

Risks

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**HAZARDS
MAGAZINE**



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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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ACTION

Hazards 2005 – it's getting closer!

It's the biggest and best health and safety event on the UK union calendar – and next year it will be in Leeds. The National Hazards Conference will run from 29-31 July 2005 and looks like being the best yet, building on the runaway success of the 2004 event in Manchester. But these essential annual conferences can only run with your support. The organisers of the union backed event want you to do what you can to get cash support from your branch, region or national union for next year's conference. All sponsors are acknowledged in the conference materials and at the venue. It is a great way to demonstrate support and show your union means business on health and safety.

- **[Further details and sponsorship form.](#) If you need more information, you can [email](#) the Hazards 2005 organisers or phone on 0161 953 4037.**

UNION NEWS

Changes to working time rules satisfy no-one



European Commission plans for the revision of the EU Working Time Directive would leave workers at risk of dangerously long working hours, the TUC has warned. Proposals published this week include the continuation of the opt-out for UK workers from the 48 hour working week ceiling. The TUC has spearheaded a campaign to have the opt-out, which exists only for the UK, removed so full legal working time protection can apply to UK workers. Commenting on the Commission's proposals, TUC general secretary Brendan Barber, said: "This is a disappointing decision that will satisfy no-one." He added: "People at work will get some slight extra protections against bosses who try to force them to opt-out of a 48 hour working week. And union members will be able to negotiate a limit to their maximum hours." Barber said the reforms did not go far enough and "show that the Commission has failed to grasp the scale of the UK's long hours culture and the damage it is doing to our workforce and economy. British bosses will still be able to rely on pressuring staff to work long hours instead of adopting safe, efficient and productive working practices." The Europe-wide working time law

was introduced as a health and safety measure, because long working hours lead to high accident and ill-health rates. A new analysis from the European Foundation notes the "proportion of full-time employees in the EU15 working excessively long hours is less than 5 per cent, with the notable exception of the UK, where the figure is more than 20 per cent."

- [TUC news release](#). [European Commission news release](#), [full working time proposals](#) and [frequently asked questions on working time](#). [ETUC news release](#). [BBC News Online](#). [The Guardian](#).
Background on working hours from the European Foundation: [news release](#) and [briefing](#).
- **Resources:** [TUC It's about time" campaign](#) and [Changing Times webpage](#). **Hazards** [get-a-life!](#) and [worked to death](#) online news and resources.

Union concern as retail violence soars

Unions have expressed serious concerns as new figures reveal a shocking risk in attacks, abuse and threats suffered by shopworkers. The British Retail Consortium figures for 2003 show verbal abuse has more than doubled, up from 70 incidents per 100 outlets in 2002 to 159 in 2003. Threats of violence have increased even more rapidly, up from 18 per 1,000 staff in 2002 to 47 in 2003. And actual physical attacks are also up from six per 1,000 staff in 2002 to seven in 2003. Usdaw, the trade union for shopworkers, said its members were working in an "increasingly hostile and dangerous environment." John Hannett, Usdaw general secretary, said: "The scale of the problem is astonishing and with over 10 per cent of the UK's workforce being employed in retail, this issue affects a significant number of people." Tony Woodley, general secretary of general union TGWU, said his union "believes that frontline staff in retail, transport, licensed premises and public services should not have to face violence or abuse when they are merely doing their job serving the public." He added: "We demand effective action to prevent abuse and violence, a speedy police response, the use of anti-social behaviour orders and deterrent penalties against convicted offenders."

- [British Retail Consortium news release](#). [Udaw news release](#). [The Scotsman](#). [Daily Mirror](#).

Unions reject government safety plan



Unions have said a resounding “no” to the government’s strategy for workplace health and safety and have called for a greater emphasis on enforcement, more rights for safety reps and more resources for the Health and Safety Executive.

Introducing the main health and safety motion at TUC Congress this month, GMB general secretary Kevin Curran said union safety reps were “the success story of the last three decades” and added: “It’s a genuine mystery to me why this fantastic contribution to society goes unrecognised by government.” He said government foot-dragging was because “our demands are at odds with the deregulatory agenda which this government seems determined to pursue.” Curran added that rather than opt for greater safety rep involvement, better inspection and stronger enforcement, “the government is systematically undermining the health and safety system to reduce so-called burdens on business. And sadly, the chair of the Health and Safety Commission seems unable or unwilling to oppose this folly.” Curran said there were two straightforward choices – deregulation, or “a system – funded by a compulsory levy on employers – of support for safety reps, effective inspection and enforcement of strong laws that will deliver a reduction in deaths, injury and disease.” Union delegates to Congress voted for the latter route, which will now form the basis of a union campaign strategy to be headed by TUC.

- [Kevin Curran speech introducing Composite 19: Health and safety at work, TUC Congress 2004, plus full text of the decision. Full list of TUC Congress decisions 2004.](#)
- **Why unions are the key to safety improvements: Guides to the “union effect” from [TUC](#) and [Hazards](#). [Why deregulation is dangerous.](#)**

OTHER NEWS

HSC pushes forward with its enforcement-lite plan

The Health and Safety Commission (HSC) is pushing ahead with a controversial plan to provide advice “free from the fear of enforcement.” The approach, criticised at this month’s TUC Congress, is part of a new HSC strategy that has been descried by critics as “enforcement-lite” and “resource rationing”. Bill Callaghan, chair of the

Health and Safety Commission (HSC), said an HSC consultation on the strategy had found that some businesses, particularly smaller enterprises, said they wanted to comply with health and safety standards but were reluctant to approach HSE or local authorities for fear of alerting them to their problems and inviting enforcement action. Announcing new guidelines on separating HSE's advice and enforcement functions, he said: "In the Strategy we commit ourselves to developing channels of advice and support that can be accessed without the perceived fear of enforcement action." However, recent reports have questioned the HSE's drift towards self-regulation and voluntary approaches. Academics Ian Vickers and Philip James told a 1-3 September Manchester conference that their HSE-backed research showed there is "a good deal of scope to improve health and safety standards in small firms by the introduction of more regular and frequent external inspection." They found inspections were "a motivational influence" for safety improvements, were actually welcomed by some employers and led directly to increased awareness of risks. Only "a small number recounted more negative experiences," they said. Last week, Amicus general secretary Derek Simpson said there was "overwhelming evidence that the threat of legal action is the key driver for companies to improve their health and safety standards" ([Risks 174](#)).

- [HSE news release](#). **An HSE statement on providing accessible advice and support [[pdf](#)]**.

Study exposes CBI's sick lies

Contrary to claims from bosses' organisation CBI, UK workers are not malingers – in fact they are among the work horses of Europe ([Risks 158](#)). A major new study shows they are much less likely to take a sickie than workers in the UK's major European Union competitors. Staff in Germany (18.3 per cent), the Netherlands (20.3 per cent) and Finland (24 per cent) take the most time off in Europe, a report in the *Occupational and Environmental Medicine* journal said. On average, 14.5 per cent of European workers took at least one day off in 2000, the year covered by the study. The UK was in the bottom five for sick leave, with just 11.7 per cent taking any days off. The survey included a random and representative sample of employees in each country, with responses from 16,257 employees included. Sickness absence was classified as at least one day off work in the preceding 12 months because of occupational injury or other health problems. "This study provides the first scientifically valid description of sickness absence

across EU countries,” said Dr David Gimeno of the University of Texas School of Public Health in Houston. The survey looked at absenteeism and ill-health in 2000 in the then 15 members of the European Union (EU). Only in Italy, Ireland, Greece and Portugal did fewer workers go sick than in the UK. Greece had the lowest rate of absenteeism at 6.7 per cent.

- [BBC News Online](#). **David Gimeno and others.**
Distribution of sickness absence in the European Union countries, Occupational and Environmental Medicine, volume 61, pages 867-869, 2004
[\[abstract\]](#).

Liberals drop safety standards

A senior adviser to the Liberal Democrats who quit his role as chair of its working group on employment earlier this year claims the party has been “hijacked by a coterie of laissez-faire economists” determined to reject EU minimum standards in the workplace. *The Guardian* reports that academic and journalist Robert Taylor resigned when it was clear he was going to be prevented from writing a radical employment agenda committed to proper health and safety standards, works councils and information and consultation rights. Explaining his decision to quit, the former *Financial Times* labour editor said: “I left the inquiry because I found every proposal was going to have to be tested against the most absurd liberal laissez-faire criteria.” The party has not tried to disguise its new deregulatory approach, which is causing unease among party radicals and old-style social democrats. Last month, the Tories announced their own plans to roll back workplace compensation and safety rights ([Risks 171](#)). A flagship European Union health and safety conference this month also pushed a deregulatory approach ([Risks 174](#)).

- [The Guardian](#).

Green alert on long hours

Flexible working is being used by UK employers to force employees to give up their rights and work the longest hours in Europe - widening the poverty gap and forcing thousands to suffer long-term ill-health, warns a Green Party report. *Flexible working: A work-life balance or a balancing* called on the UK to immediately end its opt-out of the EU Working Time Directive, which limits the maximum working week to an

average of 48 hours. Report author, Jean Lambert, Green Party MEP for London and a Member of the European Parliament's Employment and Social Affairs Committee, said the situation in the UK is "a far cry from the EU model of quality of life choices, home working and improved work-life balance." The report says: "Whatever the reason for longer hours, excessive overtime has serious health implications. In addition to high blood pressure, stress and extreme fatigue, employees who work overtime can suffer from more serious conditions such as diabetes, psychological problems and heart disease. These health risks stem from not having enough individual time, time with the family or time to carry out non-work related tasks."

- [Jean Lambert news release](#). **Flexible Working: A work-life balance or a balancing act? [pdf]**.

HSE upbeat on rail safety as nine workers die

The Health and Safety Executive's annual rail safety report has put a positive spin on Britain's rail safety record. The report's assessment came despite a 50 per cent increase in the number of rail employees killed at work. There were nine staff fatalities during the year to 31 March, an increase of three on the previous year. These figures include the deaths of six track workers, four of whom were killed by a runaway wagon on the west coast main line at Tebay, Cumbria, in February ([Risks 144](#)). "My report... is a positive one," the document's author, Dr Allan Sefton, said. "Once again, HSE's HM railway inspectorate has noted improvements in key safety factors, and the year passed without a train incident causing a passenger fatality. However, it is with sadness that I report that nine railway employees lost their lives." A total of 39 people - excluding trespassers and suicides - lost their lives on the railways, a decrease of 11 from the previous year. Twelve of the 39 were classified as passengers, and died from accidents that included falls from platforms and carriages. Trespassers and suicides accounted for 246 deaths, also a decrease of 11. Sefton said HSE was "still absorbing" the government's decision to strip HSE of its rail safety enforcement role, and to hand it to a new regulator, the Office of Rail Regulation, that would also have responsibility for overseeing the rail system's financial operations raising concerns about a conflict of interests ([Risks 165](#)).

- [HSE news release](#). [HSE's annual report on railway safety 2003/04](#). [The Guardian](#).

£10,000 fine for worker's death

Transport group Wincanton has been fined £10,000 after a worker died repairing a lorry on the hard shoulder of the M5. Michael Brookman, 48, was underneath a lorry near Michaelwood Services, working for Wincanton, when another transporter collided with his lorry.

Previously, driver Alan Mottershead was jailed for two-and-a-half-years after admitting falling asleep at the wheel. Wincanton Group was also ordered to pay more than £1,000 in costs. At Gloucester Magistrates' Court, the firm admitted not going far enough to ensure workers were given sufficient safety and risk assessment training for working on motorways. Edward Burgess, prosecuting: "Detailed training courses should be provided and investigators found that Wincanton had safety policies in place but did not do enough to ensure their employees knew about them."

- [BBC News Online](#). **Related information:**
[Occupational Road Safety Alliance](#).

Insurer warning on silica risks

A top insurance company has added silica to its list of top toxic risks. Aon, the second-largest insurance broker, said individuals extracting silica or working on manufacturing sites may be overexposed, which could lead to silicosis – "a disabling, non-reversible and sometimes fatal lung disease." Other problems can include lung cancer, pulmonary tuberculosis, airway diseases, autoimmune disorders and chronic renal disease. It joins asbestos and tobacco and other highly dangerous substances on Aon's toxic substances database. Aon said the potential for class action is "possible." Mark Hewett, deputy chair of Guy Carpenter, the world's largest reinsurance broker, said his company is conducting research into silica. He said: "It is a common product in a natural environment but it starts to get hazardous if it is cut and the dust particles get in the air. The big question is, is it the next asbestos? We think it is probably not but it raises a number of similar issues." In July, US insurers warned of the possibility of a silica-related disease claims explosion ([Risks 166](#)) and South African authorities announced a programme for the elimination of silicosis ([Risks 163](#)).

- [Daily Telegraph](#).

Asbestos cancers going untreated

Mesothelioma ends the lives of around 2,000 Britons a year in a terrible, painful way – and the death toll is rising ([Risks 172](#)). Generally regarded as untreatable, those diagnosed with this asbestos-related cancer are effectively told they have a death sentence. Now, says a report in *The Guardian*, surgeons are divided over a radical new solution, soon to be trialled. But it has raised an ethical question: is it better to conduct a major operation, which might lengthen life but risks killing the patient, or is it better just to ease the patient's passage to the grave? The debate among the few doctors who specialise in mesothelioma is split between those who believe in radical surgery and those who favour more conservative options. The radical operation, extrapleural pneumonectomy, involves removing the damaged lung and much that surrounds it. Whatever option is preferred, many believe too little is done for the victims of asbestos-related disease. The asbestos sub-committee of the all-party Parliamentary group on occupational safety and health wants a national strategy, says John Battle, Labour MP for Leeds West. "Ten years ago, we were all saying 'You have HIV or Aids, you die.' Now, not only can we extend life, we can mitigate the worst effects so people don't suffer appallingly. With mesothelioma, people die a terrible death in agony. We can't leave them to suffer alone."

- [The Guardian](#). Related information: [International Ban Asbestos Secretariat](#).

INTERNATIONAL

Australia: Unions say mind games are off the rails

Australian train drivers are being tested on letter shapes, personality and computer game style skills to determine whether they are safe enough to drive a train. Rail unions have now started dispute procedures with train company RailCorp over a suspended driver and say question marks remain about the validity of the company's "psychometric" tests ([Risks 149](#)). "The psychometric testing doesn't measure anything," said Unions NSW's Mark Morey. "They're using it on drivers and signallers who have made a mistake." Unions NSW has called on RailCorp to reinstate two rail workers who have been suspended and to end all psychometric tests until a NSW expert group has reported on their use. Morey alleges that RailCorp is trying to expand psychometric testing to other safety critical areas such as electricians, guards and station assistants. Unions complain that the psychometric testing is conducted by an organisational psychologist who has never driven a train and who has only been in a driver's cabin

a handful of times. Bob Cleary, a driver who has been subjected to the tests and who is one of the two suspended staff, says RailCorp's tactics are causing morale to plummet. He adds the company should address real safety critical issues such as fatigue, maintaining running equipment and the long hours with a lack of breaks that are being demanded of drivers.

- [Workers Online.](#)

Australia: Inquiry leads to jail calls for James Hardie boss

A company boss is facing the threat of the sack and jail time for misleading the stock market in a bid to evade asbestos disease compensation liabilities. Besieged James Hardie Industries faces intense pressure to pay its full asbestos disease liabilities of up to \$2.24 billion (£0.9bn) and sack its chief executive Peter Macdonald after a damning report by a special inquiry. The report from the Jackson Inquiry means Hardie will almost certainly face an investigation by the Australian Securities and Investments Commission. The inquiry found evidence Mr Macdonald had breached criminal laws in misleading the share market. Greg Combet, secretary of the national union federation ACTU, said Mr Macdonald "should immediately be sacked, if he doesn't resign." And Leigh Hubbard, secretary of Victorian Trades Hall Council, said: "This was no mistake, no oversight, no act of incompetence or misjudgement. It was a cold and deliberate attempt at avoiding their responsibility." Hubbard added: "The report is clear in stating the money is there and that the profits James Hardie has made over the years from their deadly products should be used to fund the shortfall their corporate bastardry has created." The company's behaviour has prompted an unprecedented global union safety campaign ([Risks 174](#)).

- [ACTU news release.](#) [VTHC news release.](#)
[International Ban Asbestos Secretariat report.](#) [The Australian.](#) [Sydney Morning Herald.](#) [Forbes.com.](#)
[IMF James Hardie updates.](#)

Global: Asbestos interests block global safety move

Asbestos producer nations have blocked the addition of chrysotile (white) asbestos to the UN list of highly dangerous substances that cannot be exported to developing countries without their knowledge and agreement. The blocking manoeuvre on "prior informed consent"

(PIC) listing of chrysotile at the Rotterdam convention meeting this week in Geneva was spearheaded by the Canadian and Russian governments. The move drew protests from campaigners, while the European Union said it would set a negative precedent. "The failure to list chrysotile asbestos is a bad omen for the convention, risking serious harm by sending a signal that the convention's requirements do not need to be taken seriously," said Clifton Curtis, director of World Wildlife Fund's global toxics programme. Global construction union IFBWW, which has been at the forefront of the worldwide union ban campaign on asbestos, expressed "profound disappointment and its determination to continue the struggle for a global ban." Supporters of the inclusion of chrysotile asbestos on the list are expected to keep up the pressure. This week, the International Social Security Association joined international union and health organisations in calling for a global asbestos ban.

- [International Ban Asbestos Secretariat report.](#) [WWF news release.](#) [FT.com.](#) [International Institute for Sustainable Development report.](#) [Toronto Star.](#) [Reuters.](#) [Background on asbestos and PIC.](#)

Global: Journalists sign up to new global safety campaign

The International Federation of Journalists and other press freedom and human rights groups have launched a new global initiative aimed at reinforcing international efforts to make journalism safer around the world. This week the groups adopted a declaration outlining urgent objectives including an end to impunity for those who attack journalists and a new mechanism for the systematic investigation of killings of journalists and media staff. "The world of journalism cannot wait for long-winded debates over new laws and ideas about whether journalists need an internationally recognised emblem to protect them," said Aidan White, IFJ general secretary. "We need action now. We need governments to abide by international law and we need the killers of media staff brought to justice." The meeting, organised by the Press Emblem Campaign, a coalition of groups that seek the adoption of an international emblem for journalists, similar to the Red Cross and Red Crescent symbols used by humanitarian aid workers, "reached an important agreement that gives us an opportunity to work together on strategies that will involve media organisations, journalists' groups and colleagues from every region of the world," said White.

- [IFJ news release](#). **Related information:**
[International News Safety Institute \(INSI\)](#).

Japan: Easier worker-related suicide payouts planned

The Japanese authorities are to ease the workers' compensation qualification for work-related suicide, where employees kill themselves because of depression related to work. The Health, Labor and Welfare Ministry says there has been a sharp increase in "karojisatsu", work-related suicide. It says the new criteria will better assess the stresses faced by workers who kill themselves. Under the current rules, workers' compensation is only granted in cases in which the person suffered from a mental disorder that became evident within six months of experiencing stress at work and where no other factor could have induced suicide. Sixty-two factors are listed on an assessment checklist. If officials conclude that a person's work environment was stressful enough to cause a mental disorder, such as depression, they will grant compensation. However, the checklist has been criticised as too inflexible and insensitive. The number of applications for workers' compensation for karojisatsu hit a record-high 121 in 2003, with 40 cases resulting in compensation payouts. Last year, *Hazards* magazine estimated there were likely to be at least 100 work-related suicides in the UK every year, and warned that overwork-related heart attacks, suicide and strokes would be major occupational diseases of the 21st century ([Risks 118](#)).

- [Yomiuri Shimbun](#). **Deadly dangers of overwork:**
[Hazards magazine "worked to death" guide and resources](#).

Singapore: Warning on "deadlier than Sars" disease

Authorities in Singapore have expressed concern about the rising death toll from the tropical disease melioidosis. Twenty-three of the 57 people diagnosed with the soil-born disease from January to July died, health officials said. A Singapore Ministry of Health factsheet notes that those at greatest risk are people with a compromised immune system caused by illness or medical treatment, but adds: "Healthy people can also get the disease if they work in muddy soil without good hand and foot protection," putting construction and agricultural workers at risk of another "new" occupational disease. Singapore officials say the condition has a mortality rate of 47 per cent - three times that for the deadly respiratory infection Sars. The disease is most common in south

east Asia and northern Australia. There is no vaccine for melioidosis. It can be treated with antibiotics if detected early. Singapore has an annual average of 67 cases and 12 deaths from the disease. The UK Health Protection Agency says the condition is very rare in countries with temperate climates, with just 15 cases diagnosed in the UK in the 11 year period from 1988 to 1998.

- [BBC News Online](#). [Singapore Ministry of Health melioidosis factsheet](#). [UK HPA factsheet](#).

RESOURCES

Brace of occupational asthma guides

The British Occupational Health Research Foundation (BOHRF) has published two new asthma guides. The first, backed by TUC and HSE, is a guide for employers, workers and their representatives, covers types and causes of work-related asthma, how to spot problems at work and what to do if someone developed work-related asthma. A second guide, published by BOHRF with HSE backing, aims to help doctors and practice nurses identify the cause of asthma when diagnosing patients, especially where the disease may be traced to the workplace. The new guidelines ask doctors and practice nurses to help prevent occupational asthma by, for example, asking patients about the nature of their work and their workplace.

- **Occupational asthma: A guide for employers, workers and their representatives** [[pdf](#)].
[Occupational asthma: Identification, management and prevention: evidence based review and guidelines](#).
- [HSE news release](#). [BOHRF news release](#) [[word](#)].
- **Related information:** [TUC asthma webpage](#).

US tobacco control newsletter for unions

A new free online newsletter from the US Organized Labor and Tobacco Control Network provides useful guidance on latest measures to reduce tobacco use by working people, increase access to tobacco cessation services at work, and reduce the exposure of workers to secondhand smoke. The network, an alliance of anti-smoking groups and unions, says a major purpose of the newsletter is "to provide you with news and information we hope will be of interest to you, whether

you are a member of the tobacco control community or the labour community." The newsletter has a US focus, but is a useful model and gives a valuable insight into successful US campaigns for workplace smoking bans and laws.

- [Organized Labor and Tobacco Control Network Newsletter](#). Related information: [TUC smoking webpages](#) and [Hazards workplace smoking news and resources](#).

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](#)

International Road Transport Workers Action Day, 11-12

October 2004



International Road Transport Action Day will take place on 11-12 October 2004. Organised by the International Transport Workers' Federation (ITF), the event will retain its "Fatigue Kills!" theme and will also have an emphasis on "organising unorganised workers." ITF adds that transport security is an increasing concern, so the slogan for this year's campaign will be: "Union action for safety and security at work." The ITF website will include regular resource and news updates. ITF unions in more than 60 countries participate in this highly successful action day. It says: "We estimate that unions mobilise altogether 250,000 workers to the events. Since the campaign was launched in 1997, more than 90 per cent of our road transport workers' unions have taken part at least once."

- [ITF action day webpage and resources](#).

Call centre seminar, 19 October, Liverpool

A Northwest Contact Centres Project training and networking event on 19 October will include presentations on stress management, call centre training, absence management, the workplace environment and noise monitoring. The project is funded by the DTI to improve health,

safety and productivity in call and contact centres. The Merseyside Call Centres Partnership, which includes the North West TUC and several trade unions, manages it. Participation in the project and its events is free to contact centre managers and staff, trade union officials, supply chain organisations, voluntary and academic organisations concerned with health and safety, and environmental health officers.

- **Northwest Contact Centres Project, training and networking event, Albert Dock, Liverpool, 09.30 to 15.15, 19 October 2004. Further information [online](#) or from Godfrey Smith on 0151 289 4218. Attendance is free, but pre-booking is required.**

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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