

# Risks

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**HAZARDS  
MAGAZINE**



back pain

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 9,100 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](#)

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## UNION NEWS

### **Call centres are bad for you**

Call centres are bad for your income and bad for your health, whether you work in one in the UK, India or China, says the public service union UNISON. It adds that excessive stress levels in some centres has made some staff so miserable they couldn't bear to go back to work. UNISON's energy conference agreed a range of measures to combat call centre health and safety problems, including investigating sickness and stress levels in call centres and campaigning to protect members, raising the issues with the Health and Safety Executive and the TUC and lobbying the government. HSE issued health and safety guidance for call centres in December 2001 ([Risks 32](#)). The expanded HSE advice included new guidance on verbal abuse, stress, good practice on length and frequency of breaks with a recommendation of at least five minutes off every hour, and hearing problems.

- [UNISON news release.](#)

### **TGWU negotiates working time cuts with no loss of pay**

Union members at one of the UK's largest haulage companies have backed a deal negotiated by transport union TGWU to reduce working hours in line with the working time directive but with no loss of pay. The guaranteed week at Christian Salvesen, which has depots around the UK, has been reduced from 50 to 48 hours on a newer, higher, basic rate. TGWU national secretary Steve Turner said: "The new directive on working time will improve working life for Britain's drivers, and this deal shows that it can be achieved without loss to pay. Consolidating earnings into new basic rates has led to substantial increases for drivers, with added protection if working hours drop from March 2005." Trevor Cork, TGWU national chair, said: "The deal delivers real gains for our members and gets the structure right to push on for our £10.00 per hour target with the introduction of the regulations in March 2005."

- [TGWU news release.](#) **Related information:** [TUC It's about time! campaign](#) and [Hazards worked to death webpages.](#)

## **PCS calls for union and safety rights**

The government is failing to acknowledge that it is missing its own workplace health and safety targets and instead is reducing expenditure on safety enforcement, the union PCS has said. Delegates to the union's annual conference agreed that HSE and local authorities are facing budget cuts in real terms and are unable to visit or inspect more than a small proportion of workplaces. PCS, which is one of the main unions for HSE staff, said employers are "getting away with flouting the law." A conference resolution says PCS must campaign for the government to take measures including: Introducing a law on corporate killing; imposing specific health and safety duties on company directors; giving safety reps the power to issue provisional improvement notices; and allowing trade unions to represent members whether or not they are recognised for collective bargaining. The resolution calls for a considerable boost to HSE's resources. PCS should also "unite with other trade unions to promote union safety representation as the proven method of worker involvement in health and safety at work," the conference agreed.

- [PCS news release](#). Related information: [Provisional Improvement Notices](#) and [roving safety reps](#).

## **CWU's 24/7 action on workplace harassment**

Communications union CWU has introduced a 24/7 national harassment helpline. The move comes hot on the heels of an agreement between the union and equal opportunities watchdog EOC to clampdown on harassment everywhere CWU has members ([Risks 160](#)). Those CWU members who feel unable to talk to anyone locally will be able to log their concerns with the helpline and will have the opportunity to talk in confidence to a professional counsellor. Alternatively, members will be able to email their complaints to the dedicated helpline mailbox. The union has also introduced a new complaints database. CWU says it wants "to do all we can to ensure that our workplaces are free from the misery caused by harassment and that all workers can expect to be treated with dignity and respect." Commenting on the new accord with EOC, CWU general secretary Billy Hayes said: "We are acutely aware that problems of bullying and harassment, including sexual harassment have existed within our industries. With the aid of the EOC we have mapped out a strategy for ensuring our workplaces and our union are prejudice-free zones."

- [CWU news release.](#)

### **Usdaw xmas campaign clears crucial Commons hurdle**

A campaign to protect shopworkers from being forced to work on Christmas Day took a big leap forward on 18 June when a Private Member's Bill cleared an important hurdle in the House of Commons ([Risks 158](#)). The Christmas Day (Trading) Bill, introduced by Durham North Labour MP Kevan Jones, passed its third reading. The Bill now goes to the House of Lords and remains on course to ban large stores from opening on 25 December in England and Wales from Christmas 2004. John Hannett, Usdaw general secretary, commented: "Even Scrooge gave his staff the day off. Shopworkers aren't asking for the world. They work incredibly hard all year round, but particularly so in the weeks before Christmas and then during the sales season that follows." He added that he was grateful that the MPs had shown "they understand the demands placed on retail workers and ensured Kevan Jones' Bill continues its progress through parliament." The Bill has cross-party support – and the government had already signalled its approval for the Bill when Patricia Hewitt, trade and industry secretary, urged retail companies to voluntarily keep their big stores closed on Christmas Day 2003, in anticipation that legislation would be in place to force closure in 2004. Over 250,000 people have signed an Usdaw petition calling for a ban on Christmas Day trading in large stores.

- [Usdaw news release](#) and [campaign webpage.](#)

## **OTHER NEWS**

### **Killer chimney bosses escape with a fine**

Company bosses criticised in court for a series of fatal safety blunders have escaped with fines totalling £17,000. A safety review has now been ordered by Crown Holdings plc following a fireball explosion at the Carnaud Metalbox factory in Westhoughton which killed Craig Whelan and Paul Wakefield. Factory bosses Ian Billington, Colin Stevens and engineer John Kither were fined a total of £17,000 for breaches of health and safety laws. They were originally charged with manslaughter, but these charges were later dropped. In May 2002, the two steeplejacks were engulfed in an intense fireball while they were carrying out demolition work inside a 200ft chimney. The two men, working for Nottingham steeplejack firm Churchills, were using hot cutting equipment to bring down the chimney. The equipment ignited

the flammable tar coating the inside of the chimney. Steve Thomas, marketing manager for Carnaud Metalbox, speaking after the court case, said: "We support the Crown Prosecution Service's decision to withdraw manslaughter charges it had brought, in our view wrongly, against three of our employees." The court heard company bosses had been warned of the fire risk. One witness said he was "flabbergasted" by the poor quality of the risk assessment prepared by the company for the demolition job.

- [This is Lancashire.](#)

### **Waste industry wastes lives**

Fatality rates in the waste industry are over 10 times the national average in the waste industry, which is now more dangerous than construction. An HSE-commissioned report, *Mapping health and safety standards in the UK waste industry*, also found accident rates are four times the average. It says incidents predominantly occur to refuse and recycling collection workers who manually handle and sort waste. Responding to the findings, HSE does not mention any plan to enforce higher standards, but instead says it will be "good partners" with the industry, encouraging self-regulation. Paul Harvey, HSE principal inspector covering the waste and recycling industry, said the industry needs "to properly assess and control the risks created by new and emerging collection and processing systems." He added: "Handling of bags, wheelie bins and skips feature strongly in the accident reports submitted to HSE, evidence also shows an increasing number of reports associated with collecting and sorting waste for recycling. These are areas the industry needs to work on now and in the future. HSE are committed to being good partners, during the coming months we will continue working with the industry to promote better standards via intermediaries and industry trade associations and will specifically be looking at manual handling and transport risks." The GMB union, which represents workers in the waste industry, warned in May that the official safety watchdog needs "less self-congratulation and more enforcement" ([Risks 156](#)). TUC also criticised the trend away from enforcement and towards self-regulation ([Risks 156](#)).

- [HSE news release. Mapping health and safety standards in the UK waste industry](#), Research Report 240, ISBN 0 7176 2865 5, price £35, from [HSE Books](#). Related information: [Commission Impossible – why self-regulation is an](#)

[unacceptable danger.](#)

### **Food giant fined peanuts after teenager loses fingertips**

Food multinational Geest must pay out fines and legal costs of just £10,000 after an untrained teenage migrant worker lost three fingertips while working at one of its Spalding factories. Portuguese worker Diana Fernandes, 18, was cleaning a moving conveyor belt on a night shift at Lincs Cuisine when her clothing got caught and her hand was dragged into machinery. The top of one finger was severed and two other fingertips were so severely crushed they had to be removed later in hospital. Frances Bailey, prosecuting for the Health and Safety Executive, told the court that Miss Fernandes had been an agency worker at Geest for three months and often worked the night shift. She said: "She had not been given any written instructions on how to clean the line safely. She just followed what others were doing as best she could. She received no formal induction training on health and safety when she first arrived - just shown how to put on her clothing and cap." Miss Fernandes is now employed directly by Geest, which was ordered to pay fines and costs totalling £10,116.

- [Spalding Today.](#)

### **Bus driver shot with nail gun in racist attack**

A black woman bus driver has been shot in the stomach with a nail gun by a motorcyclist who shouted that he "hated Somalians." The woman, who is not Somali, needed surgery to remove the 2.5-inch nail from her abdomen, Scotland Yard said. The motorcyclist pulled alongside the number 328 bus in Maida Vale, west London while it was stationary in traffic. The man fired what detectives believe to be a nail gun through the driver's window. The nail smashed through the driver's window and into the woman's stomach. A Scotland Yard spokesperson said that the attack was being treated as racist. She said: "It is alleged that the person on the motorcycle shouted that he hated Somalians." Detective Inspector Aidan Beck said: "Luckily, the victim only received relatively minor injuries, but the distress this incident has caused her is unimaginable." The police are appealing for witnesses. In April, drivers' union TGWU urged the courts to get tough on bus driver assaults ([Risks 153](#)). The call came in the month that Glasgow bus driver Robert Jamieson was saved from serious injury by his TGWU diary, which stopped a knife thrust into his chest in an attack by a passenger ([Risks 154](#)). The Department for Transport issued a bus drivers'

violence guide in December last year ([Risks 137](#)).

- **[The Independent](#). Anyone with information about the attack can contact the police incident room at Paddington police station on 020 7321 8517 or call Crimestoppers on 0800 555 111.**

### **Hatfield victim's family gets £1m**

The family of one of the four victims of the Hatfield rail crash has received £1 million damages at the High Court. Stephen Arthur, 46, was one of the four passengers who died when a GNER Kings Cross to Leeds express was derailed by a broken track in October 2000 ([Risks 115](#)). His widow, Lindsay, was awarded the payout by Railtrack which admitted liability. Mr Arthur, an executive jet pilot, died along with fellow pilot Robert Alcorn, 37, advertising executive Peter Monkhouse, 50, of Leeds, and solicitor Leslie Gray, 43, of Nottingham. Railtrack was accused of failing to maintain the track adequately after the east coast mainline express hit a broken rail and derailed, killing the four men. The settlement made at the High Court in London was the last of the four fatal injury claims to be finalised. TUC said last year the case showed the need for greater clarity over safety systems on the railway system, where unions believe widespread subcontracting has blurred management responsibility to the detriment of safety ([Risks 114](#)).

- **BBC News Online.**

### **Rail worker killed by train “lacked proper training”**

A 21-year-old railway worker was hit and killed by a train in London because a construction company and a recruitment agency failed to train him properly, a court heard. Balfour Beatty and McGinley Recruitment Services both denied they had employed Michael Mungovan, but pleaded guilty at City of London Magistrates' Court to failing in their duty to ensure he was not endangered while at work and failing to make sure he was informed properly about his hazardous work. The victim's father, Danny Mungovan, plans to attend an Old Bailey hearing where the two companies could face “unlimited” fines. Michael Mungovan, a Brunel University student from County Cork in Ireland, was earning holiday money as a casual railway worker. He had been in the job just three days when he was killed. Mr Mungovan's family said he had received just nine hours' training and did not hold a valid track safety card. Directors and managers from both firms were

in court, although neither company would accept they were Mr Mungovan's employer, instead facing charges relating to safety duties to non-employees. A May 2002 inquest ruled Mr Mungovan was "unlawfully killed" ([Risks 55](#)). Mick Holder, of health and safety pressure group London Hazards Centre, said after the hearing: "This should have been a manslaughter trial. That's the only way if someone is found negligent that someone could be given a prison sentence, which is the right sentence for a crime as serious as this one."

- [Local London](#). **Related information:** [TUC/Hazards deadly business campaign](#) and the [Centre for Corporate Accountability](#).

### **Being downsized increases stroke risk**

People who lose their job close to retirement age are more than twice as likely to have a stroke as people of the same age who had not lost a job, new research suggests. "Our study has established that, for workers nearing retirement, the loss of a job is a salient experience associated with negative effects on health, including increased risk of stroke," said Dr William T Gallo at Yale University School of Medicine. "The public, in particular older workers, physicians and occupational health care providers should be aware that involuntary unemployment in the years leading up to retirement may be a credible risk factor for adverse health events." Gallo and his colleagues compared 457 workers who lost their job with 3,763 people who were still working. The average age of participants in the study was 55. The six-year study, reported in the *American Journal of Industrial Medicine*, found the odds of having a stroke were more than doubled in people who had lost a job, even after the researchers took into account other risk factors. Cut-throat modern management is not just damaging for the workers who are fired. A February study in the *British Medical Journal* found downsizing leaves behind an insecure and unhappy group of workers that are more likely to go sick and more likely to develop permanent, debilitating and possibly life-threatening health problems ([Risks 145](#)). An October 2003 HSE guide also acknowledged downsizing was a health and safety issue ([Risks 129](#)).

- [Reuters Health](#). **William T Gallo and others. Involuntary job loss as a risk factor for subsequent myocardial infarction and stroke: Findings from The Health and Retirement Survey, AJIM, vol.45, no.5, pages 408-416, 2004 [[abstract](#)]. Related**

**information: Hazards guide to [occupational causes of stroke, heart attacks and suicide.](#)**

## INTERNATIONAL

### **Australia: Surge in claims for workplace stress**

Stressed-out workers in Australia are flooding insurers with claims as a result of low job control, high job demands and poor support from their bosses. Insurers say mental stress accounts for 6 per cent of all injury claims, and the costs per case are considerably higher because victims take more time off work than for other injuries and incur higher medical and legal bills. The largest workplace insurer in Australia, Comcare, says the steady increase in psychological injury claims - both lodged and accepted - in recent years comes after a sharp drop-off during the late 1990s. In the 10 months to the end of April it received 650 claims and accepted liability on 481. Psychological injuries comprised only 6 per cent of claims but 21 per cent of costs. Commenting in the upsurge in stress claims, a Comcare spokesperson said: "It has to be sustained work pressure." He added: "Costs of psychological injury claims are considerably higher than other injuries because of longer periods of time off work and higher medical and legal expenses than other claim payouts." Sprains and strains, such as wrist injuries from keyboards, accounted for 36 per cent of all claims, and 26 per cent of the total cost of meeting those claims. Back injuries was the next biggest category at 17 per cent of claims and 18 per cent of costs.

- [Sydney Morning Herald.](#)

### **Australia: Union action call on the child killing fields**

An average of 30 children aged under 14 years are killed each year on Australian farms, prompting calls from unions for more action to protect children in the workplace. As well as killing a child every 13 days on average, each year a further 575 are injured in Australian workplaces and require treatment in a hospital. A significant proportion of these deaths and injuries occur while the child is working. "The use of child labour on farms varies from offensive slavery to something trivial and simple, such as getting a child to bring in firewood," says Yossi Berger from the Australian Workers Union, which represents workers in the rural sector. "On one end of the scale you get outright mongrels, who are a minority, to average people under pressure using

whatever pairs of hands they can." Berger says that eight out of ten farms he inspects for the union have life-threatening risks. According to Sharan Burrows, president of national union federation ACTU: "While the exploitation of children is not as widespread here as overseas, more action is still needed to protect children and young people in Australian workplaces." ACTU has accused the Australian government of dragging its heels on ratifying ILO conventions that ban the worst forms of child labour and require a minimum age for child labour.

- [Unionsafe](#). Related information: ILO's [International Programme on the Elimination of Child Labour \(IPEC\)](#) and [IPEC hazardous work webpages](#).

### **Europe: Unions put the case for laws and bargaining**

The current enthusiasm for "corporate social responsibility" in Europe must not replace collective bargaining and legislation, says the ETUC, the Europe-wide union body. It says while it welcomes any voluntary commitment to greater responsibility from companies, it "cannot be an alternative to necessary regulation, social dialogue, or agreement with democratically elected workers' representatives." ETUC general secretary John Monks commented: "The ETUC believes that corporate social responsibility should complement, but in no way replace, legislation on social and environmental rights or standards set by collective bargaining. No company failing to comply with agreements or legislation can be defined as socially responsible." It says any CSR system should be clearly defined, transparent and independently monitored. Europe-wide interest in CSR was heightened across Europe when the European Commission launched a Green Paper in July 2001, covering issues including workplace health and safety ([Risks 13](#)). Earlier this month, campaigners warned the UK government's framework for CSR was not working and was "effectively ghost-written by the CBI" ([Risks 159](#)). In February, HSE launched its strategy to increase corporate social responsibility on safety ([Risks 143](#)). In 2002, it made similar overtures to institutional investors ([Risks 56](#)).

- [ETUC CSR resolution](#) and [final report](#).

### **South Africa: Government acts to ban asbestos**

South Africa is to ban the manufacture and new use of asbestos. Environment minister Marthinus van Schalkwyk told South African MPs

the government will “be publishing regulations this year to prohibit the use of asbestos.” He said: “We know that it is because of old roads, old mines and cheap construction, especially in our poorest communities, that this airborne threat hangs like a cloud over our families.” The minister added: “For certain products where no current alternatives are available we will allow for a three-to five-year phasing out period.” The National Union of Mineworkers (NUM), which has been campaigning for an asbestos ban for many years, welcomed the government’s decision. NUM spokesperson Fred Gona said there was a need for a speedy transition to non-asbestos products and stressed the importance of vigorous enforcement of the new prohibitions by government agencies. The progress towards a ban will come as a major blow to the global asbestos industry, which has lobbied extensively in the region and which is now facing sustained attacks from health and safety campaigners pressing for a worldwide ban. In September, a major international meeting will consider measures to dramatically curtail asbestos trade worldwide ([Risks 161](#)).

- [All Africa.com](#). [Business Day](#). [Mail and Guardian](#).
- [International Ban Asbestos Secretariat](#). [More on September PIC meeting](#).

### **USA: Beating Bush for safety’s sake**

US union CWA is making health and safety an issue in the upcoming US election, and is reminding members of the Bush administration’s dreadful record on workplace safety, which has seen safety laws and enforcement butchered. A new CWA “Bill of Rights” on workplace health and safety has the double role of raising health and safety issues around election time and providing detailed advice to members on their existing health and safety rights at work. “This effort points out the workplace safety and health rights that CWA members are provided by federal law, targets the dismal record of the Bush administration to provide workers with adequate workplace safety and health protections, and highlights John Kerry’s excellent record on occupational safety and health issues,” says CWA’s health and safety department. “The union’s campaign is intended to be used by CWA leaders and occupational safety and health activists as a tool to recruit greater numbers of local union safety and health activists, as well as working to defeat the Bush administration’s re-election efforts in November 2004.”

- [CWA Bill of Rights](#) campaign and [health and safety department](#).

### **USA: IBM second attempt to bury cancer evidence**

First IBM made sure an analysis of its own workforce cancer records was ruled inadmissible in court, after researchers claimed they showed a clear cancer excess ([Risks 125](#)). Now a major academic publisher is refusing to publish the analysis and is facing an embarrassing contributors' boycott as a result. IBM says the paper is flawed but denies putting pressure on the publishing group Elsevier to stop the paper's publication. Dr Joe LaDou of the University of California at San Francisco, the guest editor of a special issue of *Clinics in Occupational and Environmental Medicine* on microelectronic industry health and safety, has joined other contributors in the protest which has seen them all withdraw their papers until the contentious article is reinstated. LaDou said the study was an important work that reveals the serious health risks facing workers in the microelectronics industry. "By standing together we can bring attention to the heavy-handed tactics that industry employs to prevent the publication of important scientific discovery," he said. The disputed paper, by distinguished Boston University epidemiologist Richard Clapp and his colleague Rebecca Johnson, showed IBM employees suffered significantly more deaths from several kinds of cancer than would be expected from the general population. Earlier this year, IBM settled a lawsuit involving a former worker who blamed her daughter's serious birth defects on exposure to chemicals at an IBM plant in New York ([Risks 146](#)). And this week IBM settled 50 cases filed by workers from its San Jose plant. At least 100 similar cases are pending in New York.

- [The Scientist](#). [Chronicle of Higher Education](#). [The Observer](#). [Confined Space](#). [Mercury News](#). [USA Today](#).
- **Related information:** [International Campaign for Responsible Technology](#).

### **USA: Auto union and industry in safety drive**

Union reps and industry bosses from DaimlerChrysler, Ford, GM and other major US companies have linked up at auto union UAW's national training centre to brainstorm safer ways of working. The union says the 140 participants "set out to share the efforts the UAW and the auto industry are now making to prevent severe and fatal injuries in their facilities, particularly among the skilled trades." Dr Sylvia Johnson from the UAW's health and safety department, said the conference was important because now "we've been able to see that the problems DaimlerChrysler and the UAW have are not unlike those of other

industries... And we've seen that there are other systems in place that might benefit us." She added that the workshop was the "first time that the three car companies have ever gotten together to talk about preventing injuries." The event also attracted representatives from other corporations, airlines, NASA, the government, academia and private consulting firms. US auto industry bosses have acknowledged recently that union participation is crucial to securing workplace safety improvements ([Risks 119](#)).

[UAW news release](#). Related information: [The union safety effect](#).

## RESOURCES

### **New resources from the USA**

The official US occupational health and safety research body NIOSH has produced three new web-based "topic pages". The latest additions cover occupational respiratory disease surveillance, hazardous drug exposures in health care and hexavalent chromium.

- NIOSH "[what's new](#)" [webpage](#) and topic pages on [occupational respiratory disease surveillance](#), [hazardous drug exposures in health care](#) and [hexavalent chromium](#).

## EVENTS AND COURSES

### **Work, stress and health seminar, London, 5 July 2004**

A union-backed publication explaining the findings of a 20-year study showing the devastating effect of workplace stress is to be launched at a London seminar. The Whitehall II study has tracked the health of 10,308 London-based civil servants since 1985, looking at the relationship between working conditions and health, particularly focussing on coronary heart disease. The study found clear evidence that those in higher grades enjoy better health and improved life expectancy. The University College London's International Centre for Health and Society (ICHS) is organising the seminar, which will summarise the findings of the Whitehall II study and review its impact on today's civil service and its employees. It will also see the launch a new free publication, *Work stress and health: the Whitehall II study*. This publication was commissioned by the Council of Civil Service Unions (CCSU) in collaboration with the Cabinet Office to help inform policy and practice on working conditions within the civil service and beyond. A seminar panel includes Mark Serwotka, CCSU, the UCL

study leader professor Michael Marmot and professor Anthea Tinker.

- **Work, stress and health seminar, Monday, 5.00pm, 5 July 2004, Old Refectory, UCL Main Quadrangle (between North & South Cloisters), University College London, Gower Street, London, WC1E 6BT. Contact ICHS by 2 July to book a place, by [email](#) or telephone, 020 7679 1708.**
- **Related information: Union news and resources the [work-related causes of sick leave](#), [drug and alcohol use](#) and on fighting [stress](#) and [overwork](#).**

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

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

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