

Risks

issue no 163 – 3 July 2004



**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, now read each week by over 10,000 subscribers (yes over 10,000!) 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

Roving reps scheme "limited" but welcome, says TUC



Union schemes will dominate the first round of Worker Safety Adviser (WSA) Challenge Fund projects ([Risks 150](#)). Twelve projects were selected from 70 applicants and were awarded between £33,000 and £100,000, with nine of the successful projects having direct union participation. Announcing the awards, the Health and Safety Commission (HSC) said workers who have a voice, influence and responsibility on health and safety matters are safer and healthier than those who do not ([Risks 148](#)). HSC added that an essential part of the vision expressed in its strategy "is a fully involved workforce and a vibrant system of workplace health and safety representatives operating in partnership with management." Andrew Smith, secretary of state for work, said as a result of the awards "we hope to see 40 influential partners and 28 Worker Safety Advisers reach out to about 35,000 workers to give them ownership in measurable and sustained changes in their organisations' culture and behaviour." TUC head of safety Hugh Robertson welcomed the recognition of the positive union role, which he said "will be a big help in changing the culture within these workplaces." He warned, however, that this was only a start. "This initiative is very limited and we still need changes to the safety reps' regulations to ensure that we have roving safety reps and better rights to extend the benefits of the union safety effect nationwide," he said.

- [HSE news release](#), including the list of successful projects. [WSA Challenge Fund](#).
- More on the [union safety effect](#) and on [better roles for safety reps](#).

Get serious on hours, TUC tells ministers



The TUC has said the government should end its “indefensible” support for the long hours culture that is hurting workers and the economy. Responding to the government’s consultation on long hours working, TUC general secretary Brendan Barber said: “It’s hard to take this consultation seriously. The minister’s statement makes it clear that the government has made its mind up to resist an effective crackdown on Britain’s long hours culture.” He added: “The government appears to have dismissed the views and research of employee organisations in favour of a sample of letters carefully selected from its mail bag. The government should stop defending the indefensible and end the UK opt out of the 48 hour working week.” TUC’s factfile shows 3.75 million work more than 48 hours a week on average - that’s 500,000 more than in 1992 when there was no long hours protection. Only one in three people at work know that there is a 48-hour average working week limit ([Risks 123](#)). A TUC poll last year found one in three of those who have signed an opt-out said they were given no choice.

- [TUC news release](#) and [It’s about time! working hours campaign website](#). [DTI news release](#) and [consultation paper](#). [Personnel Today](#). [CBI news release](#).
- [The deadly dangers of overwork](#).

Amicus calls for Quebec style bullying law

A new law on “psychological harassment at work” in the Canadian province of Quebec shows regulating bullying is possible, says UK union Amicus. Chris Ball, an Amicus national officer responsible for safety, said an amendment to Quebec’s employment law means from 1 June 2004 workers have been entitled to bring a complaint if they experience psychological harassment at work. He added that the new legislation is similar to the Amicus-backed Dignity at Work Bill ([Risks 100](#)). “Without government support, the Dignity at Work Bill was never likely to become law, but we argued for it to demonstrate what the government could do. The amendment to the Quebec Act Respecting Labour Standards echoes our original ambitions,” said Chris Ball. “First and foremost we want organisations to have effective dignity at work policies. We believe too that the law could provide an important encouragement to employers to do the right thing, but there is a

different view between us and the government on this presently.”

- [Amicus news release](#). More on the Quebec law from the [Workplace Bullying and Trauma Institute](#).

Union calls for more respect for shopworkers



The escalating level of violence and abuse suffered by UK shopworkers is ruining lives, says retail union Usdaw. The alert comes ahead of an Usdaw-organised Respect for Shopworkers Week, to run from 5 to 11 July, and as a survey by the Co-op reveals violence and abuse in its stores has risen dramatically. The Co-op annual crime survey found a nine per cent rise in violence against its staff and a 79 per cent rise in verbal abuse. On 5 July, the start of Respect for Shopworkers Week, Usdaw will publish the results of its own survey into violence and abuse suffered by workers in stores owned by several of the UK's biggest retail companies. Usdaw general secretary John Hannett said: “Usdaw members, officials, supporters and MPs will be taking part in events in towns and cities across the UK next week. I urge the shopping public to show their support and give shopworkers respect.”

- **Usdaw news release and Freedom From Fear campaign.**

UCATT call to cut building site deaths

Tougher legislation is needed to prevent deaths on Scotland’s construction sites, according the building union UCATT. Scottish death rates in construction remain much higher than in the rest of the UK and UCATT wants tougher laws to curb rogue employers. Last year, death rates in Scotland were 95 per cent higher than England, where it is the most deadly industry, with a death occurring on average once a month. In the previous four years, death rates north of the border were 52 per cent higher. UCATT said that self regulation was not working and has called for new measures. Regional secretary Alan Ritchie said: “Our members don't leave the house in the morning and say we're going to break the Health and Safety at Work Act and kill myself to be macho. They go to their work, they're given an illegal instruction, and while carrying out that instruction they are killed or maimed.”

- [BBC News Online](#). Related information: [UCATT](#)

[health and safety webpages](#). **Commission impossible: [Why self-regulation is a bad idea](#).**

OTHER NEWS

TUC view vindicated in drug tests report

An independent report has backed the TUC line that almost all workplace drug tests are a costly and damaging waste of time ([Risks 134](#)). The report of the Independent Inquiry into Drug Testing at Work following an 18-month investigation and concluded drug tests were a gross infringement on personal liberty, could have only a "limited impact on safety and performance" and that testing was a "costly and divisive" way of managing employees, and was an "inappropriate use of managerial power". The TUC gave evidence to the inquiry and was represented on its steering group. Brendan Barber, TUC general secretary, said: "The increased use of drug testing at work will boost the profits of companies peddling testing regimes but will do nothing for the productivity, safety or profitability of UK companies." He added: "The TUC believes that testing is only appropriate for staff in safety critical posts and should be part of a comprehensive safety strategy that includes support for staff who test positive, and the report supports this position. The government should adopt the report's recommendations by issuing clear guidance to business on drug testing at work and its practical and legal limits, as well introducing an accreditation system for testing companies." The inquiry report warns that workplace tests could "increase dramatically and become a fact of everyday working life." A poll for the inquiry found 78 per cent of employers would consider tests if they thought drug and alcohol use was affecting productivity.

- [TUC news release](#). [DrugScope news release](#). [The Guardian](#). [The Independent](#). [The Scotsman](#). [Sky News](#). [Personnel Today](#).
- *Drug testing in the workplace*, Independent Inquiry into Drug Testing at Work, [free online](#) or as a [paperback](#) for £15.95 plus £2 postage and packing.
- [TUC WorkSMART guide to drug and alcohol testing](#).
- **Testing times: [The definitive union guide to drug and alcohol testing at work](#).**

BA crew face drug and alcohol tests

British Airways is to test its 47,000 staff for drugs and alcohol, under a contentious new policy. It believes it is the first airline in Europe to introduce its own on-the-spot tests, in a policy which follows a four-year wrangle with unions. An external agency, Medscreen, will carry out tests on any employee suspected of being under the influence while on duty. Under the policy, which takes effect in August, there will also be random tests for new staff during their first six months and regular tests for anyone returning after drug or alcohol rehabilitation. The pilots' union, BALPA, has opposed random testing, arguing that "peer intervention" is a more effective remedy than scapegoating ([Risks 151](#)). It says pilots are generally persuaded by colleagues to seek help if they have an alcohol problem. Research has shown union-run "member assistance programmes" of the type proposed by BALPA are the most effective way to combat workplace drug and alcohol problems ([Risks 134](#)). Air New Zealand had to abandon plans to introduce random testing across its workforce this year after a court challenge by unions, with tests instead limited to safety critical jobs ([Risks 152](#)).

- [The Guardian. Guide: Unions drug alcohol testing at work and related resources.](#)

Working-while-sober sackings upheld

Six Tube workers who were sacked after empty beer cans were found in a mess room have lost their unfair dismissal case. The sackings under a "zero tolerance" policy were upheld despite tests finding none of the workers were positive for drugs or alcohol ([Risks 135](#)). The London Underground maintenance workers were dismissed by Metronet in October when empty cans and an empty cognac bottle were discovered at Farringdon Tube station. The men had denied the allegations against them and took their case to an employment tribunal. Their union, RMT, had argued that there was "not a shred of evidence" linking the sacked workers to the discovery of the empty cans and pointed out that dozens of workers and members of the public had access to the restroom where they were found. RMT had threatened industrial action over the "kangaroo court" dismissals but called it off when the men took their case to tribunal.

- [BBC News Online.](#)

Factory blast workers to receive final wages

Injured employees of ICL Plastics, whose factory was destroyed in the Maryhill explosion that claimed nine lives ([Risks 157](#)), will cease to

have their normal wages paid after next week. The chairman of ICL Plastics, Campbell Downie, told staff in a letter that basic salaries would be paid until 9 July but then redundancies would be likely. Mr Downie said those staff injured in the explosion who had appropriate medical certificates would receive sick pay, and those most seriously injured in the blast would continue to receive full pay for the foreseeable future. In all 25 employees received letters telling them they would receive enhanced sick pay, which may in time revert to basic sick pay. Sixteen other staff are either still employed by ICL, or were the most seriously injured in the disaster. They will continue to receive full pay, ICL said. The Health and Safety Executive is continuing an investigation into the cause of the explosion, in which five men and four women died.

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

Anger at plan to scrap rail safety watchdog

Relatives of those who died in some of Britain's worst train crashes have criticised the government over its plans to scrap the independent regulator in charge of rail safety. Alistair Darling, the secretary of state for transport, is considering ending the involvement of the Health and Safety Executive, which was put in charge of rail safety after the Clapham disaster in 1988, which killed 35. Maureen Kavanagh, from the Safety on Trains Group, whose son Peter died in the 1997 Southall rail crash, said: "It seems rather extraordinary, when public confidence in the safety of the railways is so low, for the government to consider removing the independence of the safety regulator." A submission to the Department for Transport review from the Centre for Corporate Accountability, Disaster Action and the Safety on Trains Action Group says: "It is essential that the organisation involved in enforcing safety in any industry is, and is seen to be, entirely independent of the industry itself." It adds: "It is our view that there is no justifiable reason why one industry - in particular the railway industry - should be exempt from obligations which otherwise apply to all industries nationally." The government proposal has already been condemned by the TUC ([Risks 155](#)).

- [The Independent](#). [CCA news release](#).
- [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.

HSE public safety policy is “unlawful”

The Health and Safety Executive's new policy on public safety - which stops HSE inspectors enforcing public safety duties upon employers in certain circumstances ([Risks 159](#)) - is “unlawful.” A legal opinion obtained by the Centre for Corporate Accountability was sought after the HSE refused to investigate a number of deaths of members of public. CCA has now written to HSE director general Tim Walker asking how HSE intends to respond to the legal opinion and, if it does not intend to suspend the policy, to give its reasons for not doing so. CCA director David Bergman said: “We are concerned that the HSE introduced a policy which we are now advised is 'unlawful'. The HSE has very important responsibilities in enforcing the public safety obligations that are imposed upon employers. We are advised that the law simply does not allow the HSE to make a policy decision to discard these responsibilities.” John Halford, a public law solicitor at Bindman and Partners, said: “This policy ties the hands of the HSE's inspectors and stops them from doing a vital part of their job - protecting the public. If it is not withdrawn, legal challenges are inevitable.”

- [CCA news release.](#)

Passive smoke risk “even greater”

The risks of passive smoking could be twice as bad as previously thought, the *British Medical Journal* has reported. Researchers from London's St George's and Royal Free hospitals found passive smoking increased the risk of coronary heart disease by 50-60 per cent. The team, which studied 4,792 men over 20 years, said earlier studies had concentrated on domestic exposures and had not taken proper account of exposure at work and other places. St George's Hospital's Professor Peter Whincup and colleagues examined the links between a blood marker of smoke exposure, called cotinine, and the risk of heart disease and stroke. They found the men with the highest levels of cotinine in their blood, and therefore the highest exposure to passive smoke, had the highest risk of heart disease. The professor said the research “adds weight to the argument that we should do everything we can to minimise passive smoking exposure.” Ian Willmore of anti-smoking charity ASH said: “It is time for the tobacco industry and its

front organisations to stop pretending that second-hand smoke is harmless. And it is time for the government to accept the need for a new law to end smoking in the workplace." The International Agency for Research on Cancer has confirmed this year that passive smoking does cause cancer ([Risks 161](#)).

- **Peter H Whincup and others. Passive smoking and risk of coronary heart disease and stroke: prospective study with cotinine measurement, BMJ Online, 30 June 2004, ref. doi 10.1136/bmj.38146.427188.55. Full paper [[pdf](#)].**
- [BBC News Online](#). [The Independent](#). [Reuters](#). [Sky News](#). [HR Gateway](#).
- [News and resources on passive smoking risks from Hazards](#). [TUC SmokeatWork website](#).

Labour's prescription for a smoking ban

Labour is considering introducing a ban on smoking in public places if they win the next election, a report suggests. According to draft manifesto policy documents obtained by *the Guardian* the ban is being discussed to protect the health of children and young people, adding credence to earlier rumours ([Risks 160](#)). A Labour spokesperson confirmed that the idea was being considered, but insisted that no decision has yet been taken: "The draft document reflects the concerns raised by party members on this issue, but does not draw definitive conclusions. Smoking in public places is an issue the party is discussing, but hasn't decided upon yet." This week, the deputy chair of the British Medical Association's Board of Sciences called for smoking to be prohibited in public places and the workplace. Dr Peter Maguire told delegates to BMA's annual conference in Llandudno: "The British government needs to have courage and follow the lead of Ireland, New York and Norway. I have seen that the ban on smoking in public places in Ireland has not affected business - business is booming there. Smokefree places mean life not death." He signed a giant prescription form in front of 500 doctors calling on the government to make all workplaces smokefree.

- [The Guardian](#). [BMA news release](#). [BBC News Online](#).

Three charged over cockler deaths

Three people have been charged over the deaths of 21 Chinese

cocklers in Morecambe Bay, Lancashire Police have said. A 27-year-old from Liverpool is charged with manslaughter and conspiracy to pervert the course of justice. Two other suspects from Liverpool also face charges relating to the deaths. The workers drowned on 5 February this year when they were caught on mudflats by a fast-rising tide ([Risks 143](#)). Det Supt Mick Gradwell, leading the inquiry, insisted that the events of 5 February remained the subject of a "detailed criminal investigation". He said: "This does not signal the end of the investigation as a number of other people remain on police bail." Lin Liang Ren, 27, is charged with manslaughter, conspiracy to commit facilitation and conspiracy to pervert the course of justice. Zhao Qing Xiao, 19, is charged with conspiracy to commit facilitation and conspiracy to pervert the course of justice. Lin Mu Yong, 29, is charged with conspiracy to commit facilitation. The police believe 23 people died in the tragedy, although only 21 bodies were recovered.

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

Honda sued by "stressed" employee

Car giant Honda is being sued for loss of earnings by an ex-employee who says she was sick for a year as a result of stress at work. Liz Hopkins, 42, worked for the company for 10 years and eventually became controller of finance at its European HQ in Swindon. In 2000, she had three months off work due to stress, and then a year off for anxiety and depression. Ms Hopkins' solicitor, Michael Berrett, said: "Liz is not only claiming compensation for the pain and suffering she endured during the latter stages of her employment. She is also seeking financial compensation from Honda for loss of earnings." He said she has now returned to work as an assistant in a Sheffield hospital earning £13,000 a year, compared to earning in excess of £45,000 plus benefits at Honda. In a landmark decision earlier this year, Law Lords ruled that employers must take the initiative to protect employees they know are vulnerable to stress-related illness ([Risks 150](#)). They awarded a teacher, Leon Alan Barber, £72,547 in damages against his employer, Somerset County Council. The NUT member retired in March 1997 on medical advice following a series of depressive illnesses.

- [BBC News Online](#). [Union news and resources on workplace stress](#).

INTERNATIONAL

Australia: Unions want to get it right

Union organisations in the Australian state of Victoria have launched a campaign for sweeping new workplace health and safety rights. Victorian Trades Hall Council's "Getting it right" campaign aims to press the state government to honour its commitment to revise health and safety laws. VTHC is calling for: Stronger support for union representation on safety issues; strengthened training provision; consultation on return to work for injured or ill employees; unrestricted union right of entry to deal with safety problems; a union right to bring safety prosecutions; and a specialist health and safety tribunal. It also says the government must introduce an industrial manslaughter law. Manufacturing union AMWU is backing the campaign, and says the law should be beefed up to properly cover workplace stress and to require companies to report on workplace health and safety in their annual reports. The Maxwell Report, commissioned by the state government, made 130 recommendations in April this year on how the law should be improved, most in line with union demands, and including a call for powerful, new roving union safety reps ([Risks 151](#)).

- [VTHC SafetyNet](#) and [OHS Act campaign website](#).
[AMWU news release](#).
- More on [roving reps and other rights for reps](#)

Australia: Workplace cybersnoopers may need a permit

Some Australian employers may soon have to seek permission from the Privacy Commission before spying on workers, testing them for drugs or monitoring their use of email or the internet. The Victorian Law Reform Commission has hinted at a shake-up of weak and inappropriate workplace privacy laws to regulate the surveillance of workers in Victoria and to enable businesses in the state to protect their interests. Commission chairperson Marcia Neave told a workplace privacy conference in Melbourne that a paper would be released next month that would present options to control workplace monitoring, which is largely unregulated in Victoria. Welcoming the move, Australian Workers Union national secretary Bill Shorten said Victorian workplaces were in dire need of privacy regulation. "Big Brother is not a good workplace model," he said.

- [The Age](#). Related information: [Union guide to](#)

[privacy and health and safety.](#)

Europe: Bosses and unions get certified on safety

Europe's construction union federation EFBWW, representing over 80 unions and federations across the continent, and building employers' body FIEC have signed a new "Building in safety" campaign charter. The charter, which is part of the European Agency for Safety and Health at Work's 18-22 October 2004 Euro safety week activities, commits signatories to contribute to the campaign and to improve safety and health standards in the sector through training, information and other initiatives. In return for their commitment, signatories will receive a "building in safety" certificate from the Agency. Harrie Beijen, general secretary of EFBWW, said: "The life and health of every construction worker can be better protected by joint efforts of all parties concerned; governments, clients, architects, engineers, contractors and workers. We can learn from one another and set specific benchmarks for specific problems. If this European campaign can encourage this then we have already won a lot."

- [European Agency news release](#) and [European Week 2004 webpage](#). Related information: [EFBWW](#).

South Africa: Clampdown on silicosis menace

South Africa's department of labour hopes to eliminate silicosis in the workplace by 2030. Labour minister Membathisi Mdladlana announced the plan, spelled out in a National Programme for the Elimination of Silicosis. Silicosis is a disease of the lungs caused by continued inhalation of crystalline silica – a mineral found in granites, sandstones, a range of other rocks and in cement, concrete and plaster dusts - and characterised by progressive lung-scarring and a chronic shortness of breath. Silica exposure and silicosis have re-emerged as very serious public health issues in southern Africa, and those mostly affected are workers in the massive mining sector and in the construction and ceramic industries. "Workers need to perform their tasks in a manner that does not appreciate increased exposure," said Mdladlana. Erick Gcilitshana, a spokesperson for the National Union on Mineworkers (NUM) welcomed the campaign and added: "Our workers are still exposed to very hazardous conditions but I think this campaign will help combat this." The department of labour says it has already trained inspectors to identify dusty workplaces and to provide practical solutions.

- [SABC News.](#)

USA: Ergo improvements pay off

An experiment at a San Francisco garment factory has shown factories can achieve productivity gains by improving working conditions - sometimes as much as 20 per cent, health experts say. Factory workers at KC Sewing, meanwhile, said their knee, hand or foot pain ended or substantially subsided after the ergonomic interventions. The results so aroused the curiosity of US government health researchers that they are embarking on a larger test in southern California. Garment workers, largely women from the Chinese and Latin American communities, complain of aching shoulders, backs and arms; pinched nerves; repetitive stress injuries to elbows, wrists and hands; and strained or even torn vertebral disks that may not heal, according to Ira Janowitz, an ergonomics expert with the University of California. Improvements followed after groups including the Asian Immigrant Women Advocates, the California Department of Health Services and the University of California's ergonomics programme formed a coalition to introduce modern ergonomic standards to garment shops. The workers loved the upgrades, which cost about \$250 (£137) per workstation. "They noticed the improvements within a week," said Kam Lin Chao, one of the owners of KC Sewing.

- [Sacramento Bee.](#)

RESOURCES

Everything you need to know about asbestos

The latest issue of the *International Journal of Occupational and Environmental Health* is available online and is on the theme of asbestos. IJOEH provides essential background material for the fight for a global asbestos ban. The contents page summarises a key feature article: "As the global campaign to ban asbestos gathers momentum, more countries and organisations are restricting the use of chrysotile (white asbestos). Attempting to reverse the fall in global demand, asbestos stakeholders have redoubled marketing efforts in countries such as India where health and safety regulations are not strictly enforced. In the Canadian asbestos heartland, public and media awareness has grown and industry's influence has weakened. In response, chrysotile producers are pressing federal and provincial governments for mandatory increases in consumption, despite new

research documenting an asbestos cancer epidemic.”

- [IJOEH](#), volume 10, Number 2, April-June 2004.

Revamped Euro resource on union safety

TUTB – the health and safety research wing of the European Trade Union Confederation – has launched a new look website. The completely revised site includes latest news, events, publications and policy briefings on asbestos, chemicals, sustainable development, women’s health and safety and other issues. The site is available in English and French language versions.

- [TUTB website](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR SEPTEMBER TO DECEMBER 2003

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

USEFUL LINKS

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

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