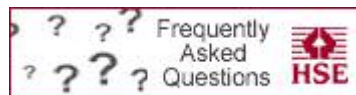


Risks

issue no 156 – 15 May 2004



**HAZARDS
MAGAZINE**



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](#) [Disclaimer and Privacy statement](#).

ACTION

The "Alan" – top new safety activist award

There's a new, highly prestigious award for workplace safety activism to be won – the "Alan." Every year the Hazards Campaign will present an "Alan", an award in memory of top health, safety and environment campaigner Alan JP Dalton, who died in December 2003 ([Risks 136](#)).

The winner of the "Alan" will be the person who has been most effective in identifying and challenging the criminal and the culpable – dangerous, negligent or complacent employers or authorities, for example - in order to make workplaces safer and healthier for workers and the environment healthier for communities. The first "Alan" will be presented at the 2004 National Hazards conference.

- **Nomination forms for the "Alan" award can be obtained [online](#) or from the [Hazards Campaign](#) c/o GMHC, 23 New Mount Street, Manchester, M4 4DE, by Friday 18 June 2004.**

UNION NEWS

Unions mourn Glasgow blast victims and call for answers

Nine workers are known to have been killed and 40 injured, many seriously, in a devastating 11 May plastics factory blast in Glasgow. Early indications are that an industrial oven exploded at Stockline Plastics in the Maryhill area of the city. Police have named the deceased as Ann Trench, 34; Margaret Brownlie, 49; Tracy McErlane, 27; Peter Ferguson, 52; Annette Doyle, 24; Thomas McAulay, 41; Kenneth Murray, 45; and company director Stewart McColl, 60. A ninth victim, so far unnamed, was pulled from the rubble on Friday. There has been extensive press speculation about possible safety problems at the plant – it is known that the company was served a Health and Safety Executive (HSE) improvement notice in February 2000 for failing to maintain adequate risk assessments on hazardous substances. Scotland's top union body STUC has written to the Health and Safety Executive seeking clarification on health and safety enforcement activity at the factory. Ian Tasker, STUC health and safety officer, said: "This is the worst industrial accident in the past 25 years and the STUC considers it a duty, both to the workers in this factory and throughout Scotland, to work to ensure that health and

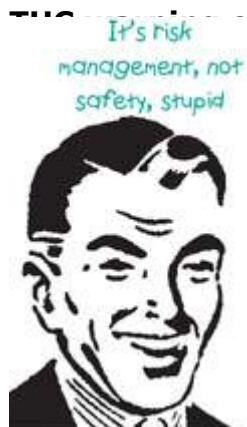
safety procedures and enforcement minimise risks at all times.” He added that STUC’s first thoughts were for the bereaved, the injured and all those affected by the tragedy. Scotland’s first minister Jack McConnell has promised a full and thorough inquiry into the blast. An HSE investigation is underway.

- [BBC News Online](#) and additional coverage on [the continuing search, the firm’s safety record](#) and [MSP official inquiry pledge](#). [STUC news release](#). [UNISON Scotland news release](#). [Sky News](#). [The Independent](#). [Scotland Today](#). [Daily Record](#). [Evening Express](#). [Evening Times](#).

HSC needs “less self-congratulation and more enforcement”

General union GMB is demanding a radical overhaul of the way health and safety regulations are enforced. Kevin Curran, GMB general secretary, said: “The current regulatory system is simply not working, yet the HSE’s new strategy document claims that they ‘have done a great job on safety’.” Speaking prior to giving evidence to the House of Commons Work and Pensions Select Committee Inquiry into the work of the Health and Safety Commission and Executive, the union leader added: “Have they learned nothing from recent tragedies like the one at Morecambe Bay? The GMB is calling for the establishment of an effective enforcement agency dedicated to rooting out and punishing employers who put profit before life and limb.” He said that although the world of work had changed, “what hasn’t changed is the need to enforce health and safety laws effectively, and the HSE should spend less time goal-setting and focus more on ensuring that regulations give workers adequate protection.”

- [GMB news release](#). [Personnel Today](#).



dangerous talk

The TUC is warning that the new style safety-speak from the government and the Health and Safety Commission (HSC) is a dangerous development. New safety minister Jane Kennedy MP said in a speech this week that “risk management” is the key to reducing the number of deaths and injuries in the workplace. The minister said the government’s goal was not a risk free society but one where risk was properly managed and understood, a major theme from HSC’s new health and safety strategy.

theme from HSC's new health and safety strategy, launched in February by HSC chair Bill Callaghan ([Risks 145](#)). "Risk management is the key that unlocks progress while bearing down on resultant suffering and loss of life," the minister said. TUC head of safety Hugh Robertson warns, however, that risk management "represents a major sea change." In a *Hazards* article, he added: "Unless we challenge this new management-speak we will find that safety reps, who have long argued that we get rid of hazards in the workplace, will find that they are being told that HSE policy is that so long as a proper safety management regime exists, that is fine." He said talk of "risk management," the "business case" and "impact assessment" could "pave the way towards a new profit-centred approach to health and safety where unions and their representatives are seen as irrelevant and 'self-regulation' – to use another buzzword – is the order of the day."

- [DWP news release. Hugh Robertson's "Bad language" feature in the new issue of *Hazards* magazine.](#)

A firm without safety reps is not a safe place to work

Employers sensible enough to realise the business benefits that a team of active, highly trained union safety reps can bring to their company are likely to have the safest workplaces in the UK, says the TUC. An article in the Spring issue of the TUC-backed health and safety magazine *Hazards*, looks at the impact union safety reps can have on minimising workplace accidents and injuries. The TUC says that for safety reps to be effective in helping keep work safe, it is crucial that they attend regular training courses. Every year the TUC trains some 10,000 safety reps. However, the TUC is concerned that many safety reps are carrying out their duties without ever having gone on a training course, in some cases because their employer is breaking the law by refusing to give safety reps the time off work to attend a course. TUC general secretary Brendan Barber said: "It's no accident that workplaces where there are unions tend to be much safer places to work. Unions help employers keep their staff safe and their workplaces hazard free. In those workplaces where suspicious bosses refuse to let unions in, it is unfortunately the staff who end up paying the price because they're the one who have to work in unsafe conditions."

- [TUC news release. Danger! Safety reps at work, *Hazards*, No.86, 2004.](#)
- [New! Europe's first website just for safety reps,](#)

Long hours undeniably unhealthy for drivers

Retail union Usdaw is warning transport companies not to “bury their heads in the sand” as the introduction of new regulations on maximum working hours draw closer. Usdaw research has revealed that the excessive hours culture in the road transport industry is damaging the health, family and social lives of UK drivers. The findings, based on survey responses from 750 drivers, suggest one in four drivers work in excess of 60 hours a week. Over 70 per cent said working long hours had damaged their family and social lives, while six in 10 said it had damaged their health. Regulations come into force in March 2005 which will set a 48-hour maximum working week for drivers. Usdaw general secretary Bill Connor said: “Usdaw accepts that change will be difficult for many of the firms in which we have members, but we have already negotiated deals, well in advance of the introduction of the directive, that prove change can be managed effectively. The onus rests with the employer not to leave this to the last minute.”

Agreements with ACC Transport ([Risks 134](#)) and AF Blakemore & Son Ltd ([Risks 141](#)) have resulted in reduced working hours with no loss of pay for around 1,300 drivers.

- [Usdaw news release](#).

GMB acts to defuse asbestos “ticking timebomb”



With the duty to manage asbestos in non-domestic premises coming into force on 21 May, general union GMB says it is concerned that not enough employers and duty holders are taking the issue seriously. Speaking at the launch of *Asbestos – Let’s take control*, the union’s new guide on the duty to manage, GMB health and safety officer Kim Sunley said: “We are giving safety reps the tools to take control and work with their employers to reach compliance. These regulations are about saving the lives of both workers and the public and we will not hesitate to report duty holders who fail to have an asbestos management plan in place within a reasonable time frame.” She added that GMB wants the government to stump up cash to help with asbestos management programmes. “Failure to comply could come down to a number of issues including ignorance, neglect or lack of money,” she said. “Lack of money is a real issue for local authorities, with initial compliance within schools in an average sized local authority costing over half a

million. If asbestos needs to be removed this could cost as much as £3 million depending on the size and age of the school."

- [GMB news release](#). **The GMB guide. Asbestos - Let's take control, is available free to GMB members, £5 to others. Tel: 020 8971 4263.**
- **Related information:** [HSE asbestos duty to manage campaign](#).

ASLEF steps up campaign on criminal injuries

Train drivers' union ASLEF is campaigning against Home Office proposals to bar train drivers involved in suicides and trespass incidents from claiming from the Criminal Injury Compensation Scheme. On 26 May 2004 it wants members to approach passengers at stations and seek their support by completing ASLEF's campaign postcards. The postcards say: "Leaves on the line are the least of my worries. If you are physically assaulted at work you are entitled to compensation. Train drivers psychologically damaged by witnessing a suicide should be too." Retail union Usdaw has also warned that its members could lose out under the Home Office's proposed "tariff" scheme because compensation would not be an "appropriate sum for the pain, suffering and lost activity" ([Risks 151](#)).

- [ASLEF news release, compensation campaign and postcard \[pdf\]](#).

Unfairly sacked sick worker wins tribunal

A Tube train driver was unfairly dismissed while on the sick, an employment tribunal has ruled. RMT member Chris Barrett has indicated that he will be seeking re-instatement. He was fired last year by London Underground after being spotted leaving a sports centre while off work with an ankle injury. However, the exercise was part of a recuperation programme devised by a sports injury therapist. The sacking resulted in outraged workmates agreeing to a 24 hour stoppage in protest ([Risks 137](#)). RMT general secretary Bob Crow said: "The employment tribunal's ruling showed that Chris Barrett should quite simply never have been sacked." He criticised the company for leaking confidential personnel records, a move intended to justify its decision to fire the driver. "We need to know who authorised that leak, and what action London Underground now intends to take against those responsible and to ensure that it does not happen again." He

added: "There was no question of any dishonesty on Mr Barrett's part, yet he was publicly labelled a 'parasite'." London Underground said it has appealed the employment tribunal's decision.

- [RMT news release](#). [BBC News Online](#).
- **Related information:** [Union guidance on sickness absence](#).

Homeworkers "exploited" by firms

The UK government must implement international labour standards if the exploitation of Britain's one million homeworkers is to be halted. *Made at home*, a report from TUC, Oxfam and the National Group on Homeworking (NGH), says homeworkers frequently work for pennies with few employment rights, forced overtime and no health and safety checks. The groups are calling on the government to extend all employment rights to homeworkers and agency and casual workers under the current Employment Status Review. They would also like to see the government implement the International Convention on Homework, the international labour standard set down by the International Labour Organisation (ILO). The three organisations are also calling on retailers to ensure that workers' rights are upheld throughout their supply chains - in the UK as well as internationally. TUC general secretary Brendan Barber said: "The situation is made worse because the law covering homeworkers is unclear. If they complain, it's likely that their supply of work will stop without notice, so many homeworkers stay silent and abuses go unreported. Homeworkers should get the same employment rights as all other employees - their status as third class workers cannot be allowed to continue."

- [TUC news release](#). [The Independent](#). [BBC News Online](#).
- **Related information:** [National Group on Homeworking](#).

Ignorant bosses place pregnant workers at risk

More than two-thirds of pregnant workers are exposed to danger in the workplace because employers ignore a legal duty to carry out risk assessments, an Usdaw survey has revealed. The retail union says fewer than three in 10 pregnant women are given a risk assessment at work, which is a legal requirement under the Management of Health

and Safety at Work Regulations 1999. The statistic is revealed in the initial findings of an Usdaw survey of its members, designed to determine the problems faced in the workplace by pregnant women. Many managers were dangerously ignorant, the study found. Pregnant women working in supermarkets described being put on "light duties" by working on checkouts - a job that, on average, is likely to result in the employee lifting goods weighing in excess of one ton during the course of a four-hour shift. Bill Connor, Usdaw general secretary, said: "Risk assessments are not voluntary, they are required under legally-binding employment regulations. Companies need to scrutinise their health and safety procedures - because too many managers clearly have no idea what they have to do to ensure women are not put at any risk during pregnancy. The current trend cannot continue."

- [Usdaw news release](#). [Western Mail](#).

OTHER NEWS

Families win asbestos court appeals

Two families of workers killed by asbestos cancer have won significant compensation victories. Sylvia Barker, from Flintshire, Wales, fought off an attempt in the Appeal Court to strip her of £152,000 compensation. Her husband, Vernon, died in June 1996 from mesothelioma, a cancer of the lining of the lungs. The Appeal Court in London rejected a claim by the legal successors to the firm involved that it should not have to pay. Mr Barker, who died aged 57, worked at Shotton steelworks on Deeside as a labourer for John Summers and Sons Ltd. The money was paid by Saint-Gobain Pipelines plc - legal successors to John Summers and Sons. In a second case, senior judges in Scotland have signalled an increase in bereavement awards to widows and children of asbestos victims. Josephine Murray, a shipyard worker's wife, had a damages award of £20,000 increased by £8,000 on appeal. Her daughter, Kirsten Allardice, also saw her compensation increased by three judges at the Court of Session, up by £4,000 to £10,000. Scotland's senior judge, the Lord President, Lord Cullen, said they had come to the view that the awards to mother and daughter after Joseph Murray's death from mesothelioma in 2000 were "unreasonably low".

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

Smoking ban in pubs and restaurants moves closer

Britain's pubs and restaurants have failed to persuade ministers to approve a voluntary code for smoke-free areas in bars, signalling a move by the government towards an outright ban on smoking in public places. Reports say a letter from TUC general secretary Brendan Barber to culture secretary Tessa Jowell has been instrumental in changing the government stance. Earlier this year the minister ordered restaurant and pub representatives to draw up a new Public Places Charter outlining measures to protect non-smokers. However, Jowell has been unimpressed with industry proposals for more smoke-free areas, high-tech ventilation and a ban on lighting up at the bar. Ministers say the measures – effectively a voluntary code of practice – do not go far enough. *The Observer* reports that a letter to Jowell from TUC general secretary Brendan Barber, pointing out that the hospitality industry's proposals did not address employees' health and safety requirements, played an important part in shifting government opinion. Unions and anti-smoking group ASH have already put employers on notice that ill-health from workplace passive smoking could result in costly court cases ([Risks 153](#)).

- [The Observer](#). Related information: [TUC SmokeatWork website](#) and [Hazards smoking webpages](#).

Six figure fine after rubber machine accident then death

Sovereign Rubber Ltd of Stockport has been fined a total of £175,000 plus £20,000 costs after incidents in a three week period when a worker was injured then another killed on the same machine. On 29 October 2001 company employee Malcolm France, a maintenance engineer, died while attempting to clear a blockage on a rubber mixing machine. Less than three weeks earlier, on 10 October 2001, his colleague Lee Williams had suffered severe lacerations to his hand while dealing with the same machine but this accident was not reported to the Health and Safety Executive. Pleading guilty at Crown Court to safety offences, Sovereign Rubber was fined £175,000 and ordered to pay £20,000 costs for breaches of the Health and Safety at Work Act and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. Company director David Laurence Wilcox, who has pleaded not guilty to safety offences relating the fatality, will face the Crown Court on 17 January 2005.

- [HSE news release](#).

INTERNATIONAL

Australia: Hurting unions bigger priority than hurt workers

Australia's construction union CFMEU has said it is "appalled" at a federal government decision to allocate \$105 million (£41.4m) of taxpayers' dollars to attacking construction unions while allocating only \$21 million (£8.3m) to addressing safety in the industry. CFMEU national construction secretary John Sutton said the latest federal budget revealed the real priorities of the Liberal government. "The \$21.7 million allocated for the Federal Safety Commission contrasts starkly with the \$105 million the government is prepared to waste attacking building unions and workers who pursue collective bargaining agreements," he said. "Poor safety management costs the construction industry \$190.3 million (£75m) a year, but Peter Costello [the Treasury minister] is not prepared to invest in effective measures to improve the health and safety record of one of Australia's most important industries." CFMEU's Sutton said money was being wasted on the government's "anti-union fantasies" and added: "When it comes to construction, this government is only interested in wasting taxpayers' dollars on attacking workers and their unions."

- [CFMEU news release. Yahoo News.](#)

Canada: Worker wins posthumous safety dispute

A conductor with Canadian company CN rail killed in a train wreck last year has posthumously won a safety dispute with the rail giant. More than a year before he died, Ken Lequesne was disciplined by CN rail after refusing to work in unsafe conditions. Now, the Canadian Industrial Relations Board has ruled CN breached the labour code. Lequesne died in a train wreck near McBride last May. But Tim Secord of the United Transportation Union calls the board's ruling a moral victory. "It's pretty important," Secord says. "It's a vindication. It also sends a message to the other employees that Ken Lequesne was right on the money when he exercised his right to refuse unsafe work, and that those other employees, if they find themselves in a similar situation, should consider doing the same thing." After Lequesne stopped a freight train in 2002 because of problems with paperwork relating to dangerous goods onboard, CN disciplined him for delaying the train by an hour and a half. The Industrial Labour Board ordered CN to rescind its disciplinary action against Lequesne.

- [CBC News Online. More on Canadian workers' right to refuse from WorkRights.ca.](#)

New Zealand: Unions need right to challenge drug tests

Union leader Andrew Little says employees should watch out for employers trying to adopt random drug testing on a point of principle. The EPMU national secretary says employers and unions agree the NZ employment court ruling limiting Air New Zealand's right to randomly drug test workers to those in safety sensitive areas is a victory for common sense ([Risks 152](#)). Employment law specialist Andrew Scott-Howman argues, however, the ruling comes unstuck because of the absence within the court's 80-page deliberations of any definition as to where the "safety sensitive" workplace starts and finishes. Union leader Little says his heckles would rise if the entire transport sector suddenly moved to impose random drug testing on any of its workers driving vehicles. "The question of what is safety sensitive seems to have been left by the court to management's prerogative," he says. "But once an employer establishes an inherent right to impose random drug testing - within areas deemed safety sensitive - it will erode an employee's right to challenge it." As long as this remains a grey area, argues Little, the opportunity for employer abuse will always be there.

- [New Zealand Herald. Related information: Just say no to drugs tests – the Hazards magazine guide for union reps.](#)

USA: Gotham police act on delivery slayings

The high murder rates among food delivery workers has prompted New York police department to launch prevention measures. The *Gotham Gazette* reports the community outreach programmes follow the murder of at least five Chinese delivery workers in the past five years. Officer Michael Lau of the New York Police Department's community affairs office says all delivery staff who work in high-crime areas are susceptible to violence, regardless of race. "It's not just crimes against Chinese delivery people," said Lau, "there are crimes against delivery people in general." Nonetheless, the police department has begun conducting an ongoing series of outreach programmes designed specifically for Chinese delivery workers. Some advocates, however, wonder about the police department's ability to deal empathetically with delivery workers, many of whom are recent immigrants to the United States and who may be undocumented.

Joyce Stephens of the deputy commissioner's office counters that these outreach efforts have led to a flood of tips being phoned in by members of the immigrant community, albeit anonymously. "The contact that we're having is worthwhile in building trust," Stephens said, "Even anonymous tips didn't happen before."

- [Gotham Gazette. NYCOSH news pages on migrant workers at risk in the USA. More on health and safety and migrant workers.](#)

RESOURCES

Hazards magazine out now!



Stop holding your breath- the latest issue of the award-winning *Hazards* magazine, the TUC-backed health and safety quarterly, is now out. If you want to know why TUC is concerned by HSE's latest safety talk, or why unions and occupational health experts are alarmed at a trend towards HSE "enforcement lite", you better get reading. There's features on reps' rights in Canada and a special guide to the wonders of union safety reps' training – what's on offer, your rights to time off and TUC's exciting plans for 21st century safety reps. All this and the most comprehensive union health and safety news and resources available anywhere in print. And all with massive discounts for union orders.

- [Hazard magazine including features on Britain's dangerous new safety talk and safety rep training and full contents page. Subscribe online – including union bulk discount offers \(five and above copies\).](#)

Bullying in the workplace - a survival guide



A new bullying guide from journalists' union NUJ says everyone should be treated with dignity and respect at work, but too often this is not the case. *Bullying in the workplace - a survival guide* says bullying should not be tolerated in the workplace. Employers, unions and all of us as individuals have a responsibility to foster a work environment free from bullying, it adds, pointing out there is no specific law against bullying in the UK or in Ireland, but legislation on health and safety offers victims an indirect

means of redress. One way to stamp out bullying in the workplace is to identify it and stand up to it - together. It takes considerable courage for someone to say that it's happening to him or her, says NUJ, so it's important that they are believed and supported by colleagues and by their union.

- [NUJ news release](#), including link to full publication.

Latest from Europe

Three new reports just in from Europe... *Work and health in the European Union - A statistical portrait* describes the general picture of the characteristics of the European labour force and overall importance of ill-health due to work-related factors. Chapters look at risk factors and safety at work outcomes, work-related diseases and psychosocial problems linked to health and safety at work. The distribution of risk factors and the frequency of accidents at work, work-related diseases and work-related problems of psychosocial nature are described by age, gender, sector of economic activity, occupation and other relevant variables. *Work-related mental disorders: what recognition in Europe?* looks at the recognition of psychosocial disorders as occupational diseases in thirteen countries (not the UK). Eurogip, which coordinated the work, published the study report – and a useful summary is available online. *Human genetic testing: implications and recommendations* is a report including 25 recommendations on how genetic testing can be used in a responsible and ethical way.

- [Work and health in the European Union - A statistical portrait.](#)
- [Work-related mental disorders: what recognition in Europe?](#)
- [Human genetic testing: implications and recommendations.](#)

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](#)

BOHRF occupational asthma review launch, September

The British Occupational Health Research Foundation (BOHRF) is to announce the findings of its review of occupational asthma in September. It says the objective of the exercise was "to produce robust evidence based review and guidelines based on best available scientific evidence worldwide to make practical recommendations on how more effectively to tackle the problem. Deliverables will be targeted at GPs and practice based nurses; occupational health practitioners; respiratory physicians; safety representatives, employees and line managers." September 2004 events in England and Scotland will announce the findings of the review. The London launch is on 14 September and is in the form of a middle of the day press conference. The Scottish launch is a full day free conference in Glasgow on 22 September.

- **Background on the [BOHRF asthma project](#). If you wish to attend either event, contact [Brian Kazer](#), [BOHRF](#), 6 St Andrew's Place, Regent's Park, London, NW1 4LB. Tel: 020 7317 5898.**

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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