

# Risks

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**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over 9,100 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

### **Euro votes count for safety**



The TUC is urging voters to remember the benefits for working people that have come from Europe, including a tranche of health and safety measures. It says one recent poll shows that fewer than one in five people are certain to vote in the European elections on June 10 2004. TUC says Europe is increasingly important for people at work and their unions, however, and says it is important to vote in this June's Euro-elections. A TUC briefing says: "Many improvements in employee rights have come from European law. Many health and safety issues are dealt with at the European level." Among the benefits for working people that have been delivered direct from Europe are the "six pack" of health and safety laws and working time rules covering holidays, working hours, night work and rest breaks. The TUC campaign aims to persuade union members to get out and vote, because the decisions that Europe takes matters to people at work.

- [TUC news release](#) and [campaign materials](#).

### **RMT calls for urgent Tube security meeting**

Tube union RMT has called for an urgent meeting of London Underground's Safety Forum to discuss security on the network in the wake of last week's Madrid bombings. RMT London organiser Bobby said the union welcomed announcement of new safety measures, including a poster campaign and the use of plain-clothes police officers on patrol on the Tube network. "However, we are concerned that several issues we raised with after the September 11 attacks on New York in 2001 have yet to be addressed," he said. "We believe that our members still receive inadequate emergency training, and our request for emergency breathing apparatus for frontline staff has so far simply been rejected." He added: "RMT also believes that any extra staff needed to ensure the security of Tube depots should be directly recruited, and not taken from agencies or sub-contractors." Unions in the UK and worldwide condemned the Madrid bombings, in which more than 200 people died, and sent messages of support to Spanish unions.

- [RMT news release](#) and [message of support to RMT's](#)

### [Spanish sister union.](#)

- [TUC message of support to Spanish union federations UGT and CC.OO. ICFTU news release.](#)

### **Post bosses warned over “spying”**

It seems there is no hiding place from snooping bosses. The same day TUC warned last week that Big Brother employers are jeopardising both productivity and their workers’ health ([Risks 147](#)), Royal Mail managers were warned about spying on striking workers. The managers’ union, Amicus, advised them to disobey orders to spy on striking postal workers after lawyers warned clandestine surveillance during industrial disputes may be unlawful. Union guidance issued to middle-ranking and senior executives says they should ignore controversial instructions to covertly monitor pickets. Peter Skyte, national secretary of Amicus's communication managers association section, said: “The way in which managers were called upon to spy on postal workers in the dispute last year is completely unacceptable.” The disclosure last November of secret surveillance on workers involved in unofficial action provoked a political outcry. It is not the only instance of employers having an unhealthy interest in our activities outside of work. TUC last week warned that private dicks were being used to spy on workplace compensation claimants – sometimes in their own homes.

- [The Guardian. Hazards privacy at work guide.](#)

### **Councils must protect shopworkers**



Local councils must play a central role in reducing violent attacks and abuse aimed at shopworkers across the UK, says retail union Usdaw. At a fringe meeting at the Labour Party spring conference last week it urged councils to place greater emphasis on their role in tackling crime and anti-social behaviour and to work with retailers on a local level. John Hannett, Usdaw general secretary elect, said: “Shopworkers deserve respect and the right to go to work without the fear of being attacked or abused by customers. Sadly, this is a common, everyday experience for many shopworkers. We are calling on local councils to work with Usdaw to address an issue that threatens every town and city in the UK.” Labour Party delegates to the conference were given a special campaign pack,

including briefings, surveys and model press releases.

- [Usdaw news release. Freedom From Fear campaign pack.](#)

### **Health unions call for action on violence**

Health unions have said immediate action is needed to protect staff from violence, harassment and bullying at work. Unions GMB and CSP were commenting in the wake of last week's Commission for Health Improvement (CHI) survey of NHS staff, which found one in six NHS staff has faced physical violence and 37 per cent said they'd been harassed, bullied or abused at work in the last 12 months ([Risks 147](#)). Sharon Holder, GMB national officer for health, said: "We still have along way to go to stamp out these practices in the NHS." She added: "The GMB is encouraged by the response of many NHS Trusts to implementing the GMB guidelines to good practice 'Stamping out the bullies'. We would urge all Trusts to work with GMB members to create an NHS that is safe for patients and frontline workers alike." Richard Griffin, director of employment relations with physios' union CSP, said: "The CSP is calling on the Department of Health to monitor the problem more closely, devise a campaign to help inform and educate the general public and to ensure that there are opportunities to contribute to an ongoing national dialogue about the issues raised."

- [GMB news release. CSP news release.](#)

### **Obituary: Jack Boddy**

Jack Boddy, former general secretary of the National Union of Agricultural Workers, latterly the rural and agricultural workers' section of the Transport and General Workers' Union, has died aged 81. In an obituary in *The Guardian*, Barry Leathwood, who succeeded Jack at TGWU, said: "His main objective always was to secure the future of rural trade unionism for the sake of vulnerable workers and their families." Jack was a strong supporter of union health and safety work. He was general secretary when Leathwood, then secretary of TGWU Region 3 (South West), developed innovative health and safety programmes and policies that led eventually to the first "roving" safety reps and the appointment of TGWU's first national health and safety officer. Chris Kaufman, the current TGWU national secretary for agriculture, said: "Jack Boddy was widely respected both inside and outside the union for his powerful advocacy on behalf of farm workers

and their allied industry cousins.”

- [The Guardian](#).

## OTHER NEWS

### **Stress yes – compo no, says advisory body**

The body that advises ministers on the occupational diseases that should qualify for government industrial injuries payouts has said stress should not be added to the list of “prescribed” industrial diseases. The Industrial Injuries Advisory Council (IIAC) said it was unable to “identify circumstances in which it recommends extending the schedule of prescription to include adverse health outcomes ascribed to stress at work,” but added it was a major problem and it would “continue to keep the topic under review.” IIAC did accept the case for payments for victims of post traumatic stress disorder (PTSD), but only in very limited circumstances, saying “the relevant incident should be a traumatic, single event that is, or could be reasonably perceived to be, severely life-threatening or with the potential to cause serious injury to the individual or others present at the time” and “an event outside the realms of normal human experience.” TUC head of safety Hugh Robertson, who is a member of IIAC, said TUC “is disappointed that it was not able to prescribe stress related illnesses at this stage because of the way the scheme operates, however we recognise the need to keep this under review.” He added: “We welcome the fact that IIAC has produced a report that recognises the causes and extent of this illness so clearly and welcome its strong recommendations on prevention.”

- [IIAC news release](#). **Stress at work, IIAC position paper 13** [[pdf](#)].
- [UK Work Stress Network](#). **Hazards [get-a-life](#) and [worked to death](#) webpages.**

### **Six figure fine and safety award for killer company**

A company awarded a top safety honour has been fined £100,000 for safety offences that contributed to the death of a worker. JDM Accord Ltd was awarded the British Safety Council’s “sword of honour” in November 2003 in the same week the court proceedings commenced ([Risks 134](#)). On the conclusion of the Stafford Crown Court case on 5 March, the company was fined a total of £100,000 and ordered to pay

£32,183 in costs. The prosecution followed HSE's investigation of an incident in which a subcontractor was crushed to death during road improvement works. Joseph Jenkinson was run over and killed by a slow reversing agricultural trailer during road widening work at Wheaton Aston, near Stafford, on 31 July 2001. JDM Accord Ltd pleaded guilty to two charges of breaching health and safety law. HSE principal construction inspector Joy Jones said after the case: "There were many elements which contributed to this accident, but the 'safe sight, safe vehicle, safe drivers' message certainly had not been acted on."

- [HSE news release. Hazards deadly business webpages.](#)

### **Clean and green or industry whitewash?**

Oil company BP has received more plaudits for its corporate responsibility – despite facing continuing criticism for its safety and environmental record over the last year. The survey for the *Sunday Times* by the Business in the Community group ranks placed BP second behind the National Grid and ahead of consumer goods manufacturer Unilever. BP was singled out for product safety, biodiversity and the diversity of its workforce. However, an August 2003 report co-published by HSE listed a series of management failures were responsible for life-threatening accidents at BP's Grangemouth complex. The report found standards had been allowed to slip. Managers had not detected "deteriorating performance" and had failed to abide by the law. Earlier last year, Worldwide Fund for Nature's UK arm (WWF-UK) announced it was selling all its BP shares in protest at its "slipping ethical standards" and an investment firm dropped BP from its ethical fund after raising safety and environmental concerns. Third placed Unilever was accused in 2001 of poisoning workers with mercury at an Indian subsidiary ([Risks 25](#)). Environmental groups have accused other corporate responsibility awards of being company "greenwash."

- [BITC news release. BBC News Online.](#)
- [More on BP's safety and environmental record. CorpWatch "Greenwash" website.](#)

### **Overwork behind another teacher suicide**

A teacher who set herself alight had complained about pressure of

work, an inquest has been told. North Devon coroner Elizabeth Earland recorded a verdict that Jane Dibb, who taught English and drama at Penair School in Truro, killed herself while the balance of her mind was disturbed. The inquest heard that Ms Dibb, 28, had been complaining to her father about overwork. The inquest was told that a depressive illness in the teacher had re-emerged in February last year. Ms Dibb's death is the latest in a series of teacher suicides linked to overwork. The suicide death of assistant head teacher Patrick Stack in 2001 was blamed on his "Herculean workload." An inquest in 2001 into the death of teacher James Patton heard he hanged himself because he was worried about an Ofsted inspection. And in 2000 Pamela Relf left a suicide note saying: "I am now finding the stress of my job too much." Last year, *Hazards* magazine estimated there were at least 100 work-related suicides in the UK each year ([Risks 118](#)).

- [BBC News Online. Hazards guide to the deadly dangers of overwork, including work-related suicide.](#)

### **Serious incidents at prestige building sites**

Accidents this week have cast a cloud over two of Britain's most high profile construction projects. An investigation is under way after a man was killed while working at the £55m site of the new Welsh Assembly debating chamber in Cardiff.

Police said 53-year-old John Walsh from Bristol, died after apparently falling from height. South Wales Police and the Health and Safety Executive are investigating. An HSE spokesperson confirmed that Mr Walsh, was working for the Bristol-based sub-contractor Ferson Construction Services Ltd - the actual contractor is Taylor Woodrow.

In London, two Wembley Stadium workers were badly hurt in a bungee-style accident. The steel erectors were 100ft up in a cage suspended from a crane when a cable - apparently blown by wind - snagged on a stand. The line tightened until it broke free, catapulting the cage upwards. It then plunged 40ft on to the concrete top tier of a partly built stand. A worker died at Wembley in January when a snagged crane line pulled scaffolding on to him from 100ft ([Risks 139](#)).

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

**Britain is in a smoking "timewarp"**

Britain is not doing enough to stop people from smoking, public health experts have warned. Writing in the *Medical Journal of Australia*, researchers said Britain was in a "timewarp" and people should have been given more help to quit. Professor Konrad Jamrozik of Imperial College London, one of the authors of the report, said the most crucial move was to introduce smoke-free policies in public places and workplaces. "When introduced with adequate explanation and advance notice, smoke-free policies are well respected, and several studies have now shown that they have no adverse economic impact on the hospitality industry," he said. Ian Willmore of anti-smoking group ASH backed the researchers' call. He said: "The recent report on health in the UK by Treasury advisor Derek Wanless identified a workplace smoking ban as probably the single most effective and simple thing the government could do to cut rates of smoking rapidly. Stopping smoking in the workplace is a very effective way of encouraging people to give up." This month Uganda announced it was to be the latest country to ban smoking in public places, including restaurants, educational institutions and bars.

- **BBC News Online on [smoking timewarp in Britain](#) and [smoking ban in Uganda](#).**
- **Konrad Jamrozik, David P Weller and Richard F Heller. The UK smoking time-warp: roll on 1989! [Medical Journal of Australia](#), MJA, volume 180(6), pages 266-267, 2004.**
- **[TUC SmokeatWork website](#) and [Hazards union resources and news on workplace smoking](#).**

## INTERNATIONAL

### **Australia: Goose cooked for pecking dicks**

Health service bosses in Sydney, Australia, sacrificed staff and patient safety in a "Keystone Cops" effort to entrap workers whose jobs it wanted to privatise. An Industrial Relations Commission (IRC) ruling said Western Sydney Area Health Service's use of private detectives to spy on workers was unacceptable and ordered the employer to reinstate and stump up back pay to nine security guards it dumped last year. Bosses had engaged private eyes to trail, photograph and videotape the guards illegally, before they were sacked for nipping out to buy Chinese takeaways during 12 hour shifts. The 136-page

judgment on the “peeking dicks” case, said IRC was “deeply troubled” by the video “evidence”. The panel’s deputy president said he was “flabbergasted” by a Health Service admission that it had been prepared to “let a serious safety concern go unattended while the investigation was commenced and undertaken.” He added: “It seems to me that the respondent was more preoccupied with catching the security officers red handed than it was with ensuring the safety of patients, staff and visitors.” The decision was forwarded to the Attorney General's department because of concerns about breaches of the Workplace Video Surveillance Act.

- [Workers Online.](#)
- [TUC/Hazards workplace privacy campaign.](#)

### **Australia: Serial killer escapes with fine**

A fine of just Aus\$60,000 (£24,500) following the death of a construction worker has sparked renewed calls for harsher penalties for Australia’s killer employers. “He should have been bloody hanged,” said Pat Preston of construction union CFMEU. “We need to send the message home to employers who are serial killers, who don't take into account their employees health and safety, that they will face hefty fines and jail sentences.” Last month a jury convicted ACR Roofing on charges relating to the death of site worker Matthew King, 28. The same employer had been found guilty after an inquiry into another worker’s death several years ago. In that inquiry it was revealed that a supervisor had tried to fit a harness to the dying man's body to make it appear as though he had been wearing protective equipment. CFMEU has been campaigning in several states for the introduction of industrial manslaughter legislation ([Risks 145](#)). Australia’s first industrial manslaughter law came into effect in the Australian Capital Territory ACT) this month ([Risks 134](#)).

- [Workers Online.](#)
- [TUC/Hazards deadly business campaign.](#)

### **Canada: Industrial workers face a “slow-motion Bhopal”**

Former workers in Canada’s industrial heartland are enduring a slow-motion Bhopal, according to newspaper reports. Toronto’s *Globe and Mail* says rates of rare cancers in Sarnia, at the hub of Canada’s chemical industry, are occurring at a rate nearly 35 per cent higher

than the Ontario average. 2,944 workers complaining of a horrifying array of illnesses have in the past six years, contacted the local occupational disease clinic. Besides mesotheliomas, there are leukaemias, lung cancers, brain cancers, breast cancers and gastrointestinal cancers. Jim Brophy runs the clinic and believes that what is now occurring in Sarnia is Canada's biggest occupational disease disaster. The assessment that the city is experiencing a kind of slow-motion Bhopal is hard to make conclusively, because no one is bothering to study in any detail the health of workers in the country's blue-collar communities. But for men living in the community, the overall cancer rate in the 1990s was about 34 per cent higher than the provincial average, the lung cancer rate 50 per cent higher, the mesothelioma rate five times higher and the asbestosis rate nine times higher.

- [Globe and Mail. Confined Space.](#)
- [International Ban Asbestos Secretariat. Ban Asbestos Canada. Risks146 asbestos special.](#)

### **USA: Asbestos Bill heads for Senate showdown**

Although union negotiators say the funding is "grossly deficient," Republicans in the US Senate are vowing to bring a proposed \$114 billion (£82.8bn) cash-capped settlement of the nation's asbestos injury claims to a floor vote by early April. Leaders of the national union federation AFL-CIO and trial attorneys are cranking up lobbying efforts to block the measure, which would create an industry-financed trust fund to meet asbestos disease settlements. People close to the months-long negotiations say so many issues remain unresolved that it's hard to visualise the bill passing. The Republican move to push through the deal triggered a scramble of activity on both sides that underscores bitterness among both victims and business people over the effects of the nation's asbestos disaster, which recent reports say claims 10,000 US lives a year ([Risks 146](#)). Last week, William Samuel, the AFL-CIO's legislative director, complained in a letter to Democratic senators that under the proposed scheme: Victims' compensation for many illnesses would be too low; insurers and businesses would not be required to pay enough to cover the likely number of claims and have refused to identify many of the thousands of companies that would contribute to the fund; and without a contingency commitment covering higher-than-projected numbers of claims, some victims could lose out.

- [Environmental Health News](#). [Minneapolis Star Tribune](#). [Minot Daily News](#).

### **USA: American workplaces kill one Mexican a day**

The jobs that lure Mexican workers to the United States are killing them in a worsening epidemic that is now claiming a victim a day, an Associated Press investigation has found. Though Mexicans often take the most hazardous jobs, they are more likely than others to be killed even when doing similarly risky work. In several Western and Southern states the risk is higher still, with Mexican workers four times more likely to die than the average US-born worker. According to Jordan Barab, editor of US safety weblog *Confined Space*: "These accidental deaths are almost always preventable and often gruesome: Workers are impaled, shredded in machinery, buried alive. Some are as young as 15. And things seem to be getting worse: Mexican death rates are rising even as the US workplace grows safer overall. In the mid-1990s, Mexicans were about 30 per cent more likely to die than native-born workers; now they are about 80 per cent more likely." Calling for better protection for Mexican workers, Barab said: "We know what the problems are. Mexican workers are hired to do the dirtiest, most dangerous jobs. They receive no training and little safety equipment. They are afraid to complain about unsafe conditions if they don't speak English, don't know their rights or if they are here illegally."

- [Confined Space](#). [Fort Wayne.com](#). [Yahoo](#). [Vail Daily](#).
- **More on [migrant workers health and safety](#).**

### **USA: Jury awards "popcorn lung" victim \$20m**

In a huge victory for US workers who face exposure to hazardous chemicals at work, a jury in Joplin, Missouri, has awarded factory worker Eric Peoples \$20 million (£11m) in industrial disease compensation. Peoples, 32, had argued that his lungs were ruined as a result of mixing flavouring oils used in microwave popcorn. He charged that International Flavors and Fragrances and Bush Boake Allen, the manufacturers of the diacetyl - the ingredient that gave the popcorn a buttery flavour - knew their butter flavouring was hazardous, but failed to warn the workers at the plant where the chemical was used of the dangers or provide adequate safety instructions. Peoples' lawyers introduced testimony that tests done as far back as 1993 showed that diacetyl could cause severe lung damage and that respirators were worn by workers at the factory that made the chemical ([Risks 51](#)). The

Material Safety Data Sheet given to the popcorn factory, however, contained the phrases "no known health hazards" and "respiratory protection is not normally required." Peoples needs a double lung transplant after developing bronchiolitis obliterans and is not expected to live much past the age of 50. Thirty other workers who suffered damage from the chemical are also suing.

- [Confined Space](#). [BBC News Online](#). [Baltimore Sun](#). [Canadian Press](#). [Sky News](#). [USA Today](#).

## RESOURCES

### **HSC on worker involvement and consultation**

A new Health and Safety Commission webpage gives the safety body's line on worker involvement and consultation, and says this is "a key element" of its new "2010 and beyond" strategy. Resources include: HSC's statement on worker involvement and consultation – "what HSC believes, the challenges we face and what we want to do about it"; endorsements – "what our stakeholders think about the statement"; evidence – "research showing the impact of worker involvement and consultation on health and safety"; case studies – "initiatives that show both the benefits and importance of involving workers to drive improvements in health and safety"; business benefits – "these case studies demonstrate both the business and social benefits that can be achieved by improving occupational health and safety"; and the Worker Safety Adviser (WSA) Challenge Fund - a new initiative with a million a year to dole out over the next three years for initiatives "promoting partnership working to improve worker involvement and consultation and occupational health and safety."

- [HSC worker involvement and consultation webpage](#).
- **Bids for support from the Worker Safety Adviser (WSA) Challenge Fund will be invited on a competitive basis from 26 March, when the application form will be posted on the [WSA Challenge Fund webpage](#). The closing date for applications is 7 May 2004.**

### **Workers Memorial Day updates**



There's plenty more new information for Workers' Memorial Day, 28 April 2004. In the UK, TGWU has produced a new and detailed webpage dedicated to Workers' Memorial Day. It includes a round-up of TGWU events nationwide and adds: "At a national level the TGWU is continuing to campaign for changes in the law of manslaughter and for health and safety duties to be imposed on company directors." In Australia, UnionSafe Network has produced an excellent web briefing.

And global union confederation ICFTU has produced a detailed listing of Workers' Memorial Day facts by nation, including fatality rates, and which will be regularly updated as new information becomes available.

- **WMD 2004 webpages from [TGWU](#), [UnionSafe Network](#) and [ICFTU](#).**
- **[Hazards Workers' Memorial Day global resources, news and guide](#). [TUC WMD 2004 webpage](#). Send details of your events to [TUC's safety department](#).**
- **Workers' Memorial Day posters (free – pictured above) 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.**

### **Acas A-Z of work**

The new look website of conciliation service Acas includes an A-Z of work. The alphabetical listing take you to information on loads of employment issues, and details of services and information that Acas has relating to each. Topics include: Alcohol at work; bullying and harassment; changing patterns of work; health and safety; hours; internet and email policies; representation at work; sickness; smoking; and the working time regulations and much more.

- **[Acas A-Z of work](#).**

## **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](#)

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

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