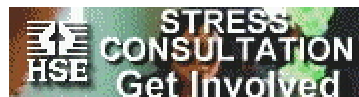


Risks

issue no 159 –5 June 2004



Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Hugh Robertson](#)

CONTENTS

- [Union news: TUC calls for safety rep action on asbestos](#) * [Report praises safety committee after pupil death](#) * [CATU to seek cash for sick potters](#) * [Damages for injured workers who saved colleagues](#) * [Battling teachers face job burnout](#) * [GPMU slams "appalling" packing jobs](#)
- [Other news: Compensation culture is a "damaging myth"](#) * [Families remember blast victims](#) * [HSE abandons some death and injury probes](#) * [Corporate responsibility scheme is "not working"](#) * [Labour plans public smoking ban election pledge](#) * [Man banned from every UK hospital](#) * [Occ doc sicknote plan report due soon](#)
- [International news: Australia: Working for a living can kill you](#) * [Europe: Challenge to finance employers over stress](#) * [Global: Cigarette smoke is drifting out of work](#) * [Japan: Record numbers worked into the ground](#) * [New Zealand: Meatworkers face higher risk of cancer](#) * [Singapore: Work deaths prompt safety review](#) * [USA: Worker safety is a casualty of "special interest takeover"](#) * [Safety officers warn of holiday danger for road workers](#)
- [Events and courses: TUC courses for safety reps](#)

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[available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#).

UNION NEWS

TUC calls for safety rep action on asbestos

The TUC is calling on union health and safety reps to check their employer is complying with new legal duties under the asbestos management regulations. A TUC factsheet explains the new requirements on duty holders to record the presence of asbestos in the workplace and says what safety reps should do to make sure their employer complies with the law. It advises safety reps to make sure their employer is aware of the new duties and says reps should ask to be involved in the survey process. The factsheet says: "As a union safety rep you have the right. Ensure that whoever is going to do, or has done, the survey is competent to do so." The safety rep should check that their employer has consulted all those affected by the regulations, it adds. Finally, the rep should talk to their members and keep them informed of their discussions with the employer and ensure the employer is keeping staff informed. The factsheet includes action checklists, a summary of the new duties and links for further information.

- [TUC asbestos factsheet](#).

Report praises safety committee after pupil death

Staff at Hay Lane school in London were devastated by the death of a pupil on a school trip. The staff, who were exonerated in the Coroner's enquiry, were determined to prevent another tragedy. The school's unions called for the creation of a health and safety committee, with equal representation from management and the unions, NUT, UNISON and ATL. Improvements were made to safety procedures as a result of this collaboration. Their efforts were rewarded when an OFSTED inspection highlighted the "health and safety culture" as a strength of the school. Gill Reed, Brent NUT health and safety officer, said the local education authority has now agreed to promote this style of committee in all Brent schools. She added: "Hay Lane was the first school to adopt this model of safety committee. This shows what can be done when unions and management collaborate."

- [NUT Brent news release](#). **Related information:**

HSC's safety reps' charter for the education sector

[\[pdf\]](#)

CATU to seek cash for sick potters

Potters' union CATU is investigating ways to win financial support for sick ceramics workers. The union has been in talks with its legal advisers about a strategy to get chronic bronchitis and emphysema recognised as government-compensated industrial diseases for pottery staff. CATU say the legal advice so far is "positive" and they hope to be able to launch a campaign to get the conditions recognised as "prescribed industrial diseases", qualifying for industrial injuries benefits. CATU general secretary Geoff Bagnall said: "Some positive elements did come from the meeting but we still understand it's going to be a difficult job that we have in front of us." Mr Bagnall was unable to say exactly how he hopes the investigation will progress or give a timescale. Miners are now able to claim government payouts for work-related bronchitis and emphysema, thanks to vigorous campaign by mining unions. And general union GMB won a common law emphysema test case for welders with emphysema.

- [Staffordshire Sentinel](#). **Related information:**
Hazards guide to the UK compensation system
[\[pdf\]](#).

Damages for injured workers who saved colleagues

A Doncaster engineering worker, whose hand was crushed as he tried to save workmates from injury, has been awarded a four-figure sum in damages. Gordon Robson, 28, was working on a racking system at Polypipe when the accident happened last year. He had climbed up a four-tier storage unit to replace a loose runner. As he completed the job, a forklift truck operated by his supervisor knocked the heavy metal track. Mr Robson - fearing it would plummet down on to colleagues working beneath - grabbed hold of the runner as it fell, trapping his hand between it and the stillage (storage rack) it was supporting. Steve McCool, ISTC divisional organiser for Yorkshire, said: "Gordon suffered a painful injury in preventing his workmates being in hurt. He was brave but should never have been exposed to this risk in the first place. The ISTC is delighted that we able to offer him the free legal cover that we offer to all members and that he was able to gain significant compensation for his injury." The union's legal advisers said there "was a clear case of negligence on behalf of his employers,

Polypipe.”

- [ISTC news release](#).

Battling teachers face job burnout

Secondary school teachers are spending so much of their working day dealing with worsening pupil behaviour that many fear they will be burned out long before retirement. An independent report, *A life in secondary teaching: Finding time for learning*, was commissioned by teaching union NUT from John MacBeath and Maurice Galton of Cambridge University's faculty of education. The first major study of the views of secondary school teachers on their workload, it asked them to list what they considered the biggest obstacles inhibiting their teaching. The researchers spoke to 230 teachers and 60 pupils at 63 secondary schools and concluded that “the issue of overriding concern” was poor pupil behaviour. The report also found teachers' working weeks ranged from 45 to 70 hours, including up to two hours at home in the evening and at least three hours at the weekends. Doug McAvoy, general secretary of the NUT, said: “The report paints a disturbing picture of declining pupil behaviour fuelled by large class sizes, pressure to meet targets, an inappropriate curriculum and a lack of time for teachers to discuss the problems with colleagues.”

- [NUT news release](#) and report [\[word\]](#). [The Guardian](#). [BBC News Online](#).

GPMU slams “appalling” packing jobs

A major packaging supplier to the supermarkets Tesco, Sainsbury's, Asda, Safeway is employing non-English speaking workers in “Dickensian” conditions as strike cover, according to the union GPMU. Europackaging, a Birmingham-based company that turns over £200m a year making food packaging, is requiring an 84 hour working week on the minimum wage with no days off for weeks at a time, says the union. It says when 175 shopfloor workers firm joined the GPMU, bosses began sacking them. The remaining employees voted to strike, with the company responding by dismissing more workers. Now the GPMU says it has been told that the company has started to bring in asylum seekers to do the work instead, while the remaining staff continue their picket line. Tony Burke, deputy general secretary of the GPMU, said the use of asylum seekers as replacement labour “is highly illegal and dangerous for those individuals, and supermarkets like

Tesco and Sainsbury's need to know of these circumstances as soon as possible."

- [GPMU news release](#). [No Sweat.org](#).

OTHER NEWS

Compensation culture is a "damaging myth"

Britain's "compensation culture" is a myth, an official investigation has found. David Arculus, chair of the Better Regulation Task Force, said he wanted its report, *Better Routes to redress*, "to act as catalyst for an informed debate about how the perception of the compensation culture can be tackled. The issue is too important to ignore – what's needed is a good dose of reality to dispel this damaging myth." Report recommendations include a call for the government's Chief Medical Officer to lead a cross-departmental group to assess the economic benefits of greater NHS-provided rehabilitation. It adds that the Department for Work and Pensions should lead a group including insurers, lawyers, HSE, the NHS and other interested parties, to look at developing mechanisms for earlier access to rehabilitation. Both groups should report by February 2005, it said. The report added that the Health and Safety Executive should publicise better its information on the beneficial tax provisions relating to employers purchasing occupational health support. The Health and Safety Commission, the Association of British Insurers and the TUC have welcomed the report.

- **Better Regulation Task Force [news release](#) and ["Better Routes to Redress" full report](#). [HSC news release](#). [ABI news release](#). [Civil Justice Council news release](#). [BBC News Online](#).**

Families remember blast victims

As recent workplace tragedies focus attention on safety enforcement in Britain's workplaces, relatives of people killed in one of Britain's worst industrial accidents are commemorating its 30th anniversary. Twenty-eight people died in the explosion at the Nypro Chemical Plant in Flixborough on 1 June 1974. The explosion also injured 53 residents living near the plant, which was reduced to a mass of rubble and metal. An official report said the number of casualties would have been far worse if the blast had happened on a weekday when the main office would have been full of workers. Concerns about workplace

fatalities have risen again recently. Last month's explosion at the ICL plant in Glasgow killed nine, the worst factory fatality toll since Flixborough, and also occurred in a residential area ([Risks 158](#)). This followed the Morecambe Bay tragedy in February ([Risks 143](#)) - 23 Chinese migrant workers are now thought to have perished, although only 21 bodies have so far been recovered. Also in February, four rail maintenance workers died on the track in Cumbria ([Risks 144](#)). The spate of multiple workplace fatalities comes amid growing concern about an HSE drive for less enforcement and greater self-regulation of safety ([Risks 158](#)). A succession of bodies giving evidence to the House of Commons Work and Pensions committee on the work of HSC/E have criticised the strategy shift.

- [BBC News Online](#). **Why self-regulation isn't the answer – arguments from TUC and Hazards.**
[Hazards deadly business webpages](#).

HSE abandons some death and injury probes

Deaths and injuries to members of the public, which until recently would have been investigated by the Health and Safety Executive, will no longer be subject to inquiry, the Centre for Corporate Accountability (CCA) has said. It adds that under the new system HSE will also no longer inspect hospitals, the police, local authorities and others to see whether they are complying with their public safety duties. The policy is outlined in an internal "operational circular" to inspectors obtained by CCA. CCA director David Bergman commented: "The HSE has a statutory obligation to establish adequate arrangements for enforcing public safety duties imposed upon employers under health and safety law. This new policy appears to be an attempt to subvert this requirement." CCA is currently representing three families whose relatives have died, where HSE is refusing to investigate. It says the principal reason for the new approach appears to be lack of financial resources.

- [CCA news release](#) and [CCA briefing on HSE and public safety](#). **The new HSE operational circular OC130/9 [[word](#)].**

Corporate responsibility scheme is "not working"

The government's global framework for corporate social responsibility is not up to the job and has been "effectively ghost-written by the

CBI." The criticism of the government's voluntary Corporate Social Responsibility (CSR) International Strategic Framework comes in letter to ministers from CORE, a corporate responsibility coalition including charities, unions and campaign and business groups. In the letter to trade secretary Patricia Hewitt, the groups say the framework is "inadequate." The letter adds: "There is an assumption that existing CSR initiatives are successful in their outcomes [and] there is little evidence that major global corporations have integrated the social and environmental impacts into their business model and strategy." It urges the government to launch a high-level seminar to include unions and campaign groups rather than "publish strategies effectively ghost-written by the CBI." The signatories are also pushing for an independent working group to shape CSR government policy. In February, HSE launched its strategy to increase great corporate social responsibility on safety ([Risks 143](#)). In 2002, it made similar overtures to institutional investors ([Risks 56](#)).

- [The Observer](#). [CORE – the corporate responsibility coalition](#).

Labour plans public smoking ban election pledge

Labour is preparing to go into the next election with a manifesto commitment to ban smoking in public places, it has emerged. *The Scotsman* reports that Alan Milburn, the former health secretary, is drawing up Labour's manifesto for the next general election, expected next year. He is understood to have won approval from senior Cabinet members to include a ban on smoking in public places as party policy. Labour is hoping that individual parts of the UK - such as Scotland and London - will take action first, easing the progress of the country-wide ban. A spokesperson for Mr Milburn said: "A smoking ban in public places will be with us soon. It is necessary, it is overdue and it will improve the nation's health." Mr Milburn has studied the effects of the smoking bans introduced in Ireland and in New York, which his spokesperson described as "a huge success." TUC and hospitality unions have spearheaded a UK campaign for the protection of workers from secondhand smoke.

- [The Scotsman](#). Related news: [Scotland's smoking ban campaign](#).
- [TUC SmokeatWork.org](#) website and [Hazards smoke at work news and resources](#).

Man banned from every UK hospital

An abusive patient has become the first person to be banned from entering or calling all NHS premises or private clinics in the UK. Norman Hutchins, 53, from York, was made the subject of an anti-social behaviour order (ASBO) by magistrates. The court was told he had verbally and physically abused NHS staff 47 times in the last five months. NHS security managers asked for the ban following an incident in which Hutchins was found with a knife. Hutchins was said to have a fetish for surgical masks and would contact NHS organisations to get them. Jim Gee, chief executive of the NHS Security Management Service (SMS), said NHS staff were pleased the order had been made. He said: "This order sends a strong message to anyone who would consider acting violently or abusively towards NHS staff." More than 116,000 incidents of physical aggression or verbal abuse against NHS employees were reported last year, but resulted in only 50 prosecutions. In December, health secretary John Reid launched a strategy to bring more perpetrators to book, including an electronic reporting system and streamlined arrangements for cautioning and prosecuting offenders.

- [BBC News Online](#). [The Guardian](#). [Daily Telegraph](#).

Occ doc sicknote plan report due soon

Government research into ways to shift the responsibility for issuing sicknotes from GPs to other healthcare professionals is nearing completion. Jane Kennedy, minister of state for work at the Department for Work and Pensions (DWP), said last week there was a culture in the UK for GPs to sign people off sick too easily. She said that the government was actively looking at handing sicknote responsibility to health professionals such as occupational health professionals and community nurses. The minister conceded that there would be a big training agenda involving line managers, employers and unions if that approach was to be adopted. A DWP spokesperson told *Personnel Today* that an initial report was due over the summer and until then, no decisions would be taken. In April last year, TUC warned that any shift to company doctor issued sick notes would only work if staff believed their was "unbiased and independent advice on treatment" – and that means unions have to be involved in selecting, managing and running workplace occupational health services ([Risks 103](#)). Unions are concerned that some company doctors have closer

links to the personnel department than the workforce ([Risks 134](#)).

- [Personnel Today. Union news and guidance on workplace sickness.](#)
- **Other sick news this week:** [The Observer - Sick day](#); [Ferry company acts over sick pay](#); [Teachers taking more sick days.](#)

INTERNATIONAL

Australia: Working for a living can kill you

For more than 2,000 Australian workers every year, something goes fatally wrong on the job - sometimes catastrophically, but more often in ways that are slow, insidious and unseen. According to the latest available figures, in 2001-2002 there were 297 "compensated fatalities as a consequence of workplace activities" out of a national workforce of almost 10 million people. But no one with the remotest understanding of the issue pretends that this is but a proportion - maybe less than a tenth - of the real figure. John Bottomley, of the Uniting Church's Urban Ministry Network, says: "The industrial deaths figure is misleading because it largely excludes deaths from industrial diseases... things like strokes, industrial cancers and so on." Work-related suicides and many road deaths also fail to register. Worksafe Victoria executive director John Merritt says that extrapolating research being done in the US and Finland could lift the national figure to as many as 4,500 annually. Australian Workers Union national safety representative Yossi Berger goes further, saying the toll is more like 8,000 when you consider "all those silent occupational diseases" such as benzene-related leukaemias and chemically related diseases that might take 30 years to kill someone.

- **The Age, 31 May [article](#) and 1 June [editorial](#).**

Europe: Challenge to finance employers over stress

A union group is to challenge European finance employers to take joint action against growing levels of stress at work. A European - or even global - day of action is under consideration to highlight the stress levels faced by finance staff internationally, says union umbrella group UNI-Europa. A campaign to bring down working hours by tackling unpaid overtime in the European finance industry is also on the agenda. The union body says European finance employers have

refused so far to take action with unions on the issue, but delegate after delegate to the UNI-Europa Finance conference in Luxembourg called for action at a European level between unions and employers. Growing workloads, fewer staff, outsourcing, a lack of control of working lives, targets, measurements and longer working hours - often through unpaid overtime - have all been identified as factors contributing to record levels of stress in the industry. "Stress is not a personal issue, it's a structural issue and it's not a coincidence," said Paul Schroder of the Australian finance union FSU. UNI-Europa president Sandy Boyle called stress "this cancer which is eating away at our workplaces."

- [UNI news release](#). More on [union approaches to stress at work](#).

Global: Cigarette smoke is drifting out of work

One of the most serious occupational safety and health hazards of our time - smoking - is slowly but surely drifting out of the workplace, says the International Labour Organisation (ILO). A new ILO study provides a global overview of anti-smoking efforts in the world of work. *Workplace smoking* shows that attitudes towards smoking are changing all over the world, although many workers still face a long road to clean air where they work, especially in the hospitality industry. "We are dealing with one of the most serious occupational safety and health hazards of our time," says Carin Håkansta, author of the report. "The negative health effects of smoking and passive smoking have become common knowledge in many parts of the world." The study says trade unions, especially in the hospitality industry, are increasingly vocal in demanding protection for their members against "passive" or "secondhand" smoke. Håkansta says there is still some way to go. "It will take time before awareness levels are where they should be, and before the main actors deal with the issue in a responsible way."

- **Workplace Smoking. A review of national and local practical and regulatory measures, ILO, 2004 [pdf].** Related information: **Stories this week on smoking bans in [Norway](#), [Ireland](#) and [Uganda and Tanzania](#).** BBC News Online: [Smoking – the global picture](#).

Japan: Record numbers worked into the ground

A record 438 people applied for worker's compensation for mental illness caused by overwork last year, according to new figures from Japan's health ministry. The workers developed health problems such as post traumatic stress disorder (PTSD) and depression. The year from April 2003 also saw a record 108 compensation payouts approved. Of these, 40 of the awards were to the dependants of victims of work-related suicide. Most of the affected workers were under 50 years of age. The latest figures also reveal 705 people applied for workers' compensation for work-related brain or heart diseases (stroke or heart attacks), with 312 granted payouts. A lawyer who leads a network for workers who die from overwork gave a warning. "Even though Japan's economy is back on the recovery track, many try to commit suicide from overwork," the lawyer said. "Cases that should have been recognised as death from overwork are not recognised as such resulting in many cases becoming court battles."

- [Mainichi Shimbun](#). Related information: [The deadly dangers of overwork](#).

New Zealand: Meatworkers face higher risk of cancer

Meatworkers face a higher risk of cancer, new research has shown. Latest findings from New Zealand reinforce international studies linking work as a butcher or slaughterhouse worker with an increased risk of lung and larynx cancer, leukaemia and lymphoma. Dave McLean of Massey University's Centre for Public Health Research said his study of 6,647 people who worked at three plants found the rate of lung cancer in the group was "significantly higher" than in the general population. Mortality from all causes was higher than expected in the general population - 227 deaths compared with 204 expected - and from all cancers, 69 compared with 61 expected. A significant number of deaths, 23 compared with an expected 13, were from lung cancer. The study found a strong relationship between lung cancer and how long people had worked in certain jobs, and evidence of an association between lymphoma and how long people had worked in meat processing and plant services.

- [Massey University news release](#). [New Zealand Herald](#).

Singapore: Work deaths prompt safety review

Singapore's leaders have assured the public the government will get to

the bottom of recent industrial accidents. Deputy prime minister Tony Tan said the government is very concerned about a recent spate of accidents. He was speaking after seven workers were killed at the Keppel shipyard. The tragedy followed April incidents in which a highway collapse killed four and two died in a car park construction accident. Mr Tan said: "I think the relevant ministries will have to take a very close look at the regulations to see what needs to be tightened up. None of the three accidents should have happened. There were procedures in place, they were meant to prevent such tragedies from happening... but they have happened so there's no point pretending that this is not the case. One death, any death is one death too many." In the latest incident, five Indian nationals and two Malaysians were killed after a fire swept through a Portugal-registered oil tanker undergoing repair at the Keppel shipyard.

- [Channel NewsAsia](#) and report on the [Keppel Shipyard fire](#). [ABC News](#).

USA: Worker safety is a casualty of "special interest takeover"

A new report shows worker safety and public health measures have been undermined by a big money "special interest takeover" of US policy. "Special interests have launched a sweeping assault on protections for public health, safety, the environment and corporate responsibility — and unfortunately the Bush administration has given way," says *Special interest takeover: The Bush administration and the dismantling of public safeguards*. The report was published by Citizens for Sensible Safeguards (CSS), a coalition of unions and other pressure groups. It reveals that many former business executives have won appointments to regulate the same industries in which they formerly worked and that whistleblowers have been muzzled. "Crucial safeguards have been swept aside or watered down; emerging problems are being ignored; and enforcement efforts have been curtailed, threatening to render existing standards meaningless," the report says. Last month, a series of business-friendly workplace safety bills passed their first legislative hurdle ([Risks 157](#)).

- [News release](#) and summary [[pdf](#)]. [Center for Sensible Safeguards](#). Full report: **Special Interest Takeover: The Bush administration and the dismantling of public safeguards** [[large pdf](#)]. [AFL-CIO news release](#). [Straight Goods](#).

USA: Safety officers warn of holiday danger for road workers

As holidaymakers hit the road this summer workplace safety officers in the US are reminding motorists to be aware that for many drivers, the road and their vehicle are where they work. The American Society of Safety Engineers (ASSE), the organisation representing US safety officers, says transportation accidents are the number one cause of work deaths in the US. Policemen, firemen, emergency medical technicians, salespeople, utility workers, delivery workers, truck drivers, construction workers and many more are at work while on the road and at risk every day. "With hundreds of thousands more vehicles expected to be on the road this summer it is important for all to drive safely or face a season of increased roadway crashes, deaths, injuries and property damage," ASSE president James "Skipper" Kendrick said. Of the 5,524 workplace fatalities recorded in the US in 2002, 43 per cent were a result of transportation accidents. Truck drivers recording the most fatalities with 808, followed by farm industry workers at 519.

- [ASSE news release](#). **Related UK information:**
[Occupational Road Safety Alliance \(ORSA\)](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR June 2004

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

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What's new in the [HSC/E](#) and the [European Agency](#).

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