

# 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 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](#)

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## ACTION

### **HSC noise at work consultation**

The Health and Safety Commission is consulting on proposals to introduce new noise at work regulations. It says the draft regulations have been developed in order to comply with the European Union Physical Agents (Noise) Directive (2003/10/EC) which aims to protect workers from risks to their health arising from exposure to noise. The main changes from the existing regulations are the reduction by 5 decibels (dB) of the exposure levels at which action has to be taken. The new exposure levels will be 80dB and 85dB, with a limit of 87dB on personal noise exposure. This will mean that some employers who already take action to control noise may have to do more. Others who do not have to do anything now may have to start taking action. For most employers, the new regulations will come into force in February 2006. TUC has long advocated a tightening of the standard – long-term exposure to noise levels above 80dB at work can lead to hearing damage.

- [HSE news release](#). **HSC Consultation Document 196 - Proposals for new Control of Noise at Work Regulations implementing the Physical Agents (Noise) Directive (2003/10/EC), free from [HSE Books](#) or [online](#) [full document as [pdf](#)]. [Comment online](#) or by contacting: [Andie Michael](#), Health and Safety Executive, Physical Agents Policy Unit, Rose Court 6NW, 2 Southwark Bridge, London SE1 9HS. Tel: 020 7717 6250. Consultation ends: 25 June 2004.**

### **Help HSE with slips and trips studies**

Health and Safety Executive boffins are looking for workplaces to help with two slips and trips studies. HSE would like to hear from: Companies where changes to cleaning regimes have reduced or eliminated slips issues; companies that have a slips problem, which they feel could be addressed by an improved cleaning regime; and "stakeholders" in cleaning, such as cleaning contractors, equipment and chemical manufacturers. A second study is looking into the slip resistance of footwear. It wants to evaluate new super shoes with

excellent slip resistance in real workplace environments. HSE wants to hear from companies with slips issues that may be addressed by specialist anti-slip footwear, particularly where traditional safety shoes (with toe protection etc.) are not necessary. It says HSE cannot provide the footwear, but would like to oversee workplace trials to establish accident reduction, cost effectiveness and user satisfaction. The results of this research will help HSE to better inform industry about slip resistant footwear.

- **HSE call for assistance with [cleaning study](#) – if you are interested, [contact the cleaning studies team online](#).**
- **HSE call for assistance with [footwear trials](#) – if you are interested, [contact the footwear trials team online](#).**

## UNION NEWS

### **TUC to champion safety reps on HSC**

The TUC has a new face on the Health and Safety Commission (HSC), the country's top health and safety body. Hugh Robertson, TUC's head of safety, has been appointed as Commissioner representing employees' concerns. His term of office began on 1 April and lasts three years. Promoting and developing the lifesaving role of union safety reps will be a top priority, says Hugh. "The TUC aims to put the issues of worker involvement and enforcement to the top of the HSC agenda," he said. "We will be raising the need for new safety reps' rights at every opportunity, including roving reps and the right to issue Provisional Improvement Notices (PINs)." Law lecturer Margaret Burns was reappointed as Commissioner representing public interest concerns.

- **[DWP news release](#).**
- **More on the [lifesaving safety rep role](#), [roving reps](#) and [PINs](#).**

### **CWU calls for Royal Mail clampdown on assaults**

Communications union CWU is calling for action after a violent assault on a London postal worker left him in hospital and requiring a brain scan. After the unprovoked attack by a gang of thugs, the union submitted an action plan to Royal Mail that it says would help prevent

any recurrence. CWU health and safety officer Dave Joyce wants Royal Mail to adopt a "zero tolerance" violence policy, making it clear to the public and postal delivery workers that violence is unacceptable and that anyone who attacks Royal Mail staff will be prosecuted. He says an awareness campaign should make sure delivery staff do not feel under pressure to take risks. The company should meet its legal "duty of care," he adds, and should undertake risk assessments on high risk areas and estates, followed by implementation of special control measures. These measures should be regularly audited. "Violence at work is a disturbing problem for society in general and one which should not be tolerated by any decent employer," he said. "It's now one of the fastest growing health and safety concerns in the workplace and one of the top five health and safety hazards."

- [CWU news release](#).

### **Unions warn that violence victims could lose out**

Unions representing frontline staff have warned that government proposals could mean victims of workplace violent crimes lose out. Retail union Usdaw says the Home Office consultation paper's proposals to alter the scheme for compensating victims of crime are "unjust, unwelcome and ill-considered." Mooted changes to the criminal injuries compensation scheme include taking employees attacked at work out of the state funded scheme and passing the burden to employers. Usdaw general secretary Bill Connor said: "We are concerned that if these proposals go ahead, companies will have to divert important funds away from crime prevention and other safety measures to expensive insurance premium payments." Shaun Brady, general secretary of train drivers' union ASLEF, said the scope of the review was too narrow and added that a proposed "tariff" system for compensation awards was unfair. "Compensation should be nothing more than the individual claimant has lost, and an appropriate sum for the pain, suffering and lost activity." The union is also concerned that drivers witnessing suicides on the line will miss out on compensation under the new proposals. The unions' comments reiterate those in a TUC January 2004 response to the Home Office consultation ([Risks 139](#)).

- [Udaw news release](#). [ASLEF news release](#), [full response to the consultation](#) and [campaign postcard](#).
- [Criminal Injuries Compensation Authority](#).

## **Jail law call after firm's £2m disaster fine**

Rail union RMT has said killer bosses should face the prospect of jail time. Commenting after a court fined Thames Trains a record £2 million for its part in the deaths of 31 people in the 5 October 1999 Paddington train crash ([Risks 25](#)), RMT general secretary Bob Crow said: "This is a company that has received huge amounts of money in subsidies, so in effect the public will be paying this fine." The union leader added: "What we need is a corporate manslaughter law so that bosses responsible for causing unnecessary deaths end up behind bars where they belong. Rail maintenance is being brought back in house in the interests of efficiency and safety. It is high time that the same criteria were applied to railway operations too." The train operator admitted that Michael Hodder, the newly qualified driver who was killed in the crash, was not properly trained or warned about the highly complex signalling system outside west London's Ladbroke Grove station. It took a considerable time before Thames Trains was willing to admit its culpability – in January 2002 it announced it intended to sue the Health and Safety Executive for failing to force it to be safe, a move condemned by TUC as "wasteful and irresponsible" in a letter to Thames Trains' top bosses ([Risks 35](#)).

- [RMT news release](#). [HSE news release](#). [The Independent](#). [BBC News Online](#). [London Evening Standard](#).

## **Pilots call for peer support for alcohol problems**

Pilot's union BALPA has said workers with alcohol problems should be given support, not the sack. Welcoming new alcohol regulations covering safety critical personnel in aviation, Graham Fowler, director of flight safety at BALPA, said: "What is new in the regulations... is that police can breath test a pilot or other member of safety critical personnel like cabin crew and engineers if - and only if - they believe they may be over the existing limit. We welcome this." He added that there should be more support for workers in the form of union-run member assistance programmes. "There will from time to time be an errant pilot, and for this reason we would also like the government to support a scheme we have been discussing with ministers called peer intervention," he said. "It enables any pilot who has a problem to obtain support - either directly or with the encouragement of his or her colleagues and family - from a trained BALPA representative. The pilot

can then be taken off flying, given the help they need and restored to flying with the endorsement of the regulatory authorities. They would neither lose their job nor seniority. Such a scheme has worked extremely successfully in the USA for many years.”

- [BALPA news release](#). [DfT news release](#). [Personnel Today](#).
- **Union guidance on [member assistance programmes](#).**

### **Teachers threaten workload action**

Teachers could take industrial action if their workloads are not reduced, a union leader has warned. The government's “workload agreement,” brought in last year, was intended to relieve teachers of tasks like taking the register. But implementation had been “patchy”, Mary Bousted of the Association of Teachers and Lecturers (ATL) said. The reduction in workload was a “contractual requirement” and there was “no excuse” for not abiding by the agreement's terms, Dr Bousted said, adding that local education authorities and headteachers who “deliberately refused” to implement the next stage of the agreement between the government and teaching unions ATL and NASUWT could face disruption. Addressing the conference, TUC general secretary Brendan Barber, said teachers’ workloads must be reduced. “We all know of the damage caused by long hours working, and the evidence of the stress that has been caused, highlighted by the recent findings of the Teacher Support Network,” he said. “Last year 30,000 teachers - one in every 15 - sought the support of the network.” Around 25 per cent of newly qualified teachers leave the profession within five years, many blaming long hours and stress.

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

## **OTHER NEWS**

### **Temporary worker law takes effect**

A new law regulating the behaviour of employment agencies will prevent them ripping off vulnerable workers, says the government. The Conduct Regulations for Employment Agencies Regulations came into force on 6 April. New measures include a duty on employment agencies to obtain information on any health and safety risks known to the hirer and the steps taken to prevent or control those risks. The

Department of Trade and Industry says the new measures will protect more than half a million people working through 17,000 agencies and employment businesses across Great Britain. The rules will be enforced by the DTI's Employment Agency Standards Inspectorate, which currently receives around 10,000 enquiries a year through its telephone helpline. The DTI made 1,500 inspections last year. The maximum penalty for breaking the regulations is a £5,000 fine for each offence and a maximum ban of 10 years. The TUC has warned that the new regulations fall far short of those sought by Europe in a directive being blocked by the UK and other governments. TUC general secretary Brendan Barber said: "The new regulations will not stop agency workers being treated as third class citizens. The government has bent over backwards to the wishes of employers and agency owners, instead of acting to protect the group of workers most open to abuse from unscrupulous employers and rogue agencies."

- [DTI news release](#). [TUC news release](#).
- [Conduct of Employment Agencies and Employment Businesses Regulations](#). **Anyone with a complaint or query about an employment agency or about the law applying to agencies should contact the Employment Agency Standards Action Line by [email](#) or phone 0845 955 5105 (all calls at local rates).**

### **Seventh safety minister in seven years**

Jane Kennedy MP has become minister of state for work at the Department for Work and Pensions – and the seventh health and safety minister in less than seven years. Her responsibilities include: Labour market policy and the economy; welfare to work; Jobcentre Plus; new deals; as well as health and safety at work. She replaces Des Browne, who takes over from Beverley Hughes as immigration minister in the Home Office. Commenting on her new appointment, Jane Kennedy said: "I am absolutely delighted to be joining the Department for Work and Pensions in such an important role. It is a privilege to be taking forward an agenda where so much has already been achieved. I look forward to the challenge of continuing this success." The minister was an organiser with the union NUPE (now part of UNISON) from 1988 to 1992, her last job before entering parliament, and is a former trade union tutor.

- **DWP news release.**

## **Government proposals on new chemical law**

A major European initiative aimed at protecting human health and the environment from hazardous substances is the subject of a new government consultation. Details of REACH - the registration, evaluation and authorisation of chemicals - were published by the European Commission last October ([Risks 132](#)). Defra and the Department of Trade and Industry are now encouraging industry, trade unions, environmental groups and others to comment as part of the UK's own consultation on the REACH proposals. Minister Alun Michael commented: "There will be a 12-week consultation process but given that the process in Europe has already started it's important we receive comments as soon as possible." UK and European unions have given the proposals a mixed response, welcoming measures to make work safer, but warning that the proposals are flawed "because workers and trade unions appear not to have any role within the proposed regime." TUC and its European counterpart ETUC say they are eager to ensure that the new directive: Increases protection of workers from exposure to dangerous chemicals; does not threaten the jobs of chemical workers; and does not lead to the export of risk to workers in developing countries.

- **Defra [news release](#) and [consultation document](#), responses by 25 June 2004. Further information: [European Union chemicals webpage](#). [Chemicals Policy website](#). [ETUC news release](#). [European Economic and Social Committee news release](#).**
- **Latest news on the US government and chemical industry efforts to undermine REACH, from [Confined Space](#).**

## **Smoking ban could slash heart attacks**

New research suggests that a workplace smoking ban could almost halve the number of heart attacks. The study looked at the impact of a smoking ban in the US town of Helena, Montana. Helena imposed a ban on smoking in public in June 2002 but the ban was reversed six months later by opponents of the law. During the ban, smoking was outlawed in all workplaces and public enclosed spaces. The effect on the town's heart attack rate was immediate, with a fall in hospital admissions. The number of heart attack admissions to the town's only hospital, St Peter's, fell from an average of 40 for a half-year period to 24, a 40 per cent drop. After the ban was lifted, heart attack

admissions rose again to their previous level. Professor Stanton Glantz and colleagues from the University of California, San Francisco, whose research is published online by the *British Medical Journal* on 5 April, say the effects of second hand smoke on the blood and arteries "occur rapidly and are nearly as large in passive as in active smokers." They add: "Second-hand smoke increases risk of a myocardial infarction by about 30 per cent." A second study published online the same day by BMJ found that non-smokers in New Zealand who live with smokers have a 15 per cent increased risk of premature death compared with those who live in a smoke-free environment.

- **Richard P Sargent, Robert M Shepard, Stanton A Glantz. *Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study*, BMJ, reference: doi:10.1136/bmj.38055.715683.55, published online, 5 April 2004 [[abstract](#) and full paper [pdf](#)].**
- **Sarah E Hill and others. *Mortality among "never smokers" living with smokers: two cohort studies, 1981-4 and 1996-9*, BMJ, reference: doi:10.1136/bmj.38070.503009.EE, published online, 5 April 2004 [[pdf](#)].**
- **[The Independent](#). [BBC News Online](#). [BBC Scotland](#). [Sky News](#).**
- **Union passive smoking guides: [SmokeatWork.org](#) and [Hazards smoking webpages](#).**

## INTERNATIONAL

### **Australia: Report calls for powerful roving reps**

Union safety reps in the Australian state of Victoria should be empowered to enter non-union workplaces and shut down dangerous premises, says a new report. The proposal comes in a major review of Victoria's occupational health and safety system which also urges tougher penalties for workplace safety breaches, jail terms for serious first-time offenders and a code of conduct for company officers. Report author Chris Maxwell QC said it was inappropriate that jail terms were given only to repeat offenders. He wants prison terms for first offenders guilty of "high-level culpability." Mr Maxwell said only half of Victorian workplaces had workplace safety reps because of ignorance or hostility from managers, and these workplaces needed to be able to

rely on “roving” union safety reps for their welfare. Leigh Hubbard, secretary of the statewide union organisation VTHC, welcomed the call to appoint roving safety inspectors and to improve union rights of entry, but lamented the absence of an industrial manslaughter law from the proposed improvements. “We will be looking at an update of the Act, an examination of where it needs to be strengthened to protect workers, to protect employees and improve workplace safety for employers and employees,” he said.

- [The Age. VTHC OSH Reps. More on union roving reps.](#)

### **Canada: Stop “pretending asbestos safe” call**

The Ban Asbestos Network (BAN) is demanding Canada stop pretending that asbestos is safe. BAN members, which include CUPE and CAW, Canada’s largest public and private sector unions respectively, are also urging Canada to support “prior informed consent” (PIC) requirements for all forms of asbestos imported from Canada by other countries ([Risks 149](#)). At a press conference coinciding with Canadian government public hearings on the PIC issue, Dr David Egilman, president of Global Health through Education, Training, and Service, asked: “Why does Canada oppose regulations that would improve communication regarding asbestos risks in developing countries?” George Botic, CAW national health and safety representative, said: “Government and companies have been telling us for years that we could work safely with asbestos, and now we face an asbestos epidemic with our workers. Why should we believe in 'safe use' now?” In November 2003, Canada derailed the inclusion of chrysotile asbestos in the Rotterdam Convention's Prior Informed Consent Procedure despite pleas from Chile, the European Union and a number of other countries. This issue will be back on the agenda at PIC’s September meeting, where it is thought Canada will once more oppose PIC listing for asbestos.

- [CAW news release. Ban Asbestos Canada. International Ban Asbestos Secretariat. Union guide to PIC.](#)

### **Greece: Workers die for the Olympic dream**

The Olympic image has been severely tarnished by fatalities in the construction of the Athens facilities. Unions say in the period up to the end of March 2004 at least 13 immigrant workers were killed with

scores more seriously injured, racing against the clock to build the facilities for this year's Athens Olympics. "What's happened is criminal in the truest sense of the word and it's been done in the name of profit," said Giorgos Philiouisis, president of the construction workers' union at the Athens 2004 Olympic Village. Union leaders blame the death toll on government early-delivery bonuses. "As the time got pressured with contractors chasing bonuses and without serious health and safety measures the number of accidents increased," said Mr Philiouisis. Union leaders add that contractors may have concealed fatal accidents at any one of the more than 35 non-union Olympic sites. This latest news follows a TUC-backed report last month revealing the exploitation of the global workforce producing the sportswear that will flood the shops ahead of this summer's games ([Risks 146](#)).

- [The Independent](#). [BBC News Online](#). **TUC briefing on the [Playfair at the Olympics](#) campaign.**
- [Play fair at the Olympics campaign](#). [Labour Behind the Label](#). [Make trade fair](#). [Clean Clothes Campaign](#).

### **Japan: Karoshi deaths system speeded up**

Work related sudden deaths in Japan have reached a record high, prompting authorities to speed up the official system to recognise cases eligible for compensation. It will now fast track the recognition of cases of death (karoshi) or suicide (karojisatsu) from overwork so compensation decisions are made within six months. *The Japan Times* reports that the number of applications linked to deaths from overwork is increasing due to the prolonged economic slump and the high unemployment rate. In the fiscal year 2002, there were 819 karoshi applications following deaths from strokes and heart disease caused by overwork, up from 690 the previous year. A record 317 cases were acknowledged, according to the ministry. The number of acknowledged cases more than doubled from the previous year, it says. There were 112 karojisatsu applications, up by 20 from the previous year, among which 43 cases were acknowledged, up 12 on the year before. The TUC and *Hazards* reported last year "the major occupational diseases of the 21<sup>st</sup> century will be heart attacks, suicide and strokes" ([Risks 118](#)).

- [The Japan Times](#). **Union guide to the [deadly dangers of overwork](#) and [related news](#).**

### **USA: Resignations over failed nuclear compo scheme**

Two top US Energy Department (DOE) officials have resigned after revelations that a compensation programme for thousands of sick atomic bomb plant workers had paid out to only one worker. The \$15,000 (£8,150) payout contrasts with the \$74 million (£40.2m) spent on paperwork. Under Secretary of Energy Bob Card and Assistant Secretary of Energy Bev Cook were responsible for a compensation programme called "a catastrophic failure" by one senator last week. Both Card and Cook said they were leaving in two weeks, citing a need to spend more time with their families. The DOE programme was for workers who had become ill due to chemical exposures that fell outside of the Department of Labor's existing compensation scheme for nuclear bomb workers. Many of the ill workers were affected by exposure to beryllium and other highly toxic chemicals. Most of the \$74 million has gone to paperwork, but even so, DOE has completely finished work on only a few hundred of the 23,000 claims. Another five per cent were rejected quickly.

- [Rocky Mountain News](#). [Seattle Post-Intelligencer](#). [Confined Space](#). [Yahoo News](#).

#### **USA: Message to injured workers - adapt or adios**

A worker at a non-union automaker is hurt on the job. After a lengthy recovery period, the worker is ready to return to work, but cannot perform all the tasks the job requires. There is no notion of rehabilitation or reassignment - the worker is likely to be told he can take a skimpy cash settlement and quit, or he can be fired. Contrast that with union workers, says autoworkers' union UAW. The union has negotiated schemes placing injured workers in new or modified jobs. The pick of the bunch is the Accommodating DisAbled People in Transition program (ADAPT) programme in place at auto giants General Motors and Delphi. When a UAW-GM or UAW-Delphi worker cannot perform all the tasks in their original job, ADAPT representatives will first determine if the job can be modified. If not, they will determine what jobs the worker can do within his medical restrictions. If such a job exists and the worker has enough seniority, he moves to that position. If this opportunity does not exist, union representatives will attempt to find transitional work in an effort to keep the worker collecting full pay until medically cleared to return to their original job.

- [UAW Safer Work](#). [Union guides to rehabilitation](#).

## RESOURCES

### **The importance of being rehabilitated**

As part of TUC's evidence to the Work and Pensions Select Committee on the work of HSE/C, the TUC has produced a detailed briefing on the importance of rehabilitation. The TUC briefing says TUC will work in partnership with employers, the government and others "to solve working people's problems and enhance their opportunities. However, when an injustice has been done and we can right it, we will do whatever will work, including legal action." It adds that "rehabilitation is vital for those people who fall through the health and safety net, and can make a contribution of its own to improving health and safety standards especially where people return to work after injury." The TUC briefing says the approach should be "person centred", producing a solution that fits the worker, and should have the backing of new legally required rehabilitation policies at work. TUC adds: "Our main concern is that workers who are injured are too often left to fend for themselves in terms of seeking medical and other care, with the result that 27,000 people every year leave work altogether as a result of a workplace injury or illness."

- [Full TUC rehabilitation briefing.](#)

### **UNISON overcrowding guide**

UNISON has published an information sheet on overcrowding at work. It says the Management of Health and Safety at Work Regulations (MHSW) require employers to assess the risks of hazards (including overcrowding) to employees' health and safety and take reasonably practicable steps to prevent or control - where prevention is not possible - any risks identified.

- [UNISON information sheet on overcrowding \(also available as pdf\).](#)
- **Updated: Information sheets on [sick building syndrome](#) and [UNISON health and safety publications and resources](#).**

## 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**

**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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