

Risks

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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](#)

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Alan Dalton, safety champion, dies

Alan Dalton, the most energetic and uncompromising safety activist of his generation, has died. He was 57. Alan worked at every level of the labour and environmental movement. He was health, safety and environment coordinator for the Transport and General Workers' Union (TGWU) from 1995-98, where he nurtured a new network of union safety reps and forced environmental issues to the centre of the union safety agenda. He helped create *Hazards* magazine in the 1970s, so the new generation of safety reps with legal rights also had union arguments and support to convert rights into influence. He argued the workers' case on high level committees, from the Industrial Injuries Advisory Council to the Environment Agency, where as a "community representative" he rocked the boat so effectively he was fired. His books have been read and re-read by union reps over three decades. One, *Asbestos killer dust*, published a quarter of a century ago, exposed the deadly asbestos industry con, aided and abetted by corrupt medics and bought-and-paid-for scientific "experts," that kept industry's most effective killer on the market. He was sued and bankrupted for his trouble – despite every single allegation now being accepted as fact, repeated in serious medical journals. His asbestos campaigning was recognised last month when he became the first recipient of the Robert Tressell Award ([Risks132](#)). Most of his real work was away from the public gaze – supporting workers facing victimisation or work-related disease; as an inspirational trade union safety tutor; providing support to bereaved relatives with hard information and soft words. Always forward-looking, his latest project was DIRT, a grassroots environmental campaign tabloid. He was working on issue 2 until three weeks before his death.

UNION NEWS

Europe should toughen up working time rights says TUC



The TUC has presented Europe's top employment policy official with a dossier proving the case of tougher working time controls in the UK. TUC general secretary Brendan Barber presented the dossier to European Union (EU) Social Affairs Commissioner Anna Diamantopoulou in Brussels on 9 December. It calls on Europe to: End the UK's opt-out from the Working Time Directive that allows employees to sign away their right to work no

more than 48 hours a week on average; Stop the UK counting bank holidays against Europe's four weeks minimum paid holiday rights - other EU countries give their citizens over four weeks paid holiday in addition to public holidays; and toughen enforcement of working time rights in the UK following evidence of abuse revealed in the EU's own research, opinion poll evidence, and case studies given to the TUC's timeline and workSMART website, published for the first time in the dossier. Brendan Barber said: "We want action on three fronts - a tougher enforcement regime, stopping employers counting bank holidays as part of minimum holiday rights and ending the opt-out that lets employers coerce staff into signing away their rights. It's about time we tackled Britain's long hours culture."

- [TUC news release and dossier excerpts](#). [Reuters](#). [The Scotsman](#). [The Guardian](#). [Sky News](#). [Manchester Evening News](#). [Personnel Today](#).
- We can help: [TUC "It's about time!" campaign](#) and [Hazards worked-to-death web resource](#).
- You can help: The TUC is also asking workers to tell their long hours stories either via the [workSMART](#) website or by calling the TUC timeline on 0870 8 500 500.

Safety warning over contracting out

Public service union UNISON has called on local authorities and health trusts to ensure that the health and safety of the workforce is taken into account when awarding contracts to private contractors. The call comes in the wake of a new survey by the union, *Health and safety in the public and contracted out services*, which showed private contractors consistently trailed public authority employers on health and safety provision. UNISON found 96 per cent of public authority employers had a joint health and safety committee (JHSC), compared to only 21 per cent of private contractors, and 96 per cent of authorities had union safety representatives in their employment compared to just 22 per cent of contractors. Hugh Robertson, UNISON's head of health and safety, said: "Our survey shows that when contracts go out, the risk to the worker goes up. Employers in the public sector should consider the health and safety record of contractors before they award contracts, and also ensure that they adhere to strict health and safety requirements during the life of the contract." He called on HSE to follow up the UNISON study with its own research, and called for "greater enforcement of the existing laws

against contractors who flaunt them.”

- [UNISON news release and summary of survey findings](#).
UNISON guide: Safety compromised? How contracting out is bad for health and safety [[pdf format](#)].
- for health and safety [[pdf format](#)].

A not present Xmas present for shop-workers?

Shop-workers' dread of being forced to work on Christmas Day by Scrooge bosses could be a thing of the past within months after a major boost to a campaign waged by their trade union, USDAW. Private Members' Bills in the London and Edinburgh parliaments are calling for shop-workers to be given a seasonal break. Workers at Scotland's biggest stores could be the first to win some real Christmas cheer. Karen Whitefield MSP is to put forward legislation that would ban larger stores in Scotland from opening on Christmas Day and New Year's Day. USDAW and Scotmid, one of Scotland's biggest employers with over 3,300 staff and 160 outlets, back the Bill, from the MSP for Airdrie and Shotts. And shop-workers in England and Wales may soon also have cause for their own celebrations. The name of Kevan Jones, MP for Durham North, was this week drawn at sixth of 20 MPs to be allowed to introduce Private Members' Bills during the 2003-04 session of parliament - and he immediately declared his intention to use the opportunity to support USDAW's Christmas campaign. In October, the government indicated it would support a Christmas working ban in larger stores, possibly to be introduced by the Christmas 2004 ([Risks 129](#)).

- Usdaw news releases on holiday law plans in [Scotland](#) and [England and Wales](#).

New Year's Eve safe travel plan agreed

New Year's Eve revellers can look forward to a free late night Tube service on New Year's Eve, after transport unions received assurances about safe staffing levels. London Underground unions RMT and TSSA had been worried low staffing levels on some stations could lead to safety risks for drivers and passengers. However, an agreement has now been reached over safe levels of staffing for the night. RMT's London regional organiser Bobby Law said the unions had "secured an agreement that no staff will be expected to work alone, and that any stations not covered by more than one member of staff will be closed." He added that the company has agreed that any outstanding safety

issues will be resolved between London Underground and RMT senior safety reps. A London Underground spokesperson said the talks had been "positive and constructive." He added: "We have agreed a way forward to address safety concerns and the staffing of London Underground stations so Londoners can enjoy their New Year."

- [This is Local London](#). [TSSA news release](#). [BBC News Online](#).

RMT safety go-slow called off

A Tube safety go-slow scheduled for 8-9 December ([Risks 135](#)) was called off after rail union RMT secured assurances from London Underground Ltd (LUL) and infrastructure contractors that they would increase track inspection and undertake an emergency review aimed at improving standards. "LUL and the infrastructure companies have conceded that action must be taken immediately to resolve safety issues and improve track standards," RMT general secretary Bob Crow said. "The employers have agreed that nighttime track inspections on open sections of track are to be double-manned immediately and that an emergency review of track patrolling, fault reporting and fixing will also start as a matter of urgency. They have agreed that the review - with the full involvement of RMT safety reps - will make its initial recommendations on improvements before Christmas." The union leader added: "By decisively backing the union's call for action on safety they have drawn a line in the sand on safety - let us now hope that the necessary improvements will be delivered speedily."

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

Union threatens action over mine shift changes

Coal miners are threatening industrial action after the UK's biggest coal producer announced plans to introduce flexible working at one of its pits. The National Union of Mineworkers (NUM) has accused UK Coal of attempting to take the industry back to the "dark ages" by preparing for seven-days-a-week production at Kellingley colliery in Yorkshire. Humane shift patterns and hours have always been major concerns of mining unions, who decades ago campaigned for and won legal controls on hours to help stem the industry's appalling fatality rate. Some of these controls were lost, however, when the mines were privatised. The NUM said it was "appalled" at the announcement and said it would resist the imposition of flexible working and would consider industrial action, if necessary. The announcements come only

two weeks after the government gave UK Coal £36m to develop its mines.

- [Personnel Today](#).

OTHER NEWS

Do you want compensation with that?

A maths teacher has been awarded £55,000 compensation after slipping on a chip outside her school canteen. Aileen Gilmour, 62, strained knee ligaments in the fall and was unable to return to work. The judge ruled that East Renfrewshire Council should have foreseen the risk and guarded against it. Ms Gilmour had been carrying 33 jotters and her handbag when she fell down a ramp in Mearns Castle High School, Newton Mearns, five years ago. Judge Gordon Reid QC ruled the local authority should have realised the ramp posed a risk. "The risk created by the nature of the surface and the slope of the ramp and the risk of food spillage were risks which the council ought reasonably to have foreseen and guarded against," said Mr Reid. In February this year, another schoolteacher, NASUWT member Carol Harper, was awarded £44,650 in High Court damages after slipping on a chip at King Edward VI High School in Westway, Stafford ([Risks 93](#)).

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

Ageing hits workers before bosses

The chronic illnesses of old age strike manual workers up to two decades before their better-paid managers, University College London researchers have found. The English Longitudinal Study on Ageing found a third of manual workers aged 50 to 59 reported a long-standing illness. Bosses only started suffering similar illnesses in the same numbers after the age of 75. Leading the study was Professor Sir Michael Marmot, head of the International Centre for Health and Society at UCL. The study focused on the health of a group of more than 12,000 people over a period of more than two decades. Professor Hilary Graham, an expert in social policy from the University of Lancaster, told BBC News Online that there was hope that this health gap could be narrowed. She said: "A lot of people think there is nothing that can be done about these inequalities. However, we know what can be achieved because of the high levels of health of the bosses, who are working in the same industry - we can look at what advantages they have got and make them more widely available. One

of these could be better working conditions." Lack of control and overload at work have been linked to chronic ill-health.

- Institute for Fiscal Studies news release [[pdf format](#)]. [BBC News Online](#).
- *Health, wealth and lifestyles of the older population in England: the 2002 English longitudinal study of ageing*, edited by Michael Marmot, James Banks, Richard Blundell, Carli Lessof and James Nazroo. £35.00 from [Institute for Fiscal Studies](#), 7 Ridgmount Street, London WC1E 7AE.
- [TUC/Hazards worked to death guide](#).

Fine for firm that ignored RSI warnings

A car assembly firm has been fined £10,000 after ignoring a Health and Safety Executive (HSE) warning that more staff, better equipment and improved work methods were needed to reduce the risk of repetitive strain injury (RSI). Workers at Intier Automotive Interiors were placed at risk when using high-powered rivet guns to assemble dashboards on Saab, MG and Vauxhall Astra cars at the factory. Bristol Crown Court heard that the powerful guns could fire 13 rivets per minute - workers would fire 6,500 rivets on an eight-hour shift. Ian Dixey, prosecuting for HSE, said risks arose when fitters worked in the same posture for many hours without a break. The court heard the company ignored HSE warnings that it should change working practices to avoid injury among its 400-strong workforce. It had been advised to use lighter guns, hire more employees and rotate workers. Mr Dixey said: "There were at least three employees who had developed the symptoms of upper limb disorder. There was failure to implement warnings and a failure to implement job rotation." Judge Tom Crowther fined Intier £10,000. The company's turnover last year was £156 million.

- [The Citizen](#).
- Is your job putting you at risk? Use [the Hazards detective](#) to find out.

Thames Trains' crash admission "a sideshow"

Paddington rail crash families have welcomed Thames Trains' admission that it breached health and safety rules over the tragedy. But a solicitor acting for those injured and bereaved by the October 1999 crash in which 31 people died, says that while the families are

happy with the result, they still believe Railtrack should be held to account. Louise Christian said: "Obviously they are pleased with this news but this is very much a sideshow. What we are waiting for is a decision from the Crown Prosecution Service about whether there are going to be manslaughter charges brought against Railtrack." Ms Christian said Section 3 of the Health and Safety at Work Act, which Thames Trains admitted breaching, related mainly to poor driver training, whereas the primary cause of the crash as identified in the Cullen Inquiry had been the poor visibility of a signal. "It doesn't necessarily mean that if the drivers had had better training this wouldn't have happened," she said. "Thames Trains will be fined and that fine will just come out of the general fund. The families feel the primary blame lies with Railtrack rather than Thames Trains, although there were certain things they were not happy about with Thames." TUC last year criticised Thames Trains for trying to abdicate responsibility for the tragedy ([Risks 60](#)).

- [Ananova](#). [BBC News Online](#) plus [background webpage](#). [The Guardian](#).

Management failures cost CSG £650,000

Cleansing Services Group Ltd (CSG) has been fined £250,000 and ordered to pay £400,000 costs for breaches of environmental and health and safety regulations involving fires and radioactive and other hazardous wastes. The 15 charges related to offences at its sites at Sandhurst, Gloucestershire and Exhall, Coventry. The Environment Agency says the fine is the largest to follow any case regarding illegal waste activities. Mark Harris, counsel for the Environment Agency and the Health and Safety Executive (HSE), told the court that "the company's conduct fell well below the applicable standard and that the range and extent of offences admitted by the company demonstrated ingrained and fundamental management failings." The court was told about a fire at one facility that endangered the community, the illegal burial of hazardous waste, and the illegal receipt or radioactive waste and loss of control of wastes including selenium and BSE contaminated solvents. In sentencing, his Honour Judge Tabor QC, said: "There were clear, serious failures of management in a number of key areas. The company failed to adequately protect their own workers and local residents."

- [Environmental Agency news release](#) including full details of the charges.

Widow joins fight against Crown Immunity

A south Wales widow has joined a national campaign to scrap the Crown Immunity which prevents her suing the Royal Mint over her husband's death ([Risks 105](#)). Factory worker Tina Wynne said: "My family's life has been totally ruined. I've even been told that if I cohabit I'll lose what little support we get. Yet the managers responsible didn't even get a slapped wrist and I'm not allowed to sue them. They have the same jobs, lives and homes. I and thousands of others need justice." Father-of-two John Wynne, 50, died in June 2001, when a 6.5-tonne furnace became detached from an overhead crane at the Llantrisant plant, months after a similar accident. Earlier this year the Commons' Public Accounts Committee of MPs called for the removal of Crown Immunity from the Royal Mint ([Risks 102](#)). The reform campaign is being spearheaded by the Centre for Corporate Accountability, which last week said the government's plans to reform corporate manslaughter laws must apply to all employing organisations including Crown bodies or it could breach human rights law ([Risks 135](#)).

- [The Western Mail](#).
- [Centre for Corporate Accountability](#). [TUC/Hazards deadly business campaign](#)

INTERNATIONAL

Australia: Union takes on "punitive" drugs policies

An Australian union says its members will not stand for "punitive" drug and alcohol policies. Australian Workers Union (AWU) national secretary Bill Shorten told a conference in Hobart, Tasmania: "Too many companies have implemented drug and alcohol testing policies that are punitive rather than educative and may drive the very few workers in our society with problems underground." He added that the union was launching a campaign to "fight for a fair policy that takes into account impairment at work, support for employees in crisis, drug and alcohol awareness and rehabilitation where necessary." AWU Tasmanian secretary Ian Wakefield said: "AWU members across Tasmania have told the union that random drug and alcohol testing at work is a hot issue at their workplace - the AWU is keen to tackle the problem head on." A TUC-backed report last month warned that UK law does not give workers sufficient protection against the increasing use of "unjustified and degrading" drink and drug testing at work ([Risks](#)

[134](#)).

- [AWU news release](#) and [drug and alcohol webpage](#).
- [Everything unions need to know about drug and alcohol policies at work](#).

Canada: Two-faced government is a global asbestos pusher

Canadian government claims that it has not decided its position on asbestos bans have been revealed as a lie - official figures reveal it remains the world's biggest official pusher of asbestos products. After the Canada government last month derailed attempts to get white asbestos listed as a "prior informed consent" substance under the Rotterdam Treaty ([Risks 133](#)), Bernard Made of government agency Environment Canada claimed Canada had not reached a decision on measures to effectively ban asbestos trade, but wanted further studies before reaching a decision. On 8 December, however, the Canadian government gave a more tangible indication of its position. It announced it was to renew its funding for the industry lobby group the Asbestos Institute, with Can\$775,000 (£340,000) three-year support. A spokesperson said: "I am pleased that the Government of Canada is involved in this important agreement to help protect the health and safety of those who use and work with chrysotile asbestos. By ensuring that natural resources are used safely and responsibly, we can enhance the quality of life for all." The terms of the funding agreement cover a continuation of the asbestos industry global marketing push, including "funding to cover the costs of activities in Canada and internationally" such as "communications material and information seminars."

- [Canadian government news release](#).
- Find out more on the [ban asbestos campaign in Canada](#) and [worldwide](#).

USA: Vision syndrome affects most computer users

A national survey for the American Optometric Association has found that 75 per cent of adult Americans are concerned about vision problems caused by prolonged computer use. According to the study, nearly 46 per cent of those surveyed believe that CVS will be a major workplace related problem in the future. CVS symptoms range from eye dryness, burning and irritation to blurred vision and extreme eye strain. CVS can result from spending three or more hours a day

working on a computer. The Occupational Safety and Health Administration is thought to be considering whether to classify CVS as a workplace health risk. The risks may not end at the end of a work shift. The TUC-backed *Hazards* magazine warns that these temporary visual effects “can cloud the vision for most of the waking – working – hours of an over-stretched employee.” Your eyesight may still be screwed up for the drive home. *Hazards* says the problem is widespread among computer-based workers in the UK.

- [The San Diego Channel](#).
- Union guidance: [Computer Vision Syndrome factsheet](#) from *Hazards* magazine.

RESOURCES

Want a union view on site safety?

Construction union UCATT has revamped its website. The new look resource includes a very detailed and practical health and safety section. The webpages cover: Construction health and safety law; UCATT safety representatives; occupational ill-health; asbestos; manual handling and the law; and work-related conditions including dermatitis, asthma, and noise induced hearing loss. There’s also details of UCATT’s free legal aid service and infoline for members and of its health and safety adviser – *roving reps* – network.

- [UCATT safety webpages](#).

Ergonomic guide for clothing workers

A new *Ergonomic handbook for the clothing industry* provides information on all the tasks common to the industry in the cutting, assembly, pressing and finishing departments. The well-illustrated guide identifies common ergonomic problems in each department and outlines how job design, tools or techniques may contribute to injury. It also suggests solutions. The handbook arose from a collaborative project of Canada’s Institute for Work and Health, the Union of Needletrades, Industrial and Textile Employees (UNITE) and the Occupational Health Clinics for Ontario Workers (OHCOW).

- [News release](#) and full handbook online [[pdf format](#)].

US tips on cold weather working

As cold weather hits parts the US, safety watchdog OSHA is reminding employers and workers to take necessary precautions to prevent and treat cold-related health problems. OSHA's cold stress card provides advice to workers in construction, commercial fishing, maritime and other sectors who need to take precautions. It says prolonged exposure to freezing or cold temperatures may cause serious health problems such as trench foot, frostbite and hypothermia. In extreme cases, including cold water immersion, exposure can lead to death. Danger signs include uncontrolled shivering, slurred speech, clumsy movements, fatigue and confused behaviour. It says if these signs are observed, you should call for emergency help.

- [OSHA news release](#) and guide in [English \[pdf format\]](#) and [Spanish \[pdf format\]](#).

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](#)

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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