

Risks

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**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 10,000 subscribers and many more 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

Keep railway safety with HSE, warns TUC

The TUC has written to the Secretary of State for Transport warning that Britain's railways could face a safety disaster if the government's rail review ([Risks 155](#)), due out next week, moves rail safety regulation from the independent Health and Safety Executive (HSE) to the Office of the Rail Regulator (ORR). The TUC says this shift has been sought by the rail companies and represents a major victory for those who want to reduce safety standards in the industry. TUC general secretary Brendan Barber said: "The TUC is extremely concerned that the regulation of rail safety may be removed from an independent body that the public trusts. For months now the rail industry has been campaigning against what they claim are 'high' safety standards, but the TUC does not believe that company bosses should be able to choose the regulation authority that suits them." He added: "There are no doubt relationship problems between the HSE and rail operators but the government should help settle the differences. Any moves to take rail safety regulation away from the HSE would fly in the face of the Cullen Enquiry report following the Ladbroke Grove crash, which said that the HSE should retain responsibility for rail safety" ([Risks 20](#)). HSC ([Risks 152](#)) and victims' groups ([Risks 163](#)) have also backed HSE's independent safety role on the railways.

- [TUC news release and briefing](#).

Gangmaster law a "victory for union action"

A new law requiring the licensing and registration of all gangmasters will turn the screw on the unscrupulous gangmasters who exploit workers with sometimes deadly results. TGWU says the Gangmasters Licensing Act (2004), which was given Royal Assent on 8 July, will mean the beginning of the end of the exploitation of at least 60,000 workers in the UK who are paid below poverty wages, forced to pay rip off charges for accommodation and can even be made to pay for basic safety equipment. Jim Sheridan MP's private members bill shot up the political agenda in the wake of the drowning of what is now thought to total 23 Chinese cockle pickers in Morecambe Bay in February. Tony Woodley, general secretary of TGWU, which has led the campaign for the legislation alongside Jim Sheridan, said: "With effective

enforcement we can banish this modern-day slavery for good. Government have demonstrated the political will to end this outrageous exploitation; we now need them to ensure sufficient resources are allocated so that registration can flourish. This is a victory for trade union political action and I would like to thank Jim Sheridan MP for his hard work." Latest HSE figures show 51 people died in agriculture in 2003-04. The toll includes 21 of the Morecambe Bay victims; the bodies of two other workers who are thought to have drowned have not been recovered.

- [Defra news release](#). [TGWU news releases on the new gangmasters law](#) and [latest agriculture injury figures](#). [HSE news release and report: Fatal injuries in farming, forestry and horticulture 2003/04](#), HSE, July 2004 [[pdf](#)]. More on [migrant workers health and safety](#).

Asbestos payout comes just in time

A Gateshead man who developed terminal lung disease caused by workplace asbestos exposure has been awarded £110,000 in an out-of-court compensation settlement. Henry Smith, 63, believes he may have less than a year to live and says his GMB-backed four-year battle for compensation had been won just in time. Mr Smith said: "I suffer every day because of my illness. I can't work, I find it difficult to breath and I can't keep up with my wife or kids when out walking." He added: "I am very happy at this compensation but also sad that friends of mine have died of asbestos-related diseases and haven't been able to enjoy their compensation." Mr Smith became an apprentice lagger with Darlington Insulation after he left school in 1955. Since then he has worked with asbestos for a number of companies in shipyards, factories and hospitals. Ian McFall of Thompson's Solicitors, who represented Mr Smith, said: "His health was damaged beyond repair by his employer's negligence. Henry will receive 100 per cent of the compensation he was awarded because his case was backed by his trade union, the GMB."

- [Newcastle Journal](#).

Factory blast victims fear for the future

Survivors of an explosion at a Glasgow plastics factory which claimed nine lives have called for an urgent meeting with the firm's lawyers

and accountants to discuss their future. The union-backed Stockline Workers Support Group, formed to provide practical assistance to staff from the Maryhill factory, said recent communications from the company had done little to allay fears over their current and future employment ([Risks 163](#)). Frustration over the lack of information on their long-term employment prospects was expressed at a meeting this week attended by trade union officials and workers. Ian Tasker, assistant secretary of STUC, the top union body in Scotland, said the situation was "totally unsatisfactory," adding: "Some people have had long service and are quite rightly concerned over their job. They want to know what's happening and what they will be entitled to if they are selected for redundancy. The workers are getting increasingly concerned and a touch annoyed at the lack of communication coming from the company."

- [The Scotsman](#).

Shops serve up violence

An average week for a shopworker often includes high levels of verbal abuse, threats of violence and, in worst cases, physical attacks, a survey by shopworkers' union Usdaw has found. Asked for the first time to record every incident over a week-long period, shop staff across the UK listed a catalogue of abusive, anti-social and violent behaviour by customers. The findings were published at the start of the Usdaw-organised Respect for Shopworkers Week, 5-11 July. Over a seven-day period in June 2004, a random sample of 660 shopworkers reported: 887 incidents of verbal abuse, including being spat at, sworn at, insulted; 224 threats, including threats to kill, stab and punch, and burn shops down; 107 cases of violence, including slapping, kicking, attacked in street; 48 incidents of sexual harassment, including lewd/suggestive comments, touching; and 32 incidents of racial abuse, including racially offensive insults and threats. Usdaw general secretary John Hannett said: "Usdaw is calling for the introduction of a compulsory proof of age scheme because, without doubt, the continued absence of such a scheme is putting shopworkers' safety at risk. Refusing to sell alcohol and cigarettes to under-age customers is a major flashpoint in stores."

- **Usdaw news releases on [the shopwork violence survey](#) and the [call for a compulsory proof of age scheme](#). [BBC News Online](#). [Business Europe](#). [Personnel Today](#).**

MPs get the physio treatment

Physios' union CSP has taken a drop-in clinic to the House of Commons in a bid to get MPs to recognise Britain's strain injury toll. Over 4.1 million working days are lost across Britain every year as a result of work related upper limb disorders (WRULDs), says CSP. The union wants to see more employers working in partnership with physiotherapists to prevent unnecessary suffering and job losses. Phil Gray, CSP chief executive said the clinic would "help MPs recognise the crucial role physiotherapists can play in preventing many of the conditions associated with the modern work environment. With this knowledge they can then encourage employers in their constituencies to adopt practices, such as providing regular access to expert support, to protect their employees from back pain and WRULDs." The event was part of National Physiotherapy Week, 5-9 July.

- [CSP news release](#).

Deadly work stress effects revealed

Stress and insecurity at work can make you sick or even kill you – and is more the lower you are down the pecking order, the more likely it is to get you. *Work stress and health: the Whitehall II study*, a report commissioned by the Council of Civil Service Unions (CCSU) says job security and working with supportive colleagues and managers can reduce sickness absence and improve health – but poor jobs, with bad managers and little control can make you sick, depressed, vulnerable to substance misuse and more likely to drop dead. The report summarises key findings of University of College London's Whitehall II study, which has followed a group of 10,308 London based civil servants since 1985. CCSU chair Mark Serwotka commented: "At a time when people working in the civil service are facing job insecurity, coming under increasing pressure through job cuts and rationalisation this publication is essential reading for those concerned with health policy and is a vital tool in creating a healthy workforce." Professor Sir Michael Marmot of UCL, who has led to Whitehall II team, said the research findings "are highly relevant to the current concern with social inequalities in health - the fact that people in lower social positions have worse health than those more favoured."

- [PCS news release](#). **Full report: Work, stress, health: The Whitehall II Study** [[pdf](#)]. [Background on the](#)

[Whitehall II study.](#)

- **Related information: [Hazards get-a-life webpages.](#)**

Amicus bullying pilot takes off

Amicus is to call on employers at Heathrow and Gatwick to combat the growing problem of bullying and harassment within the airline industry. It says its new hotline run by anti-bullying specialists The Andrea Adams Trust will give advice and counselling to staff working at the airports. Gordon White, Amicus national officer for civil aviation, said: "Bullying is a disaster for morale and productivity. We are calling upon employers to get their houses in order for the sake of their staff and their business." The union says increased security, ferocious competition and job losses are adding to the pressures on staff. It will be inviting employers across the aviation industry to work with the union to tackle workplace bullying and to "do more to respect dignity at work." Amicus and the Andrea Adams Trust are coordinating a £1.8 million DTI-funded project to tackle workplace bullying ([Risks 150](#)).

- **[Amicus news release. Personnel Today.](#)**

Risks tops 10,000 subscribers

If you find *Risks* an essential source of news each week, you are not alone – over 10,000 people now subscribe to the TUC's top online publication. TUC general secretary Brendan Barber congratulated the *Risks* team on their soaraway success and said: "*Risks* was devised as an easy way for the TUC to keep union safety reps informed on changes that might affect them and their colleagues. With its readable, informative text, word of mouth has made this the TUC's most successful e-bulletin. I look forward to signing up our 20,000th subscriber!" In addition to subscribers receiving *Risks* direct to their mailbox each week, thousands more read it online.

- **[Risks – every issue free online from 2001 to today.](#)**

OTHER NEWS

Masterclasses aim to stop long hours

The TUC has welcomed a series of government "masterclasses" advising firms how to address Britain's long hours culture. The nine sessions, to take place throughout the country, were announced by

trade secretary Patricia Hewitt, who said they will give companies the chance to learn how other organisations have benefited from innovative working time solutions. She said: "Lots of businesses want to challenge the long hours culture, give their businesses and their staff some sense of control and choice, whilst maintaining, or even increasing productivity. Unfortunately, even today, many just don't know how." Bosses organisation CBI and the TUC will be partners in the project. TUC's Paul Sellers said: "Our view is that long hours can be tackled by improving work organisation. Many of the examples in this series showcase the contribution that unions can make to this process. The truth is that moving to sensible hours can bring benefits for employers and employees alike. These masterclasses will help to show how it can be done."

- [DTI news release](#). **The masterclasses will take place from Summer 2004 to Summer 2005. Organisations interested in taking part in the masterclasses or wanting to find out more about the project should email [Barbara Limon](#) or call her on 0207 960 7438.**
- **Related information:** [Why long hours are bad for you](#) and [TUC It's about time! campaign](#).

Stress-related sickness up

A majority of employers have noticed an increase in stress-related absence during the past twelve months, according to new research. The Chartered Institute of Personnel and Development says its survey of 1,110 employers also reveals that overall absence levels and associated costs have increased. The average level of sickness absence is 9.1 working days per employee (4 per cent of working days), a slight increase from 9 days (3.9 per cent) for the previous year. The highest rate of absence is in the public sector at 10.7 days. Although minor illnesses such as colds and flu remain the most important cause of sickness absence for all UK workers, the report shows that stress is a growing cause of absence with 52 per cent of employers reporting an increase. CIPD says is the biggest cause of long-term absence for non-manual workers and the fourth biggest cause for manual staff. Workload was the top cause of stress-related absence, identified by over two-thirds of firms (68 per cent). Unions say this shows employees are feeling obliged to push themselves too hard. "Bosses are obviously not doing enough to protect workers from the dangers of

overwork," said Brendan Barber, general secretary of the TUC.

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

Jarvis fined £400,000 for rail repair blunder

The troubled engineering firm Jarvis has been fined £400,000 for a rail repair blunder, described by a judge as breaking basic rules known to every child with a train set. The firm admitted negligence over the incident two years ago which saw a freight train diverted on to a line with a missing stretch of track. Jarvis also admitted for the first time that the accident, which saw a heavy locomotive and two wagons of an empty coal train derailed, had triggered its decision to abandon rail repair contracts, just ahead of a government announcement that all rail maintenance work was being taken back in-house ([Risks 130](#)). The fine came less than a week after Jarvis admitted breaching health and safety laws in a case where an eight-year-old girl was electrocuted on a railway line. The case was adjourned until 1 November for a three-day sentencing hearing.

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

Chinese cocklers injured in crash

Seventeen people - including 15 Chinese cockle pickers - have been taken to hospital after a minibus was involved in an early morning crash with a lorry on 7 July. Two are seriously hurt, one with chest and the other with head injuries. Witnesses at the scene reported seeing waders and other cockling-related gear inside the remains of the minibus. In February, at least 21 Chinese cockle pickers lost their lives after getting caught in tides at Morecambe Bay. Police believe a further two people died in the tragedy, but their bodies have still to be recovered. Last week, police announced that one person had been charged with manslaughter in connection with the deaths. Two others face lesser charges ([Risks 163](#)).

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

Washing machine death firm fined

A laundry company has been fined £325,000 after one of its employees baked to death in a giant washing machine. Paul Clegg

became trapped after he entered the machine to clear a blockage - even though there was an escape hatch that could have saved his life ([Risks 120](#)). He spent two hours in there while fellow workers struggled to free him. An inquest had found Sunlight Textile Services in Bournemouth were partly responsible for his death by failing to train staff properly. In August last year the inquest jury heard Mr Clegg spent more than two hours in the machine until fire crews cut through the tough stainless steel casing to get him out – managers did not know about how to open an emergency access panel adjacent to where he was trapped. No procedure or training had been given to people who entered the machine, other than to isolate all electricity and water. At Bournemouth Crown Court the company was fined £325,000 and ordered to pay £16,500 costs for breaching health and safety rules. Judge Roger Jarvis said: "I am quite sure the incident did not occur as a fault of some cost-cutting exercise to increase profit. It did, however, arise out of serious failings from a very senior level right down to those who were in attendance and in charge at the time of the accident."

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

Ambulance speeding fines are axed

UNISON has welcomed a government decision that means ambulance drivers on emergency calls will not be prosecuted for going over the speed limit. Health minister Rosie Winterton made the pledge to the Ambulance Service Association meeting in Harrogate. UNISON head of health Karen Jennings said the new system "will come as a huge relief to ambulance drivers who have had to live with the threat of losing their licence and possibly their livelihood, just for doing their job - it's a victory for common sense." Last year, speeding charges against blood service driver Paul Stockbridge, a UNISON member, were dropped ([Risks 132](#)). Earlier in the year, GMB member Mick Ferguson had been charged with speeding when on a mercy mission to get a transplant organ by ambulance from Yorkshire to Addenbrooke's Hospital in Cambridgeshire. The case reached the magistrate's court, but the charge was dropped, leading to the government rethink ([Risks 128](#)).

- [BBC News Online](#).

Doctors urge workplace smoking ban

Letters from 4,500 doctors calling for a ban on smoking in workplaces have been delivered to the prime minister inside a giant cigarette packet. The British Medical Association packet was labelled: "Passive smoking kills. Smokefree workplaces save lives." One of the organisers of the BMA action, Dr Peter Maguire, said voluntary bans would not work ([Risks 163](#)), and added: "It is unequivocally clear that 1,000 people die per year in the UK as a direct result of passive smoking. This is unacceptable in the 21st century. All workers must be protected from the killing effects of tobacco smoke." The BMA campaign was welcomed by Hope Daley, health and safety officer with the public sector union UNISON: "The evidence is clear - passive smoking kills. We've heard a lot about choice recently from the government but many workers currently have no choice but to breathe in deadly tobacco smoke. It's time the government stopped prevaricating on this issue and started protect workers and the public from this deadly substance."

- [BMA news release](#). [BBC News Online](#). [Sky News](#). [UNISON news release](#).
- **Related information:** [TUC SmokeatWork website](#) and [Hazards smoke at work news and resources](#).

Hospital fined for causing nurse's asthma

A hospital trust has been fined £3,000 after a nurse developed asthma caused by a common hospital chemical. Katrina Low was diagnosed with occupational asthma after working in an operating theatre at Aberdeen Royal Infirmary. She became sensitised to the chemical glutaraldehyde. Fiscal depute Caroline Mackay said Ms Low had been exposed to the chemical, used as a disinfectant in cleaning endoscope machines. Grampian University Hospitals NHS Trust admitted a charge of breaking health and safety regulations by failing to make a suitable and sufficient risk assessment and provide suitable information and training. An NHS risk management spokesperson said the trust did not use glutaraldehyde any more and that it was pleased the nurse had continued to progress in her hospital career. After lengthy union campaigns, the health service started a switch in 2002 from glutaraldehyde to safer alternatives ([Risks 38](#)).

- [Press and Journal](#). **Related information:** [TUC occupational asthma information sheet](#).

INTERNATIONAL

Australia: Nurse wins six figure latex rubber cheque

An Australian nurse who developed an allergy to the latex gloves she had to wear at work has been awarded more than \$428,000 (£167,000) compensation. In March 2000, nurse Mary Dell, 50, suffered a severe reaction, which she likened to a bad asthma attack. The hospital did not let her return to work after the incident. The District Court heard that Ms Dell could no longer work in air-conditioned spaces, go to air-conditioned shops, or travel in trains, taxis, buses or aircraft, because air conditioning spread latex particles that aggravated her allergy. When she travelled by car she had to wind down the windows, even in the rain. Ms Dell had suffered severe anaphylactic reactions - which can lead to restricted breathing and death - and always had to carry emergency medication with her. Judge John Nicholson of the District Court found the Illawarra Area Health Service had breached its duty of care to Ms Dell and her injury had been caused by its negligence. The award comes less than a month after a UK nurse, UNISON member Alison Dugmore, was awarded £354,000 compensation for latex allergy ([Risks 161](#)).

- [Sydney Morning Herald](#).

Australia: Stars act up for safety

Top stars are taking part in a union poster campaign to improve safety in the Australian entertainment industry. The Media Entertainment and Arts Alliance (MEAA) launched its "Get safe now" campaign in an effort to combat under-reporting of injuries. MEAA delegate and Australian Film Institute award-winning actor Russell Dykstra appears in the posters. MEAA's Michelle Hryce commented: "The posters are devised to be placed on workplace noticeboards, in dressing rooms, green rooms, on film sets and news offices, to remind people what to do in the event they are injured at work." The campaign, which also features newsreader Lee Lin Chin, leading film grip Ray Brown and Renee Isaacs from the acclaimed production of the Lion King, is specially designed for each section of the union's memberships.

- [Workers Online](#). [MEAA health and safety website](#) – available soon.

Canada: Rail firm buries work accident cases

Canadian union CAW says national rail firm CN is using “punitive harassment tactics in response to accidents and injuries.” Workers who report incidents are “surrounded” by managers and “watched” afterwards, the union says. It adds that injured workers who need to go to the hospital are intimidated into allowing supervisors to accompany them. Informal and formal disciplinary investigations are the knee-jerk response to all incidents, the union says. “Increasingly we hear of workers receiving first aid being too frightened to fill out an incident report,” says CAW. “Prevention’ has come to mean: ‘Prevent all these reports!’” Some departments reporting fewer accidents get steak dinners as a reward. CAW says CN’s behavioural safety approach has three guiding principles: Everything bad that happens is the workers’ fault; an accident unreported is an accident that never happened; and fix the worker, not the workplace.” It says a series of management disciplinary sanctions and dismissals have been imposed on CN workers for real or imagined safety violations. “We have yet to hear of CN officials being disciplined or fired for these incidents – or more importantly, of an action plan to prevent them,” the union says.

- [CAW news release](#) and [CAW guide to BS programmes](#). Related information: [Union guide to behavioural safety dangers](#).

Sweden: Strike wins better safety deal

A three week strike by electricians on Swedish construction sites has resulted in an agreement that allows for official labour inspectors to be drafted in to arbitrate on “work environment” disputes. The Swedish Electricians’ Union (SEF) said concerns included “a continuous dissatisfaction with the stressful timetables” facing its members in the building industry. The union said provisions of the Work Environment Act should be enshrined in its collective agreement with the industry. The new agreement covers 18,000 installation electricians has been signed by the Swedish Electric Contractors’ Association (EIO) and SEF. The three-year deal says that where opinions differ over work environment issues, an inspector from the Work Environment Authority will be brought in to consider the evidence and the employer must then abide by the inspector’s ruling. Failure to do so would be a breach of the collective agreement and could trigger a damages payout to the union.

- [TUTB news pages](#). [EIRO news](#).

USA: Failure to give urine means you're out

Captain Joseph Kinneary's 29 years of service in the Merchant Marines ended when he couldn't produce a urine sample for a workplace drug test, despite drinking pints of water. The 51-year-old, who has been out of work since March 2002, last week filed two lawsuits against the State of New York and the US Coast Guard claiming discrimination because he suffers from the uncontrollable social anxiety disorder paruresis, also known as Shy Bladder Syndrome ([Risks 149](#)). Recent studies show that about seven per cent of the US public - about 17 million people - suffer from the inability to urinate in public or under pressure, according to the International Paruresis Association. Another lawsuit was filed in May against the manufacturing company Caterpillar Inc. by paruresis sufferer Tom Smith, who was fired when he did not complete a urine sample test ([Risks 143](#)). The report of UK independent panel last week backed the TUC line and ruled that workplace 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" ([Risks 163](#)).

- [Yahoo News. The definitive union guide to drug and alcohol tests at work. Related information: Hazards guide to toilet breaks.](#)

RESOURCES

TUC workplace asthma guide

TUC's latest online health and safety factsheet is on occupational asthma. It contains clear and concise details on the causes of workplace asthma, the law and what safety reps can do. It adds that "they should make sure that, where there is any potential asthma risk, that their employer has given all their workforce appropriate training and information on both the symptoms of asthma and how to avoid it. In addition a system of health surveillance should be in place wherever there is an asthma risk."

- [TUC asthma information sheet.](#)

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR SEPTEMBER TO DECEMBER 2004

[Yorkshire and Humberside](#), [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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