

Risks

issue no 170 – 21 August 2004



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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](#) [Disclaimer and Privacy statement](#).

UNION NEWS

Royal Mail sick leave move is a dangerous gimmick

The chance of a free car or holiday voucher just for turning in for work sounds like a great idea. But there is no such thing as a free car, says the Communication Workers' Union. The warning comes in the wake of what it describes as a Royal Mail "gimmick," where staff who take no sick leave over the next six months will be entered into a prize draw. The company says the move is an attempt to drive down sickness absence. But CWU deputy general secretary Dave Ward responded: "Royal Mail needs to be honest. It needs to admit it has serious problems that need to be solved. Gimmicks won't offer a solution to low morale and stress levels resulting from the physical demands of the job and regimented management styles." The union believes Royal Mail's plans could result in very few winners and a lot of losers. "We have seen plans they have to bully and harass our people back to work even when they are genuinely sick: calling the office before duties begin - sometimes at five in the morning; long term sick people being forced into interviews; pressurising people when that is the last thing they need," said CWU's Dave Ward. "People can't be bullied into being well."

- [CWU briefing and news release. BBC News Online. The Independent. The Guardian. HR Gateway.](#)
- [Union guidance on sickness absence.](#)

Asbestos court case reminder to all employers

Shopworkers' union Usdaw has warned firms that failure to take asbestos risks seriously could result in costly court action. High street firm Poundstretcher Ltd was ordered to pay £15,000 in fines and costs after exposing employees to asbestos fibres. An Usdaw spokesperson said: "Asbestos is a very dangerous substance that needs to be managed carefully. This successful prosecution is a reminder to all employers that they should know where any asbestos materials are in their buildings and make sure it is safe." A routine inspection at a Poundstretcher store by environmental health officers in Leicester found damaged asbestos insulation boarding and asbestos debris on the floor. Employees had been exposed to asbestos fibres over a period of time during routine work activities. The penalties for exposing staff to asbestos risks can be much higher for errant companies and their bosses. Nuneaton demolition company Dalebrick Ltd and two

directors were fined a total of £245,000 at Birmingham Crown Court on 3 August after the firm hired a team of temporary workers to work on a site, without warning them of the asbestos risk. The directors also received lengthy bans ([Risks 168](#)).

- [Udaw news release](#). [Leicester Mercury](#). **Related information:** [HSE asbestos webpage](#).

BT to be prosecuted over engineer's death

British Telecom is to be prosecuted by the Health and Safety Executive (HSE) over the death of CWU member Tara Whelan. The BT engineer was killed at work in May 2001 ([Risks 96](#)). At a preliminary hearing on 7 September, the company will face charges under the Health and Safety at Work Act and the Management of Health and Safety at Work Regulations. Commenting on the news, CWU national health and safety officer Dave Joyce said: "Since Tara's death, and more recently the death of another BT engineer Donald McAndrew ([Risks 125](#)), the CWU has sought to improve working relationships with the company and the greater involvement of union safety representatives in decisions that affect safety." He added: "The union wants to see better health and safety standards and better safety law enforcement by the HSE because only if this happens will we avoid more fatalities." Since these deaths, the union has negotiated improved procedures to help prevent further tragedies. "Ultimately we want to work with employers to reduce and avoid accidents and ill-health but crucially, our efforts need the support of operational managers throughout the organisation to succeed," concluded Joyce.

- [CWU news release](#).

Ambulance union victory on meal breaks



Unions representing ambulance staff in the north-east of England are claiming victory in a row over meal breaks. The dispute arose after it emerged North East Ambulance Service staff would not be paid during meal breaks, even though they were on standby. In June, ambulance workers voted in favour of industrial action. The action was put on hold in July, with both sides agreeing to go to arbitration. This week an independent arbitrator ruled in the union's favour. UNISON branch secretary Ray McDermott said: "I am absolutely elated, not just for the union, but for the people of the

North East who are going to be provided with an ambulance service for 24 hours a day, seven days a week." Last month, TUC warned that quickie lunches are bad for you, adding that productivity also suffers ([Risks 166](#)). Accident and injury rates go up when workers have too few breaks ([Risks 152](#)).

- [BBC News Online](#).
- [TUC "It's about time!" campaign](#) and [Hazards get-a-life webpages](#).

OTHER NEWS

Speak up now for stress controls

Your chance to have a say on Health and Safety Commission (HSC) proposals on work-related stress action has almost passed – so TUC is urging safety reps and unions to get their comments in soon. The three month online consultation period ends on 27 August ([Risks 158](#)). The HSC proposals are based around a set of management standards that it says will enable employers to gauge stress levels, identify causes and work with employees to resolve any difficulties. It says the standards "are a non-legislative yardstick to help organisations meet their existing duty of care and their duty to assess the risks to work-related stress." A number of newspapers have run high profile campaigns against any new workplace stress controls and the business lobby isn't keen on meaningful controls, so TUC says it is crucial union reps speak up for workplace protections. "Long working hours, constant change, downsizing, job insecurity, lack of control and soaring workloads will make stress-related heart disease, anxiety and depression the major occupational disease of the 21st century unless action is taken," says TUC safety officer Tom Mellish. "Unions should speak up now for proper controls, properly enforced."

- [HSE news release, stress consultation web page and online responses page](#). **Deadline for responses, 27 August 2004.**
- **Why you should respond – see the [Hazards worked to death webpages](#).**

Open season on HSE

It appears August is open season on the Health and Safety Executive. On the glorious 12th, *The Times* had HSE in its sights, with an article

bemoaning the burden our safety enforcer places on business. Responding, HSE deputy director general Justin McCracken said Simon Jenkins' "Thunderer" piece was "as inaccurate as it is controversial." Far from placing an unacceptable burden on business, as Jenkins claimed, McCracken said: "Work-related deaths, serious injuries (over 25,000 last year) and ill-health cause individual human tragedies and generate huge costs to Britain's economy." Only a day before, McCracken had responded to more HSE bashing in two full page *Daily Mail* articles, one headlined "Nanny strikes again", the other "March of the nanny state fascists". A similar, shorter, piece appeared in the *Daily Telegraph*. Their gripe? That HSE is calling on employers to reduce workplace stress. A new HSE "putting the record straight" website is updated regularly with its responses to the latest round of media attacks. HSE suggests the articles have a number of common themes. On top of little regard for facts, the articles fail to acknowledge that safety laws and enforcement have one perfectly reasonable purpose – to protect workers from the actions of criminally negligent employers.

- **Justin McCracken's responses to [The Times](#) and [The Daily Mail](#). [The Daily Telegraph](#). [HSE "putting the record straight" webpage](#).**

Bullied workers suffer "battle stress"

A leading psychologist believes bullied workers go through the same emotions and stresses as battle-scarred troops. Dr Noreen Tehrani has counselled soldiers returning from combat overseas and victims of workplace bullying. "The symptoms displayed by people who have been in conflict situations and workplaces where bullying happens are strikingly similar," Dr Tehrani told BBC News Online. "Both groups suffer nightmares, are jumpy and seem fuelled by too much adrenaline. In addition, they show greater susceptibility to illnesses, heart disease and alcoholism." Dr Tehrani conducted a study of 165 professionals in the caring sector such as nurses and social workers. The study found that 36 per cent of the men and 42 per cent of the women reported having experienced bullying. Overall, one in five people exhibited the main symptoms of post traumatic stress disorder (PTSD). Early signs of workplace bullying are sickness and absenteeism, Dr Tehrani added.

- **[BBC News Online](#).**

Inquest into bladder cancer death

An inquest is expected to be held into the death of Roger Chalk, who died in June at the age of 56 from cancer of the bladder. Mr Chalk, who worked in Devizes, spent his early career in the textile industry, working at cloth mills in Trowbridge and then Stroud, Gloucestershire. Two of his colleagues at Samuel Salter's cloth mills in Trowbridge, where Mr Chalk worked after leaving school in 1964, also died of bladder cancer. At an inquest in February 2001, Wiltshire coroner David Masters brought in open verdicts on the death of Edith Lewis and Frederick Barrett as he said that there was insufficient evidence to bring in another verdict. Azo-dyes used in the industry have well established links to bladder cancer, and the condition is a prescribed industrial disease in exposed workers, qualifying for government payouts. Mr Chalk's widow, Maggi, is deeply concerned that other former workers at cloth mills could be at risk of bladder cancer without knowing it. She said: "Roger never had a day's illness in his life. If it had been found earlier, he might have survived. That is why I am anxious that this is given publicity, so that other families can be spared the grief." Mr Chalk's aunt, Florence Noyes, died in 1979 of bladder cancer. She, too, worked at Salter's cloth mill.

- [Wiltshire Times. Wiltshire Times 2001 article about previous bladder cancer concerns. Related information: IAC and prescribed industrial diseases.](#)

This could be too dangerous

Staff at Environment Agency Wales are being warned to take extra care during fieldwork, after a series of bee attacks. In one incident, an Agency worker using a strimmer who disturbed a nest in Porthmadog, north Wales was attacked by a swarm of bees is now recovering from stings. A second "near miss" incident near Corwen in the Conwy Valley, also involved strimming. And another team was sent diving for cover after a swarm of bees attacked while a tree was being cut up with a chainsaw. The Agency is advising field workers to wear buttoned-up long-sleeved tops, neck scarves and long trousers when carrying out essential work in the field. Bob Ashman, the Agency's health and safety adviser, said: "Our red alert to the emergency work force is aimed at raising awareness and ensuring the potential threat from bees is kept in mind. Workers are being advised to look for evidence of bee or wasp nests when planning or checking out work,

avoid using machines close to nests and known nest locations. Local knowledge here can be invaluable.”

- [Environment Agency](#).

Scots asbestos compensation move urged

An asbestos campaign group is pressing the Scottish parliament to speed up compensation for victims of the disease and their families. Clydeside Action on Asbestos says that while the courts have been prepared to speed up the process, too few claims are settled while victims are still alive. The pressure group is marking its 20th anniversary by drafting a bill to give equal weight to different claims. Last year, changes to the Court of Session's guidance said that where someone has a life expectancy of less than 12 months, the court should look with “considerable sympathy” on any application to “fast track” a case ([Risks 88](#)). Harry McCluskey, 68, is chair of the action group and has since 1990 suffered from asbestosis, a progressive, debilitating disease that leaves the sufferer breathless and unable to carry out everyday tasks. “We worked in shipyards throughout the UK and had no idea asbestos was dangerous - but the bosses knew,” he says. “There are no words to describe the anger we feel.” In the 1970s McCluskey was a member of the Transport and General Workers’ Union when his branch heard asbestos had been banned in Germany. The branch refused to work with the fibre, a move followed by unions throughout the UK. A government ban only took effect in 1999.

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

Insurance loophole for dangerous employers

An employer who did not have mandatory employers’ liability insurance at the time a worker was injured has escaped prosecution and evaded a compensation payout because of a legal loophole. Peter Huddleston, who was injured at work last year, is now taking a court case against his bosses, Steven Fawcett and William Elliott, for whom he worked for 22 years, because they did not have the legally required employers’ liability insurance that would have paid out compensation for his injuries. Lancashire city council’s health and safety team, based in Morecambe town hall, had been notified of the accident, which occurred on 14 January last year, by the company, Vickers Industrial Estate. But the council decided the accident - the roll door of one of Vickers' units fell on top of Mr Huddleston while he was trying to mend

it with Mr Fawcett - was minor and did not merit further investigation. The safety authorities now say the case is "time barred" because it was more than six months after the accident that they were told the company did not have employers' liability insurance. HSE backed research last year found 99.5 per cent of firms had the legally-required required insurance ([Risks 137](#)).

- [Daily Telegraph](#).

Diesel exhaust exposure raises ovarian cancer risk

The risk of ovarian cancer increases with increased exposure to diesel exhaust at work, according to a new study. Writing in the *International Journal of Cancer*, a research team from the Finnish Institute of Occupational Health describe how they assessed the risk a variety of cancers possibly linked to engine exhaust exposure. These included leukaemia and cancers of the throat, ovaries, testes, kidney and bladder. Between 1971 and 1995, they followed a large group of Finns using cancer registries and population census data to explore the cancer risk from cumulative exposure to diesel and gasoline engine exhausts. Individuals with the highest cumulative exposure to diesel exhaust had more than 3.5 times the risk of ovarian cancer. "In conclusion, our study suggests a positive exposure-response relation between occupational exposure to diesel exhaust (or a factor related to diesel exhaust) and ovarian cancer," the authors write.

- [Reuters Health](#).
- **Johannes Guo, Timo Kauppinen and others. Risk of esophageal, ovarian, testicular, kidney and bladder cancers and leukemia among Finnish workers exposed to diesel or gasoline engine exhaust, *International Journal of Cancer*, volume 111, issue 2, pages 286–292, 2004 [[abstract](#)].**

INTERNATIONAL

Australia: Mine deaths prove the case for work deaths law

An Australian union is seeking a new industrial manslaughter law after an inquiry found a company and its bosses were responsible for a deadly 1996 mine disaster. Construction, Forestry, Mining and Energy Union (CFMEU) national president, Tony Maher, says the findings of the Industrial Relations Commission inquiry into the Gretley mine

disaster show the need for a new offence of industrial manslaughter. The commission found two companies and three individuals were responsible for events that led to the deaths of four men at the Gretley coal mine. Mr Maher said it is the first time anyone has been found responsible for a coal mining industry death, but added the current legal system was not able to deliver an appropriate penalty. "The court has found the company and certain individuals guilty and the only penalty is some fines," he said. "For far too long companies and management have literally gotten away with murder." Maher added that things should change after the inquiry ruling. "Companies and management will be held to account for the health and safety of their employees and our union will continue to vigorously pursue those who endanger workers lives," he said.

- [CFMEU news release](#). [ABC News](#). [Daily Telegraph](#).

Gibraltar: Shipyard workers receive asbestos disease payouts

Spanish workers employed 50 years ago in British shipyards renovating US ships on the island of Gibraltar have received payouts for asbestos disease. The 39 Spanish workers had been employed at a Ministry of Defence shipyard, now owned by Cammell Laird. The retired workers or their families have received a payout totalling \$120,000 (£66,000). The payments, which came from the US ship companies, were made in the headquarters of the Spanish Union UGT in Algeciras. UGT Algeciras branch secretary Agustin Alguacil expressed satisfaction that the victims of this incident had received adequate compensation, and added that similar action is being taken in Rota, where a number of cases of contamination have been reported at the US military base. UK union TGWU helped US lawyers pursue the cases on behalf of the Spanish nationals working on the US ships. The claims were made to a trust fund set up by defunct US shipping companies.

- [Gibraltar Chronicle](#).

India: Bhopal victims continue compensation fight

Thousands of compensation claims relating to one of the world's biggest industrial disasters, at the Union Carbide factory in Bhopal in 1984, are being taken to India's Supreme Court for revision next week. The move comes in the wake of a Supreme Court order of 19 July, which asked the government to distribute the remaining 15 billion

rupees (£176m) lying in the coffers of the Reserve Bank of India ([Risks 166](#)). In the incident, poisonous gas leaked from the factory, killing thousands and injuring about half a million people. The official death toll is 5,800, but campaigners say that more than 20 000 people have died from gas related illnesses. The Bhopal Gas Tragedy Relief and Rehabilitation Department said that by the end of October 2003 judgment had been made on more than a million claims, with compensation being awarded to 554,895 people for injury and 15,310 claims for deaths. "Almost half a million victims have been paid a paltry amount of 25,000 rupees (£295) by the Indian courts, while for deaths a shameful amount of 100,000 rupees (£1,182) has been paid on average," said ND Jayaprakash, co-convenor of a victim support organisation.

- **Victims of gas leak in Bhopal seek redress on compensation, [BMJ](#), volume 329, page 366, 2004.**
- **Related information: [Bhopal.net](#).**

USA: Safety a casualty of Bush deregulation fetish

Workplace safety has been a major victim of the US government's business friendly policies. The Bush administration has always favoured a retreat from regulation and enforcement, but reports this week in the *Washington Post* and *New York Times* suggest this preoccupation has been especially evident in the area of workplace health and safety. Some of the changes have been obvious – rescinding the workplace ergonomics rules, for example. But most, according to *Confined Space* editor Jordan Barab, are "almost unseen changes that the Bush administration has made through the regulatory process, with the effect of making more business friendly OSHA [safety enforcement agency], MSHA [mines safety agency] and the agencies in charge of policing the health of our environment." The newspaper reports highlight casualties of the regulatory cull including a tuberculosis standard that was 10 years in development, but which was quietly dropped during the Christmas holiday period in 2003. Since 2001, OSHA has axed nearly five times as many pending safety standards as it has completed. And it has not started any major new health or safety rules, setting Bush apart from the previous three US presidents. Workers outside the US are feeling the effects - OSHA is actively promoting its hands-off voluntary alternative to safety enforcement to its equivalent agencies in Europe and elsewhere.

- **[Confined Space](#).**

USA: Guilty Disney pays \$6,300 for a life

Walt Disney Entertainment has been fined \$6,300 (£3,455) for the death of a Florida worker dressed as Pluto who was run over and killed by a float as it entered the Magic Kingdom parade. The right foot of Javier Cruz, 38, became caught in a float causing him to fall. He was run over by the vehicle. The Occupational Safety and Health Administration (OSHA) could impose a maximum penalty of \$7,000 (£3,840) for the "serious" offence of exposing employees to the risk of being struck by a vehicle. Disney was given 15 days to contest the citation or request a hearing before an administrative judge, and must show that it made changes to prevent a similar accident, said Les Grove, OSHA's area director in Tampa. A statement from Disney spokesperson Veronica Clemons said: "The safety and security of our guests and cast members is a top priority." It added: "We continue to keep Javier Cruz's family and friends in our thoughts and prayers." The US has a high work fatality rate compared to many industry nations, with almost 6,000 deaths recorded every year.

- [Yahoo News. This week's US death toll.](#)

USA: Too much work, too little research

Americans work the longest hours in the developed world and are dropping like flies as a result. "There's not enough research that's been done to show what the health effects are, but the research that has been done should make us worry," warns Dr Paul Landsbergis, an epidemiologist at Mt. Sinai Medical Center. Dr Landsbergis has been researching job stress for the past 25 years. He says in just the last decade he's seen dramatic changes that are literally killing us. "High-demand/low-control work, downsizing, and too much overtime have all been shown to increase the risk of heart disease," he says. Surveys show a huge portion of Americans feel they're overworked – and heart disease for almost 40 percent of all deaths. "Now how can this be, given that people are smoking less, and average cholesterol is down?" asks Dr Landsbergis. "Well, now there's more and more awareness in medical community that perhaps stress might also be playing a role keeping the level of heart disease where it is."

- [NY1.com](#) including links for "Stressed to death" report video clips.
- [Latest workplace stress news from Hazards.](#)

RESOURCES

Multilingual information on catering safety

The Health and Safety Executive (HSE) has published a series of leaflets providing guidance for all those working in the catering industry in a variety of different languages. The information, already available in English, has now been translated into Bengali, Chinese, Gujarati, Greek, Turkish and Urdu.

- [HSE news release](#) and [languages webpages](#). The leaflets are also available free from HSE Books.
- **Related information: A report of the HSE Race Equality Scheme is available online [[pdf](#)] or from Radha Hirani at HSE on 020 7717 6985.**

New online from the European Agency

Two new reports are available from the Bilbao-based European Agency. A priced publication, *Mainstreaming occupational safety and health into education*, is based on an EU-backed project which looked at good practice in taking workplace safety education into schools and vocational courses. It outlines steps to integrate occupational safety and health into education. A new briefing, *Corporate social responsibility and safety and health at work*, is available free online.

- [Mainstreaming occupational safety and health into education – Good practice in school and vocational education](#), ISBN: 92-9191-016-3. Price (excluding VAT): 15€.
- [Corporate social responsibility and safety and health at work](#).

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](#)

Future of safety reps conference, London, 7 October 2004

An October 2004 participatory seminar on the future of safety reps will discuss the work of trade union safety representatives. The London Hazards Centre organised event will examine the great, lifesaving work of safety reps and will examine the barriers to progress towards safe and healthy workplaces in both the organised and non-organised sectors. It will consider the day-to-day problems of being a safety rep and, with the participation of those attending, will set an agenda for change.

- **What should the future hold for trade union safety reps?, Thursday 7 October 2004, 10am to 4pm, University of London Union, Malet Street, London. Further information [online](#) or telephone 020 7794 5999. The event is free but places must be reserved in advance.**
- **Information on the work for safety reps: safetyreps.org**

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](#).

Subscribe to [Hazards](#) magazine, supported by the TUC as a key source of information for union safety reps.

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

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