

# 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

### **UNISON welcomes life term for nurse attacker**

UNISON Scotland has welcome the life sentence given to a man who attacked a nurse on night shift. William Kerr threatened Perth Royal Infirmary nurse Pauline Dunnery with a knife, repeatedly punched her and tore at her underwear. A judge at the High Court in Glasgow said he had subjected his victim to a "terrifying and sustained attack." UNISON Scotland said it "supports the strong message that this sentence sends out in relation to assaults on public service workers." It added that Ms Dunnery has been exceptionally brave in going public, using her horrific experiences to back the UNISON campaign for improved security for all public service workers. UNISON Scotland says it hopes the Scottish Executive will now "consider broadening the remit of their proposed legislation for the 'protection of emergency workers' to include all public sector workers." Matt Smith, UNISON Scottish secretary, said because Ms Dunnery was attacked on a medical ward she wouldn't not have been covered by the new legislation. He added: "This case proves that the risk faced by public service workers in both emergency and non-emergency situations are fundamentally the same and we believe that any attempt to make a distinction between assaulting a public service worker in an emergency situation and assaulting one in a non-emergency situation to be illusory."

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

### **New forum is food for thought**

Bakers' union BFAWU has backed a new HSE forum for the food and drink manufacturing sector. BFAWU national president Ronnie Draper said is hoped this new forum will be "a prime mover and shaker in delivering new health and safety strategies" as well as advice and guidance on reducing occupational illness and injuries. The forum is made up of representatives from across the whole food and drink industry, including the four major unions operating within the sector, BFAWU, Usdaw, GMB and TGWU. Speaking after the inaugural meeting of the forum, Ronnie Draper said his union was "pleased to be a part of the new forum and we will continue to drive forward the policies that our members need to remain safe and healthy in their working environment."

- [BFAWU news release](#). [HSE food and drink manufacture webpages](#).

## OTHER NEWS

### **Company growth can make workers wilt**

Working for a company that expands rapidly increases an employee's risk of long-term sickness and hospital admissions, say researchers. The Swedish research team, reporting their findings in the *Lancet*, found women working in the public sector were worst affected. Lead researcher Dr Hugo Westerlund said that "large and rapid expansion could lead to problems such as difficulty in recruiting enough qualified personnel and a generally unstable and less than ideal organisational structure." He added: "High workload, plus insufficient practical and social support could be pathways between these organisational factors and health." An editorial in the same edition of the *Lancet* said: "What's the solution? Value people over profits? Recognise human capital as paramount? These answers are obvious. But given the high-handed, soulless treatment doled out today by many employers, it's a start." TUC general secretary Brendan Barber said: "People working for firms undergoing massive change are understandably going to feel nervous about their futures. This is where employers should be managing change as well providing advice and support on relocation, job alternatives, counselling and tips on how to avoid and tackle stress."

- **Hugo Westerlund and others. Workplace expansion, long-term sickness absence, and hospital admission, *Lancet*, vol.363, pages 1193-97, 2004, [full paper](#) and [related editorial](#). [BBC News Online](#). [The Independent](#).**

### **Work stress a "material contribution" to stroke**

An undercover detective who had to carry out a dangerous bugging operation nine times because of faulty equipment has won the right to substantial damages because of the stress-related ill-health it triggered. David Donachie risked his life fitting a tracking device to a car used by a violent gang of thieves outside the pub where they were drinking. Two days after the operation, which fellow officers described as the most stressful of its type that they had conducted, Mr Donachie suffered a stroke. He won the right to damages at the Court of Appeal in London, when Lord Justice Auld ruled that extreme stress had "caused or made a material contribution to" the stroke, which left the

police officer's arms and legs partially paralysed and forced him to leave his job. The judge, sitting with Lord Justice Latham and Lady Justice Arden, said the officer was a victim of negligence and a breach of duty by Greater Manchester Police. The force had no idea that Mr Donachie, 42, suffered from hypertension and was thus more at risk of a stroke but, Lord Justice Auld said, his physical and psychiatric injuries were nevertheless "reasonably foreseeable" in law. Last year, TUC warned that strokes would be one of the major occupational diseases of the 21<sup>st</sup> century ([Risks 118](#)).

- [The Times](#). More on [work-related strokes and heart disease](#).

### **Long hours increase injury risks**

Limited employee involvement in schedule selection, long work days, and an excess of consecutive work days are all linked to increased risk of ergonomics-related injuries, according to a new report. "We have long known that long work hours, high fatigue levels, and work schedules that fail to account for human physiological needs are linked to a 20 per cent increased rate of workers' compensation claims among facilities with extended hours operations," said Kirsty Kerin, a US ergonomics specialist and one of the principal authors of *Ergonomics risks, myths, and solutions for extended hours operations*. Employees who reported little or no influence over their work schedule had significant increases in ergonomic injuries of the shoulders, hips and knees, the researchers found. Report co-author Alex Kerin said: "Involving employees in schedule selection, training workers on managing the work-life demands of working extended hours, and revisiting workplace policies such as break rules and rest periods can significantly decrease the risk of costly accidents and injuries."

- [Circadian Technologies news release](#). **Ergonomics risks, myths, and solutions for extended hours operations, [summary and order details](#)**.
- *Hazards* webpage: [Why long hours are bad for your health](#).

### **Rail safety system facing delays**

A radio system for train drivers recommended after the Paddington rail crash has been delayed by five years. The system, allowing signallers to speak to a number of drivers at the same time, will be delayed from

2008 to 2013 - 14 years after the crash. Thames Trains was fined £2 million last week for safety offences relating to the October 1999 disaster ([Risks 151](#)). A total of 31 people died after an inadequately trained novice driver went through a red light. The safety measure was recommended in an enquiry report into the crash. HSE reported in August last year that many of the safety recommendations of Lord Cullen's report had yet to be implemented ([Risks 118](#)). The delays in what is known as the GSM-Radio system had come about because the initial timescale was too optimistic, Network Rail said. A spokesperson for the Paddington Survivors Group expressed dismay at the delay, adding: "Given that serious rail crashes have occurred on average every two years, the probability is that there will be four or five major crashes before this communication system is in place."

- [BBC News Online](#).

### **HSC says rail safety must be free from business pressure**

The Health and Safety Commission says rail safety regulation must be free from industry and economic pressures. The call comes in HSC's response to the Department for Transport's Rail Review, announced by Alastair Darling on 19 January 2004. HSC chair Bill Callaghan said: "I repeat what I said when the Rail Review was announced – that health and safety must be truly independent of the industry and economic pressures, and that the regulator must have teeth to be able to enforce health and safety measures where necessary." Referring to the £2 million safety fine imposed last week on Thames Trains, he said "the judge remarked that the fine should serve as a reminder of the paramount importance of safety and the prompt attention to risk." Callaghan added: "While good progress has been made in the last few years there are key issues which remain to be resolved; for example, licensing of train drivers. Both HSC and HSE remain committed to the task of working with the industry to ensure reasonable standards of safety for rail workers and passengers alike. They should expect nothing less."

- [HSC news release](#). **Submission to the Secretary of State for Transport from the Health and Safety Commission** [[pdf](#)].

### **Cockle death police head to China**

Detectives are travelling to China to investigate whether three more

people died in the Morecambe Bay cockling tragedy than previously thought. Twenty people were killed when they were caught in fast incoming tides off the Lancashire coast in February ([Risks 143](#)), making it the worst UK industrial accident since the Piper Alpha oil platform disaster claimed 167 lives in 1988. Three more Chinese families have told police they had relatives working in the bay that have not been seen since. Eight detectives from Lancashire Police are going to the Fujian Province to find out if three more could have died. The officers are due to speak to relatives of all the victims and plan to collect DNA evidence during the trip. Inquiries into the tragedy are expected to take a further two to three months. Two people arrested over the deaths of the cockle pickers had all charges against them dropped this week. A further six arrested in connection with the tragedy have had their bail extended by Lancashire Police. Four of these six are no longer suspected of manslaughter and are being questioned over immigration offences.

- [BBC News Online](#). [The Guardian](#). **More on migrant workers' health and safety**.

#### **Death firm fined £25,000 after "catastrophic failures"**

A firm has been fined £25,000 for "catastrophic failures" after a worker was killed when a piece of equipment exploded in his face. John Young, 58, died in September 2002 when an abrasive wheel he was working at burst, causing him fatal head injuries. Glasgow Sheriff Court heard the wheel had been spinning at twice its normal speed and that it, along with other equipment, had been inadequate. Mr Young's employers, Metal Spraying and Process Equipment Ltd, admitted a breach of health and safety law. Sheriff Fiona Reith, QC, said there had been "wide-ranging and significant lapses" by the Glasgow company. "A fine of £25,000 will be imposed, but any figure cannot reflect the loss of this man's life or the continued distress on those close to him," she said. Gary McAteer, defending, said the firm had expressed sorrow for the accident and had fully accepted its failures. The court was told Metal Spray had recently ceased trading.

- [The Scotsman](#). **Information on workplace deaths: Centre for Corporate Accountability. TUC/Hazards "deadly business" campaign**.

INTERNATIONAL

## Australia: Working while sick is less trouble



Australian teachers are going to work ill because it is too much trouble to take the day off, principals and a teachers' union say. Australian Education Union state president for South Australia Andrew Gohl said he was not surprised teachers were not taking all of their sick leave entitlement. "I think, particularly under local management, many staff feel under great pressure to work even when they're probably feeling like they should be at home recovering," he said. "That's because taking sick leave has an impact on the school budget. There's a huge workload attached to taking leave. Teachers have to prepare lessons for the relief teacher when they're away. Many of them would say it's just as easy to go to work." The state's Primary Principals Association president Leonie Trimper said teachers were often conscious of the impact having a day off would have on the school, but added "people shouldn't be working when they're not well." TUC revealed in January that as many as one in five UK workers say they had been to work in the previous month when they were too ill ([Risks 140](#)).

- [The Advertiser](#). Resources: [workSMART sickness absence quiz](#) and [advice](#). [Hazards sickness webpages](#).

## Kenya: Factory workers locked in at night

The Kenyan government is to appoint a special team to investigate reports of employees' rights violations, after it was revealed that workers have been routinely locked in factories overnight. The Central Organisation of Trade Unions (COTU) revealed that the lives of hundreds of workers were in danger in workplaces in three Export Processing Zones (EPZs) – special industrial areas exempted from many business and employment laws - in Changamwe area of Mombasa. In response, Commissioner Cyrus Maina, said he would set up the team. "This is very shocking," he said. "I have never heard of this matter and if that is happening then it's slavery." COTU told the commissioner EPZ employers had locked their workers inside the factories and only returned to release them in the morning. COTU's Joseph Onyango said: "The concerned EPZs are not only violating labour laws and human rights by locking their workers inside the factory with no other exit, but are also putting their lives at risk." He added that the abuse had continued for over a year. In 2002, dozens

of workers locked in a Nigerian rubber factory overnight died when a fire destroyed the building ([Risks 72](#)).

- [Allafrica.com.](#)

### **New Zealand: Court limits work drug tests scope**

New Zealand's largest union says it is to put all workplace drug testing regimes under close scrutiny in the wake of a landmark court decision. The Employment Court ruled that Air New Zealand may not impose random tests for drugs or alcohol across its workforce, but may introduce them in "safety sensitive areas." Engineering, Printing and Manufacturing Union national secretary Andrew Little said that while the decision applied only to Air New Zealand, it gave a good outline of the principles the court would take into account in considering the legality of any drugs testing regime. He added: "Employers need to be aware that in order to introduce any drugs testing system there needs to be extensive consultation with the workforce, and decisions on what is right for a particular company or industry will depend on the circumstances." EPMU led the case for six unions with members at Air New Zealand. It says there will now be further discussion over which workers should be subject to tests.

- [EPMU news release.](#) [NZCTU news release.](#)

### **Russia: Funerals of 47 Siberian mine victims**

The first funerals have been held of 47 Russian coalminers who died when a blast ripped through their pit in Siberia. The explosion hit the Taizhina pit in the Kemerovo region, about 3,000km (1,850 miles) east of Moscow, early on 10 April. Only six of the 53 miners underground at the time survived. A Kremlin statement quoted Russian president Vladimir Putin as saying: "The tragedy took away the lives of brave and selfless people who dedicated themselves to a difficult, dangerous and truly heroic profession." The explosion started an underground fire and caused the mineshaft to collapse in several places. Most of the mine's workers come from Taizhina village and the small town of Osinniki. Russia's mines are chronically underfunded and have been hit repeatedly by fatal accidents.

- [BBC News Online.](#)

### **Spain: More than 8 out of 10 work diseases are missed**

Most occupational disease cases go unrecognised, according to a Spanish study. A report in the journal *Archivos de Prevención de Riesgos Laborales* calculated occupational morbidity and mortality in Spain in 1999 based on similar estimations from other studies. According to the authors' estimates, there were 15,264 deaths related to occupational exposures in Spain in 1999, with cancer and cardiovascular and respiratory diseases accounted for 91 per cent of occupational deaths. The researchers say there were more than 92,000 new cases of occupational disease in 1999 (63.52 per 10,000 workers), with the top problems being musculoskeletal diseases, hearing loss, dermatitis and cancer. The prevalence of occupational diseases was 537 per 10,000 workers, with almost 800,000 workers affected in 1999, mostly by musculoskeletal diseases and psychological problems. However, deaths from occupational diseases don't feature at all in official statistics, says the report. It adds that 83 per cent of occupational diseases in Spain are not recognised or registered.

- [TUTB news report.](#)

### **USA: Voluntary work safety isn't safe**

Company efforts to avoid safety regulation and enforcement by introducing voluntary safety schemes aren't working, according to new research. One of the most widespread, well-resourced and widely cited voluntary compliance initiatives is the chemical industry's "Responsible Care" programme. However, an April 2004 US report, *Irresponsible care: How the chemical industry fails to protect the public from chemical accidents*, has found the voluntary Responsible Care scheme, created by the industry as a measure to avoid regulation and enforcement, had little impact on accident rates. US Public Interest Research Group (PIRG) researchers found chemical facilities owned by companies enrolled in the industry-sponsored voluntary safety programme have had more than 1,800 accidents per year since 1990. "The chemical industry's so-called Responsible Care plan lets the fox guard the chicken coop," said PIRG's Meghan Purvis. David LeGrande, union health and safety expert for the Communication Workers of America, said the safety records of US chemical companies "since the inception of Responsible Care shows that voluntary measures do not work." BP, a British chemical multinational, topped the report's accidents list. In 1999, the International Labour Office criticised the operation of Responsible Care worldwide.

- [US PIRG news release](#). **Irresponsible Care: The failure of the chemical industry to protect the public from chemical accidents: [Executive summary](#) and full report [[pdf](#)]. [Confined Space](#).**

### **USA: Mexican lives come cheap in Florida**

Florida is operating a racially-driven compensation system which defaults to breaking the law rather than pay full death compensation when Mexicans are killed in its workplaces. The scandal came to light when the families of eight Mexican workers killed in a van rollover on April 1 were told they would receive \$75,000 (£42,000) in workers' compensation payments. The families would have received \$150,000 (£84,000) if they were immigrants from Canada, instead of Mexico. The anomaly arises because the compensation system and Florida lawmakers deliberately ignore a Florida Supreme Court ruling that declared the practice unconstitutional. Insurance companies follow the illegal rules Florida should have removed from its law books unless legal representatives acting for the bereaved explicitly direct them not to. This is now even more likely to happen for poorer workers, because last year Florida reduced legal fees available to compensation claimants. "The reason why is racial," said lawyer Jose G Rodriguez, who represents the Mexican consulate and has fought the workers' compensation law. "Canadians are like Americans; they have the same last names, they speak the same language and they have the same colour skin."

- [Palm Beach Post](#). [Confined Space](#).

## **RESOURCES**

### **Getting strategic in Europe**

Union safety officers across Europe are being brought together to devise a common safety strategy. A European Trade Union College course, "How to establish a European trade union strategy on health safety: 2004-2005," aims to equip trade union representatives with the knowledge needed to carry out their functions as health and safety policy works.

- [TUC news release](#).

### **Agriculture prosecution case histories**

The Health and Safety Executive has published a list of some key health and safety prosecutions for the agricultural sector. Case histories cover falls from height, child labour, machinery hazards and electricity. Many of the cases relate to incidents where workers were killed.

- [HSE agriculture case histories](#). Also see [HSE's enforcement action webpages](#), including databases of prosecutions and notices.

### **Australian union call centre safety guide**

Australian service sector union ASU has published a *Good practice guide for occupational health and safety in call centres*. Available free online, the guide "is a resource for call centre health and safety representatives, employees, employers and industry representatives on how to achieve best practice in call centre health and safety." It covers hazards including: Call monitoring; environmental design; acoustic shock; occupational stress; visual and voice fatigue; work organisation; manual tasks; and bullying in the workplace.

- [ASU news release](#). Good practice guide for occupational health and safety in call centres [[pdf](#)].

### **Union Art**

Want to see some interesting ideas on artwork for union safety websites and publications? Canadian group Union Art provides artwork for union publications – a lot of it related to Canadian news, but there's also a lot of good union safety stuff in there that would work anywhere. The materials are available by subscription, with rates starting low and increasing as your circulation goes up.

- [Union Art](#). [Try this Union Art flash animation](#).

## **EVENTS AND COURSES**

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

#### **COURSES FOR SEPTEMBER TO DECEMBER 2003**

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