

Risks

issue no 149 – 27 March 2004



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

CONTENTS

- [Union news: TUC concern at HSE's "scattergun" consultations](#) * [Ex-potters investigate wheezy diseases](#) * [Fire crews ballot over injured colleague](#) * [Fury as Royal Mail axes thousands, hammers the rest](#)
- [Other news: CBI panic move on working hours out-out](#) * [Brucellosis hits Cornish farm](#) * [Widow's anger at death crash "shambles"](#) * [Rail crash charges "less likely"](#) * [Campaign tells MPs that HSE is not working](#) * [Salvage company to breath test staff every morning](#) * [Pupils and staff face asbestos risk](#)
- [International news: Australia: Union warning on psycho tests](#) * [Global: Fight to ban asbestos hots up](#) * [Iraq: Call to make media safety "top priority"](#) * [USA: Chipmakers' cancer study too little, too late](#) * [Even asbestos epidemic figures are "kind of low"](#)
- [Resources: Toilet breaks are a health issue](#)
- [Events and courses: TUC courses for safety reps*](#)
[It's our Europe! conference, London, 2 April](#) * [Information and consultation conference, London, 17 April](#) * [Global health and safety conference, Canada, 7-10 October 2004](#) * [UK National Work Stress Network conference, 20 November 2004](#)

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

TUC concern at HSE's "scattergun" consultations

The Health and Safety Executive (HSE) has launched a new interactive consultation system on its website, amid rising controversy over its "scattergun" consultation procedures. HSE says the new online system is being used for the first time to seek views on how restrictions on HSE disclosing information can be brought into line with the Freedom of Information Act 2000. However, TUC is warning that HSE is now using a confusing array of consultation methods and a bit of clarity is needed. TUC head of safety Hugh Robertson said: "The TUC is concerned about the scattergun approach that the HSE seems to be taking on consultation at the moment." He added that "there seems no standard method on who is consulted or how." Robertson said consultation on new proposals is a necessary, "however it must be done consistently and openly. People need confidence that any new regulations have been rigorously examined by trade unions and others with an interest, and also they need to know that any concerns have been addressed. I know that many people are concerned that this is not always happening and some kind of structure needs to be brought into the consultation process."

- [HSE online consultations webpage](#). The **consultation system will remain open until 21 May 2004. HSE says anyone not able to use the online system can obtain copies of the documents and questionnaire from [Keith Pritchard](#), Section 28 consultation manager, HSE, Rose Court, 2 Southwark Bridge, London SE1 9HS.**

Ex-potters investigate wheezy diseases

Volunteers are queuing up to take part in medical tests to identify chronic, disabling breathing difficulties in pottery workers. Campaigners have received telephone calls from 50 people who want testing if a screening programme for bronchitis and emphysema can be arranged. Ceramics trade union CATU has pledged to consider a request to fund the survey. The promise of support follows a request from the Justice for Potters campaign, which believes dusty and fume-filled factories have left scores of current and former employees

suffering with respiratory illnesses. CATU's national executive will consider further action when it meets in May. Many potters are suffering with bronchitis and emphysema, but the government does not recognise a connection between their work and these lung conditions. Like miners, potters can qualify for silicosis payouts. Unlike miners, the government has refused to accept that the dust exposures also cause "chronic obstructive pulmonary diseases" like bronchitis and emphysema. Miners only received recognition that their obstructive lung conditions were work-related after a costly court case brought by mining unions.

- [The Sentinel](#).

Fire crews ballot over injured colleague

Firefighters in mid and west Wales are to be asked to back industrial action after a colleague with a bad back was dismissed. Firefighters' union FBU will ballot its 1,000 members in the region to see whether they are prepared to strike. Service managers say the Swansea-based employee terminated his own contract by refusing to work restricted duties. There is a dispute over whether the man was medically fit to return to work following a period of sick leave. The Mid and West Wales Fire and Rescue Service Authority says its doctors passed the officer fit to return to work on restricted duties but he refused. However, FBU branch secretary Neil Macpherson said the union had received medical advice that the man was not ready to resume work. He said the officer concerned should have been offered early retirement on health grounds. "The members feel that no-one is safe after this," added Mr Macpherson.

- [BBC News Online](#).

Fury as Royal Mail axes thousands, hammers the rest

Top bosses in Royal Mail want managers to work extra hours, many of them without any extra pay, to offset the staffing shortages that will follow 3,000 "voluntary" redundancies. Amicus, the union representing white collar staff in the firm, reacted angrily to the plan, revealed in a letter from bosses calling on the managers to renew individual opt-outs from the working time regulations. Without the opt-out the working week would be subject to a 48 hour ceiling. Amicus officials say they are furious, particularly as the news comes "hot on the heels" of revelations that Royal Mail was operating a secret plan to force out up

to a thousand managers through compulsory redundancy. Plans included the targeting of vulnerable managers on maternity leave and on sick leave, the union says. Amicus national officer Peter Skyte said: "The company has said 3,000 managers are surplus to requirements; this is clearly not the case if it is necessary for the remaining staff to work longer hours for the business to function. It is ludicrous for Royal Mail to want managers to work longer than 48 hours a week whilst seeking redundancy from others."

- [Amicus news release.](#)

OTHER NEWS

CBI panic move on working hours out-out

Employers' organisation CBI is pressing ministers to tighten up the UK's working hours rules. The move by CBI – normally the first to cry foul at any attempt at regulation – comes in a bid to head off the TUC's high profile campaign to end the UK opt-out from the 48-hour working week ceiling. MEPs have already voted to scrap the UK's opt-out and the European Commission earlier this month said it would take the UK government to the European Court because it believed workers were sometimes being compelled or hookwinked into signing away their right to a 48-hour week ([Risks 147](#)). CBI said this week it is working on proposals to ensure that employees genuinely choose to work long hours and firms do not unwittingly breach the rules. It wants opt-out agreements to state that an employee can rescind them at any time - after a "reasonable" notice period. TUC general secretary Brendan Barber said the CBI move "was too little, too late" and would not stop TUC's "It's about time!" campaign for an end to the opt out. He said: "Ending the opt-out is the only effective way to start to tackle our long hours culture, and will significantly boost our productivity. It's about time it went."

- [The Guardian. Comment in The Guardian from Brendan Barber, TUC general secretary. TUC "It's about time!" campaign, including an "end the opt-out" page.](#)
- [Why long hours are a health and safety issue.](#)

Brucellosis hits Cornish farm



Cattle on a farm in Cornwall have tested positive for brucellosis, a disease which can be passed to humans with workers most at risk. The six infected cattle are the first cases in the UK in a decade. Landare Farm near Liskeard, together with another nearby farm, have been placed under quarantine says the Department for the Environment, Food and Rural Affairs (Defra). The disease causes cattle to miscarry and in humans causes undulant fever, which can have flu-like symptoms. Serious chronic effects can develop if brucellosis is left untreated, including fever, joint, kidney and bladder problems. Defra said brucellosis was "potentially very nasty and unpleasant," but was only "problematic" for people who were in direct contact with affected animals. The condition used to be common in workers, with slaughterhouse staff, meat inspectors, farmworkers and veterinarians most at risk. The blood and fluids of infected animals pass the contamination onto workers through cuts or scratches.

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

Widow's anger at death crash "shambles"

A multinational company has escaped with a £75,000 fine after work systems described as a "shambles" by a judge led to the death of a Doncaster man. Railway worker Terence Lowry, 39, lost his life in a preventable accident just outside Belfast in February 2002. His employer, Mowlem Railways – part of construction giant Mowlem - was fined a record £75,000 at Belfast crown court after pleading guilty to safety offences. But while the penalty was the heaviest ever imposed in a health and safety case in Northern Ireland, it was still well below fines handed out for similar offences in Britain. His wife Maria told the *Belfast Telegraph* she was "gutted" at the level of the fine, adding that the work method used "was a complete shambles from beginning to end." Judge Patrick Markey also used the word "shambles" when passing judgment. He said Mr Lowry had lost his life "in tragic circumstances that should never have been allowed to arise." Mrs Lowry's Doncaster-based solicitor Steven Robinson said: "If the case had been heard over here, I would have expected a significantly higher fine to have been imposed by a crown court judge."

- [Belfast Telegraph.](#)

Rail crash charges "less likely"

British Transport Police's decision to hand over the lead on a rail crash inquiry may have dashed hopes of bringing serious criminal charges. BTP had assumed "primacy" in the investigation because of a suspicion a serious criminal offence led to the Potters Bar derailment on 10 May 2002. The Health and Safety Executive (HSE) will now take the lead. Lawyer Louise Christian, who is representing families of five of the seven people killed in the crash, said serious charges were now "much more unlikely." She added the government's failure to order a public inquiry into the crash at the outset had left police investigating "with one hand tied behind their backs." The engineering firm Jarvis has been at the centre of the probe into the crash as it was responsible for track maintenance ([Risks 108](#)). Ms Christian said there was "overwhelming evidence" of poor maintenance on the points, which had 83 recorded faults. "After two years, there is still no outcome to the investigation and neither Jarvis nor Railtrack have admitted responsibility," she said. A spokesperson for HSE insisted serious criminal charges had not been ruled out.

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

Campaign tells MPs that HSE is not working

The Centre for Corporate Accountability (CCA) says the Health and Safety Executive has too few resources and inspectors to do its job right. It adds that the safety watchdog has opted to try and persuade employers to be safe where its own research shows enforcement is the most effective strategy. A summary of CCA's evidence to the House of Commons select committee investigating the work of HSE and HSC, says the shift away from enforcement "contradicts overwhelming international and HSE evidence that it is inspection, investigation and formal enforcement that works best." It adds that "HSE's continuing focus on the 'business case for safety' has been shown to have little impact in motivating employers." The TUC's submission to the Commons investigation called for more funds for HSE and a greater role for union safety reps ([Risks 144](#)).

- **CCA select committee evidence [summary](#) and [full submission](#).**

Salvage company to breath test staff every morning

A Scottish company is to breath test its staff before they are allowed to start work. Property salvage specialists FFDR says the controversial

move has been introduced by in an attempt to ensure none of their employees shows up for work under the influence and will improve safety as a result. The move has been welcomed by a business group but has been criticised by civil liberties groups, who claim this will be the first step towards a Big Brother-style workplace. John Downey of the Scottish Federation of Small Businesses said: "I can see this becoming an increasing trend, because employers have a duty of care towards their employees, and this is actually in the employees' best interests." But John Scott, the chair of the Scottish Human Rights Centre, said even the police must have "reasonable grounds" before requiring a breath test and added: "A balance needs to be struck as there are certain jobs which constitute a safety issue for members of the public, like airline pilots and train drivers, which would be a reason for carrying out these kinds of tests." Critics say companies are rarely as keen to explore the most common causes of workplace accidents – overwork, fatigue, understaffing and poor management systems.

- [The Scotsman. What unions should say to drug and alcohol tests.](#)

Pupils and staff face asbestos risk

Pupils and staff at a Derbyshire school may have inhaled potentially deadly brown asbestos dust. Horizon Windows was contracted to replace windows at Silverhill Primary School in Mickleover and disturbed asbestos in the process. Air tests subsequently confirmed asbestos contamination. The Health and Safety Executive is to carry out a full investigation of the circumstances surrounding the incident, including whether the proper procedures were followed by the school and if the contractor was "fit and proper" for the job. Eyewitnesses say work areas were not sealed off and that while some panels containing asbestos were removed intact, others were sawn and sledge-hammered out. Cases of the asbestos cancer mesothelioma have been reported in people incidentally exposed in buildings, including schools. Victims include retired teacher June Whitwam, who died of the asbestos cancer mesothelioma after being exposed in the classroom ([Risks 73](#)). Cases are far more common in those exposed in construction and manufacturing jobs. Shipbuilding company VT Group last week announced it was setting aside £15 million to cover asbestos and other work-related claims.

- [This is Derbyshire. The Times.](#)

INTERNATIONAL

Australia: Union warning on psycho tests

Australia's top union body has warned against the use of psychometric and other tests as supposed safety measures. Sue Pennicuik, head of safety at national union federation ACTU, questioned the motivation for psychometric, drug, alcohol and genetic testing at work, saying personality issues are "a tiny factor" in occupational health and safety. She said the ACTU suspected testing, which is on the increase in Australian workplaces, was more about companies selecting people with compliant personalities and preferred social values rather than any real concern for safety. "Health and safety problems are caused more by hazards in the workplace and things like overwork and fatigue," Ms Pennicuik said. Psychometric testing is used to screen applicants for their suitability for a job, with testing firms saying they can determine likely stability, punctuality and motivation.

- [The Age. Hazards guidance on privacy and alcohol, drug and gene testing at work.](#)

Global: Fight to ban asbestos hot's up

The latest round in the battle to ban asbestos, the world's worst ever industrial killer, is underway. In November 2003, a manoeuvre led by the Canadian government and backed by asbestos industry bodies succeeded in blocking the addition of chrysotile (white) asbestos to the list of substances covered by the Rotterdam Treaty's Prior Informed Consent procedure ([Risks 133](#)). Both pro- and anti-asbestos campaigners knew global trade in the industrial killer - particularly exports to the developing world - could have been severely curtailed had the listing been successful. The issue is due to be discussed again at the follow-up meeting, scheduled to be held in Geneva in September 2004. The Canadian government has already started its preparations for the meeting with a series of public consultations. Health campaigners from the International Ban Asbestos Secretariat (IBAS) fear Canada may be intent on once more blocking the addition of asbestos to the PIC list. TUC safety officer Tom Mellish said: "TUC will be talking with our international union partners and official bodies to ensure the asbestos lobby doesn't block this urgent public and workplace health measure."

- [Hazards news alert and special asbestos feature.](#)

Lies + subterfuge = Canada's asbestos policy –
IBAS briefing.

- **[International Ban Asbestos Secretariat.](#)**

Iraq: Call to make media safety “top priority”

The International Federation of Journalists (IFJ) has warned that safety must be a top priority for media following the killing of a further five journalists and media staff in Iraq. These deaths bring to 36 the total number of media people killed during and after the Iraq war, says the IFJ. In the latest incident, one journalist and two media staff from the local station Diyala TV were killed in an attack by armed men outside Baghdad. In a separate attack, two reporters for Al-Arabiya satellite news channel were shot and killed by US fire in Baghdad. “These tragic deaths underline the fact that Iraq is the most dangerous place in the world for journalists,” said Aidan White, IFJ general secretary. “It is vital that assistance is provided to reduce the risks journalists face even in this hostile atmosphere.” IFJ is concerned at the failure to provide proper and explicit reports on the deaths of seven other journalists since the war began a year ago and has called an international day of mourning on 8 April, the anniversary of the day US troops opened fire on the Palestine hotel in Baghdad, which was filled with journalists and media staff, killing two and wounding three others ([Risks 101](#)).

- **[IFJ news release. Sign the IFJ petition.](#)**
- **[International News Safety Institute.](#)**

USA: Chipmakers' cancer study too little, too late

A microelectronics trade group has said it is to sponsor a study on cancer risks in semiconductor manufacturing facilities. George Scalise, president of the Semiconductor Industry Association (SIA), said: “This industry has always looked for ways to improve the manufacturing processes that lower environmental impacts and improve the health and safety conditions for our employees.” Critics have charged for years, however, that the chipmaking industry has stalled efforts to create good data on cancer and other risks in the plants. “It's kind of a day late and a dollar short,” said Ted Smith of the Silicon Valley Toxics Coalition. Smith said the study could be a good sign but that its credibility would depend on who actually performed the research and on whether there would be a third-party oversight panel to certify the findings. Jim McCourt of the campaign group Phase II, based in

Scotland's Silicon Glen and representing ex-industry workers with cancer and other complaints ([Risks 128](#)), said his group also greeted than announcement with caution. "The fact that an independent study has not been undertaken in this industry is disgraceful," he added.

- [News.com.com](#). [Yahoo Health](#).

USA: Even asbestos epidemic figures are "kind of low"

A top US occupational health expert has indicated that shocking figures that earlier this month revealed a massive US asbestos disease epidemic, may in fact be under-estimating the true extent of the problem. The Environmental Working Group's analysis of US federal mortality records has found that 10,000 Americans die each year from asbestos exposure and projects that up to 10 times that many will die in the next decade ([Risks 146](#)). However, Dr Michael Lax, an asbestos expert and director of the occupational health clinic at New York State's University Hospital in Syracuse, found the study's totals "kind of low," noting that previous studies have projected higher mortality rates. "Think of how asbestos was used for years in thousands of products," he said. "The numbers of people exposed is in the tens of millions. The potential for illness is tremendous."

- [Newsday](#). Find out more on [the global asbestos disaster](#) and in [international campaign to ban asbestos](#).

RESOURCES

Toilet breaks are a health issue

Last month *Risks* highlighted the problem of "shy bladder syndrome," a condition which had led to some US workers being fired for "refusing" to provide a urine sample for a drugs test ([Risks 143](#)). The condition –



also known as parauresis – is a significant problem in the UK, too, according to a letter to *Risks* from the United Kingdom Paruresis Association. The charity says there are thought that about 4 million people in the UK with the condition. It adds that workplace toilet use restrictions can be a serious problem to adults with the condition.

When the TU and *Hazards* launched their "gotta go" campaign, they were deluged with case histories of oppressive loo breaks practices. Arthur Martin, an ex-bus driver whose health was

ruined by the lack of toilets on bus routes, is taking his former employer to the European Court of Human Rights in a bid to force the company to install toilets on their routes. Mr Martin, who worked for First Bus, had to have surgery to remove half his prostate. Doctors told him the problem had been caused by being denied loo breaks for long periods. The problem got so bad, he eventually wet himself at work. TUC says the government should close a safety law loophole, and guarantee workers the right to go when they need to.

- [More on "shy bladder syndrome" from the UK Paruresis Association.](#)
- [TUC/Hazards toilet breaks campaign.](#)

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](#)

It's our Europe! conference, London, 2 April

In June, Europe goes to the polls to elect a new European Parliament - the first in the new enlarged EU of 25 member states. Later this year, a new European Commission will be appointed. Europe's unions say this is the time to rally support for the European social model that has delivered new rights at work, covering holidays and working time, equal pay, health and safety, and information and consultation. The European Trade Union Confederation (ETUC) has called on trade unionists around Europe to take action on 2-3 April to make the case for the European social model. As part of the campaign, TUC will be hosting a 2 April conference in London.

- [TUC conference: It's our Europe!](#), TUC, Congress House, London, 10am-1pm, Friday, 2 April 2004. £10 including VAT, covering refreshments and a conference pack. Further details: [Pat Brown](#), EUIRD, TUC, Congress House, Great Russell Street, London WC1B 3LS.

Information and consultation conference, London, 17 April

From March 2005 workers will have new rights to be informed and consulted. A Labour Research Department (LRD) conference aims to

provide trade unionists with the information they need to make full use of the law and guard against any initiatives aimed at limiting workers' rights. There will be contributions from Sarah Veale, TUC head of equality and employment rights, Rita Donaghy from the conciliation service Acas, Stephen Cavalier of union law firm Thompsons, as well as international, national and local union speakers.

- [Information and Consultation - preparing for the new rights](#), Saturday 17 April 2004, 10.30am-4.30pm, NCVO Conference Centre, Regent's Wharf, 8 All Saints Street, London N1 9RL. £60.00 (LRD affiliates, community groups and students). £63.00 (non-LRD affiliates). Includes buffet lunch. Conference booking form [[pdf](#)].

Global health and safety conference, Canada,

7-10 October 2004

A trade union-backed workers' health centre in Canada is organising a major conference on unions and health and safety worldwide. The Alberta Workers' Health Centre is to host the "A Global Workplace: Challenges and strategies for occupational health and safety" conference from October 7-10, 2004 in Banff, Alberta. Top union and activist speakers from North America will address the event. *Risks* editor Rory O'Neill will be on the platform too. The organisers say they hope to attract union safety people from Canada and beyond.

- [Conference website](#) and [promotional materials](#).

UK National Work Stress Network conference,

20 November 2004

The UK National Work Stress Network annual conference will be held in Birmingham on 20 November. Speakers include TUC safety officer Tom Mellish and HSE stress person Steve Lee.

- [UK National Work Stress Network](#) conference, Saturday, 20 November 2004, Hillscourt Conference Centre, Rednal, Birmingham. £45 (unwaged £10), inclusive of lunch and refreshments. Further information: [Les Roberts](#), 33 Old Street, Upton-upon-Severn,

Worcester, WR8 0HN. 01684 591156.

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](#).

[HSE Books](#), PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165; fax: 01787 313995.