

# Risks

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

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**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over 8,500 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#).

## UNION NEWS

### **Safety reps should be at the heart of UK safety**

The TUC is calling for more funds for the UK's official safety enforcement agency and a greater role for union safety reps. In its detailed submission to the House of Commons Works and Pensions Select Committee inquiry ([Risks 140](#)) into the work of the Health and Safety Commission (HSC) and Health and Safety Executive (HSE), TUC says The Health and Safety at Work Act is "generally robust, but is undermined by a lack of enforcement." It adds: "The TUC wishes to place on record its support for the HSE and the work it does," but says the watchdog's work "has been considerably curtailed by a lack of funding" resulting in levels of inspection that "are unacceptably low and inconsistent." TUC also wants better local authority enforcement and for HSE/C "to put worker involvement and trade unions at the heart of its work." TUC head of safety Hugh Robertson said: "When our safety watchdog is allowed to do its job, it does it well. However it needs more resources for enforcement and better support from frequently lacklustre local authority inspection programmes. More pressing still, HSE/C must recognise that the national network of 200,000 union safety reps is crucial to securing safer workplaces, and these reps will be even more effective with more rights and more support."

- [TUC submission](#). **Why safety reps are crucial – the union safety effect.**

### **Which day this year will you start getting paid?**



The TUC has launched a new online calculator to help UK workers work out the day this year on which they stop working for free and start earning for themselves. In the run up to national

"Work your proper hours day" on Friday

"Work your proper hours day" on Friday 27 February 2004 TUC is warning that UK workers are giving their bosses £23 billion a year in free time. It says the last Friday in February, the 42nd working day of the year, is the day in 2004 when on average those who do unpaid overtime stop working for free and start to get paid. TUC general secretary Brendan Barber said: "Excessive working hours can result in stress and ill health, they can wreck relationships, and make caring for children much more difficult." He added that nobody wins from long hours. "Tired, burnt-out staff are also bad for business productivity. This calculator may shock some people with its results, but it will definitely make them think about the implications of the unpaid overtime that they work. It will hopefully persuade them to join in, and work their proper hours on the 27th of February."

- [TUC news release, overtime calculator and Work your proper hours days webpages.](#)
- [Send a Work your proper hours day e-card!](#)
- **How bad are long hours for you? See the [Hazards worked-to-death webpages.](#)**

### **Snooping council pays out after assault on worker**

A social worker has received more than £200,000 in compensation after enduring a vicious assault "which could have been avoided." The victim's union, UNISON, condemned Swansea City and County Council after the worker and her family were videotaped by private detectives checking out her injuries. The social worker, who was in her 30s, was attacked by a client in a Swansea social services office in June 1998, resulting in serious injuries and psychological trauma which meant the social worker was not able to work again. Despite having been previously threatened by the client - a fact known to social services management - the UNISON member was told to meet the assailant alone and was subjected to a terrifying physical attack. Paul Elliott, UNISON head of local government for Cymru/Wales, said: "What is worse is that this could have easily have been avoided." He added that five years of stalling and underhand tactics was quickly ended when the case came to court. "Their tactics spectacularly backfired with the collapse of their case after just two days of evidence at a civil court and the resulting settlement," he said. "The use of private detectives with video cameras to test the worker's claim of injury questioned the integrity of a loyal employee." Video snooping on compensation claimants was condemned last year by lord chief justice Lord Woolf in an appeal court judgment ([Risks 97](#)).

- [UNISON news release. The Western Mail.](#)

### **NUT wants more health and safety reps**

Teaching union NUT has started a campaign to recruit a health and safety representative in every school in Wales and England. It says it wants "to increase the number of schools which enjoy the benefits of an NUT safety representative." The NUT website tells members: "Does your school have an NUT safety representative? If not, why not consider taking on the role yourself? Work related accidents and ill-health ruin the careers and lives of thousands of teachers every year. You can help." The union adds that "NUT safety representatives enjoy a range of powers and rights which enable them to help their colleagues deal with any health and safety problems at their schools. Safety representatives can make a real difference to their colleagues' lives."

- [NUT news release and safety rep recruitment poster \[pdf format\]](#). Related information: [Safety reps at work](#).

### **Teachers warned over school trips**

Teachers' union NASUWT is advising members to avoid school trips following a series of court cases over accidents involving children. The union said the "finger of blame" had been pointed too often at teachers. General secretary Eamonn O'Kane said the decision was "highly regrettable" but added: "In recent high-profile cases, teachers have been heavily penalised. Some have lost their jobs as a result of alleged misjudgments. In an increasingly litigious society which no longer appears to accept the concept of a genuine accident, our first responsibility must be to protect our members' interests." The union has set out 36 safety guidelines for group leaders. In its revised guidelines, which will be mailed out to all members, the NASUWT advises teachers to use a "specially trained driver," rather than drive a minibus themselves. According to the union's figures, at least one child has died on a school trip each year over the last decade, with several thousand near-misses. One teacher is serving 12 months in prison after pleading guilty to the manslaughter of a boy, aged 10, who drowned during an outing to the Lake District.

- [NASUWT news release. BBC News Online. Daily Telegraph.](#)

## **Nine out of 10 councils wrong on teen working**

More than nine out of ten local authority by-laws on school-age working conflict with national legislation, according to a report from the TUC and the NSPCC. The result, say the two organisations, is that parents, teachers and young people are confused about how much and what kind of work teenagers can do. *Dazed and confused: Why child employment laws in England are baffling parents and teenagers* is based on a survey of the 149 local authorities in England, and finds that 119 councils of the 132 who responded have by-laws which are inaccurate in some way on the rules governing the employment of 13-16 year olds. The TUC/NSPCC research was published on the same day as a report from the Better Regulation Task Force that calls on the government to simplify the law on child employment. TUC general secretary Brendan Barber said the TUC would like to see measures from the government including a national code bringing together all parts of the law, more resources for local authorities to enable them to spend more time checking how young people are being employed and a nationwide campaign to raise awareness of the law. Bosses of a Shropshire egg packing plant D Davies & Co were fined £5,500 last week after 13-year-old worker Jamie Bryant had to have part of his finger amputated after it became trapped in a conveyor belt.

- [TUC news release](#) and [Worksmart guide to children's work rights](#). Full TUC/NSPCC *Dazed and Confused* report [[pdf format](#)]. [Shropshire Star](#).
- [Better Regulation Task Force news release](#) and full report [[pdf format](#)].

## **Strike ballot over Tube working-while-sober sackings**

Tube maintenance workers are being balloted on possible industrial action in support of workmates who were sacked after empty beer cans were found in their mess room ([Risks 141](#)). The eight RMT members worked for Metronet, the private sector consortium responsible for the lines. The company admits none of the workers had been drinking, but says it has a zero tolerance policy so the workers had to go. If the vote is in favour of action, RMT could call a series of one-day

strikes starting next month. Voting is expected to take two weeks. Bobby Law, RMT London regional organiser, said the strike ballot was

being ordered on two issues, unfair dismissal and abuse of the disciplinary procedure. "There is not a shred of evidence to link any of those sacked with the cans," he said. "We support the drug and alcohol policy as much as anyone but these sackings are wrong. Feeling is running very high over this... The union had evidence that drunken members of the public have, on occasions, had to be removed from the mess room - said to be easily reached by a gate from the platform."

- [RMT news release](#). [BBC News Online](#). [Ananova](#).
- **Related information:** [Union-friendly drink and drugs policies](#).

### **Building union targets the gangmasters "infesting" sites**

Construction union UCATT says the bad gangmasters that are "infesting" the industry must be driven out and has launched a campaign to expose them. UCATT general secretary George Brumwell said "we have new gangmasters who infest our industry and exploit migrants - many of whom are here illegally. The problems we have seen in the cockle business, and in agriculture, are manifest on building sites up and down the country." He said UCATT members found Indian workers on one site were being paid just 30p an hour, until the union stepped in and got them paid the going rate. He added that migrant workers "often have illegal deductions from their pay for accommodation, which can be terrible, and safety equipment." According to Brumwell, some employment agencies "are just as bad." He said the union is "urging all our members up and down Britain to be on the watch for groups of migrant workers they think might be exploited and to phone the nearest regional office or our HQ and tell us. We will investigate and will not hesitate to call in the police when we believe this is the right thing to do. So many of these new gangmasters are crooks, plain and simple. They have to be driven out."

- [UCATT news release](#). [The Scotsman](#). [The Observer](#).

### **TGWU pushes MPs to support gangmaster bill**

The Transport and General Workers' Union is continuing its campaign in support of Jim Sheridan's Private Members Bill on the licensing and registration of gangmasters. The campaign was lent added urgency after the deaths last week of 20 Chinese cockle pickers on Morecambe

Bay ([Risks 143](#)). A motion backing the Bill at the Labour party's east of England conference was passed unanimously. The motion included this statement: "The voluntary approach towards ending this exploitation has failed. Conference calls upon the government to back Jim Sheridan MP's Private Member's Bill, which would introduce licensing for gangmasters, when it comes before parliament for its second reading on 27 February." TGWU regional secretary Eddie McDermott has written to all the Labour MPs in Bedfordshire, Hertfordshire, Essex, Cambridgeshire, Norfolk and Suffolk urging their attendance in the House of Commons for the bill's second reading. Home secretary David Blunkett indicated last week that the government would support the Bill ([Risks 143](#)).

- [TGWU news release](#). [TGWU gangmasters registration campaign](#). [Hansard](#). **Related stories:** [BBC News Online](#). [Morecambe Today](#). [Hazards magazine](#).
- **Check to see if your MP is signed up to Jim Sheridan MP's [Gangmasters Early Day Motion, EDM 423](#) – if not, ask why not. Also make sure you MP will there to back the Bill on 27 February. [Find your MP](#) - you only need to know your postcode.**

## OTHER NEWS

### **Union calls for public enquiry into rail deaths**

The union representing four rail workers killed by a runaway wagon before dawn on 15 February has called for a public inquiry as the accident prompted fresh questions about the maintenance of the railways and the role of sub-contractors after privatisation. British Transport Police, Cumbria police and the Health and Safety Executive launched an investigation into how the wagon broke free on the west coast main line in Cumbria, whether it became detached by accident or whether a coupling fractured. The wagon ploughed into the group at about 6am and continued running for another mile before coming to a halt. Bob Crow, general secretary of rail union RMT, said: "Information given to RMT suggests the conclusion that there was a total lack of safety management on the part of the contractors." He added that five different contractors were working on the track at the time, and the workers further up the hill were unaware that another group was working 3.25 miles downhill. "If this information is correct our members will be outraged at the cavalier, reckless and disjointed

approach to safety management and safe ways of working on the railways. We are insisting on a full public enquiry to establish all the facts in this case and to examine safety management across the whole of the British railways.”

[RMT news release](#). [The Guardian](#) plus [article on killed worker’s safety concerns](#). [Amicus news release](#). [Daily Mirror](#). [Ananova](#). [BBC News Online](#).

### **Darling says rail is “too cautious” on safety**

In the week Network Rail was fined in two separate cases for criminal and ultimately fatal breaches of safety law, Thames Trains was told when it is to be sentenced for safety crimes relating to 31 rail deaths and just days before four rail maintenance workers were killed in Cumbria, transport secretary Alistair Darling told a conference of rail bosses the industry was “over-cautious” about safety at the expense of performance. His 200-strong audience voted by nine to one in favour of a proposition which said safety had gone “too far away” from common sense and cost-effectiveness. Darling’s statement at the 11 February conference came on the day Network Rail Infrastructure Ltd and Balfour Beatty Rail Infrastructure Services Ltd were fined £300,000 for a “slapdash” approach to safety which led to a four-year-old boy being electrocuted on a line. In a separate case the same day, Network Rail was fined £20,000 on charges relating to the death of American serviceman Ronald Gregory Forest, who was struck and killed by a train. After the Paddington crash in which 31 people died, deputy prime minister John Prescott, made it clear safety should take precedence over performance. It was announced this week that Thames Trains, which has admitted criminal safety offences related to the crash, will be sentenced at the Old Bailey on 17-18 March.

- [The Independent](#). [HSE news releases on the child death prosecution and American serviceman death prosecution](#). [This is Local London](#).



### **outbreak on work site**

A outbreaking of bodymapping has spread across London construction sites. Construction union UCATT, backed up by trade union tutors from Lewisham College Trade Union Studies Centre, bodymapped its way through 217 workers on Multiplex Construction’s

Docklands Project in the October 2003 Euro health and safety week. The initiative, which last week won a Health and Safety Commission award, analysed health risks to different parts of the body, especially from dust, in order to understand the main health hazards to the different categories of employees and sub-contractors. UCATT convenor Paul Donnelly, said: "It is the partnership that has made this initiative work so well. We all contributed our knowledge and experience and the workers responded positively in their own words, relating personal experiences of the effects on their health of dangerous substances. The positive aspects of this initiative now need to be driven throughout Multiplex and the construction industry." A bout of bodymapping is now on the cards for the workforce at other Multiplex sites.

- [HSE news release](#). Find out more about [bodymapping and other do-it-yourself workplace research tools](#). Check out [what's hurting you](#).

### **Widow loses asbestos compensation battle**

A widow will not receive a penny of the near £400,000 in compensation she is due for the death of her husband, after an "unfortunate" ruling by a judge. Brian Sim was 44 when he died from mesothelioma in 1992. Three years later his widow Moira, from Torrance near Glasgow, won £200,000 compensation from his former employer - which went out of business in 1987. But a judge at the Court of Session in Edinburgh has ruled that Mrs Sim had failed to prove which insurance firm was liable for the pay-out, which would be worth about £400,000 today. Mr Sim had worked for Don (Contractors Limited), which was based at Inverurie in Aberdeenshire. Temporary judge Roger Craik QC said: "It has not been established what (if any) cover Don had during that period and what risks they were insured against. There, unfortunately for Mrs Sim, the case must fail and the various remedies that she seeks in the action must be refused." As asbestos cancers can take 40 or more years to emerge, cases like this are not rare - and are likely to become even more common as a "mesothelioma epidemic" grips the UK. A paper last month in the *British Medical Journal* said just one asbestos cancer, mesothelioma, already accounts for one in 200 male deaths in Britain, and the numbers are expected to rise over the next decade ([Risks 141](#)). It is thought asbestos causes between one and three cases of lung cancer for every case of mesothelioma.

- [BBC News Online](#). [The Scotman](#). [The Observer](#).

## INTERNATIONAL

### **Australia: Judge blames transport bosses, jails truckie**

A truck driver pressured into driving 14-hour shifts has been jailed following a fatal road traffic accident. Sentencing truck driver Joseph Terry Caldwell, 24, to at least three years and 10 months jail time, County court judge Joe Gullaci called for authorities to ban "ruthless" employers who imposed unreasonable deadlines on their drivers. The court heard Caldwell, who pleaded guilty to culpable driving causing death in the 6 July 2001 crash, was driving 14 hours a day without breaks and feared he would be sacked if he didn't work long hours. "It's time employers accepted responsibility for what's happening in the industry," said transport workers' union (TWU) spokesperson Scott Connolly. "The problem is out of control." In a separate case, the New South Wales Industrial Relations Commission has heard that only a "superhuman" could have worked the hours a long distance truck driver did in the days before he died in a crash on a coastal road. Safety authorities are prosecuting a transport company over the death of the driver.

- [UnionSafe](#).

### **India: Work for parents, education for children**

A \$40 million (£21.2m) International Labour Organisation (ILO) programme is seeking to remove 80,000 child labourers in India from work in 10 hazardous industries. ILO says it is the largest national child labour programme it has ever undertaken and will seek "the prevention and elimination of hazardous child labour by enhancing the human, social and physical capacity of target communities." ILO director general Juan Somavia commented: "We know there is no simple solution. However strategies have to reflect national specificities and be backed by political will. We must remain fixed on the goal of 'work for parents, education for children, opportunities for young people'." The project targets directly 80,000 children below 18 years of age working in hazardous industries such as manufacturing fireworks, beedi cigarettes, footwear, locks, matches, bricks, silk and glassware. India has an estimated 11.2 million working children, according to government figures. An ILO report released this month refuted the argument that child labour is an economic necessity in developing

countries, concluding the benefits of eliminating child labour worldwide will be nearly seven times greater than the costs.

- [ILO news release. ILO report on child labour. ILO videoclip on the economic argument for ending child labour. International Programme on the Elimination of Child Labour \(IPEC\).](#)

### **India: Say no to white asbestos**

The Indian government must ban the production and use of “convicted mass killer” white asbestos, a prominent environmental campaigner has said. Gopal Krishna, writing in the *Business Standard*, says that despite conceding the health risks, India joined Canada - which exports more than 95 per cent of all the asbestos it produces, most of it to India – in a successful bid to “scuttle attempts to include the material in the international list of chemicals” restricted under the Rotterdam Treaty’s “Prior informed consent” system ([Risks 133](#)). “The asbestos industry has flooded national dailies with sponsored features like ‘scientific findings squash asbestos cement myth,’” he added. “If the Indian government is concerned about the health of its citizens, it must approve alternatives to asbestos, especially for roofing,” Krishna said. “White asbestos is a convicted mass killer. Its use should not be perpetuated.”

- [Business Standard. Related information: International Ban Asbestos Secretariat. Global Asbestos Congress, Japan, November 2004.](#)

### **Iran: Hundreds killed in chemical train explosion**

About 300 people, most of them firefighters, were killed in an 18 February explosion after a train laden with petrol and industrial chemicals caught fire near the town of Neyshabur in northeastern Iran. Nearby villages were badly damaged and the blast was heard in the provincial capital, Mashad, 46 miles away. The firefighters were battling the original blaze when the explosion occurred. *The Independent* reports the contents of the wagons were, in effect, a bomb: 17 tanks of sulphur, six of petrol, seven of industrial fertiliser and 10 of cotton wool combined to produce an explosive mix to rival some weapons of mass destruction. Because of the large number of natural catastrophes in Iran, local emergency teams are regarded as some of the best in the world. But local people are becoming

concerned about lax safety standards, which are blamed for exacerbating the death toll in natural disasters and leading to unnecessary accidents. Iran has the highest rate of road deaths in the world and suffers frequent plane crashes. US sanctions make it hard to obtain spare parts for its aged fleet of aircraft.

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

### **Singapore: Bird flu recognised as work disease**

Workers in Singapore who get infected with bird flu in the course of their work are to be eligible for government compensation payouts. A ministry of manpower (MOM) amendment to the Workmen's Compensation Act has added "Avian Influenza" to the list of compensable occupational diseases. MOM said the amendment covers workers who are engaged in manual labour regardless of monthly earnings or non-manual workers earning S\$1,600 (£505) or less per month. The payouts will be made to eligible workers who catch bird flu after handling or being exposed to animals or birds or any material or substance contaminated with the Avian Influenza virus. So far there have been no reported cases of bird flu in Singapore, however the outbreak has claimed over 20 lives across several Asian countries.

- [Channel News Asia](#). [WHO factsheet and update on Avian Influenza](#).

## RESOURCES

### **Read all about it**

You can't read everything, we know, but you'd do well to make time for two regular worker-friendly publications. The latest issue of *The Daily Hazard*, the London Hazards Centre's informative and newsy four-pager, is available online and includes information on a groundbreaking asbestos management deal negotiated by probation union Napo, latest news on employment tribunals, whistleblowers and workplace accidents and a print-off-and-use factsheet on workplace risk assessments. If you are interested in asbestos news, then the best single source anywhere is the *British Asbestos Newsletter*. The newsletter is produced by Laurie Allen of the International Ban Asbestos Secretariat (IBAS). The winter 2003/4 edition includes features on the great UK compensation rip-off and the asbestos at work regulations, which take full effect this year.

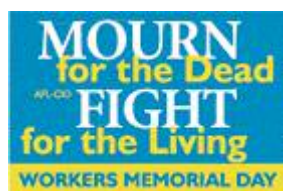
- [London Hazards Centre website](#) and recent issues of [The Daily Hazard](#).
- [British Asbestos Newsletter](#) and [International Ban Asbestos Secretariat](#).

### **New workplace bullying resources**

Need advice on workplace bullying? Well, there's some great new resources online. One of the best union-friendly resources around is on the website of the National Union of Journalists' Glasgow branch. The branch's web wizard Bernard Thompson created the site in response to a request from NUJ Scottish officials who said there had been an upturn in the number of cases. The site includes advice, guidance for union reps, useful links and lots more. The new webpages say: "Thanks largely to the efforts of trades unions like the NUJ, more and more workers are coming to realise that they need not and should not tolerate such behaviour. This guide contains advice on how to respond to bullying or harassment directed towards you or your colleagues as well as highlighting the effects that such behaviours can have on victims." Conciliation service Acas has also updated its bullying guides for employees and employers.

- [NUJ Glasgow bullying webpages](#). **Acas guides for employees and managers and employers – read both, as employers' guides sometimes contain useful information skipped in Acas employees' guides.**

### **Get planning for Workers' Memorial Day, 28 April 2004**



TUC is urging union and campaign groups nationwide to get active for Workers' Memorial Day, 28 April 2004. A new TUC webpage includes a regularly updated listing on planned activities. It also gives pointers on things you might do. Here's some ideas: Get your employer to allow some form of recognition of the day, such as one minute's silence to remember anyone who has died at your workplace; ask your local council, or any other public body to fly official flags at half-mast on the day; write a letter to the local press; plant a tree; unveil a memorial; or organise a local meeting on health and safety and the need for more corporate accountability. Whatever you do, make sure you tell TUC and your union what you are up to.

- [TUC WMD 2004 webpage](#). Send details of your events to [TUC's safety department](#). [Workers' Memorial Day activities worldwide and resources](#).

Workers' Memorial Day posters (free) and forget-me-knot ribbons (30p each plus a SAE, 30p each for 2–99 ribbons including p+p, or £25 per 100 including p+p) are available from [Greater Manchester Hazards Centre](#), 23 New Mount Street, Manchester, M4 4DE. Tel: 0161 953 4037.

## EVENTS AND COURSES

### 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](#)

#### Work your proper hours day, 27 February 2004



If you do regular unpaid overtime, then exercise your right to work only your contractual hours, and remind your boss just how much modern workplaces depend on unpaid overtime. On 27 February 2004, the TUC's first national "Work your proper hours" day, take a proper lunch break, not just a sandwich at your desk, and leave on time, to enjoy your own time on Friday evening. Why not get together with friends working nearby, and go for a coffee, a pint, or take in a show? This is one day in the year for your boss to appreciate your efforts, and for you to appreciate yourself.

- [TUC news release](#), [overtime calculator](#) and [Work your proper hours days webpages](#). [workSMART webpage](#). [TUC's "It's about time!" working hours campaign](#).
- [Send a Work your proper hours day e-card!](#)

#### International RSI Awareness Day, 29 February 2004

International RSI (repetitive strain injury) Awareness Day is held on the last day of February each year - the only day that doesn't repeat every year. That means that this year, a leap year, RSI Day is 29

February. Union organisations and workplace disease advocacy groups worldwide support the annual event.

- [Hazards RSI Day poster and resources](#). [RSI Association "RSI week" resources](#).

Last chance to help out! The RSI Association is facing an urgent cash crisis and needs your donations now. [RSI Association](#), 380-384 Harrow Road, London, W9 2 HU. [Online donations](#) and newsletter subscription form [[pdf format](#)].

## 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](#).

**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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