

Risks

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**HAZARDS
MAGAZINE**



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

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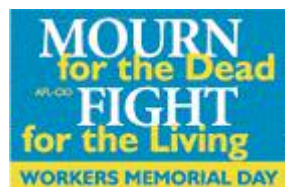
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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 8,500 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are

[available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#).

ACTION

Get ready for Workers' Memorial Day, 28 April



The union-backed Hazards Campaign is urging union safety activists to start preparing now for Workers' Memorial Day 2004. The 28 April annual event "is one day when we can act locally, nationally and be linked in international solidarity to publicise the real reasons why workers are being killed in incidents and by diseases," adding that it is the time "to demand political action to reverse the massive number of deaths caused by the Workplaces of Mass Destruction."

- Hazards Campaign [Workers' Memorial Day briefing and resources](#). [WMD 2004 news and resources worldwide](#).

UNION NEWS

Working when sick is infectious says TUC



Are you a mucus trooper, a stoic, a model patient, a walking epidemic or a shirker? As a new poll finds that three in four staff have been to work when ill, the TUC has published new advice on sickness at work and a quiz that finds out what category you fall into on its world of work website, [workSMART.org.uk](#). The TUC poll finds that as many as one in five say they have been to work when too ill in the last month alone, and nearly half say they have in the last year. As sickness absence at work last year was the lowest since CBI surveys began and fell six per cent from the previous year ([Risks 104](#)), the TUC says that too many people may now be going to work when they would be better off recovering at home, rather than infecting their colleagues. "We are not the nation of malingerers that some paint," says TUC general secretary Brendan Barber, "in fact we struggle into work even when we are too ill to do so because we don't want to let people down. It's all part of our long hours culture. Indeed long hours, stress and increasing workloads make people sick." The workSMART website provides advice on issues including sicknotes, sickpay and sickness absence policies.

- [TUC news release](#). [BBC News Online](#).
- **Resources: workSMART [sickness absence quiz](#) and [advice](#).**

New TUC safety officer sets first priorities

Hugh Robertson, the TUC's new head of safety, has spelled out his first priorities for the job. He said: "My main priority will be to work with our affiliated unions to support the development of health and safety in the workplace and to try to make worker involvement a key plank in any health and safety prevention strategy, whether by employers or the Health and Safety Commission." He added: "One of the goals for us in the year ahead is going to be convincing the government that if it's serious about worker safety, it must bring an end to the UK's long hours culture, and end our individual opt-out to the Working Time Directive. Unions are also keen to see the government come around to the idea of a ban on smoking in all workplaces, and it's important that 2004 is also the year that a bill on corporate killing is introduced."

- [TUC news release](#). **Latest news on the TUC [working hours](#), [smoking](#) and [corporate killing](#) campaigns.**

Dying asbestos victim gets six figure payout

A man with little more than a year to live has been awarded £285,000 in compensation after contracting a deadly asbestos cancer. The award to Jim Guthrie, 52, is one of the highest of its type to someone who is still alive. Legal cases normally take so long that the victim is dead before payments can be made. Mr Guthrie, a former British Gas manager who lives in Edinburgh, contracted mesothelioma after breathing asbestos fibres while an apprentice joiner in his teens working for the St Cuthbert's Co-operative Society. Dave Prentis, general secretary of the union UNISON, which backed Mr Guthrie's case, said the problem would increase rapidly. "Jim's case is not unique. The true extent of damage caused by asbestos exposure is a time bomb." The case follows similar awards last year to asbestos cancer victims Michael Wise, a 47-year-old former construction worker who received £370,000, and gas industry worker David Baker, 56, who received £375,565.25. Mr Baker died shortly after receiving the compensation settlement.

- [The Independent](#). [The Guardian](#).

Scottish shopworkers want holidays not hassle

Scotland's shopwork union is pressing two key campaigns through the Scottish parliament. This week has seen progress on Usdaw-backed campaigns on workplace violence and holiday working. As part of evidence to the Scottish parliament in support of the Anti-Social Behaviour (Scotland) Bill, members and officials from the retail union have outlined shocking cases where workers have been threatened with weapons including Samarai swords and hypodermic needles. The union is also concerned about a possible holiday snatch, after Debenhams' decision to open larger Scottish stores on New Year's Day. The union this week told the Scottish Parliament's petitions committee it wants legislation to force larger stores in Scotland to keep their doors closed on both Christmas Day and New Year's Day. Usdaw is supporting a Private Members' Bill from Karen Whitefield, Labour MSP for Airdrie and Shotts, which seeks to ban stores larger than 280 square metres - about the size of a tennis court - from opening in Scotland on Christmas Day and New Year's Day. The Bill has already secured the support of the required number of MSPs to allow it to go to public consultation, due to take place early in 2004.

- **Usdaw news releases on [violence](#) and [holidays](#).**

Road hauliers targeted for TGWU safety drive

Transport union TGWU is calling on employers in the road haulage and distribution industry to take part in a national survey of health and safety standards. The union says the initiative will determine what action needs to be taken to improve conditions for transport workers. The move follows a pilot survey by TGWU's road transport and commercial branch in Hull which highlighted "alarming levels of complacency," with four out of 10 companies providing no health and safety training at all. "The need for this survey is crucial in our judgment," said Ron Webb, the TGWU national organiser for transport. "Our industry faces some enormous challenges now and over the next few years, not the least of which is recruiting and keeping more drivers. That means constant vigilance to make sure the safety regimes are up to scratch, for the protection of drivers and the public. The TGWU is determined to make sure they are." The national survey will be undertaken over the next few months. A full report on the findings will be made available to the industry, the Health and Safety Commission and the Department for Transport.

- [TGWU news release.](#)

Seafarers launch fatigue study

Merchant shipping union NUMAST is backing a long-term research project that aims to tackle the health and safety risks of seafarer fatigue. The work is being carried out by the Seafarers' International Research Centre (SIRC) at Cardiff University, with the support of NUMAST, the Maritime and Coastguard Agency and the Health and Safety Executive. More than 3,000 NUMAST members employed in the deepsea tanker and container ship markets are to receive a questionnaire. It will be analysed to create a database of hours worked, sleep and rest patterns, tour lengths, workloads and health and safety. NUMAST general secretary Brian Orrell said the research "aims to investigate the scale and effects of one of the most common complaints of seafarers and to seek to find workable solutions to the problem." Professor Andy Smith, who is heading the SIRC study team, said the first phase of the research has already yielded significant results offering "promising" pointers towards identifying the individuals most at risk from fatigue, understanding the contributing factors, and providing effective counter-measures. The latest phase will extend the study to areas including collision risk awareness, the impact of multi-tasking and the effects of working time regulations. Other new areas will be job demands, control, support at work and perceived effort and reward.

- [NUMAST news release.](#) [SIRC research outline.](#)

OTHER NEWS

£700k fine for rail tunnel explosion

A firm working on a new rail line in east London has been fined £700,000 over a tunnel blast experts say could have caused deaths and injuries. Nishimatsu Construction Company Ltd had admitted safety breaches at a hearing at Middlesex Crown Court in London. The court heard the blow-out occurred during the building of the Lewisham extension to the Docklands Light Railway (DLR) in south-east London. A school and a DLR station were damaged in the blast on 23 February 1998. The prosecution followed an investigation by the Health and Safety Executive (HSE) into the incident. HSE's head of operations, Philip White, said: "Had the blow-out occurred just a few hours later, then a public disaster may have resulted. Almost undoubtedly there would have been significant numbers of seriously injured

schoolchildren, with possible loss of life amongst those closest to the location of the blow-out." The company pleaded guilty last week to failing to ensure the safety of their employees and members of the public. The company was fined £700,000 and ordered to pay costs of £145,766.62 for breaches of the Health and Safety at Work Act.

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

Select committee to investigate UK safety watchdog

A select committee is to examine the work of the UK's health and safety watchdog. The House of Commons Work and Pensions Committee says its inquiry will "examine the work of the Health and Safety Commission and Health and Safety Executive and the effectiveness of current arrangements to promote high standards of health and safety." It says issues expected to be included in the Committee's inquiry are safety laws and performance targets, whether HSE has sufficient resources and if there is a correct balance between prevention and enforcement. It will also consider if penalties for safety offences are appropriate and whether HSE is "sufficiently proactive to address developing hazards at work such as stress and passive smoking." Mick Balfour of general union GMB welcomed the inquiry. "The GMB's evidence will focus on the HSE's failure to place unions at the centre of the 'revitalising' strategy, and the need for HSE to recognise and support the massive contribution that union safety reps make towards improving workplace health and safety standards," he said. "GMB has serious concerns over the future direction implied by the recent draft strategy documents, and regard this investigation into the effectiveness of the HSE and the resources it needs to do its job as essential."

- [Work and Pensions Committee news release](#).

Scotland's judges develop corporate homicide law

Scotland's High Court has ruled for the first time that companies can be prosecuted for the offence of "culpable homicide." It has also established a principle of law that allows companies to be prosecuted without needing to prosecute a director or senior manager. The Criminal Appeal Court's decision was made on 3 June 2003 but was only recently published. David Bergman, director of the Centre for Corporate Accountability said: "It will be interesting to see whether new police procedures will be established to investigate work-related

deaths in Scotland, and we will be writing to the police and Crown Office about this." In English law a company can only be prosecuted if there is evidence to show that an individual, deemed to be a "directing and controlling mind" of the company, can be prosecuted. This is known as the "identification doctrine."

- [CCA news release.](#)

Clergy job rights get closer to good

Church workers' union Amicus has welcomed a Church of England move to give clergy greater job security and employment rights for the first time, but has warned that the proposals miss out crucial safety and other rights. Chris Ball of the Amicus clergy and church workers' section said the change would be a huge step forward, adding: "Ministers of the church have been floating in an insecure limbo of zero legal protection, where they could be disposed of without remedy or recourse, so the news that they will be able to bring claims to employment tribunals will be a terrific step forward." He said the proposals were a "curate's egg," however, which would still leave clergy without contracts of employment and some crucial employment rights. He says health and safety rights are not covered, including the rights of consultation and representation on health and safety issues. It was important the government released the findings of its review of employment rights for all atypical workers, said Chris Ball.

- [Amicus news release.](#) [Yahoo News.](#)

Report exposes corporate responsibility con

Christian Aid is calling for laws to make multinational companies meet basic social and environmental standards in poor countries. A new report from the UK-based aid agency says politicians should "take responsibility for the ethical operation of companies rather than surrendering it to those from business peddling fine words and lofty sentiments." *Behind the mask: the real face of corporate social responsibility* says the image of companies working hard to make the world a better place is too often just that - a carefully manufactured image. "Some of those shouting the loudest about their corporate virtues are also among those inflicting continuing damage on communities where they work - particularly poor communities," said report author Andrew Pendleton. The report highlights activities of major multinationals including Shell, Coca-Cola and British American

Tobacco (BAT). It says tobacco giant BAT “stresses the importance of upholding high standards of health and safety among those working for them and claims to provide local farmers with the necessary training and protective clothing. But contract farmers in Kenya and Brazil claim this does not happen and report chronic ill health related to tobacco cultivation.”

- [Christian Aid news release](#). **Full report: [Behind the mask: the real face of corporate social responsibility](#)**.
- **Related materials: [Corporate Social Responsibility: Myth or reality](#). Labour Education No.30, 2003/1.**

Safety chief calls for independent rail safety watchdog

Government plans to reform regulation of the railways must ensure policing of safety standards remains “free from industry and economic pressures,” Britain’s top safety official has said. Commenting on a 19 January statement by the Secretary of State for Transport, Bill Callaghan, chair of the Health and Safety Commission, said: “Given the fundamental review announced by the Secretary of State of the way the railways are regulated, I welcome the inclusion of health and safety.” He called for two fundamental principles to be protected. “First, health and safety should be truly independent - free from industry and economic pressures, and able to hold the industry to account. This was, after all, the reason why Lord Cullen recommended that the HSE retain its rail safety role. And second, the regulator must have teeth to be able to enforce health and safety measures where necessary.” Callaghan added: “Passengers and railway workers need a strong regulator, and anything less than these principles would simply not be in the public interest.”

- [HSE news release](#). [DfT announcement](#). [TSSA comment](#).

INTERNATIONAL

Algeria: Twenty dead as blast shatters gas plant

An explosion at a natural gas plant in Algeria has killed at least 20 people and injured 74 others. The 19 January blast occurred at a state-owned liquefied natural gas complex in Skikda, on the country’s north-east Mediterranean coast. Those injured in the explosion were taken to a hospital at Annaba, 600 kilometres (400 miles) east of Algiers, as well as the Ain Nadja military hospital, a facility specialising in burns. Algeria's minister of energy and mines, Chakib Khelil, arrived

on the scene within hours of the blast. He told Algerian state radio that three liquefaction units had been destroyed in the explosion. "We will undoubtedly have to rebuild everything," he said. The plant was used to liquefy Algerian gas from the Sahara for export to Europe.

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

Australia: Union criticises "failed" work deaths plan

A national target to reduce deaths in Australian workplaces by a fifth over 10 years has been criticised by construction union CFMEU as "pure rhetoric." Union spokesperson Phil Davey said the building industry alone was "losing a building worker a week" and added: "The federal government has failed to deliver anything beyond platitudes." Even the top official of the government office that set the standard described it as "too conservative" but said "it was the best we could get." Tom Fisher, senior executive manager with the National Occupational Health and Safety Commission (NOHSC), said: "There was recognition amongst the key players that not enough was being done, that progress was too slow." Latest figures from NOHSC, which has set the target, reveal 297 people died as a result of accidents at work in the year to June 2002, down from 330 the year before. A further 138,810 were injured, a drop of about 10 per cent. Australia's work fatality rate is about three times that of the UK. NOHSC says the real figures could be much higher as it is based on workers' compensation claims – a growing number of Australian workers are not eligible to make claims.

- [Sydney Morning Herald](#).

Finland: Sleep deficit comparable to drunkenness

Continuous sleep deficit causes a serious safety risk at the workplace, a sleep expert has warned. Neurologist Markku Partinen said: "A tired employee more readily takes risks than a well rested employee, as tiredness weakens attentiveness and observation." He added: "In the long run a tired employee is no good to the employer, either. Even where loss of life and serious catastrophes are avoided, the financial losses may be really serious." According to Partinen, a 16-hour period without sleep already poses a significant risk, and is comparable to a blood alcohol content of 0.5gm per millilitre. Staying awake for 24 hours is comparable to a blood alcohol content of 1.0gm per millilitre, over the UK drink driving limit, and 36 hours without sleep corresponds

to drunkenness of 1.5gm per millilitre, more than double the UK limit. According to Partinen, the cheapest preventive occupational safety measure would be good quality sleep.

- [Trade Union News from Finland](#).

Indonesia: Petrochemical plant blaze claims two lives

An explosion and fire at an Indonesian petrochemical plant has killed two workers and injured 50 others, five critically. Police say the blaze engulfed chemical tanks at the PT Petro Widada complex in the town of Gresik in East Java. One eyewitness said thick black smoke was irritating the eyes of local people. The chief of the Gresik police criminal investigation bureau, Sudiby, said following the 21 January blast about 50 officers were sent to examine the scene and search for additional victims. He said the plant is "99 per cent" destroyed. Several hundred villagers were evacuated from their homes.

- [Indonesia Today](#). [BBC News Online](#).

South Africa: Minister "angry" at site deaths

South Africa's labour minister says he is saddened and angry about the continuous death and injury of workers in the construction sector. Membathisi Mdladlana was briefing the media at a construction site outside Johannesburg where three workers died when the wall they were constructing collapsed. Accompanied by Zwelinzima Vavi, general secretary of the union federation COSATU, Mdladlana said he was "disgusted" at working conditions on the Rodacil Construction site. "I am very sad, and I am very angry. I do not like these things, I do not like people who cut corners and who have no respect for human life," he said. The minister said he was shocked to see that the injured workers were not granted sick leave and they stayed on site in an open space, adding that had the workers been provided with helmets, they would not have been injured. The labour department issued prohibition notices stopping all work on the site.

- [BuaNews](#). [The Star](#). [SABC News](#).

Trinidad and Tobago: Too many accidents on the job

Trinidad and Tobago labour minister Lawrence Achong has warned that the country has a high level of under-reporting of work-related

accidents, injuries and diseases. In a senate debate on an Occupational Safety and Health Bill, Achong said the official safety inspectorate had determined there was "a continuing and high rate of work-related fatal and non-work-related injuries and diseases." He added: "There is an average of 600 reports from factories alone each year." He also revealed that there were about 3,000 insurance claims arising from work-related injuries and diseases each year, costing the country millions. "This untenable situation, if allowed to persist, can have a disastrous effect on the country's economy," Achong told the senate. The Bill provides for the establishment of a Safety and Health Authority to monitor policy, safety and health standards and advise on safety and health. Achong said investigations into four deaths at workplaces showed that they were caused by "gross negligence on the part of management."

- [Trinidad Express](#).

USA: "Cavalier" boss gets jail term for scaffold deaths

A US judge has sentenced a construction boss to a minimum 3½ year jail term after five immigrant workers were killed in what was a "tragic certainty" rather than an accident. State Supreme Court Justice Rena Uviller said she imposed the 3½ to 10½ year sentence on Philip Minucci, 32, to reflect "the magnitude of the tragedy." She added: "This sentence will, I trust, serve as a warning to others who, in pursuit of their own economic interests, care to be cavalier about the lives of others." The five labourers killed were among 20 masonry workers on a job in Manhattan on 24 October 2001 ([Risks 76](#)). The majority of workers were illegal immigrants paid \$7 (£3.82) an hour in cash. Minucci, owner of Tri-State Scaffolding & Equipment Supplies, designed and built the 130-foot scaffold despite not being a licensed architect or engineer. Its three slender beams exceeded the weight it could carry by more than 200 per cent, said the judge. "The collapse of this scaffold, designed and built by Mr Minucci, was not a tragic accident," Uviller said. "Rather, it was a tragic certainty." She added the case had given her an education in how "astonishingly ineffectual" the federal government's safety watchdog OSHA has been in protecting workers' lives.

- [Newsday](#). [New York Post](#).

RESOURCES

The gender workplace health gap in Europe

TUTB, the European trade union safety think tank, says women's issues tend to be absent from health and safety policies. It says the hazards involved are either unknown or underestimated and priorities are defined in male-dominated sectors and occupations. This failure to take account of women's health issues in the workplace constitutes a barrier to effective policies on occupational health and equal opportunities, it says. A two year TUTB investigation into workplace health and safety and gender is summarised in a new book. *The gender workplace health gap in Europe* reviews the key issues addressed by the research - developments, policies and prospects - and includes case studies from different EU countries illustrating research action for different sectors and risks.

- **The gender workplace health gap in Europe, TUTB, 2003, 387 pages. ISBN 2-930003-49-9. 20€. [More information](#) and [online order form](#).**
- **More from *Hazards on [women and occupational hazards](#)*. [European Agency factsheet](#).**

EVENTS AND COURSES

Beating violence and abuse at work seminar, 1 March

All workers, especially those who deal with the public, could be at risk of violence and abuse. Whether they work in transport, retail, health and care, security, leisure, utilities, the rescue services, local authorities, the civil service or government agencies, working with the public can be stressful, abusive, dangerous and even life threatening. A South-east Region TUC (SERTUC) seminar at the TUC's London HQ on 1 March aims to address these issues and develop strategies to beat violence and abuse at work. There will be speakers from trade union movement, employers and the legal profession and lots of opportunity for contributions from participants.

Beating violence and abuse at work: A seminar for trade unionists, Monday 1 March, 9.30am-1pm. Free. To register, see [further details](#) online or send your details (name, full contact details and union organisation) to [Darren Lewis](#), SERTUC, Congress House, Great Russell Street, London WC1 3LS. Tel: 020 7467 1220.

TUC courses for safety reps

COURSES FOR January to March 2004

[South West](#), [Wales](#) [Scotland](#) [Southern and Eastern](#) [East and West Midlands](#) [Northern](#) [Yorkshire and Humberside](#)

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

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