

# Risks

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**Risks** is the TUC's weekly online bulletin for safety reps and others,

read each week by over 9,500 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

### **Apply now for roving reps cash**

The Health and Safety Commission (HSC) has announced a £3m fund spread over three years to finance WSA projects. HSC says: "Business organisations across Great Britain are being urged to bid for government grants of up to £100,000 to get more workers in small firms involved and working with their employers on occupational health and safety." The TUC is encouraging unions to make bids to the fund.

- [HSE news release. Information on the WSA Challenge Fund](#). **Completed and signed application forms should be sent to: Matthew Holder, Innovative Engagement Unit (BWED5), HSE, Rose Court, 2 Southwark Bridge, London SE1 9HS. Deadline Friday 7 May 2004.**
- **Find out about [roving safety reps and the union safety effect](#).**

## UNION NEWS

### **Time to end long hours working**

The TUC has called on the European Commission to end the individual opt-out from the Working Time Directive. In response to an EC consultation, TUC said the opt-out should go because: This is the only sure way to tackle the UK's long hours culture; long hours working is bad for the health of long hours workers; individual opt-outs will inevitably be abused by employers; and the UK's long hours are a symptom of poor productivity and bad management. The TUC says that the Working Time Directive, with the opt-out removed, still allows people to work an average of six eight-hour days a week, and already contains sufficient flexibility for any properly managed organisation to manage its working hours effectively. TUC general secretary Brendan Barber said: "The strongest reason for ending the opt-out is the weakness of the arguments against it from employer lobbyists. The Chambers of Commerce tell us that long hours working has no effect on health, yet the risk of heart disease, chronic headache, irritable

bowel syndrome, diabetes, stress and accidents at work are greater for long hours workers." He added that surveys by business groups had found workers didn't want to work long hours and many were being coerced to do so.

- [TUC news release. Why long hours are bad for you.](#)
- **Related information:** [ETUC news release](#) and [full ETUC position paper](#).
- **You can help! Register your concern about over-long working hours in the UK and across Europe – we know you have too little free time so the [TUC's online form](#) allows you to respond in less than a minute!**

### **Amicus to lead £1.8m bullying study**

Amicus, the union that has been the leading light in the push for workplace bullying action, is to head the world's biggest ever investigation into the problem. Trade and industry secretary Patricia Hewitt this week launched the project to tackle workplace bullying and discrimination, pledging to "wipe this out, from the cradle to the grave." Half the £1.8m project's funding - almost £1m - will come from the DTI's Strategic Partnership Fund, which helps strengthen employer-employee relationships and improve business performance. The project is the brainchild of Amicus and 10 employers, including BAE Systems and Royal Mail and will be rolled out to 180 employers from the autumn. The project will provide support, advice and training to organisations trying to deal with bullying, by training employees as counsellors and investigators and promoting a voluntary charter on "dignity at work" and good practice. Chris Ball, national secretary of Amicus, said: "We're delighted the government shares our concerns about combating workplace bullying and is prepared to work with us to eradicate it." He added: "I'm convinced we'll find very many employers willing to work with us to develop human respect and dignity as the appropriate denominator in all workplace relationships."

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

### **Lords back stressed workers**

Law Lords have ruled that employers must take the initiative to protect employees they know are vulnerable to stress-related illness. They awarded a teacher, Leon Alan Barber, £72,547 in damages against his

employer, Somerset County Council. Mr Barber, 59, retired in March 1997 on medical advice following a series of depressive illnesses. His union, the National Union of Teachers (NUT) said his illness stemmed from overwork, triggered by two years of working up to 70 hours a week, teaching full-time as well as being responsible for the mathematics department. He complained to managers, but nothing was done. In 2002 the Court of Appeal quashed a county court award of £101,041 in damages and interest. The House of Lords has now overturned the appeal court judgment. Lord Walker of Gestingthorpe said: "At the very least the senior management team should have taken the initiative in making sympathetic inquiries about Mr Barber when he returned to work, and making some reduction in his workload to ease his return. Even a small reduction in his duties coupled with the feeling that the senior management team was on his side, might by itself have made a real difference." NUT's general secretary, Doug McAvoy, said: "Teachers endure excessive workload and are subject to continuous monitoring... Teachers need and deserve all the support necessary to protect their health."

- [BBC News Online](#).

### **Seafarers are tired of taking the blame**

Seafarers' union NUMAST has called for action to address fatigue at sea, a problem linked to a series of serious incidents. It says the government has put resources into cutting out drinking on board, but is overlooking the more pressing hazard of seafarers performing below par because of fatigue, under-staffing and overwork ([Risks 140](#)). The NUMAST call came as the government launched its "Stay ship-shape aboard ship" alcohol limits for seafarers, in what it described as "a crackdown on drunken sailors." NUMAST welcomed the new regulations, but added government-commissioned research found "low to non-existent" evidence of alcohol abuse by seafarers serving with oil companies, ferry firms and with container and dry cargo operators with active alcohol policies. But while official investigations have failed to link alcohol use to accidents at sea, excessive hours and fatigue have been linked to serious incidents. The union says the government "should devote similar energy to address this adequately."

- [NASUWT news release](#). *Hazards [drink and drugs](#) and [overwork](#) webpages.*

### **ISTC overturns shaky finger verdict**

Steel union ISTC has won a Court of Appeal compensation victory for members with a debilitating occupational disease. Ken Brown, Lloyd Grogan and Peter Tricky, three former employees of Corus' Llanwern steelworks, had contracted vibration white finger (VWF), a condition where circulatory and nervous system damage to the hands can lead to permanent disability. The Court of Appeal found that the employer should have ensured they had plenty of breaks and worked shorter shifts in order to protect their health. Instead the men had worked long hours with overtime "wrecking" refractory material with jack hammers. Eddie Lynch, ISTC assistant general secretary said: "They have suffered terribly because their employer did not protect them, even though they were aware of the risk of contracting VWF from excessive jack-hammering. No sum of money will be able to compensate them for the daily pain that they have to endure as a result of their condition, but the amounts that they will be awarded might allow them to enjoy some respite." The union says the ruling may lead to hundreds more claims across the UK.

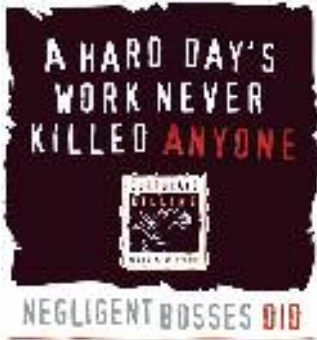
- [ISTC news release.](#)

### **GMB and Greenpeace want ships scrapped safely**

The union GMB has teamed up with Greenpeace to call for British ships to be scrapped in the UK to stop them ending up in the developing world. The campaign wants a "world-class" ship-breaking industry for the UK which can tackle lethal asbestos or PCBs - and is calling on the Navy to take the lead. As part of the "START Ship Recycling" campaign, Greenpeace has released shocking images showing workers handling asbestos at yards in India. Rusting hulks are pulled onto the beaches and slowly torn apart by workers paid as little as £1 a day. As well as asbestos, the ships often contain PCBs, fuel oil and lead, and those dismantling them risk injury from falling metalwork or explosions triggered after cutting into fuel tanks. GMB spokesperson Julie Elliot said: "As a union that has seen many members die from asbestosis, we cannot accept that UK ships are being scrapped under these conditions. The UK government and British ship owners have a moral obligation to ensure that government-owned vessels will only be decommissioned in state-of-the-art facilities." Greenpeace and the GMB believe the work would be better done in the UK, and wants all British ships disposed of at least within the EU while sophisticated British ship-breaking facilities are established.

- **Greenpeace UK [news release](#) and [shipbreaking website](#). [BBC News Online](#).**

### **TGWU welcomes fresh call for corporate killing law**



TGWU has welcomed a Bill which would introduce greater accountability for corporate safety criminals. Frank Doran MP's 10 minute rule Bill on corporate killing was put before parliament on 30 March. It is based on a draft launched last year by TGWU "as part of its long running campaign for a cultural revolution in workplace safety as well as justice for the families of those killed in accidents at work."

Tony Woodley, TGWU general secretary, said: "Frank Doran's actions are praiseworthy. It is a sad fact of life that bosses are getting away with murder and will continue to do so until they realistically face the prospect of jail." Last year TGWU drafted two bills, a new offence of corporate manslaughter and a new bill defining directors' responsibilities ([Risks 111](#)). "Despite a commitment now over six years outstanding, the government has so far refused to set a date for a bill that will make corporate killing an offence. With such blatant injustice, we have to ask what they are afraid of," said Mr Woodley. "The T&G hopes that Frank Doran's bill will act as another wake-up call."

- **[TGWU news release](#) and [corporate killing campaign](#). [Hansard report on Frank Doran MP's 10 minute rule Bill](#).**
- **[Centre for Corporate Accountability](#). [TUC/Hazards deadly business campaign](#).**
- **Latest updates on Workers' Memorial Day – [UK listing from TUC](#) and [global listing from Hazards](#).**

### **Union action call as rail deaths hit 13-year high**

RMT general secretary Bob Crow has renewed the union's call for an inquiry into safety standards on Britain's railways after worker deaths reached a 13-year high. Speaking on International Railway Workers' Action Day, 31 March, he told a rally of European railway workers in Lille, France that eight track workers had been killed in the last year - the highest total since 1990 - and that serious injuries were running at a rate of 350 a year.



"The tragedy at Tebay confirmed that the lessons are not being learned ([Risks 144](#)). Fragmentation is a killer, and we need an urgent inquiry into safety standards on our privatised, fragmented railways," he said, adding: "Since the break-up of the network the left hand no longer knows what the right hand is doing - and our members are paying a heavy price. For too long safety has taken to second place to profit, and it is high time we saw all the privateers off our railways." Mr Crow repeated a call for greater accountability for workplace safety crimes, saying there should be "a change in the law so that profit-hungry bosses responsible for workers' deaths end up behind bars where they belong, and not just with a paltry fine."

- [RMT news release. International Railway Workers' Action Day.](#)

## OTHER NEWS

### **Public backs ban on public smoking**

The vast majority of the public want a ban on smoking in all public places, according to a BBC poll. Almost threequarters of people (73 per cent) who responded to a BBC survey want a ban as a way to cut tobacco-related illness. Commenting on the findings, Ian Willmore, of the anti-smoking charity Action on Smoking and Health, said: "This poll shows that the public is demanding action to end smoking in the workplace and enclosed public places. This is the single most effective thing the government could do to cut smoking rates and protect smokers and non-smokers alike." Campaigners hope Ireland's smoking ban, which came into effect this week, will add impetus to the campaign for a UK ban. A report in *The Independent* says that until recently, the possibility of a ban in Britain seemed unrealistic, and charities, doctors and lobby groups had tended to work in isolation from each other. But with the Irish legislation coming days before the first anniversary of a ban in New York, the anti-smoking lobby is scenting victory.

- [BBC News Online. UNISON news release. The Independent.](#)
- [TUC SmokeatWork website](#) and [Hazards smoking webpages.](#)

### **Arrests show need for gangmaster licences**

Farmworker's union TGWU has welcomed police raids on gangmaster operations in East Anglia and Scotland. The union, which has headed a national push for action against exploitative gangmasters, says the clampdown highlights the need for a licensing and registration scheme.



Jack Dromey, TGWU deputy general secretary, said: "The police have done a tremendous job in targeting these particular operations. Exploited workers will be protected as a result and the police were right to brand these workers 'modern day slaves'." He said that the existing legal framework was flawed and "means that the police are left chasing the tails of these rogue operators, reliant on informers from vulnerable communities... New legislation is necessary along with a nationwide crackdown on those

gangmasters who practice modern day slavery." Jim Sheridan MP's TGWU backed Gangmasters Licensing Bill gained its second reading unopposed on 27 February 2004 ([Risks 146](#)). It will shortly begin its committee stage and is expected to be brought to the House of Lords in May. In February, 20 Chinese migrant cocklepickers recruited by gangmasters were drowned on Morecambe Bay ([Risks 143](#)).

- [TGWU news release. BBC News Online.](#)
- [More on health and safety and migrant workers.](#)

### **Long hours pressure makes workers mad**

Employers are forcing workers to work long hours and those excessive hours are driving them bonkers, new research shows. A Chartered Institute of Personnel and Development (CIPD) report, *Calling time on working time?*, found 30 per cent of respondents felt there was an element of compulsion in their working in excess of 48 hours per week, up from 11 per cent in 1998. More than one in five (21 per cent) felt a degree of employer compulsion to sign the opt-out agreement. One in 10 (10 per cent) of the workers putting in 48 hours a week or more had suffered some form of physical problem as a result of working long hours and more than one in six (17 per cent) had suffered from mental health problems such as stress or depression. Others reported making mistakes at work (22 per cent) and performing less efficiently because of tiredness (36 per cent). Around two-thirds of long hours workers are in favour of the EU Working Time Directive, CIPD found - over half (51 per cent) felt it was the only way to ensure that employees did not work excessively long hours, up from 41 per cent in 2000. CIPD has

vocally supported maintenance of the UK opt-out, leading TUC general secretary Brendan Barber to call the latest CIPD survey “a spectacular own goal.”

- [CIPD news release](#) and [full survey results](#). [Sky News](#). [HR Gateway](#). [TUC news release](#).
- **TUC WorkSMART guide – [how to opt back in to a 48 hour week](#). [TUC It's about time” campaign](#).**

### **Most firms fail to manage stress**

Up to five million Britons complain of work-related stress each year, but a new survey shows that most organisations are not following the Health and Safety Executive’s soon to be enforced rules to manage and reduce it. A survey of safety professionals by business information service Croner, found 79 per cent have taken no action to implement the HSE's stress management standards ([Risks 111](#)). Over half (55 per cent) of the survey respondents are unaware of the HSE's management standards, while 24 per cent have taken no action to put them into practice. Croner says the management standards are due to be enforced later this year, when all employers will be expected to conform. HSE identifies six key workplace stressors: Demands of the job, control over how to work, support from colleagues and management, working relationships, clarity of role, and organisational change. When the management standards are enforced, employers will have to meet a percentage target of staff who must think each standard is being achieved, or the employer will fail an assessment.

- [Croner Webcentre](#). **HSE resources: [HSE stress webpage](#) and [stress management standards](#). [Real solutions, real people: A managers' guide to tackling work-related stress](#).**

### **Workers suffer Irritable Desk Syndrome**

Cluttered desks, poor posture and hours spent in front of a computer are damaging the health of office staff, with increasing numbers of workers now suffering from “Irritable Desk Syndrome.” Researchers at NEC-Mitsubishi say regular breaks and making desks more personal could reduce the symptoms of this condition. Some 2,000 people were questioned as part of the survey. Of these, 67 per cent said they are more tied to their desks than they were two years ago. Around 40 per cent said they were infuriated by too much clutter and paper on their

desks but could not be bothered to do anything about it. "Deskologist" Nigel Robertson, a consultant at Open Ergonomics, urged workers to take the matter seriously. "What most individuals fail to realise is that desk symptoms typically escalate very quickly, from persistent discomfort to chronic pain which can end a person's career and reduce their quality of life in a wide range of ways."

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

## INTERNATIONAL

### **Australia: Back off boss - you're making me sick**

A warning to bosses: Too much supervision can make your workers sick. Workers who are micro-managed or do not get on well with supervisors are more likely to take sick leave, according to a study by the recruitment consultant Hallis. Some of this leave includes "mental health days" – also known as "doona days," "sanctioned sickies" or "self-rostered days off" - with workers taking a day off to assert some autonomy and recover from burnout. "Those with less satisfying or more stressful jobs and work relationships tend to use much more sick leave," said the study's author, Stephen Walton. Workers in jobs that are heavily supervised fall into this category, while bosses or those who have a high degree of independence are less likely to use sick leave. Professor Ian Hickie, clinical adviser for the depression initiative beyondblue, said workers who had a high degree of autonomy and worked in small teams tended to be happiest, so a temporary respite from a bad job was not a satisfactory solution. "When things are going well in your job, it can improve mental health," he said. "But if people are taking a lot of stress leave because they hate their work, it's not going to fix their problems. They will just feel more disconnected from the workplace."

- [Sydney Morning Herald](#). [More on "doona days"](#).
- [Union resources on sickness absence](#).

### **Brazil: One more step to a global asbestos ban**

Brazil is to become the latest country to impose a ban on asbestos. Press reports say the Brazilian government, which has been under considerable and consistent pressure from the Canadian government to continue using its chrysotile (white) asbestos, is to go ahead with a ban. A report in the 28 March edition of *Folha de Sao Paulo* quotes

government officials saying the ban will take effect “soon.” A wideranging review will look at alternatives to asbestos, the plight of Brazil’s asbestos disease victims and environmental risks around disused asbestos mines. The news came ahead of 1 April hearings in Canada, where the Canadian government is consulting the position it should take at the Prior Informed Consent (PIC) meeting in September ([Risks 149](#)). At the November 2003 meeting the Canadian government led a pro-asbestos lobby that succeeding in blocking the addition of chrysotile asbestos to the list. Had asbestos received PIC listing exports, particularly to the developing world, would have been more problematic for Canada’s asbestos industry.

- [International Ban Asbestos Secretariat. IBAS powerpoint display on asbestos in Brazil. More on the campaign for PIC listing of chrysotile asbestos.](#)

### **Europe: Consultation on cutting work cancer and reproductive risks**

The European Commission is consulting workers and employers on reducing exposure to work substances that cause cancer and reduce fertility. It says it wants views on how to tackle gaps in existing legislation aimed at minimising exposure to substances that cause cancer and have other harmful effects. The consultation document asks four main questions: Should the current cancer directive be extended to cover reproductive hazards; should the number of substances covered by the Directive be increased; are the exposure limits in the existing Directive appropriate; and should measures be taken to make the procedures within the Directive simpler and more adaptable to scientific progress? Among possible occupation carcinogens that might be added to the list are solar radiation, passive smoke, crystalline silica, diesel exhaust, radon decay products and wood dust, says the EC. It adds that just one occupational death from cancer costs an average of €2.14 million (£1.43m) and the cost across the European Union is over €70 billion (£46.7bn) per year. An estimated 32 million people in the European Union are exposed to hazardous substances at levels that exceed what is considered as safe and between 35,000 and 45,000 cancer deaths per year are due to exposures occurring in the workplace.

- [EC news release.](#)

## **Ireland: Irish eyes aren't smarting as work goes smoke free**

Ireland became the first country in the world to outlaw cigarettes in all its restaurants and pubs this week. It is now illegal to smoke in virtually all workplaces, closed public spaces and on public transport, with fines of up to 3,000 euros (£2,000) for transgressors. Health minister Micheal Martin said the law was "a no-brainer" in a country with Europe's highest rate of heart disease. Anti-smoking group ASH said smoking kills six times as many people in Ireland each year than road accidents, work accidents, drugs, murder, suicide and AIDS combined. Norway is set to impose a similar ban in June and European Union health commissioner David Byrne, who is Irish, has said he would like to see the experiment mirrored across the bloc. Last month TUC called for passive smoke at work to be classified as a hazardous chemical exposure under Euro safety laws ([Risks 147](#)).

- [BBC News Online](#). [The Independent](#). [Reuters Health](#). [The Guardian](#).
- [Smoking policy news and resources](#).

## **Russia: Nestlé response to hazards – you're fired**

Multinational food giant Nestlé has fired a union rep in a Russian factory on trumped up safety charges – after he raised concerns about the hazards the led to an accident. Anatoly Shulga, a forklift driver at the Nestlé factory in Timashevsk, who also heads the plant safety committee and chairs the factory union, was fired after a worker suffered a minor injury. The injury occurred when he and Anatoly were using an improvised hooking device. The union committee headed by Anatoly had repeatedly warned management of problems with the makeshift hook. Now 269 union members at the plant have signed a petition demanding Anatoly's reinstatement and 20 forklift workers have signed a separate petition calling for better safety conditions in the department. IUF, the international foodworkers' union federation, says Nestlé management has resorted to job threats "to weaken support for a union that is struggling for a safer workplace." It says temporary workers are being denied permanent contracts unless they denounce the union. IUF adds that Nestlé's action "is a violation of both the ILO Convention on Freedom of Association and of Russian law" and is calling for letters of protest to be sent to the company's corporate HQ.

- [IUF news release](#) and [background to the dispute](#).

- **You can help! [Send a protest to Nestle.](#)**

## RESOURCES

### **Never too young to union**

Schoolchildren and students are to be given lessons on the benefits of joining a trade union. The TUC-backed initiative comes as evidence suggests more than 2 million 11- to 16-year-olds have part-time jobs and was launched at the 30th Young Members' Conference last week. Up to 2.6 million young people start their first job between the ages of 11-15 and around one million students work during term-time, with thousands more working in their holidays or in gap years. But young people and students are likely to be in workplaces where there is no union so they are vulnerable to low pay and exploitation from rogue employers who flout employment law. To complement its teachers' resource pack on working life for citizenship education courses, the TUC is to run regional educational conferences and will be training young trade union members across the UK to go in to schools and talk about workplace issues and the role of trade unions. A new [www.morethanwork.net](http://www.morethanwork.net) website for students will help them find out about their employment rights and which union they should join.

- **[TUC news release. \[morethanwork.net\]\(http://morethanwork.net\) including workplace health and safety section. \[The Guardian.\]\(#\)](#)**

### **A helping hand for bad backs**

BackCare, the charity for healthier backs, has relaunched its helpline. For the first time this TUC backed resource will be staffed outside standard office hours. BackCare says the helpline can provide information, support and guidance on everything from preventing back problems to managing chronic pain. The helpline is open on Mondays and Fridays from 9.00am to 12.00 noon and on Wednesdays and Sundays from 6.00pm until 9.00pm. BackCare has previously linked up with TUC on initiatives including a bodymapping campaign.

- **[BackCare news release. \[BackCare\]\(#\), 16 Elmtree Road, Teddington, Middx, TW11 8ST. BackCare helpline: 0870 950 0275 \(calls charged at national rate\).](#)**
- **[More on bodymapping.](#)**

### **Watching the watchdog**

A parliamentary committee is evaluating the work of the Health and Safety Commission and Health and Safety Executive. TUC and safety campaign groups including the Centre for Corporate Accountability have submitted written and oral evidence to the committee and have made their submissions available online. A common theme is that HSE is over-stretched and under-resourced – and workplace safety is under-scrutinised and under-enforced as a result. TUC calls for worker consultation and involvement to be a keystone of Britain's safety enforcement structure.

- [TUC submission online](#). [Centre for Corporate Accountability evidence](#). [Environmental Health News report](#).

## EVENTS AND COURSES

### **TUC courses for safety reps**

#### **COURSES FOR APRIL TO JUNE 2004**

[Midlands](#), [North](#), [North West](#), [Scotland](#), [South East](#), [South West](#), [Wales](#), [Yorkshire and Humberside](#)

## USEFUL LINKS

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