

Risks

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**HAZARDS
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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 9,500 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#).

UNION NEWS

Quickie lunches are dangerous, says TUC



Workers' health and productivity is being jeopardised as lunch breaks get squeezed, says TUC. Commenting on the *Eurest Lunchtime Report 2004* that revealed that UK workers are taking shorter lunch breaks than ever before, TUC general secretary Brendan Barber said: "Workers who don't take long enough breaks risk damaging their health, and employees who don't get away from their desks at lunchtime are not going to be very productive in the afternoon. Employers need to do more to make sure that their staff are not so overburdened that they feel unable to leave the office for more than a few minutes." Barber added: "Overworked employees who don't get to take decent breaks are not a business asset, they are positively bad for business. The government needs to get tougher with bosses who abuse working time rules." The Eurest report found one in five of the 2,000 workers interviewed said they never took a lunch break, while a quarter of women said they worked straight through lunch. Only 57 per cent of people said they took a break at lunchtime. Of those that do stop to eat, the average time taken is just 27 minutes. *Working lunch*, a study published this week by health education charity Developing Patient Partnerships, found that unhealthy eating patterns and snack lunches are contributing to soaring cholesterol levels.

- [HR Gateway. The Guardian on quickie lunches and dangerous diets. Developing Patient Partnerships news release.](#)
- [More on the deadly dangers of overwork. TUC It's about time! campaign. Hazards get-a-life webpages.](#)

Law needs to recognise cost of bullying

Law Lords have this week quashed a ruling which increased compensation for people forced out of their jobs by bullying. In February, a Court of Appeal ruling overturned a legal interpretation that limited compensation to financial loss and ignored any mental effects ([Risks 143](#)). Christopher Dunnachie, 39, who was backed by UNISON, had appealed against a decision by the Employment Appeal Tribunal which stripped him of a £10,000 award for psychiatric

damage. But five Law Lords have overturned the decision to reinstate the compensation. UNISON employment rights lawyer John Clinch said the union was “deeply disappointed that the Lords have missed an opportunity to make the law on unfair dismissal a lot fairer. It is yet another demonstration that employees are not adequately compensated when they are unfairly dismissed.” Because Dunnachie was “clearly bullied out of his job” said Clinch, “it would seem only fair that the courts should award compensation for that appalling treatment. UNISON believes that it’s time the government looked at raising compensation levels in unfair dismissal cases. The treatment of employees can be very poor and yet the maximum levels of compensation fall well below those available in discrimination cases.”

- [UNISON news release](#). [BBC News Online](#). [Scotland on Sunday](#). [HR Gateway](#). [EOR Online](#).
- **Judgments - [Dunnachie \(Respondent\) v. Kingston-upon-Hull City Council \(Appellants\)](#). Decision of the Court of Appeal [2004] 2 All ER 501, [2004] All ER (D) 185 (Feb) reversed.**

Hours breakthrough for tug workers

Tug workers will have safer hours with more humane rest periods under an agreement struck by transport union TGWU. In what is being described as a breakthrough agreement for the towage industry, the union and major employer Adsteam (UK) Ltd have negotiated an agreement on working hours and rest times to bring tug workers in UK harbours into line with Euro law. “This is an agreement we can be proud of as it sets the standard for the rest of the towage industry,” said Steve Turner, TGWU national secretary for transport, who has led the negotiations for the union. “We are pleased that the agreement recognises the effects long hours have on people working in dangerous occupations. It could not have been made clearer that the industry now acknowledges that fatigue is an issue that affects health and safety. We'll certainly be using this new agreement as the basis for talks with the other towage companies in the UK.”

- [TGWU news release](#).

Carnaud Metal Box guilty of another death

The widow of a man electrocuted at a Nottinghamshire metal working plant has won an admission from his employer that it was responsible

for his death – but only after an inquest, a safety trial and a civil compensation case. Throughout the civil case, Carnaud Metal Box Ltd had denied responsibility for the September 2002 death of Brian Pemberton, 42. At the earlier inquest and safety prosecution the company tried to lay the blame with Brian, who had never received electrical training from the firm. The Amicus-backed civil case on behalf of Brian’s widow, Joyce, was finally settled on the steps of Mansfield County Court, with Carnaud for the first time admitting full responsibility for the death and agreeing an undisclosed settlement. Amicus regional officer Archie Mather said: “This is a tragic case made worse by the company's failure to admit responsibility... Hopefully this will also demonstrate to people who are not members, the value of trade union membership.” In another case, the company was last month fined £17,000 for safety offences related to the deaths of two workers in a fireball ([Risks 162](#)).

- [Amicus news release.](#)

No fear, Usdaw campaign is a winner



A health and safety campaign has won the union campaign of the year award. “Freedom from fear,” the high-profile campaign by retail union Usdaw to tackle the high levels of violence, threats and abuse suffered by shopworkers, was named best campaign in the TUC Press and PR Awards 2004. “This is a tremendous achievement for Usdaw,” said John Hannett, Usdaw's general secretary. “We are building a reputation as a fast-growing union that campaigns effectively to ensure our members get the best deals in the workplace.” Usdaw launched its “Freedom from fear” campaign in 2002. Industry research shows that every minute of the working day a shopworker is verbally abused, threatened with violence or physically attacked. Usdaw says the campaign aims to raise awareness of the problem, promote greater respect for shopworkers and improve safety for all workers in the retail sector.

- [Udaw news release.](#)

OTHER NEWS

Top firms urged to give stress views

The leaders of the top 350 UK companies have been urged by the

Health and Safety Commission (HSC) to give their views on how to prevent sickness absence caused by work-related stress. HSC chair Bill Callaghan has written to business leaders to call for their participation in HSC's consultation on management standards for stress. He said: "We're not about eliminating all stress or pressure in the workplace. Rather we want to help employers recognise and manage the risks sensibly. We believe the management standards can help employers tackle work-related stress at source and reduce sickness absence caused by work-related stress." HSC says the views of all employees are also invited – "and it couldn't be easier to get involved in the debate," as the consultation is being conducted online. TUC, however, has warned that the online consultation could bypass safety reps and has criticised HSC's "scattergun" approach, which "treats consultation as some kind of ballot" ([Risks 158](#)).

- [HSE news release. HSC online consultation, deadline for responses 27 August. The management standards, an introductory video and supporting materials are available on HSE's stress webpages.](#)

More to benefit from vibration payouts

More people harmed by vibration exposure at work will be eligible for government compensation payouts under new rules. Minister for work Jane Kennedy this week announced planned changes to the prescription of "Prescribed Disease A11 (PD A11)," commonly known as vibration white finger (VWF). The Industrial Injuries Advisory Council (IIAC), the body that advises the government on compensation issues, conducted a review and recommended widening the terms of prescription of the disease to include severe sensorineural symptoms – altered sensations in the fingers such as tingling or numbness. Previously, only those with vascular symptoms – which caused a blanching of the fingers - were able to claim Industrial Injury Disablement Benefit. Accepting IIAC's recommendations, Jane Kennedy said: "The recommendations bring Prescribed Disease A11 up to date with the medical science on this condition, and we will look to implement these changes in the most cost effective manner."

- [DWP news release. Hand-Arm Vibration Syndrome. Report by the Industrial Injuries Advisory Council in accordance with Section 171 of the Social Security Administration Act 1992 reviewing the](#)

prescription of the vascular and sensorineural components of Hand-Arm Vibration Syndrome, DWP, July 2004 [[pdf](#)].

Teenager dies in trench collapse

A teenage builder has died after being buried under tonnes of rubble at a construction site in Sheffield. Firefighters fought to resuscitate 18-year-old John Morton who was trapped with a colleague Dan Thompson on 14 July, when the side of a 10ft deep trench collapsed. A team of nine firefighters worked to rescue the pair by hauling away the mass of shale, bricks and stones. The crews tried to resuscitate Mr Morton who had stopped breathing. Mr Thompson suffered multiple injuries. The Health and Safety Executive has launched a joint investigation with police. Both men had been working for construction firm TG Beighton Ltd. The death occurred on the day MPs debated Britain's dangerous construction record.

- [Sheffield Star](#).

Corporate manslaughter law slips again

The government now says the long overdue corporate manslaughter law, a manifesto promise since 1997, will not appear until late this year. Speaking in a 14 July House of Commons debate on construction safety, minister for work Jane Kennedy MP said: "Home Office colleagues are taking forward the questions of corporate manslaughter and Crown immunity. We are working on a draft Bill, and the aim is to have that published towards the end of this year - perhaps the back end of autumn. That is our objective." Responding to MPs, the minister said: "As we have already heard, there can be no doubt about the poor record of the construction industry." She added: "Every member who has spoken has commented on the level of penalties and fines applied. I want to make it absolutely clear that the general level of health and safety fines do not reflect the gravity of the relevant offences."

- [Hansard report](#). Related information: [TUC/Hazards deadly business campaign](#).

Two firefighters killed in blaze

Two firefighters have died from injuries sustained while tackling a blaze at a shop and flats in east London. London Fire Brigade said Bill

Faust, 36, and Adam Meere, 27, were among 50 officers called to the blaze in the early hours of Tuesday morning. Two people were rescued from the roof during the fire, which is being treated as suspicious by police. Mr Faust and Mr Meere had entered the building wearing breathing apparatus but colleagues had to rescue them. Mick Shergold, FBU London regional secretary said: "We're devastated at the news. Our thoughts are with their colleagues and their families." FBU president Ruth Winters said: "Their deaths will be felt throughout the UK fire service. The thoughts of everyone in the fire service are with their families at this time."

- [BBC News Online](#). [FBU news release](#). [Evening Standard](#).

£1m payout for worker hit by train

A railway worker left needing 24-hour care after he was hit by a freight train has been awarded £1,000,025 in damages. Michael Smith, 54, from Liverpool suffered severe multiple injuries to his chest and spine. His employer, English Welsh and Scottish Railway International Ltd, was found liable at a previous hearing. He was struck by a car transporter train in September 1997 while working on sidings at Speke, Merseyside. Mr Smith said after the hearing: "This is a lot of money but every penny is spoken for to provide the care, medical treatment and equipment I will need to help me make life a bit better." He added: "It's awful to be dependent on others, but the accident has devastated me both physically and mentally."

- [BBC News Online](#).

£7,000 fine after worker loses toes

The owners of a supermarket cash and carry have been fined £7,000 for safety offences after a 20-year-old temporary worker lost the toes from one foot in an avoidable accident. Student Nishit Patel was employed by VB and Sons in Greenford, London in November last year when his foot was badly crushed by a lift. Mike Richardson, prosecuting, told Acton magistrates court: "The impact caused a severe crush to his left foot, which meant that all the toes on his left foot had to be amputated. Mr Patel now has to wear specially adapted footwear and a prosthesis to help him walk." Hitesh Nathwani, manager at VB and Sons and co-owner Chunilal Nathwani, pleaded guilty to two safety offences last month. They were ordered to pay a

£7,000 fine and costs of £3,048 were awarded to Ealing council. Helen Wilkie, for the council's trading standards department, said the injury was "avoidable" and added: "A straightforward check of the lift would have revealed the potential safety dangers, which could have been fixed and this incident would never have happened."

- [This is local London.](#)

Civil service job cull could worsen absence

Job cuts and a clampdown on sickness absence in the civil service could worsen sickness absence rates, the Chartered Institute of Personnel and Development (CIPD) has warned. CIPD's Ben Wilmott said: "A badly worked out and unfair system of managing absence could make the problem worse. Any punitive approaches to reducing absence which punish the many for the actions of a few people who throw sickies, for example, should be avoided." Speaking to the human resources website HR Gateway, he said: "Absence could also be worsened if change is handled badly. Change already plays a key part in public sector absence and its role may grow as well as losing staff from the areas under scrutiny to other organisations." *Risks* warned last week that redundancies can cause serious damage to the health of those who lose their jobs and can lead to increased sickness absence and potentially fatal health complaints in those left behind ([Risks 165](#)).

- [HR Gateway. Related information: Unions and sickness absence policies.](#)

Better protection for work sick

Workers suffering from long-term illness, such as HIV, MS and serious cancers, are to gain new rights. Under new proposals, these conditions would be classed as disabilities as soon as they have been diagnosed. Existing disability discrimination legislation does not protect workers until their symptoms become visible. The loophole has led to complaints from workers that firms have been sacking staff once they reveal their illnesses, and before they start showing symptoms. The changes are intended to go through parliament before the general election, and would come into effect in 2005 and 2006. The Department for Work and Pensions (DWP) estimates the measures would extend protection to 175,000 people, who have been diagnosed with conditions but are not showing signs of the disease. More than 5.5 million disabled people are of working age - or 16 per cent of the

working population. Secretary of state for work and pensions Andrew Smith, said: "Disability rights is about more than jobs. It is about people's equal worth as individuals so that they are not disabled by the preconceptions of others."

- [DWP news release](#). [BBC News Online](#). [The Independent](#).

INTERNATIONAL

Australia: Unions pursue asbestos firm worldwide

A company that skipped Australia for the Netherlands in a suspected bid to evade tens of thousands of asbestos compensation claims is the target of a global union campaign. Australian national union federation ACTU has rejected a proposal by the board of the James Hardie company for a statutory scheme that would limit the rights of asbestos disease victims. ACTU assistant secretary Richard Marles said: "The James Hardie proposal could represent one of the meanest acts in Australian corporate history. The scheme it proposes would short change the many thousands of Australians who will ultimately die as a result of exposure to work-related asbestos." The union federation is calling on Australia's federal government to seek a treaty with the Netherlands, where the James Hardie company is now based, so that asbestos victims can pursue their rights to full compensation. ACTU secretary Greg Combet said: "It is estimated 40,000 to 60,000 will die from asbestos related diseases in Australia and that James Hardie could be liable for compensation in an estimated 76 per cent of cases." He called for "a treaty with the government in the Netherlands, so that any judgments found against directors and against James Hardie entities in Australia can be enforced in the Netherlands." Global union federation IMF is calling on its affiliates worldwide to support the campaign.

- **ACTU news releases on the [international plan](#) and [rejected deal](#). [VTHC news release](#). [IMF news release](#). [ABC News](#). [Sunday Mail](#).**

China: Major work fatalities keep rising

Industrial and road accidents killed about 64,000 people in China in the first half of this year while its mining industry remained the world's most dangerous, officials says. The government's efforts to stem

runaway mining deaths, including mine closures and a clampdown on illegal mines, have so far failed to make the dramatic inroads hoped for. "The severity of work safety situations has not changed fundamentally," Wang Dexue, deputy chief of the administration, told a news conference. "The number of accidents with more than 10 deaths keeps rising." China recorded 70 accidents with a death toll of 10 to 29 people at a cost of 928 lives in the first six months, up 14.8 per cent on the same period last year, the administration said. A total of 2,644 coal miners died in the first six months of 2004, down by 373 or 12.4 per cent from the same period last year.

- [Reuters](#). [VOA News](#). [China Daily](#).

India/USA: Court orders release of Bhopal payments

India's Supreme Court has ordered the government to distribute millions in compensation still due to the victims of the Bhopal gas tragedy. In December 1984, tons of toxic gas leaked from an Indian pesticide plant owned by US multinational Union Carbide in the central Indian city of Bhopal, killing 3,800 people almost immediately. The company, now owned by Dow Chemical Co., paid \$470 million in compensation to residents in 1989, but only some of that amount has been distributed, say lawyers for the victims. India's top court has ordered the government to pay the remaining 15.03 billion rupees (£177m) due to victims of the tragedy. Environmental group Greenpeace says that in the years since the gas leak, over 20,000 people have died from exposure-related illnesses. Of the approximately 520,000 people exposed to the poisonous gas, some 120,000 people remain chronically ill, it adds. The Indian government continues to pursue homicide charges against former Union Carbide chair Warren Anderson, who is now retired and living in luxury on Long Island, New York State.

- [Greenpeace India news release](#). [Reuters](#). [Bhopal.net](#). [Central Chronicle](#). [Times of India](#). [UPI](#). [Indian Express](#). [The Guardian](#).

Ukraine: Gas blast kills 31 coalminers

At least 31 coalminers have been killed in a 20 July explosion in a shaft in Ukraine. The government declared a three-day period of mourning as rescuers sought five men believed to be trapped deep underground in a dangerous fog of smoke, methane gas and fire. Forty-eight miners

were almost 1,000 metres underground on Monday night at the notoriously unsafe Krasnolimanskaya mine in Donetsk, when a mixture of methane gas and coal dust detonated. It was the country's worst mining disaster in two years. Nine miners were killed in this same pit three years ago and four more have been killed in the period between then and the latest disaster. Since Ukraine became independent in 1991, more than 3,700 Ukrainian miners have lost their lives. That, say experts, equates to seven dead miners for every two million tons of coal produced. Outdated equipment, high concentrations of methane gas and lax safety rules make the mines a death trap.

- [Yahoo Asia](#). [The Independent](#). [Sky News](#).

USA: Insurers fear silica claims explosion

US insurers could be facing a deluge of compensation claims from workplace victims of silica-related disease. They say at least 30,000 people nationwide have filed such claims - many of them in the past two years. This compares to the estimated 730,000 who have filed asbestos claims, according to AM Best Co., an insurance research and rating firm. "It's premature to say this will be the next asbestos," says John Iten, a director in the North American insurance ratings group of Standard & Poor's. "But it's certainly somewhat disquieting to hear the number of claims is increasing." At least 1.7 million US workers are exposed to inhalable silica, according to the government's National Institute for Occupational Safety and Health. Robert P Hartwig, senior vice president and chief economist for the insurance industry's Insurance Information Institute, said: "Insurers are going to be very careful that the silica cat does not get out of the bag the way asbestos did. We've been there, done that." Plaintiffs' attorneys have been providing lung screenings for silica damage, often through unions.

- [Hartford Courant](#).

RESOURCES

Workplace killers – best laws briefing

The lacklustre UK government proposals on corporate manslaughter – which do not include measures to bring about jail terms for dangerous employers – can now be compared to better laws elsewhere. The Centre for Corporate Accountability has prepared a web briefing laws already in operation in Canada and in Australia's capital territory. The

Canadian proposals are particularly interesting, as they make it easier to prosecute employers for hurting workers, allow for employers to be jailed for safety crimes, and cover injuries and occupational health as well as workplace fatalities.

- [CCA website](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR SEPTEMBER TO DECEMBER 2004

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

Women's health and safety conference, 21 September

Women make up nearly half the workforce, yet still suffer discrimination at work and face particular health and safety hazards because of the jobs they do. A September LRD conference will discuss the hazards facing women at work and how workers and unions can tackle the issues.

Women's health and safety conference, 9.30am-4.30pm, Tuesday 21 September, University of London Union. £10 with lunch provided and crèche available. [More information](#) and conference application form [[pdf](#)]. Enquiries: [contact LRD](#).

USEFUL LINKS

Visit the TUC http://www.tuc.org.uk/h_and_s/ website pages on health and safety. See what's on offer from [TUC Publications](#) and [What's On in health and safety](#).

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

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