

# Risks

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

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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

### **HSC hands-off safety plan in total disarray**

Union concerns about the government's hands-off, business-friendly workplace safety plans have been vindicated after several key points of the new Health and Safety Commission safety strategy were challenged by a top all-party committee. The Work and Pensions Committee's 25 July 2004 report said the number of safety inspectors should be doubled, safety reps' rights dramatically improved, a corporate crime bill introduced this year and said the government should rethink its decision not to impose safety duties on company directors. TUC general secretary Brendan Barber welcomed the report and said the government must act on the recommendations and give employees "better protection at work by introducing new laws on corporate killing and tougher penalties for bosses that commit safety crimes against their workforce." The Committee report stresses the safety reps' role which could "have a powerful effect in improving standards." The report adds: "We also believe this power to take action, should include not just criminal prosecutions but also improvement and prohibition notices, subject to the usual right of appeal to the employment tribunal and as to terms on legal costs." TUC's Brendan Barber has written to minister for work and pensions Jane Kennedy calling on her to "ensure HSC acts immediately on the Select Committee's recommendation on safety representatives' rights. This can be achieved quickly, at no cost and will have a significant effect on the safety culture in the workplace."

- [TUC news release](#). [Hazards magazine](#). [HSE news release](#). [CCA news release](#). [The Scotsman](#). [The Guardian](#). [FT.com](#).
- [TUC briefing on the select committee report](#)
- **The work of the Health and Safety Commission and Executive.** [House of Commons Work and Pensions Committee](#). **Fourth Report of Session 2003-04. Volume 1, HC 456, July 2004.**
- **More on [safety reps' rights](#) and [union notices](#).**

### **Unions say the government must act now**

Unions say the government must act now to put Britain's faltering safety system back on track. The union calls come after the publication last week of the Commons Work and Pensions Committee's highly

critical report. Committee chair Sir Archie Kirkwood said: "The report is a comprehensive review of the subject which has a common thread: the HSE is under-resourced." It called for the number of HSE inspectors to be doubled. Unions have been strongly critical of HSC's drift from enforcement to an advisory function, spelled out in its "Strategy for workplace safety in Great Britain to 2010 and beyond". GMB general secretary Kevin Curran said: "The Committee has endorsed our view that the only system that works to reduce accidents and injury is a system of vigilance, based on inspection, enforcement and the active involvement of safety representatives." HSE union Prospect welcomed the recognition that HSE should be a protected frontline service. Steven Kay, chair of Prospect's HSE branch said: "We wholeheartedly back the recommendations that HSE should not proceed with its proposals to shift resources from inspection and enforcement to fund an increase in education, information and advice." TGWU general secretary Tony Woodley said: "This report is a valuable fillip to the campaign for better resourcing which would allow more inspection and enforcement so there is more prevention work. That's got to be a good move."

- [GMB news release](#). [Prospect news release](#).

### **Bosses must face real justice for safety crimes**



The TUC says bosses guilty of workplace safety crimes must face real justice. TUC deputy general secretary Frances O'Grady said: "We need to create a new sense of moral responsibility among employers, a sense of accountability for their actions and indeed their inaction, when the result is the death of someone they have employed." Writing in *Hazards* magazine, she added that low fines were not sending out the right message as "it suggests that allowing one of your workers to die is no more important than a parking fine or a shoplifting offence." She said the Home Secretary's announcement last year that a corporate killing Bill would not cover individual directors was wrong, because "it is not faceless companies that are responsible for killing workers, it is people." TUC is also calling for new sentencing strategies, to include corporate probation, more innovative financial penalties, negative advertising and disqualification of dangerous directors. O'Grady added that there was "no logical, legal or moral case for leaving Crown bodies exempt from prosecution where they have caused workplace fatalities."

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

### **TUC calls for action as work deaths rise**

Rising numbers of workplace deaths are a clear indication that more resources must be put into safety enforcement, says TUC. Commenting on official figures published this week showing a four per cent increase in the number of deaths at work to 235 in 2003/04, Brendan Barber, TUC general secretary, said: "The government committed itself to achieving a five per cent decrease in the number of deaths at work between 2000 and 2004. Instead deaths have increased again this year. If the government is serious about reducing the levels of deaths and injuries it must increase the resources available to local authorities and the Health and Safety Commission for enforcing health and safety law." He added: "It is also imperative that the government legislates for new health and safety duties for directors and makes good its commitment to introduce a new offence of corporate killing." The TUC has also asked for urgent action to address the health and safety risks to migrant workers following the tragedy in Morecambe Bay. Derek Simpson, general secretary of Amicus said: "A select committee recommends it, the Labour Party policy forum calls for it, the HSC/HSE would welcome it and it's part of the Labour Party manifesto, so where is the new legislation on corporate manslaughter?" TGWU general secretary Tony Woodley said: "TGWU believes that a wider role for trade unions, especially in small businesses, plus a new law on corporate killing and a very clear focus on individual director's responsibilities together will provide the basis for a solution."

- [TUC news release](#). [HSC news release](#). [HSC news release on local authority statistics](#). [HSC statistical summary](#). [Statistics of Fatal Injuries 2003/04 \[pdf\]](#). [ITV.com](#). [The Scotsman](#).

### **Union pledge to continue fight for work deaths justice**

Gavin Cleland, the tenacious pensioner who devoted his later life to fighting for justice for his son Robert and the 166 other oil rig workers who were killed in the Piper Alpha disaster in 1988, has died, aged 75. Bill Speirs, the general secretary of the Scottish TUC, said Cleland was

a "working class hero" who had spent more than 15 years in a relentless crusade to have Occidental, the US owner of the North Sea platform, prosecuted for its role in the world's single worst offshore disaster. Mr Cleland told an STUC organised conference in September 2003: "Despite one of the worst disasters in British history and the death of 167 men, the company that owned Piper Alpha - Occidental Petroleum (Caledonia) Ltd - and its senior directors have not been brought to justice and prosecuted for any offences relating to the death of the workers." STUC's Bill Speirs said unions would continue his campaign: "The best we can do to honour Gavin and his life is to keep up his battle for the highest possible standards of health and safety in the workplace, and to secure the introduction of a criminal offence of corporate culpable homicide. That would ensure that those responsible for the deaths of workers pay the price in jail, instead of using the company's money to pay derisory fines."

- [The Scotsman.](#)

### **Ofsted staff are stressed out**

Overworked Ofsted staff are facing a workplace stress explosion as a result of staff cuts and restructuring, says UNISON. The union has around 850 members employed as support workers by Ofsted, the Office for Standards in Education. It says Ofsted plans to reduce costs by £40 million over the next three years and to implement a 20 per cent reduction in staffing levels - despite pressure from UNISON to get Ofsted reduce spiralling workloads. In June, UNISON sent a letter to the children's minister Margaret Hodge, raising issues about unrealistic performance targets, workload and stress levels. UNISON national officer Fiona Westwood wrote: "This approach has produced an excessive hours culture. It generates unhelpful competitive strain which undermines teamwork and it has resulted in a climate of pressure and intimidation, since managers and employees try desperately hard to meet these unachievable targets." She said this was "manifestly unfair", adding "I am concerned about the very negative effect that this is having on their health and wellbeing."

- [UNISON news release.](#)

### **Fire union warns of growing dangers**

The Fire Brigades Union says the latest big increase in the number of fires shows more investment is needed to properly staff emergency

response and fire prevention measures. It warns that cuts in the service under the cloak of "modernisation" could make matters worse by leaving firefighters over-stretched and overworked. The latest official UK fire statistics show a rise in fire related deaths, with 30 more people dying as a result of fires in the UK compared to the previous 12 months. The total number of fires in the UK leapt by 14 per cent to break the 600,000 barrier for the first time. The union says the number of secondary fires including large scale outdoor fires – which leapt by nearly a third – was alarming and warned that this could be evidence of a link between increasing fire-starting and climate change. FBU assistant general secretary Mike Fordham said: "The current complacent mix of cuts and pitiful levels of investment in community fire safety and arson reduction is a recipe for disaster. This challenge will not go away and the government's continued silence is astonishingly complacent."

- [FBU news release.](#)

### **Don't gamble with employees' safety**

Betting shop employers should not gamble with their employees' safety, a union has warned. Responding to the recent shooting of a worker in a Ladbrokes betting shop in Coventry, Community – the union organising and campaigning on behalf of Ladbrokes betting shop staff – has asked the company for urgent talks to discuss measures to increase staff safety. Luke Chester, Community's local organiser, said: "Community members employed by Ladbrokes believe that frequent single-staffing of shops, the longer opening hours and the resulting higher takings have increased the risks to their security and safety." He added: "We have written to Ladbrokes to ask them to meet with union representatives to discuss how we can work together to improve security and safety measures at betting shops in order that staff can know that the risk of armed assault at work has been drastically reduced."

- [Community news release.](#)

## **OTHER NEWS**

### **Laws must be revamped for nanotech risks**

The TUC is backing a call in a government-commissioned report for the regulation of the booming nanotechnology industry, particularly in the

area of workers' safety. The report from the Royal Society and Royal Academy of Engineering says the laws on safety and nanotechnology – products produced using microscopic engineering of substances – are not up to the job and must be reviewed, with additional requirements introduced on testing and labelling. Brendan Barber, TUC general secretary, said there was “a genuine concern for the safety of staff breathing in and absorbing tiny, toxic particles.” He added it was important to learn the lessons of asbestos and called for a precautionary approach to prevent worker exposures and environmental risks. *Nanotechnology: what they don't know could hurt you*, a new report in the TUC-backed *Hazards* magazine, likens the unregulated growth of the nanotechnology industry to a 21st Century wild west gold rush. Rory O'Neill, *Hazards* editor, said: “The nanotech industry is the biggest thing since the microchip, but has grown with scarcely a thought for the potential occupational health risks. There have been plenty of red flags, but the dollar signs have blotted out the warnings signs.” He added: “The evidence we do have raises real concerns about chronic health effects, the extent of which might only become apparent in a generation.”

- [TUC news release. TUC nanotechnology factsheet and Hazards nanotechnology health and safety report.](#)
- [Royal Society news release and full report. DTI news release. BBC News Online. The Guardian. New Scientist. Reuters. The Scotsman. The Telegraph.](#)

### **Boss jailed over apprentice death**

A managing director has been jailed for 12 months after a young apprentice was killed in a boatyard explosion. Alan Mark, 45, managing director of Plymouth-based Nationwide Heating Systems Ltd, was convicted of Ben Pinkham's manslaughter. The 21-year-old was working at a boat manufacturer's in Plymouth when the blast occurred in February 2003. He was using a highly flammable solvent to clean a resin storage tank at the Princess Yachts International yard when the explosion occurred on 3 February 2003. The boatyard was fined £90,000 with £10,000 costs. Exeter Crown Court heard Mr Pinkham had not been warned about the dangers of using the chemical in a confined space. Mark, 45, had denied the charge of manslaughter. Nationwide Heating Systems Ltd was also found guilty of manslaughter. Both Mark and his company had pleaded guilty to three health and safety offences. The firm and the managing director also

admitted failing to make a suitable and sufficient risk assessment. John Lacey, president of the Institution of Occupational Safety and Health, said the case "emphasises the need for employers to conduct risk assessments and not allow apprentices to work unsafely or to undertake work for which they are not properly supervised."

- [Evening Herald](#). [BBC News Online](#). [IOSH news release](#).

### **Deaths law delayed because of ministers' court fears**

Plans to introduce a corporate manslaughter law have been repeatedly delayed because government ministers fear they could be held personally liable for deaths. Downing Street has been accused of "hiding behind" legal advice that ministers could be prosecuted if people die due to problems with public services such as health or transport, reports *The Independent*. "There is legal advice that John Reid [the Health Secretary] or even Gordon Brown could be liable if someone died in hospital as a result of funding decisions traced back to central government," said one Whitehall source. Labour has repeatedly pledged to bring in a new offence of corporate manslaughter since coming to power in 1997 but has failed to produce workable legislation despite promising a draft Bill in May 2003. Only a handful of prosecutions for manslaughter have been made in the past 10 years, even though over 3,000 workers and 1,000 members of the public have died in work-related accidents. Labour's National Policy Forum last week reiterated a commitment to introduce a corporate killing law. This week the all-party Commons Work and Pensions Committee urged the government to produce a draft Bill by 1 December this year.

- [The Independent](#). [The Herald](#). [TUC/Hazards deadly business campaign](#).

### **Unions hail workers' rights boost**

Unions say they have won a "significant shift" in Labour policy on workers' rights and holidays. Deals were struck after talks between leaders of the biggest trade unions and government ministers at Labour's national policy forum last weekend. They include a pledge that employers cannot count bank holidays within the statutory four weeks holiday staff get. The holiday deal, for which TUC has led a union campaign ([Risks 148](#)), was struck at the forum talks at Warwick University and means millions of employers will now be in line for an

extra eight days holiday a year. Temporary and agency workers are also due to get improved workers rights, after the government said it would remove its opposition to an EU directive aimed at equalising rights between workers. The forum also confirmed Labour will proceed with a corporate killing bill, again a long-standing union campaign demand. The new agreements are set to be included in Labour's election manifesto. TGWU general secretary Tony Woodley commented: "A third Labour term would strengthen the position of UK workers and provide greater employment justice."

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

### **Radiation may be 10x more deadly than thought**

A government scientific committee has found that the risk of cancer from radiation could be 10 times higher or lower than previously thought. The leaked draft report of CERRIE - the Committee Examining Radiation Risks from Internal Emitters - is due to be published in October and says the risk of cancer from exposure inside the human body could be much higher than the international safety limits allow. Rob Edwards, a writer on the *New Scientist*, told BBC Online: "If radiation is found to be more dangerous than we assumed, those engaged in cleaning up the radiation legacy of the nuclear industry particularly at Sellafield and Dounreay may be exposed to higher risks than they realised." He added: "If it is confirmed that plutonium is 10 times more dangerous than previously thought that must increase the likelihood that radiation is to blame for the cluster of childhood leukaemias." Jamie Reed, press officer for British Nuclear Fuels at Sellafield, said he could not comment on a leaked report. He added: "Our workforce is one of the most heavily investigated workforces in the world. If there was any need to address any issues we would not be short of evidence. There are no health effects of working here."

- [BBC News Online](#).

### **Government's top doc presses for work smoking ban**

The government's Chief Medical Officer, Sir Liam Donaldson, has published powerful new evidence on the case for smokefree workplaces. His annual report, *On the state of public health*, reviews the economic effects of smokefree legislation in other countries, and concludes that a policy of creating smokefree workplaces in the UK

would bring a net benefit to society of between £2.3 and £2.7 billion a year. It adds that smokefree laws are good for business, citing cases histories including New York, which has seen an increase in taxable sales from eating, drinking and hotel establishments since smoking was ended in workplaces, together with a rise in restaurant employment of 18 per cent. Deborah Arnott, director of Action on Smoking and Health(ASH) commented: "Sir Liam Donaldson's latest report gives yet more powerful backing to the case for a smokefree workplace law in the UK. Smoking at work has been estimated to cause about 700 premature deaths a year in this country – three times the number killed by industrial accidents. And thousands more employees are made ill." The government last week told hospitality bosses to draw up plans for a phased smoking ban.

- [DoH news release](#) and full report, [On the state of public health](#). [ASH news release](#). [The Observer](#).
- [TUC Smoke at Work website](#). [Hazards smoking news and resources](#).

## INTERNATIONAL

### **Australia: First test of work death law**

The tragic death of a union member will provide an early test of Australia's first industrial manslaughter law ([Risks 134](#)). Dimitrios "Jimmy" Theodorelos, a 60-year-old electrical assistant and member of electric union ETU, suffered massive head injuries after falling from a shipping container at Canberra Airport. Federal police and safety enforcement agency WorkCover are investigating the death, the first workplace fatality since the introduction of industrial manslaughter law in the Australian Capital Territory (ACT). The legislation allows courts to jail employers if they are responsible for negligent practices that kill workers. Following the death, the ETU banned the storage of material and equipment on top of containers or sheds. Unions in other states, including Victoria, New South Wales and Queensland, are seeking manslaughter laws in their own jurisdictions.

- [Workers Online](#). **Related information: Centre for Corporate Accountability briefing on the [ACT industrial manslaughter law](#).**

### **China/Hong Kong: Protest over battery factory poisonings**

A group of 40 labour and human rights protesters have been involved in scuffles with security guards after storming the Hong Kong headquarters of GP Batteries. Representatives from 33 organisations, including the bulletin *Globalisation Monitor*, the Hong Kong Christian Industrial Committee and the Hong Kong Confederation of Trade Unions, joined forces to press Gold Peak Industries - the owner of GP Batteries - to pay medical fees and other compensation to workers they say were poisoned by cadmium at two factories. The co-ordinator of the protest, *Globalisation Monitor* editor Poon Man-hon, said he feared there would be a large increase in the number of poisoned workers, which now stood at more than 100, if the company refused to improve factory ventilation. "We demand that all workers be sent for blood tests and that the company pay all their medical fees until they have fully convalesced," Mr Poon said. The company denied any workers had been poisoned, however deputy general manager, Brenda Lee Wong Yuk-wan, conceded that since the beginning of the year, 400 of 1,000 tested workers had been found to have "higher than normal cadmium levels." Mrs Lee said 2,000 of its mainland staff were yet to be tested.

- [Asian Labour Update](#).

### **Greece: Workers in peril at Athens sites**

The human cost of the breakneck race to complete Athen's Olympic facilities ([Risks 151](#)) continues to rise. Greek Olympic Committee President Lampis Nikolaou admitted to BBC Radio's Fact the Facts programme that the death toll among the multinational workforce in Athens was far greater than in any other city to have recently hosted the games. One person died in the construction of the Sydney Olympics and two in that of the Barcelona Olympics. "This is something that I regret very much but in every country, in every workplace, accidents happen and people die," he said. The general secretary of the Greek Construction Workers' Union, George Theodorou, said the death toll was much more than the 14 officially reported, with deaths on related infrastructure work like roads and trams taking the actual death toll to 40. "Men are being forced to work long shifts, up to 14 hours a day every day, in very hot temperatures and under constant pressure to complete construction work in time for the Olympics," he said. "Most have no hard hats or safety boots and if they complain, they're sacked." The BBC team was advised by TUC health and safety specialist Tom Mellish.

- [BBC News Online.](#)

### **South Africa: Sick worker challenges compensation law**

An occupational disease compensation case in South Africa is seeking to establish that companies must do more than the legal minimum under safety law to protect their staff from ill-health. This week the Pretoria high court heard the start of the case, as Jacobus Barnard sues Highveld Steel and Vanadium for damages of over R1.5 million (£130,500). Between 1970 and 1994 he was an operator in the iron plant. He is gravely ill with pleural fibrosis of the lungs and has sustained an obstructive lung disease caused by exposure to asbestos dust. In his court papers, Barnard accused the company of failing to protect workers from dust, and failing to provide medical surveillance, information and training. Highveld Steel will try and persuade the court that its only duty is to comply with statutory provisions. Richard Spoor, Barnard's attorney, says he will argue that the company's responsibility goes much further than that, and it must consider the constitutional rights to life, health and dignity. He added that if the case is successful, hundreds of similar cases could be brought on behalf of employees from a number of companies.

- [Business Report.](#)

### **USA: Surge in asbestos deaths**

The use of asbestos may be declining in the United States, but asbestos related deaths are on the rise and will continue to rise for at least the next decade, according to a new study from the US government's Centers for Disease Control (CDC). The number of Americans who died of asbestosis, which is caused by inhalation of asbestos, jumped to 1,493 in 2000 from 77 in 1968, the report says. The incurable disease, marked by shortness of breath and persistent cough and which is linked to a higher risk of cancer, is now a bigger killer than silicosis and black lung and the deadliest of all work-related respiratory illnesses. CDC warned that the death toll would probably continue rising because of the lag - often as much as 45 years - between initial exposure to asbestos fibres and death. In 1998, asbestos-related deaths in the US overtook those from the coal miners' disease black lung, reflecting in part the decline of the coal industry, the federal agency said. The CDC reached its findings by reviewing the death certificates of nearly 125,000 people who had lung conditions linked to inhaling dust or fibres from minerals such as coal

or asbestos.

- [Confined Space](#). [ABC News](#). [Reuters](#).

## RESOURCES

### The *Hazards* we do like



If you still have a hankering for paper as well as e-communications, you should get hold of the latest copy of *Hazards*. The TUC-backed health and safety quarterly covers all the latest news on corporate safety crimes, latest prosecutions and compensation cases, updates on drugs at work and on everything from old hazards like asbestos to new workplace threats like nanoparticles. There's latest news on stress, all the union news and bags of resources for reps to use at work. Union reps all qualify for massive discounts, so there is no cheaper source of information in print. Make sure you subscribe – *Hazards* relies on subscription income for its survival.

- [Hazards 87 full contents page](#).

### Telling Jeremy Clarkson where to go

The Director General of the HSE has written to the Sunday Times to challenge remarks made by columnist Jeremy Clarkson. The HSE has also set up a web page aimed at countering false claims about health and safety.

- [HSE putting the record straight webpage](#). What HSE director general Tim Walker said to [Jeremy Clarkson](#).

## 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](#)

## USEFUL LINKS

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on health and safety. See what's on offer from [TUC Publications](#) and [What's On in health and safety](#).

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