only EU country that allows everyone at work to sign away their working time rights, and there is wide evidence that this is no free choice for the majority of long hours workers." Pointing to TUC research showing many employees were being compelled to work excessive hours or were unaware of the right to refuse ([Risks 123](#)), he added: "Employers argue that working more than six 8 hour days a week should be a matter of free choice, but all this research shows that too many of them simply cannot be trusted" and may "bring unfair pressure on their staff. The only way we will start to tackle our long hours culture is to end the opt out." The Euro move came as the TUC published a new long hours fact file making the case for ending the opt out. The European Commission's concerns were heightened following the publication of a two-year Cambridge University study which showed that "the way (British) employers have implemented the opt-out is a very abusive one," according to EC employment commissioner Anna Diamantopoulou.

- [TUC news release including the long hours factfile.](#)  
[FT.com.](#)
- [TUC It's about time! campaign. Hazards worked to death factsheet.](#)

### **No sex please, we're British workers**

Almost one in five workers are being put off sex because of the long hours they are compelled to work, according to a union survey. The research by Amicus was published on the Scottish leg of its 13-stop UK working hours roadshow. The union found a third of all respondents said that they didn't have enough time to spend with partners or children, 19 per cent said their sex life

had suffered and up to 40 per cent said they don't have enough time to do work related training or any other kind of education. Community work, socialising, personal fitness and hobbies all lost out to excessive working hours. Six out of ten (61 per cent) blamed long working hours for failing to keep up with the housework. Chris Ball, Amicus national secretary, said: "Forcing people to work excessive hours is the work equivalent to a low carb diet - immediate results but with potentially damaging effects on the health of your business."

- [Amicus news release](#). [HRGateway](#). [Sky News](#). [Ananova](#). [BBC News Online](#).

### **HSE union backs MPs' call for more port inspectors**



The union representing Health and Safety Executive (HSE) inspectors has backed a Transport Select Committee call for more dedicated port inspectors. Prospect added that while it welcomed the committee's recognition that maintaining safety requires enforcement and training and more HSE inspectors, this couldn't be done on already over-stretched budgets ([Risks 124](#)). HSE branch chair Steven Kay said: "Port work is the most dangerous land-based industry in the UK with a rate of nearly 3,000 accidents per 100,000 workers - even higher than construction which is a major area of concern for HSE. We agree wholeheartedly that measures to increase safety for port workers are vital, and more inspectors are needed. But they must not be introduced at the expense of other HSE departments already seriously under staffed and under resourced." The select committee report comes as chronic under-funding is forcing HSE to shed 50 of its 590 front line inspectors, reducing the number of investigations and inspections it can carry out by 10,000 a year.

- [Prospect news release](#). Transport Select Committee [publication notice](#) and [full report](#).

### **European support for union port safety campaign**

Labour MEPs have said they will back the Transport and General Workers' Union and vote against the Market Access to Ports Directive

when it comes before the European Parliament later this month. Voting against the directive will be at odds with the UK government's stance but the TGWU said it was right that the MEPs took a lead and supported the dock workers' two-year campaign. "The directive is a charter for privatisation and compromises the safety of our ports," said Graham Stevenson, TGWU national organiser for transport. Speaking at the TGWU's national transport committee he said winning the support of the MEPs was an important step but not the final one. "We will take great heart from the MEPs support and look to influence the transport ministers and all those MPs who have ports and harbours in their constituencies," he said. "Europe is on notice that our dock workers will fight back against proposals which put their safety and that of their ports at risk."

- [TGWU news release](#).

### **Speeding charges dropped for emergency driver**

Speeding charges against a driver on a medical emergency have been dropped. UNISON said it was delighted that the case against member Paul Stockbridge, the blood service driver accused of speeding ([Risks 128](#)), had been dropped. Karen Jennings, UNISON head of health, said: "It is simply not acceptable that drivers of emergency vehicles are liable to prosecution in certain parts of the country because there are no national standards laid down. Provided that drivers of emergency vehicles are driving safely and not endangering the lives of other motorists they should not fear prosecution - which could ultimately cost them their livelihoods." The decision comes less than a month after speeding charges against GMB member Mike Ferguson, who was delivering an organ for transplant, were dropped. The Crown Prosecution Service said then that "prosecution is not needed in the public interest." Both decisions followed high profile union campaigns.

- [UNISON news release](#).

## **OTHER NEWS**

### **Will Blunkett get tough on the safety criminals?**

A law to aid the prosecution of companies responsible for fatal accidents is expected to be enacted before the next general election. A 10 November 2003 article in *The Independent* says Home Secretary

David Blunkett has won approval from the Cabinet to publish a draft Bill on corporate manslaughter during the new parliamentary session, which begins on 26 November. He hopes that parliament will approve a final Bill next year. However, the proposals revealed by the paper cover only one side of the demands spelled out by unions and corporate crime campaigners. While the proposed law would bring in unlimited fines for companies convicted of corporate manslaughter, Blunkett intends to sidestep the issue of company directors' duties. Jail terms for dangerous directors is one of the key demands of the TUC and unions including Amicus, CWU, GMB, TGWU, RMT, Aslef, BFAWU, FBU, UCATT and UNISON. And a June 2003 editorial in top medical journal *The Lancet* noted that "until chief executives are made directly responsible for decisions that lead to injury, it is unlikely that the huge toll of work-related injuries will fall" ([Risks 110](#)).

- [The Independent](#). [HRGateway](#).
- Related information: [TUC/Hazards deadly business campaign](#). [Centre for Corporate Accountability](#). TGWU corporate killing campaign guide [[pdf format](#)] and model directors' duties bill [[pdf format](#)].

### **Rail supervisor cleared of manslaughter**

A supervisor has been cleared of the manslaughter of a railway worker who was killed by train. A judge said the evidence was not strong enough to hold the supervisor responsible for the death of agency worker Mark Falivena. Beverley Swane, 59, had been accused of gross criminal negligence contributing to Mr Falivena's death. Mr Swane was safety supervisor for a team carrying out repairs on a section of the London to Derby track in Leicestershire in August 2001. At Leicester Crown Court Mr Justice Harrison told the jury to return a not guilty verdict after the evidence of several prosecution witnesses was called into question by the defence. The judge said the overwhelming evidence was that many workers would have done the job in the same way and it seemed Mr Swane was following standard practice. Bob Crow, general secretary of rail union RMT, said: "This was an awful incident which should never have happened, but there is no way that Bev was responsible for it." He added: "This whole case was about attempting to scapegoat a worker who had been expected to work in unacceptable conditions with insufficient staff."

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

## **Rail union slams drink and drugs “kangaroo court”**

Fourteen Tube track maintenance workers tested for drugs and alcohol but found to be entirely clean have been suspended and will still face a “kangaroo court” says their union. RMT says the workers, who were suspended after empty beer cans and bottles of booze were found in a mess room, have been charged with gross misconduct. The room was used by workers to change in and out of uniforms, according to Metronet, the private firm which maintains part of the Tube network. It said it has a “zero tolerance” policy towards drugs and alcohol, however it admits tests on the workers for drugs and alcohol all returned negative results. Bobby Law, RMT London regional organiser, said he believed the case was an attempt by Metronet to deflect attention from concerns raised by the union about Tube safety, which could lead to industrial action in the next few weeks ([Risks 130](#)). “Metronet now intends to set up a kangaroo court to dismiss these people, some with more than 20 years' experience, regardless of the lack of any evidence against them,” he said.

- [BBC News Online. Union guidance on drug and alcohol policies.](#)

## **Unions up the working time pressure**

Patricia Hewitt, secretary of state for trade and industry, would like to keep the opt-out to the working time regulations that would otherwise put a limit of 48 hours on the working week. She might find this an unpopular move on two fronts, however, as the European Commission now seem likely to demand the closure of Britain’s work hours loophole and unions continue their campaign for a working hours ceiling. Meetings over the last week in Preston, Leeds and London have made up the final leg of a UK working hours roadshow organised by the union Amicus. And Kevin Curran, the general secretary of the GMB union, has said “time is the new money” for working people and that it marked a step change in industrial relations. TUC’s “It’s about time” campaign is co-ordinating the end-the-opt-out drive ([Risks 123](#)). Madeleine Bunting, writing in *The Guardian* this week, said “the government has never wanted a run-in with business over working time; it ensured that there has been negligible effort to actually enforce the legislation, which EU research shows has been misinterpreted and ignored.” It looks like the time for working hours abuse might soon be up.

- [The Guardian](#). The [TUC It's about time! campaign](#). [Hazards worked to death webpages](#).

### **Major award for safety campaigner Alan Dalton**

Alan Dalton, Britain's premier grassroots workplace and environmental safety campaigner, has won the first Robert Tressell Award for "services to working people." The Construction Safety Campaign (CSC) award is in recognition of "his decades of anti-asbestos campaigning and working to secure a safer and healthier environment." Alan, who was part of the original CSC committee over 15 years ago, has worked with the families of many construction workers killed at work and has supported many who have been diagnosed with asbestos disease and their families. He also wrote *Asbestos: Killer dust*, the 1979 book that has become a lasting indictment of the asbestos industry's efforts to cover-up the impact of its deadly product, and which led to a high profile court case. CSC approached the family of Robert Tressell, author of the bestselling 1914 novel *The ragged trousered philanthropist*, which documented the harsh and hazardous life of construction workers, who gave their blessing to the new award. Tony O'Brien, secretary of the Construction Safety Campaign, said: "I couldn't think of anyone more deserving of this award."

- [LabourNet UK](#). A limited number of first edition signed copies of Alan Dalton's *Asbestos: Killer dust* are available for a donation of £5 (minimum) from [Hazards Publications](#), PO Box 199, Sheffield, S1 4YL, England. All proceedings will go to UK asbestos victims' organisations.

### **Working together keeps seafarers ship shape**

A project to improve the health of seafarers has won a prestigious award. A project team, involving maritime unions, employers and government representatives, was awarded the BUPA Foundation award for "an outstanding example of pioneering work in occupational health." Shipping minister David Jamieson said: "Seafaring has always been a high-risk occupation. Illness at sea can endanger the vessel and other seafarers as well as putting sufferers at considerable personal risk." The minister added that under the award-winning health scheme, "each seafarer working on a UK-registered vessel will be medically assessed every two years. This will help to ensure that

they are fit for the job and will provide an opportunity to give advice on health to enable them to have a full and active career and life. This work shows what can be achieved when unions, shipping operators and government come together for a common purpose, in this case to improve safety and health at sea.”

- [Df T news release](#) and background on medical standards for seafarers [[pdf format](#)].

### **Qualified welcome for Euro chemical safety plans**

UK unions and chemical industry employers have welcomed new European chemical safety proposals, but warn outstanding concerns must still be addressed. A joint statement from unions GMB, TGWU, Amicus and Usdaw and the Chemical Industries Association says “trade unions and chemical employers in the UK support the objectives of the White Paper which aims to improve the safe use of chemicals in the European Union. We welcome its introduction as we believe the principles will enhance chemical safety throughout the European Union.” The statement warns, however, that the groups are “deeply concerned about the detail” and calls for greater transparency in the registration and screening of chemicals and says there should not be “undue costs” that could hurt production and jobs in the EU. The statement adds: “The trade unions and chemical employers support the principle that appropriate information should be provided to employees, consumers and other interested parties and that this information should stem from the producers, importers, suppliers and users,” but adds: “We were therefore disappointed to find that workers and trade unions appear not to have any role within the proposed regime.”

- A [joint statement](#) from the Chemical Industries Association and UK trade unions (GMB, T&G, AMICUS AEEU, AMICUS MSF and USDAW) on the European Commission’s White Paper IV, Strategy for a future chemicals policy.
- For more on chemical safety policy, see the [European Union chemicals webpage](#). Also see the [Chemicals Policy Initiative](#) and the [Chemical Reaction](#) websites.



## **Canada: Unions welcome corporate safety crimes law**

Unions in Canada say a new corporate safety crimes law will at last make dangerous employers accountable for dangerous workplace practices. Hassan Yussuff of the Canadian Labour Congress said: "This is a long overdue victory for workers and their families all across Canada. It is now the law of the land that corporations and their principals will be held criminally liable for negligence causing death or injury in the workplace." Bill C-45, an Act to Amend the Criminal Code (Liability of Organizations), has been dubbed "the Westray bill" because it followed years of campaigning by the surviving families, the victims, former workers and the union of the Westray mine in Stellarton, Nova Scotia ([Risks 131](#)). In the Westray disaster of 9 May 1992, 26 miners lost their lives, yet neither the corporation nor its officers were ever brought to justice, says CLC. "No law is ever perfect, but this one introduces a new level of accountability," said Yussuff. "It is a great initial step forward that we now have a law on criminal liability for negligence in the workplace."

- [Canada Newswire](#). [Canadian Press](#).
- More on [corporate safety crimes campaigns worldwide](#).

## **Global: The killer that won't die**

The global asbestos industry isn't willing to give up on its deadly product just yet. Panicked by a growing international ban asbestos campaign ([Risks 129](#)), the industry has dismissed asbestos disease campaigners as a "group of militants from all over the place" and has redoubled its international PR offensive with two weeks of frenzied promotion. A new 12-page report from the industry backed Asbestos Institute in Canada accused campaigners of a "smear campaign" that has "nothing to do with objectives of improving health and safety." It adds that talk of progress towards a global ban is "an exaggeration." In Zimbabwe, another asbestos exporter ([Risks 130](#)), the National Chrysotile Asbestos Taskforce (NCATF) said the local asbestos industry has recorded a steady growth, adding that its product "has been scientifically proven to be safe." The intercontinental PR blitz didn't stop there. At a conference in India this week, the chair of the Asbestos Cement Products Manufacturers' Association, also told delegates asbestos does not pose any health hazards.

- Asbestos Institute attack on asbestos disease campaigners [[pdf format](#)]. [Allafrica.com](#). [The Hindu](#).
- Want to hear the truth about asbestos? Visit the [International Ban Asbestos Secretariat](#) webpage.

### **Romania: Brutal child slave trade uncovered**

A near-fatal accident on a pig farm in Romania has led to the discovery of a trade in forced labour in which poverty-stricken parents sell their children into slavery for as little as £70. Gheorghita Ciornei, 13, was taken to a hospital in Bucharest last week suffering from 60 per cent burns after an accident involving a power line. Investigators found that Gheorghita and his younger brother had been working on a Gostinu pig farm for more than a year, after the farmer bought them for £140. Save the Children said the brothers were the victims of a new trade in which employers from better-off areas in the south of the country are buying child labour from the impoverished north-east. "This is modern-day slavery," said George Roman, a programme director for Save the Children. He said the boys were not alone and that dozens of others were doing hard labour, some as young as nine. "The whole area has been poisoned by this new phenomenon. People are taking advantage of the naivety, desperation and poverty of these parents," he said.

- [The Independent](#).

### **USA: Work is bad for you, no bones about it**

Scientists say they have evidence that too much work could damage bones. Researchers from Temple University in Philadelphia say tests on rats show highly repetitive actions may damage tendons, ligaments and bones. Writing in the *Journal of Bone and Mineral Research*, the scientists say their study could help industry and medicine to tackle the problem earlier. As many as two out of three people who suffer work-related health problems damage their tendons, ligaments or bones. They can go on to develop osteoarthritis, tendonitis or carpal tunnel syndrome, where tendons or ligaments in the wrist become enlarged or inflamed. Lead researcher Dr Ann Barr said: "Our studies have shown a direct relationship between repetitive, low force movement and the inflammation of muscles, bones, nerves and connective tissue." She added: "These behaviours increased according to the rate of repetition. The higher the repetition, the more severe the symptoms."

- Ann E Barr and others. Repetitive, negligible force reaching in rats induces pathological overloading of upper extremity bones, *Journal of Bone and Mineral Research*, vol.18, Number 11, pages 2023-2032, November 2003 [[abstract](#)].
- [BBC News Online](#). [Science Daily](#).

### **USA: Study finds pain at work costs billions**

One in eight US workers is in pain, losing productive time at work, at a cost to business estimated at \$61.2 billion (£36.6bn) each year, according to a study in the *Journal of the American Medical Association*. The study, which randomly sampled 28,902 working adults over the course of a year, found workers in pain lose an average of five hours a week in productivity, said Dr Walter Stewart, the lead author. Threequarters of them lose productive time due to reduced performance, not due to absence, the study found, a phenomenon dubbed "presenteeism." Given that 97 per cent of US workers are on the job on a daily basis, employees go to work in pain more often than not, he said. "There's a myth about people with pain conditions that they will take off time at the drop of a hat," he said. The Pain in Europe study, published in October, found in Britain around one in seven adults - or 13 per cent - suffers from chronic pain. One fifth of the European workers questioned said they had lost a job as a result of their pain.

- Walter F Stewart and others. Lost productive time and cost due to common pain conditions in the US workforce, *JAMA*, vol.290, no.18, pages 2443-2454, 12 November 2003 [[abstract](#)].
- [Reuters Health](#). [USA Today](#). [CNN News](#).
- [The Independent](#) and [CNN News](#) on the Pain in Europe study.

## **RESOURCES**

### **On-the-spot car phone fines**

From 1 December it will be illegal to use a hand-held phone while driving. Initially, the government had sought a blanket ban on all drivers using mobiles. Then it seemed to opt for an exception that

would allow factory-fitted hands-free sets. The final legislation is more relaxed, but that has led to claims it is too confusing. Check out these online resources to know when you can call - breaking the rules means a £30 on-the-spot fine or up to £1,000 in court. TUC warns that any phone use can be costly while driving – it's the lack of concentration not the lack of hands that leads to accidents, studies show.

- DfT [frequently asked questions](#) on driving and mobile phones. [Workplacelaw.net](#). [BBC Magazine](#).

## EVENTS AND COURSES

### **T&N asbestos protest, 27 November, Manchester**

Since T&N went into administration two years ago, the company's asbestos disease victims have not received a penny in compensation. The same cannot be said for the UK and US administrators of what was Britain's biggest asbestos company. In the UK, Kroll Buchler Phillips is the court appointed administrator, and is doing very nicely, thank you. With an hourly rate of £460, it has banked £23 million so far. The US administrators are doing better still, having pocketed nearly £45 million a year. A coalition of asbestos victims' support groups is to protest at the payment of "fat cat fees" while the victims of deadly disease receive nothing. The administrators can afford to wait; cancer victims cannot.

- Protest! Meet at the steps of G Mex, Manchester City Centre, 12.30pm, Thursday 27 November. A protest will follow at 1 Oxford Court, Bishopsgate, Manchester.
- Further information: [Northern Asbestos Victims Support Groups](#), tel: 0161 953 4037, [email](#) or [online](#).

### **Become a workplace agent for environmental justice**

Workers are becoming increasingly aware of the impact of industry on the environment – many safety reps see it as a part of their job to address hazards both inside and outside the workplace. Friends of the Earth Scotland (FoES), working with Queen Margaret University College (Edinburgh), can help make this twin job easier – they have developed an accredited course in "Environmental justice in your

workplace and your community” for trade unionists and community activists. The initiative, which is supported by union bodies including the Scottish TUC (STUC), UNISON, GMB and RMT, recognises “that the poorer you are the more likely you are to live or work in or near a dangerous, toxic environment, and aims to tackle this injustice.” The Edinburgh course begins in April 2004 and lasts for 18 months. Similar initiatives are planned in England and Wales in the near future, says FoES.

- [More information](#) and course brochure ([pdf format](#)). Application forms and course details can also be obtained from [FoES](#), 72 Newhaven Road, Edinburgh EH6 5QG. Tel: 0131 554 9977.

### **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](#)

#### **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](#).

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