

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](#).

UNION NEWS

TUC defends the independent rail regulator

TUC is warning that Britain's railways could face a safety disaster if rail safety regulation is moved from the independent Health and Safety Commission and Executive (HSC/E). The TUC alert comes as rumours circulate that regulation of rail safety is to be removed from HSC/E and transferred to the Department for Transport or the Office of the Rail Regulator (ORR). TUC says this shift, sought by the rail companies, "would represent a major victory for those who want to reduce safety standards in the industry." A TUC briefing says a rail review by the Secretary of State for Transport must not result in weaker rail safety regulation. It says: "For some months now the rail industry has been campaigning against what they claim are 'high' safety standards," and concludes: "TUC does not believe that employers should be able to choose the regulation they like. Rail safety is a matter of major public concern and the regulation of safety must be kept separate from economic regulation. There is a strong need for an independent regulator that will ensure that the standards within the rail industry are no less than for other industries and are enforced no less rigorously. If the rail industry gets its way it could be a disaster in every sense of the word."

- **[TUC briefing](#). Get writing! Write to your MP expressing concern at the press reports that rail safety may be compromised, or write to your local newspaper alerting people to what is going on. [Find your MP](#) - you only need to know your postcode.**
- **TUC event: TUC is holding a 25 June London conference on the future of rail safety. Speakers will include TUC general secretary Brendan Barber and Bill Callaghan, chair of the Health and Safety Commission.**

£200,000 payout for bullied teacher

A deputy headteacher and NASUWT member has received an out-of-court settlement of £200,000 after she was bullied by governors. Diane Bradford, 48, who worked at a Coventry primary school, accepted the

payout from the governing body before her personal injury claim was due to be heard at the High Court on 17 May 2004. Mrs Bradford, a teacher for 20 years, was suspended along with her headteacher in August 1999 over a dispute between the senior management team and the governors at Our Lady of Assumption RC Primary. Although both head and deputy were reinstated days later, neither returned to work due to stress. Mrs Bradford has since retired on health grounds. The headteacher received an out-of-court settlement in January 2004. Eamonn O'Kane, general secretary of NASUWT, said Mrs Bradford "was right not to suffer in silence and to come to her union for support." Diane Bradford thanked the union and added: "I urge anyone in a similar situation to contact their union representative."

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

Voluntary New Year's Day code is unworkable

Retail union Usdaw is concerned about an industry effort to stop shopworkers in Scotland getting a legal right to a day off on New Year's Day. Usdaw wants legislation to ban larger stores opening on Christmas Day and New Year's Day in Scotland - giving workers the guarantee of at least two days to spend at home with their families. These measures are contained in a Private Member's Bill prepared by Karen Whitefield, Labour MSP for Airdrie and Shotts, which is now going through the Scottish parliament ([Risks 136](#)). The next stage in the Bill's progress - public consultation - begins shortly. The Scottish Retail Consortium, however, is suggesting retailers could instead sign up to a statement that gives their workers the right to turn down the opportunity to work on New Year's Day. Bill Connor, Usdaw general secretary, said: "Voluntary agreements do not offer any formal guarantees to hard-working staff who simply want a few days to spend at home with their families. Shopworkers want an absolute and legally-backed guarantee that they will not be forced to work on Christmas Day or New Year's Day in Scotland."

- [Usdaw news release](#). [Usdaw Santa Watch webpage](#).

New safety head for Amicus

Chris Ball has been appointed the national officer for health, safety and the working environment for the trade union Amicus. "I am looking forward to this new challenge and dealing with the important issues of health, safety and the work environment," he said on taking up his

new post. "These will be even more important issues as we move into a new era for the union movement, with new legislation coming from Europe to establish works councils in British workplaces, new directives on health and safety issues and our relationship with Europe itself being an issue the British public will face in a referendum." He added: "Amicus, as the union for skilled and professional workers in all sectors, will play an important role in all the debates and campaigns over health, safety and the work environment, over the coming decades. From issues of stress and bullying to demands for a law on corporate manslaughter, I intend to ensure that the voice of skilled and professional people is heard."

- [Amicus safety webpages.](#)

OTHER NEWS

Bringing company reports into the 21st century

Trade and Industry Secretary Patricia Hewitt has announced a consultation on draft regulations intended to ensure companies provide better information on their financial, social, environmental and safety performance. The regulations will spell out the required content of a company's Operating Financial Review (OFR). The minister said larger companies would be required to produce OFRs - a directors' overview of the company - providing relevant business and other information including the company's policy towards its employees, customers and suppliers as well as its social impacts and impacts on the environment and wider community. Ms Hewitt said: "While prepared for shareholders, the OFR will also be useful to other vital stakeholders such employees, customers and environmental groups." The proposals say "information which could be necessary for shareholders to make an assessment of the business includes: an explanation of risk management approaches employed by a company that stores, transports or uses significant volumes of hazardous or toxic substances that risk damaging the health of workers or others, or polluting the environment." OFRs should also provide information on possible risks, including "health and safety and environmental costs and liabilities." TUC's Hugh Robertson gave the proposals a qualified welcome, but added "there must be duty on companies to include in each annual report details of RIDDOR accident, disease and incident reports and all safety enforcement action and penalties."

- [DTI news release, webpage on the Operating and Financial Review \(OFR\) and Draft Regulations on](#)

***the Operating and Financial Review and Directors' Report: A consultative document* [[pdf](#)] – consultation ends 6 August 2004 (for safety related issues see paragraphs 3.33-3.34 and 3.42 and 3.48-3.49). [TUC news release](#).**

The brutal reality of a death at work

Maureen O'Sullivan's father, Patrick, died on the Wembley Stadium construction site on 15 January this year ([Risks 139](#)). Maureen told a 600-strong 28 April Workers' Memorial Day rally and work stoppage at the site ([Risks 154](#)) what that "accident" meant to her and her family. "My mother became a widow at the age of 54 and John and I lost our father," she said. "My father arrived at work early on that Thursday morning, and before most people had even started their working day, my father had been killed. I will never forget identifying his body... Such a warm, vibrant, wonderful man reduced to a corpse. Gone was everything we recognised, all the familiarities of our dad... People try to be kind and say, 'At least he didn't suffer, it was quick...' and that's supposed to be some sort of consolation to mum, John and me. But the fact is, he was denied an old age, the chance to enjoy his retirement after working so hard all his life. But more so, he was denied a dignified and peaceful death surrounded by his family who loved him." Maureen added: "How many men have to die? How many fathers, sons, brothers must be maimed or killed before governments say enough is enough?"

- **The full text of Maureen's speech can be found on [Labournet](#). More on [corporate safety crime campaigns](#) and [Workers' Memorial Day worldwide](#).**

Fear drives Chinese back to cockle beds

The government claims it is clamping down on illegal and deadly gangmasters, but the main losers seem to be the exploited migrants themselves, according to a report in *The Guardian*. It says an increase in the frequency of immigration raids has forced hundreds of undocumented Chinese migrants out of their jobs, often in the catering industry where they worked long hours on low pay as kitchen porters or assistant chefs. Dismissed without notice or redundancy payments, they have been left with no means to support their families other than to return to the cockle beds, where at least 20 Chinese migrants died in February ([Risks 143](#)). Simon Wong, organiser of the Chinese Wah

Sing association in Liverpool's Chinatown, said: "The government's tougher immigration approach is creating a climate of fear among the Chinese, to the extent that no one is on the side of these workers." The newspaper report says many ex-cocklers are returning to Morecambe bay, and know the harshness of the conditions and the dangers that go with them, but have little choice but to take the jobs.

- [The Guardian](#). **Related information:** [Hazards migrants webpage](#). [TGWU gangmasters campaign](#).

Flour dust at work causes asthma



For one in ten of all adults who suffer from asthma, work is the cause warns the Health and Safety Executive (HSE). The safety watchdog says there are at least 1,500 cases of occupational asthma each year and says bakers are one of the most vulnerable groups, as flour and grain is the second biggest cause of occupational asthma. It adds that some 65,000 baking industry workers are potentially at risk from flour dust and has issued a "top ten tips" list on bakers' asthma prevention. A recent survey of 55 bakeries in the UK, conducted for the Health and Safety Commission's Advisory Committee on Toxic Substances (ACTS), revealed a low level of compliance with the Control of Substances Hazardous to Health (COSHH) Regulations, with: Only 26 per cent of bakeries with five or more employees having completed risk assessments; only 27 per cent aware of the exposure limits for flour dust; and most bakeries using inappropriate work practices. In Great Britain in the last three years, HSE inspectors have served 73 Improvement Notices to bakeries on matters relating to flour dust. TUC's *Asthma at work* book, released almost a decade ago, warned that official agencies and employers were failing to recognise or act on a major workplace asthma problem.

- [HSE news release, figures on flour related asthma, guidance on control of flour dust at work and related publications](#). [HSE asthma web resources](#). **Related information:** [Bakers' union BFAWU health and safety webpage](#).
- **Asthma at work: Causes, effects and what to do about them**, TUC, £6 from [TUC publications](#).

New concerns over passive smoking

New evidence has highlighted the risks to workers and the public resulting from passive smoking. An *Evening Standard* investigation discovered that some drinkers in London pubs absorbed nicotine and other harmful chemicals equivalent to smoking one cigarette every three hours. The tests were carried out in four typical London venues – a local pub, a cocktail bar, a gastropub and a cigar bar. The newspaper's reporters provided urine samples before and after attending the venues. The samples were then sent away for analysis. When these lab results were projected over the course of a year, it equated to a typical non-smoking Londoner going out twice weekly smoking 100 cigarettes a year. The risk for professional bar staff, working long shifts several days a week, would be considerably higher. Commenting on the findings Ian Willmore of ASH said: "Over time this really builds up. But even after 30 minutes you are damaging your heart."

- [Evening Standard](#). **Union guidance:** [TUC SmokeatWork website](#) and [Hazards smoking webpages](#).

Spying software watches you work

Spyware has infected almost all companies polled for a survey about web-using habits at work – although most employees are not aware that Big Brother is watching them. Nine out of 10 of the technology managers questioned said machines at their firm had programmes that spied on the browsing habits of staff. The news comes hot on the heels of union research showing excessive electronic scrutiny can lead to stress, anxiety and musculoskeletal disorders ([Risks 154](#)). The latest figures came to light during the annual Web@Work survey commissioned by mail filtering and security firm Websense. The computer staff estimated that, on average, 29 per cent of work PCs had spyware surreptitiously installed. The survey found that employees spend, on average, about two hours per week surfing the web for personal, rather than work, reasons. By contrast, technology managers believed that this personal surfing took up more than six hours per week.

- [Websense news release](#) and [Web@Work survey](#). [BBC News Online](#).
- **Related information:** [Why electronic surveillance is bad for you](#).

Safety whistleblower wins tribunal

A former manager of a Kent-based charity for blind children is to be awarded compensation after blowing the whistle on alleged bullying of staff. The Royal London Society for the Blind, located in Seal, conceded liability on all the claims brought by Tebiena Martin. They included unfair dismissal and whistleblowing, but it denied there had been any bullying or harassment. Mrs Martin worked at the RLSB for seven years, but alleged that in the latter part of her time there, she and a number of other staff were bullied by a senior officer. At an employment tribunal in Ashford, the charity conceded legal liability on all six of her claims. Ms Martin said: "I remained off sick for a while, and eventually was diagnosed with burn-out syndrome. I'm now on incapacity benefit and on medication." The value of the compensation claim will be decided in July. The charity's vice-chairman denied there was any bullying.

- [BBC News Online](#). **Related information:** [Public Concern at Work](#) and [Hazards whistleblowers webpages](#).

INTERNATIONAL

Australia: Smoky clubs a lethal cocktail for bar staff

Five bar staff are killed by passive smoking each month in New South Wales (NSW) pubs, clubs and casinos, a new report commissioned by the Cancer Council and endorsed by unions has claimed. Launching the report, the chief executive of the Cancer Council, Andrew Penman, called for a ban on smoking in bars by 1 July. The report extrapolated measured smoke levels from 17 clubs to the Australian state's pub and club workforce - 40,000 - and compared them to existing studies that linked smoke exposure to death by heart disease and lung cancer. The report's model has been used successfully in US court cases. The report's author is US health physicist James Repace, a visiting professor at Tufts University, who last year wrote a report backed by TUC on the dire impact of passive smoking on UK workers, concluding it kills three UK workers a day ([Risks 101](#)). The president of the Australian Plaintiff Lawyers Association said the latest report added to the growing body of evidence and case law that passive smoking harms bar staff. He compared the failure of the industry and the government to ban smoking to delays in official recognition of the dangers of asbestos.

- [Sydney Morning Herald](#). Related information: [SmokeFree Australia – coalition for safe, clean workplaces](#). [TUC SmokeatWork website](#). [Hazards smoking webpages](#).

Australia: Sickies are the healthy option

Researchers in Australia are attempting for the first time to measure the impact of “presenteeism” on Australia's workers and economy, the phenomenon which sees employees turn up to work despite lacking the motivation or health to be productive. A new health studies centre at the University of Wollongong will study the impact of healthy lifestyle behaviours on the cost of disease and lost productivity. US Professor Dee Edington, visiting Australia for the opening, said: “In the US the cost of presenteeism is believed to equal the sum of absenteeism, injuries and healthcare costs” ([Risks 154](#)). She added: “There is no reason to believe that Australia is any better off.” TUC revealed in January that three out of four UK workers had turned in to work when they were too ill ([Risks 140](#)).

- [Courier Mail](#). Related information: [Union guidance on sickness and presenteeism](#).

China: Workplace deaths up, accidents down

The death toll in workplace accidents throughout China is rising so far this year though accidents dropped slightly,” Chinese government officials say. Wang Xianzheng of the State Administration of Work Safety (SAWS), said so far this year there have been 287,884 work accidents, with 38,189 people killed nationwide. Although total accidents were 4.1 per cent lower than the same period of last year, the death toll climbed 2.4 per cent. The SAWS report adds that following soaring prices and an increasing domestic demand for chemical products, more serious accidents have taken place over the past few weeks, due to outdated technology, aging facilities and poor management. Vice-premier Huang Ju urged all authorities to intensify supervision over the safety of dangerous chemical products. “Comprehensive measures must be adopted to stop accidents of this sort,” Huang said, adding “those held responsible for serious calamities will be brought to justice in accordance with the law.”

- [China Daily](#). Update on latest multiple workplace fatalities: [China Daily](#) and [BBC News Online](#) on multiple work deaths in a cold storage incident.

[Asia News](#) and [Taipei Times](#) on the latest mine tragedies. Related information: [China Labour Bulletin](#).

European Union/USA: Plan to test chemicals irks US

A European plan to make chemical manufacturers test their products for safety before selling them has the US chemical industry and government up in arms. The REACH proposals ([Risks 132](#)) highlight a growing controversy over how to measure risk, as Europe opts for a precautionary approach while US regulators, who critics say are overly influenced by the chemical industry, argue for risk assessment and voluntary measures. This line is echoed by European chemical companies. "It is too bureaucratic and burdensome," argues Ute Jensen-Korte of the European Chemical Industry Council. "A substance could be put on the restricted list simply because of a suspicion that it might be harmful if tests raise doubts." The European Parliament is not expected to debate REACH before autumn this year, however the UK government is currently consulting on the proposals ([Risks 151](#)). 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.

- [Christian Science Monitor](#). [Confined Space](#).
- Further information: [European Union chemicals webpage](#). [Chemicals Policy website](#).

Israel/Palestine: Israeli forces block Palestinian union safety activity

The international trade union movement has protested about the harassment of officials from the Palestine General Federation of Trade Unions (PGFTU) who were attempting to commemorate those killed through work. Senior PGFTU officials, including general secretary Shaher Sae'd, were stopped by Israeli soldiers on their way to a 28 April Workers' Memorial Day ceremony in Hebron. Global union federation ICFTU says the Palestinian union leaders were due to address a ceremony commemorating 14 women workers killed at a gas factory in Hebron in 1999, forming part of commemoration activities on 28 April across the world. Faced with missing the event, the trade

union officials attempted to climb a mountain to enter the city, but were then accosted and threatened by Israeli soldiers. In a letter to Israeli prime minister Ariel Sharon, the ICFTU called on the Israeli government to ensure the Israeli Defence Forces (IDF) refrain from preventing Palestinian trade union officials from carrying out legitimate trade union activities. The letter condemned the Israeli defence forces' petty and unnecessary harassment.

- [ICFTU news release](#) and [letter to Ariel Sharon](#).
[Workers' Memorial Day events worldwide](#).
- **Related information: March 2004 report of [TUC delegation to Israel and Palestine](#), November 2003.**

New Zealand: Unions train 6,000 safety reps



Six thousand trade union health and safety reps have been trained in just one year in a bid to drive down New Zealand's alarming toll of workplace death and injury. Speaking ahead of international Workers' Memorial Day, Ross Wilson, president of the Council of Trade Unions, said latest figures for New Zealand show 73 workplace deaths between July 2002 and June 2003 – a fatality rate several times that in the UK. "There are already 6,000 workplace reps trained or enrolled," he said, adding: "The training gives workers the opportunity to take responsibility and help to protect the health and the lives of their colleagues." The union-led training drive has taken place since the Health and Safety in Employment Act came into force almost a year ago, requiring most workplaces to have elected and trained health and safety representatives. "Overseas experience shows that worker participation in health and safety makes for safer workplaces," Ross Wilson said.

- [NZCTU news release](#). [NZCTU Unions talking health and safety campaign](#) and [Worksafe Reps website](#).



corporate safety crimes

Papers from the Centre for Corporate Accountability's 29 April conference on corporate safety crimes ([Risks 154](#)) are now available online. They include the powerpoint slides of TUC deputy general secretary Frances O'Grady, who told the conference that corporate killing legislation was

conference that corporate killing legislation was long overdue – the Home Office now says its draft law is due sometime in May - and called for 10 year jail terms for employers guilty of killing by gross carelessness. Other sanctions like “corporate probation” and disqualification of directors should be considered, she added, and all Crown Immunity should be dropped.

- [CCA conference papers](#). **Related information:**
[TUC/Hazards deadly business campaign](#).

Migrants get TUC advice on rights at work

To help migrant workers from the expanded European Union understand their rights at work under UK employment law, the TUC has produced a simple advice leaflet that the Home Office has agreed to send out with every new migrant’s registration certificate. The TUC leaflet, *Starting to work in the UK*, sets out clearly what Eastern European migrant workers from the eight EU accession countries need to do when they get a job over here. It advises on how to get a National Insurance number, explains income tax and covers basic rights such as health and safety, the minimum wage, paid holidays and working hours and breaks. TUC general secretary Brendan Barber said: “Workers from Poland, Estonia, Latvia and the other accession states need to be as well-informed as they can be on work issues to lessen the chance that they will be shoddily treated by unscrupulous employers.”

- [TUC news release](#). [WorkSMART guide for migrant workers working in the UK](#). [Working in the UK: Your rights at work](#).

Database links diseases to hazards

Three docs have compiled an extensive database recording the links between hazardous exposures and approximately 200 different diseases. The “Protecting our health” database is the latest in a long line of tools that can be very useful for workplace safety reps researching possible links between substances and health problems at work.

- [Protecting our health database](#). Also see [the Hazards Detective](#) online resources and [Hazards tools for safety reps webpage](#).

Top 20 frequently asked questions

The Health and Safety Executive (HSE) has published online its answers to the Top 20 health and safety questions. So, if you want to know what HSE has to say for itself on asbestos cement, accident reporting, VDU eye tests, breaks, protective equipment, lone working, passive smoking, first aiders, access to drinking water, the minimum number of toilets, safety for voluntary workers and a couple of other issues, then check out the new webpage. Remember, though, HSE talks about what is required by law – which isn't always that high a standard. You can and should negotiate better standards wherever possible.

- **[HSE's Top 20 questions and answers](#). If you want the union answers to many of these questions, check out the TUC's [health and safety webpages](#) and [WorkSMART health and safety pages](#). Or have a look at [your own union's safety webpage](#).**

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR May 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/ 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](#).

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