

# Risks

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HAZARDS  
MAGAZINE



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 10,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#)

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## UNION NEWS

### **Report confirms unions are good for you**

A new report shows that union safety reps are your best defence against work-related accidents and ill-health. Report author, TUC head of safety Hugh Robertson, said: "This report confirms in simple and clear terms that safety representatives are one of the most significant factors in improving the safety culture of an organisation. While unions have known this for along time, we need employers to look at the evidence and start accepting the huge impact that consultation can make." The comprehensive review of published studies and union case histories concludes that the 200,000 trade union safety representatives are good for you because trade union involvement: Helps reduce injuries at work; leads to reductions the levels of ill-health caused by work; encourages greater reporting of injuries and near misses; makes workers more confident; and helps develop a more positive safety culture in the organisation. The report notes that safety is what union members want – 70 per cent of new trade union members say health and safety is a "very important" issue, even topping pay on the list of priorities. Health and safety is top of the hits on the TUC website, backed up by *Risks*, far and away TUC's most popular bulletin.

- [The union effect](#), TUC briefing, August 2004.
- For more on the lifesaving safety reps' role, see [safetyreps.org](http://safetyreps.org)

### **"Disgraceful" local authority enforcement angers TUC**

The TUC says it is disappointed that there has been a further decline in the number of health and safety inspections and prosecutions by local authorities. Commenting last week on new official statistics on local authority safety enforcement, TUC general secretary Brendan Barber said "it is disgraceful that, on the same day as we hear that workplace deaths are rising, we should get figures showing that the level of inspections and prosecutions by local authorities is continuing to fall. Local authorities must get their priorities right and start putting resources into fulfilling their statutory responsibility to prevent ill-health and injury at work." The TUC is also concerned at the huge variation in the level of inspections between local authorities, with the

best inspecting 430 in every 1,000, but the worst – the Isle of White - only managing 65. The levels of inspection and enforcement activity within the workplace was strongly criticised last month by the House of Commons Work and Pensions Select Committee ([Risks 167](#)). The latest figures show local authority safety inspectors made 260,000 visits during 2002/03, compared with 266,000 in 2001/02. In 2002/03, the rate of visits per 1,000 premises was 221, compared with 229 in 2001/02, and has steadily declined throughout the 1990s.

- [TUC news release](#). [HSC press notice](#). **HELA Health and Safety Activity Bulletin 2004** [[pdf](#)].
- [TUC briefing on the Select Committee report](#).

### **Death figures show need for action**

The four per cent increase in the number of deaths at work announced last week ([Risks 167](#)) has prompted renewed union calls for new safety rights for union reps and better safety enforcement. "The number of deaths at work remains unacceptably high," said Tony Woodley, TGWU general secretary. "What we need is action to prevent those deaths. The 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." Woodley added: "We know from our own experience that where workplaces are union organised and where employers really do understand their responsibilities, there is a safer environment. We also know the public support stronger safety regimes." George Brumwell, general secretary of the construction union UCATT and a member of the Health and Safety Commission, said UCATT supports the recommendations of the Dept for Work and Pensions Select Committee Inquiry into HSC and HSE ([Risks 167](#)) and will continue lobbying the government to increase resources to HSE to enable them to boost the number of inspections "so that the employers who continue to ignore the regulations are brought to account."

- [TGWU news release](#). [UCATT news webpage](#). [HSE news release](#). [TUC news release](#).

### **Heatwave gets workers hot under the collar**

Retail union Usdaw is braced for a deluge of calls as steamy weather forecasts suggest workers will be left simmering at work. The union

says the absence of a legal maximum temperature for workplaces has got its members hot and bothered, with delegates to the union's April conference calling for the government to set a maximum workplace temperature of 27°C. The union says that at temperatures above 25°C heat exhaustion starts. Workers can suffer loss of concentration, increased accidents and loss of productivity. A union leaflet, *Keep Your cool: Tackling heat stress at work*, is proving very popular, said John Hannett, Usdaw's general secretary. He added: "High temperatures at work can make life a misery and damage workers' health - and it's the same when the workplace is too cold. Responsible employers will work with unions to address problems. Sometimes, it is simple measures, such as ensuring cold drinks are readily available or limiting the amount of time workers spend in one area. Even minor changes to work practices can make the world of difference."

- [Usdaw news release](#) and [Keep your cool leaflet](#).

### **MPs back RMT Tube fire safety stance**

Rail union RMT has called on the government to step back from its threat to scrap fire safety regulations for underground railway stations introduced as a direct result of the 1987 Kings Cross fire ([Risks 165](#)). The government's move to scrap the 1989 regulations - which lay down minimum staffing levels and other safety standards for sub-surface stations - was this week opposed by the House of Commons' Regulatory Reform Committee. "The Regulatory Reform Committee has quite rightly pointed out that the 1989 regulations amount to 'necessary protections' for the millions of people who use underground railway stations," RMT general secretary Bob Crow said. "The committee is also right to point out the fear that without enforceable minimum standards corners could be cut and safety compromised." He added that it "would be an act of folly and recklessness for the government to ignore the Regulatory Reform Committee's recommendation."

- [RMT news release](#). [Report of the Regulatory Reform Committee](#).

### **Safety on the TUC agenda**

Workplace health and safety will feature prominently at the TUC's 2004 Congress, to run from 13-16 September 2004. A safety debate on the final session of Congress will hear motions on issues ranging from

safety policy, dissatisfaction with HSC's performance, health and safety in commercial aviation and theatres and bullying and harassment in the NHS. A GMB motion calls for a TUC campaign for roving safety reps and a "work environment fund," based on an employer levy, to finance safety initiatives. Napo is calling for TUC members of the Health and Safety Commission to "insist that its focus should return to one of enforcement" and also says HSC should be told to deliver new rights for safety reps, criminal sanctions on dangerous employers, more funding for HSE and improvements in the way HSC functions. A preliminary agenda including the health and safety motions – which may be amended prior to Congress - is available now on the TUC website.

- [Congress 2004 webpage](#) and [TUC Congress preliminary agenda](#) – see section 8, "Protecting people at work", for the health and safety motions.

## OTHER NEWS

### **Patient jailed for NHS violence**

A disruptive patient who ran amok twice in a hospital casualty department has been jailed for nine months. James Kilgore, a drug addict and alcoholic, fought and hurled equipment at doctors and nurses at Perth Royal Infirmary earlier this year. Jailing him, Sheriff Derek Pyle said he wanted to send out the strongest possible message to violent patients. Kilgore admitted twice running riot at the hospital. A spokesperson for health service union UNISON commented. "We welcome the strong message the sheriff is sending out about assaults on public service workers. It is time people recognise it is not part of a public service worker's job to take this kind of violence and abuse." NHS Tayside has said it will implement a new policy against violent and abusive patients within the next few weeks, with a complete ban as the ultimate sanction. Violent patient Norman Hutchins was banned from all NHS premises in June this year under an Anti-Social Behaviour Order ([Risks 159](#)).

- [BBC News Online](#).

### **Safety experts seriously concerned by rail safety cuts**

Any cuts in rail safety staff could have a "serious" impact on safety, a top safety body has warned. IOSH, the body representing over 27,000

health and safety professionals, warned this week that it is very concerned at reports that Network Rail is contemplating cutting back safety staff on Britain's railways. David Brede, chair of IOSH's railway specialist group, said that should redundancies in the safety directorate go ahead "rail workers and the travelling public would see this as an alarming sign of deteriorating commitment to safety and an unacceptable and short-sighted step." Mr Brede added: "We believe Network Rail should seriously re-think its proposal and should instead take a more considered view and 'spend to save' on health and safety. We trust a full and independent safety validation will take place prior to implementation, as required by Railway Group Standards, and we trust that the HSE will ensure all processes are followed through." Network Rail was given a strong rebuke by the Railway Inspectorate in January for failing to carry out an adequate safety assessment when it shed 600 managers ([Risks 142](#)).

- [IOSH news release](#). [HSC comments](#).

### **New agency will license gangmasters**

Proposals for a new body to help stop exploitation of agricultural workers have been published by the government. A new Act – which has been described as "a victory for union action" – requires labour providers, known as gangmasters, to be licensed ([Risks 164](#)). The Gangmasters (Licensing) Act 2004 means that nobody will be able to act as a gangmaster in agriculture, shellfish gathering and related processing and packaging without a licence, and it will be illegal for anyone to use an unlicensed gangmaster. Offenders risk up to 10 years in prison. The government say a Gangmasters Licensing Authority will operate a licensing scheme, set licensing conditions and maintain a register of licensed gangmasters. A consultation on the shape and role of the new authority will end on 29 October. The news comes in the week the government's Maritime and Coastguard Agency (MCA) warned there could be a repeat of the Morecambe Bay tragedy, thought to have claimed 23 lives. MCA said many gangs are continuing to put profits before safety, noting there have been 15 rescue incidents involving cocklers in the bay since the disaster in February.

- [Defra news release](#) and [consultation paper](#) (deadline for responses, 29 October). [Personnel Today](#). [HR Gateway](#). [BBC News Online](#).

### **Court bans two directors for "horrific" safety crimes**

A demolition firm and two of its directors will pay out over £300,000 in fines and costs after workers were exposed to asbestos at a Birmingham factory. Recorder John Ross QC, sitting at Birmingham Crown Court, said he had been shown an "horrific" video of the site on which workers as young as 16 had been employed to remove asbestos. Morris Williams (54), company director of Dalebrick Ltd, based in Nuneaton, admitted four breaches of health and safety regulations and was fined £40,000 with £10,000 costs and was banned from managing a company for two years. Joanne Carroll (43), another director of the firm, was fined £5,000, ordered to pay £500 costs and was given a one year management ban after pleading guilty to two safety offences. Dalebrick Ltd was fined £200,000 and ordered to pay £60,000 costs. In passing sentence on Williams, the judge said he had come very close to being sent to prison for a "clear and obvious" breach of the legislation and told him to expect no mercy if he ever appeared before the courts again in connection with putting employees lives at risk. TUC says it wants disqualification of directors guilty of safety offences to be the rule, not the exception ([Risks 167](#)).

- [This is Birmingham. TUC/Hazards deadly business campaign.](#)

### **Developer pays £100,000 following subbie's death**

London-based development company Cherren III has been fined £75,000 plus costs of £25,000 at Southwark Crown Court, London, for safety offences relating to the death of heating engineer Mark Butler. Mr Butler had climbed an unguarded ladder to a half platform on the ground floor, from where he fell a distance of approximately 2.4 metres into the basement. He died in hospital 12 days after the 9 October 2000 fall. Cherren III, the principle contractor on the site, had not carried out a risk assessment for the area in which Mr Butler was working. The half platform that Mr Butler fell from did not have any edge protection, nor had the area been designated an exclusion zone. HSE inspector Michael La Rose, who led the investigation, said: "The sad death of Mr Butler was easily avoidable. Property developers who act as principal contractors have a responsibility to ensure that adequate arrangements are made for the daily management of health and safety on their construction sites. Cherren III neglected the safety of people working on the site."

- [HSE news release.](#)

## **HSE warns confined spaces can kill**

The Health and Safety Executive (HSE) has warned the manufacturing industry that entering confined spaces is extremely dangerous. The warning, aimed particularly at waste and recycling companies, follows the death last month of three employees working on a farm near Thetford who were asphyxiated in a slurry tank ([Risks 165](#)). Reflecting on the recent tragedy, James Barrett, head of HSE's manufacturing sector, said: "This latest incident highlights the risks common to all industries and everyone, employers, trade unions, and workers themselves, need to be alert to the dangers." He added: "It is no good managers implementing a safe system of work and assuming employees will follow it. Workers need to be carefully trained and supervised by a competent manager. Senior management must carry out regular checks to be sure the correct procedures are always followed. Anything less is just not good enough and people will continue to die". Two employees died in Hereford on 14 June due to lack of oxygen whilst working in a pit associated with a high pressure special atmosphere furnace. On 29 April a worker in West Thurrock died whilst welding the inside of a petrol tanker.

- [HSE news release](#). [HSE confined space webpages](#).

## **BA staff to face drink and drugs tests**

A new British Airways policy introducing workplace drink and drugs tests has taken effect. The policy had been the subject of a lengthy battle with unions, who argued that tests were intrusive and did not work as well as peer-to-peer support ([Risks 163](#)). The policy means employees can be tested if bosses suspect they are under the influence while on duty or if drink or drugs are linked to workplace accidents. Workers also face random tests during the first six months of employment. Geoff Want, BA's director of safety, security and risk management, said: "Testing reinforces our absolute commitment to safety, which is our number one priority." However, HSE-backed research published in February found "there is no association between drug use and workplace accidents". And the June findings of the Independent Inquiry into Drug Testing at Work concluded drugs tests were of limited effectiveness, a gross infringement on personal privacy, and were "costly and divisive" and an "inappropriate use of management power" ([Risks 163](#)). Union-run member assistance programmes have been found to be the most effective way to deal

with workers facing drug or alcohol problems ([Risks 151](#)).

- [Personnel Today](#). **Related information:** [News and resources on drink and drugs policy at work](#).
- **The scale and impact of illegal drug use by workers, Research report 193, Health and Safety Executive and Cardiff University, HSE Books, 2004, ISBN 0717628027, £20.00 from HSE Books or free online [[pdf](#)]. April 2004 HSC minutes discussing the research report [[pdf](#)].**

### **Workplace motorbike riders need training**

The pizza delivery riders who do battle with city traffic in a bid to get your meal to you on time could be sent back to school in a safety crackdown under consideration by ministers. After a five-year study, a government advisory group on motorcycling has questioned the wisdom of allowing couriers and food delivery drivers to work while holding L plates rather than a full licence. The group, which includes safety specialists and bikers' representatives, urged the roads minister, David Jamieson, to consider new training standards for Britain's 5,000 despatch riders. At present, delivery drivers can begin work after less than a day's basic learning. The proposal is part of a wider blueprint to improve motorcycle safety. Mr Jamieson described the plans as "timely." He said: "Motorcyclist deaths rose by 14 per cent in 2003 and this is a challenge we must face up to."

- [DfT news release](#). [The Guardian](#). **Related information:** [Occupational Road Safety Alliance](#).

## **INTERNATIONAL**

### **Australia: Unions ban products from asbestos fraud firm**

An Australian company denounced for fraud, lies and asbestos disgrace at an official inquiry is facing a union-led ban on its products. Under pressure from unions and asbestos disease victims, the New South Wales state government is considering a state-wide ban on the use of James Hardie Industries products on all government-tendered construction projects. And unions in the neighbouring state of Victoria have launched a blanket ban on all James Hardie products, covering all sites state-wide. James Hardie, the building products group that manufactured asbestos materials between 1917 and 1987, was

attacked last week at a special commission of inquiry headed by David Jackson, QC, over its moves to avoid liability to victims of asbestos related diseases. In his closing submission, counsel assisting the commission, John Sheahan, SC, said James Hardie had fostered a culture of secrecy and disdain towards the victims of asbestos-related disease and had lied to the government, the courts, the stock exchange and victims. Unions say their boycott campaign is already having an impact.

- [Sydney Morning Herald](#) plus coverage on the [Special Commission](#). [The Australian](#). [Workers Online](#). [VTHC news release](#).

### **Australia: Unions halt Sydney tunnel work after death**

The death of a 42-year-old father of two has halted work on Sydney's Cross City tunnel project. Hundreds of members of the unions AWU and CFMEU downed tools after learning of the killing and have said they won't return until they have safety assurances on the Aus\$680 million (£262m) job. The dead man, Ronald Shaws, a Maori tunneller, had been a member of the AWU since starting work on the site. AWU secretary, Russ Collison, said: "Workers want to know what caused this tragic accident and want some assurances about future safeguards." Collison said the union would also be insisting that Maori cultural requirements were observed. The CFMEU, which has a large Maori membership, is liaising with the community about holding a ceremony to honour Shaws. CFMEU state secretary, Andrew Ferguson, said if reports pointed to culpability in Shaw's death, his organisation would insist on prosecutions.

- [Unionsafe](#).

### **Global: Worldwide carnage continues apace**

Whether you live in a developed nation or a developing nation, workplace safety still kills workers in droves. In the UK this year, 23 cocklepickers died in Morecambe Bay, nine died in the explosion at Stockline Plastics, Glasgow, four died on the tracks at Tebay and three were suffocated by fumes from chicken waste in Thetford. Hundreds more died in ones and twos; tens of thousands more from occupational diseases. In the last week, there have been more disasters worldwide. At least 18 are dead as the result of a gas pipeline blast on a Belgian industrial estate. At least 11 people have died after a tunnel collapsed

in the northern Indian state of Uttaranchal. And over 400 people died after a fire swept through the Ycuá Bolaños hypermarket in Asunción, Paraguay, on 1 August. Initial reports indicate that the victims died when the hypermarket's owners and security guards closed shop doors to prevent people from leaving without paying and the looting of goods. The owners and security guards of the hypermarket, which has a disturbing catalogue of anti-trade union activity, have been detained by police. The International Labour Organisation estimates that worldwide almost 270 million accidents are recorded each year, of which 350,000 are fatal. Work-related diseases take the annual toll over 2 million.

- **BBC News Online on the tragedies in [Belgium](#) and [India](#). [ICFTU on the Paraguayan fire deaths](#). [ILO briefing](#).**

#### **USA: Strain injuries screening is bad business**

Companies that screen potential employees for strain injuries risk are wasting time and money, US researchers have found. A study of more than 2,000 employees of an automobile parts manufacturer suggests that most companies that refuse to hire people who "fail" a test for carpal tunnel risk will end up hurting their profits. It's unclear how many US companies use nerve testing to screen potential recruits, but evidence suggests "it's not rare," Dr Alfred Franzblau, the new study's lead author, told *Reuters Health*. In their study, reported in the July issue of the *Journal of Occupational and Environmental Medicine*, he and his colleagues followed 2,150 employees at one company that tested for carpal tunnel risk as part of its "post-offer" medical exams. At the time the employees were hired - between 1996 and 2001 - the company was using nerve testing, but hiring workers regardless of the test results. Had the company refused to hire candidates with abnormal test results, the screening process would have cost it far more than it would have saved in workers' compensation and other costs, according to the study, amounting to a net cash loss over the period of \$357,353 (£196,000). Unions argue that safer workplaces, not screening, is the answer. Last year, UK auto parts company Intier Automotive Interiors was fined £10,000 after failing to make improvements to reduce strain injury risks ([Risks 136](#)).

- **[Reuters Health](#). Alfred Franzblau and others. [Preplacement nerve testing for carpal tunnel syndrome: Is it cost effective?](#) *Journal of***

**Occupational and Environmental Medicine,**  
**vol.46(7), pages 714-719, July 2004 [[abstract](#)].**

### **USA: Judge orders safety watchdog to name worst firms**

A US federal judge has ordered the government's national health and safety watchdog to disclose for the first time the company names and the worker injury and illness rates of the American workplaces with the worst safety records. The ruling came in response to a Freedom of Information Act request filed in October 2002 by *The New York Times*. It asked OSHA to release the injury rates for 13,000 sites OSHA had identified as having unusually high numbers of worker injuries and illnesses. According to Jordan Barab, editor of online safety news update *Confined Space*: "Up to now, the agency has published the names of the sites with worker injuries above an established norm, but not the injury rates for specific sites or any ranking to identify the worst offenders. In practice, it was difficult for reporters or the public to know where it was riskiest to work and whether the agency was effective in bringing about improvements." He added that employers had resisted the move, saying "trade secrets" would be disclosed, and OSHA had claimed it would mean extra workload getting permission from the firms. David E McCraw, a lawyer for *The Times*, said the ruling forces the agency to "reveal information that we think should be public: what workplaces are America's most dangerous."

- [Confined Space. Yahoo. OSHA list of employers with high injury rates.](#)

## RESOURCES

### **Health and safety in the printing industry**

HSE has a new website on health and safety in the printing industry, which employs about 340,000 workers in over 15,000 UK printing companies. The new resource covers both accidents and ill-health in sector. HSE says printing companies report approximately 1,400 work related accidents year year, over 200 of which will be classified as major injuries such as fractures and amputations. It adds that print workers are exposed to a range of hazardous chemicals, including solvents, during the course of their work. In a recent study, 10 per cent of print workers reported that they had a current skin problem caused by their job. An alert on the new HSE webpage from print union GPMU says: "Chapels should use these links to provide them

with health and safety information relevant to the printing industry. They should also bring this information to the attention of their employers as part of their efforts to seek basic email and internet facilities at work.”

- [HSE printing industry webpages](#).
- **Related information:** [GPMU health and safety webpages](#) and [US OSHA printing industry topic pages](#).

## **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](#)

#### **CCA corporate safety crimes conference, 14 October, Glasgow**

CCA's second conference in Scotland - which will bring together ministers, HSE, Crown office, lawyers, trade unions and safety activists – is to examine how effective are the HSE and local authorities in ensuring that companies in Scotland comply with health and safety law. The STUC-backed event will also consider recent developments in the law of homicide, proposed new procedures for the investigation of work-related deaths and the adequacy of fatal accident inquiries.

- [CCA conference](#), 14 October 2004, Moir Hall, Mitchell Theatre Complex, Glasgow. £30 standard fee. £60 for lawyers, businesses and public bodies. £10 unwaged. Registration form [[pdf](#)]. For further details, [email](#) or phone CCA on 020 7490 4494.

## **USEFUL LINKS**

**Visit** the TUC [http://www.tuc.org.uk/h\\_and\\_s/](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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