

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

UNION NEWS

TUC search for the modern day Scrooge



The TUC has launched a campaign to find the modern Ebenezer Scrooge, Christmas' meanest boss. Scrooge's clerk, Bob Cratchit, had to work late nights up until Christmas Eve in a freezing office. TUC is trying to track

down modern day employers who couldn't give a Dickens for working conditions. TUC's top 10 examples of Christmas stinginess from bosses include counting Christmas bank holidays as part of annual leave and keeping the office freezing to save on heating costs. There is a minimum legal temperature of 16°C in workplaces, or 13°C for active and strenuous work. Below this, staff should be allowed to go somewhere warmer, or go home. The bah humbug list adds that some bosses use bogus safety arguments to ban Christmas decorations or parties. The results and some of the best - and worst - stories will be featured on workSMART.org.uk. A prize of a hamper of Christmas goodies will be awarded for the story of petty stinginess which proves your boss is the biggest Christmas turkey.

- [TUC news release](#). **Is your boss a seasonal Scrooge? Tell TUC – it's safe to do this as entries are anonymous and can be completed quickly and easily online.**
- **TUC Christmas presents – a guide to [your rights at Christmas](#) and to safe [Christmas parties](#) and [online Christmas cards](#).**

Union speaks up on shop booze and bruise risk

Retail union Usdaw has issued a seasonal warning about heightened risks to shop staff. It says almost 100,000 shoplifters will be arrested between mid-November and the end of December and warns that apprehending shoplifters accounts for two-thirds of all attacks on shopworkers. General secretary John Hannett said 16,200 shopworkers were physically attacked in the UK in 2002, 48,600 were threatened with attack, and 70,000 were verbally abused. "Christmas is the busiest time of the year for the retail trade, and these figures show that it's also the favoured season of shoplifters," he said. "We always advise our members to avoid getting involved and to leave the

crime-fighting to the police and security staff. Whatever our members do I urge them not to 'have a go'." The union is also urging members to refuse the sale of age restricted goods like alcohol if they are in any doubt of the age of the purchaser. It adds that many shoplifters will be high on drink or drugs.

- **Usdaw news releases on [shoplifting](#) and [sale of restricted goods](#).**

Posties deliver Christmas letter box message

Poorly designed letter boxes are giving long-suffering postmen and women bad backs, says postal union CWU. The union, which represents 160,000 postal workers across the country, is urging the government to ban low-level letter boxes in new homes. "Views have been expressed to the effect that this is a ridiculous thing to complain about - but in fact it has already been established that this is a serious health and safety issue," said CWU assistant secretary Bob Gibson. "The CWU has long been lobbying government in Britain to address the problem following the decision of the Irish government to ban the installation of doors with low level letter boxes in new homes in 2000." He added: "Everyone enjoys receiving Christmas cards and presents through the post - and I'm sure no-one would like the thought of their postman or woman wracked in pain over Christmas by way of thanks. A bit of consideration goes a long way in these instances - and that's true 52 weeks of the year."

- **[CWU news release](#).**

Amicus speaks up for asbestos victims

Amicus has condemned insurers who it says are attempting to shirk their responsibility to compensate up to 75 per cent of asbestos claims. The union says insurers are this week challenging in the High Court the right of workers to claim compensation for pleural plaques, a calcification of the lungs that can be caused by exposure to asbestos ([Risks 182](#)). Amicus says there are on average 14,000 pleural plaques cases a year. The union's general secretary Derek Simpson said: "The union has created a database which is a structured permanent register detailing cases of asbestos exposure. The database will be used to ensure that union members suffering from asbestos-related diseases have a better chance of winning their legal case than other claimants do." Amicus says the insurance industry bid to strike out legitimate

pleural plaque claims "is being helped by unscrupulous ambulance chasing claims farmers" who are taking "scan vans" equipped with x-ray equipment to UK towns that once had asbestos industries "to plunder for pleural plaques cases."

- [Amicus news release. Thisismoney.co.uk. Insurance Journal.](#)
- [Hazards asbestos webpage. Background – news release from the Association of Personal Injury Lawyers \(APIL\) \[pdf\].](#)

Scaffolding collapse sparks anger

Workers at a Nottinghamshire power station staged a walk out last week after a colleague was badly injured when scaffolding collapsed. Union officials said the scaffolding at Cottam power station near Retford was installed by Portuguese workers and added they were concerned the workers had not been trained up to UK standards. Amicus spokesperson Paul Corby, said: "Only last week the trade unions were at the Department for Trade and Industry, stating our safety concerns regarding unregulated foreign labour." The union says the Posted Workers Directive, which allows foreign workers who are not trained to the same safety standards as those in the UK to work in this country, is contributing to an increase in construction accidents. Amicus regional officer Jim Simms said the union is involved in an internal company investigation into the power station accident. He added: "We are concerned about the involvement of foreign labour - we think that safety standards have dropped and we hope the HSE inquiry will look at that." The injured worker was part of a construction crew installing flue gas desulphurisation units or scrubbers, which remove sulphur dioxide from emissions. UK unions have undertaken recruitment and safety training campaigns with Portuguese and other migrant workers ([Risks 157](#), [Risks 155](#)).

- [BBC News Online. Advice for migrant workers from TUC's Worksmart website, including a "Know your rights" leaflet in Portuguese, Hungarian, Czech, Lithuanian, Slovak and Polish.](#)

OTHER NEWS

Code warning for employers on health information

Employers could be breaking the law if they fail to respect workers' privacy on health issues. New guidance on obtaining and handling information about workers' health published by the Information Commissioner's Office puts strict limits on the health information that can be obtained and says in most instances alcohol, drug and genetic testing are an unwarranted intrusion. The fourth and final part of the Employment Practices Data Protection Code - "Information about Workers' Health" - is intended to help employers comply with the Data Protection Act. David Smith, assistant information commissioner, said: "Information about people's health is very sensitive and requires effective protection." He warned employers that "if they do nothing to apply the principles behind the code they risk breaking the law." The code says: "The collection and use of information about workers' health is against the law unless a sensitive data condition is satisfied." On drug and alcohol testing, it says: "Very few employers will be justified in testing to detect illegal use rather than on safety grounds," adding: "Even in safety critical businesses such as public transport or heavy industry... collecting information through the random testing of all workers will rarely be justified." On gene screening it says: "Only seek information through genetic testing as a last resort." Supplementary guidance to the code reaffirms that safety reps have the "legal right of access to information they need to fulfil their functions."

- [Information Commission news release](#). **The Employment Practices Data Protection Code Part 4: Information about Workers Health Code [pdf]**. **The Employment Practices Data Protection Code Part 4: Information about workers health - Supplementary Guidance [pdf]**. **The Employment Practices Data Protection Code Part 4: Guidance for Small Business [pdf]**.
- **Hazards webpages on [workers' privacy](#), [genetic testing](#) and [drug and alcohol testing](#).**

Putting the dead in deadlines

Setting tight work deadlines can raise the risk of a heart attack six-fold, researchers have found. Staff working hard to get a task completed on time were six times more likely to have an attack in the next 24 hours than co-workers, according to the Swedish study of 3,500 people. The researchers, reporting in the *Journal of Epidemiology and Community Health*, tracked the number of first heart

attacks that occurred in healthy people who were aged between 45 and 70 when the study started in the early 1990s. The Karolinska Institute team found high demands, competition and conflict in the workplace were linked to heart attack risk. Women were also three times as likely, and men six times as likely to have a heart attack if they had taken on increased responsibilities at work, particularly when they viewed these duties negatively. Work stress was much more likely to lead to a heart attack than stress outside of work. TUC general secretary, Brendan Barber, commented: "This research highlights the need for all employers to take workloads and working hours seriously and ensure that company working practices are not putting workers' health and lives at risk." He added: "Britain has to move away from a 'just-in-time culture' to an organised and responsible approach to working time to protect the health and welfare of working people."

- [TUC news release](#). [UNISON news release](#). [New Scientist](#). [BBC News Online](#). [Sky News](#). [The Australian](#). [CBC News](#).
- **Jette Möller, Töres Theorell and others. Work related stressful life events and the risk of myocardial infarction. Case-control and case-crossover analyses within the Stockholm heart epidemiology programme (SHEEP), Journal of Epidemiology and Community Health, volume 59, pages 23-30, 2005 [abstract].**
- [Hazards worked to death webpage](#).

Hospital knife attacker gets life

A murderer has been jailed for life for two knife attacks committed at a hospital while he was out on licence from prison. Health service union UNISON has welcomed the sentence. One of the people attacked was an Edinburgh nurse. Thomas McCammon was serving a life sentence for murder and robbery when he committed the crimes while on home leave. The 44-year-old pleaded guilty to attacking a male patient and admitted assaulting nurse Nicola Armstrong at the Western General Hospital in Edinburgh on 25 May. He cut Ms Armstrong with a weapon after she stood between him and his intended male victim to prevent any violence breaking out. The man was only superficially hurt but the nurse had to receive anti-viral treatment because she may have been exposed to the HIV virus by her attacker, who is HIV positive. Lord Drummond Young told McCammon as he sentenced him for attempted murder: "Any assault in hospital premises, whether on patients or

staff, must attract a very severe sentence. Those visiting a hospital, and especially those employed in hospital, are entitled to feel secure from attack." Jim Devine, UNISON's Scottish organiser for health, said the sentence was a sign that courts are beginning to treat assaults on public service workers more seriously. "This is in line with the six-point plan against violence that UNISON outlined last year," he said.

- [UNISON news release](#). [BBC News Online](#). [Evening Times](#). [The Scotsman](#).

MPs call for more site inspection and enforcement

An MPs' committee has said the Health and Safety Executive (HSE) should do more to reduce the "unacceptable" toll of construction site injuries. It was unacceptable 70 construction workers were killed yearly, with thousands more suffering injuries, the Commons public accounts committee said. Among its key recommendations are calls for higher penalties and for HSE to change its inspection regime to include more unannounced visits - to investigate whether these reveal more serious breaches of health and safety than notified visits. Public accounts committee chair Edward Leigh said: "The UK construction industry has a better health and safety record than other EU countries. But the industry's record is still worse than in any other UK sector and accounts for 1-in-3 fatalities from workplace accidents." He added that the Executive should "trial a mixture of approaches" from "blitz visits" to better assessment of the impact its work is having on accident trends. The committee suggested the HSE should consider asking the home secretary to seek a direction from the new sentencing adviser panel on framing a guideline for health and safety offences. "Breaches of health and safety regulations are serious criminal offences and legislation provides for penalties, including unlimited fines in some circumstances," the committee said.

- [Health and Safety Executive: Improving health and safety in the construction industry, PAC, 52nd report, 14 December 2004. Conclusions and recommendations](#).
- [BBC News Online](#). [Politics.co.uk](#).

Action call on workplace deaths

A £20,000 fine after the death of a 20-year-old worker in a forklift truck accident has led to calls for tougher penalties. EW Pepper Ltd

pleaded guilty to breaching health and safety laws after the death at a farm in Melbourn, Cambs. Chris Kaufman, who represents rural workers for the TGWU, said too many firms cut corners on safety. The Health and Safety Executive prosecution related to the death of Hungarian employee Ezther Nagy who died after her forklift truck overturned. The court heard of EW Pepper's failure to use trained staff to drive forklift trucks and failure to control access to this mobile mechanical handling equipment. As well as the fine, magistrates ordered the firm to pay £11,500 in costs. TGWU's Chris Kaufman said: "Many employers do cut corners. It is all about the firm's balance sheets and they do include the cost of people's lives." He called for a corporate killing law. The government is expected to publish a draft corporate killing law for consultation next week.

- [BBC News Online.](#)
- [TUC/Hazards deadly business campaign.](#) [Centre for Corporate Accountability.](#)

Plans to tackle bird flu outbreak

The UK is drawing up plans to deal with a possible outbreak of bird flu. BBC News Online reports that the Department of Health has confirmed proposals under consideration include providing anti-viral drugs to key health workers and emergency services. There are concerns bird or "avian" flu could kill millions globally if it acquires the ability to pass from human to human. At present, the virus can only be contracted by direct contact with infected animals. However, it has shown an alarming ability to evolve at rapid speed, and the World Health Organisation (WHO) has warned that this ability means that the virus is highly likely at some point to pose a serious global threat. A spokesperson for the Department of Health said: "The overarching UK plan is currently being brought up to date and as part of this we're considering the role of anti-virals. The plan will be published once this review is completed." In February 2004, Singapore added bird flu to the list of occupational diseases for which government compensation was payable ([Risks 144](#)).

- [BBC News Online.](#) [WHO avian influenza webpages.](#)

Men warned of laptop health risk

Experts are urging males to keep their laptops off their laps because they could damage their fertility. Laptops, which reach high internal

operating temperatures, can heat up the scrotum, which could affect the quality and quantity of men's sperm, say the researchers, writing in the journal *Human Reproduction*. "The increase in scrotal temperature is significant enough to cause changes in sperm parameters," said Dr Yefim Sheynkin, an associate professor of urology at the State University of New York at Stony Brook. "Long-term use may have a detrimental effect on their reproductive health." Sheynkin and his team studied the impact of using a laptop on 29 healthy volunteers between the age of 21-35 by measuring scrotal temperature before and after they used a computer on their lap. "It shows that scrotal hyperthermia is produced by both special body posture and the local heating effect of laptop computers," Sheynkin said. He added that modern laptops with higher power requirements may produce even more heat.

- **Yefim Sheynkin and others. Increase in scrotal temperature in laptop computer users, *Human Reproduction*, published online 9 December 2004, doi:10.1093/humrep/deh616 [[abstract](#)].**
- [Chicago Sun-Times](#). [Reuters Health](#). [AZcentral.com](#).

INTERNATIONAL

Australia: New law ups safety penalties and reps' rights

Campaigners in the Australian state of Victoria have welcomed a new safety law that introduces both dramatic increases in penalties for companies breaking work safety laws and massive improvements in union safety rights. Those found guilty of the new offence of "exposing a person to risk of serious injury or death" can be jailed for up to five years. The new law almost quadruples the fines courts can impose on companies and individuals, increasing the maximum fines on companies from Aus\$256,250 (£100,800) to \$922,500 (£362,800). Individuals can now be fined up to Aus\$184,500 (£72,500), up from \$51,250 (£20,150). Under the new provisions, union occupational health and safety representatives have the right to make surprise inspections of even non-unionised work sites. Leigh Hubbard, secretary of Victoria's top union body VTHC, said: "We welcome improvements such as increased penalties, new mandatory duty on employers to consult, right of entry for union officials and better training for health and safety representatives. The legislation gives unions and workers more ability to stop dangerous work. This is in the interest of employers who lose hundreds of millions of dollars each year because of workplace injury and disease." He condemned employer complaints

about the new right of entry as “pure hysteria,” adding: “Rather than complaining about the right of entry provisions they should welcome them as another mechanism to ensure safer workplaces.”

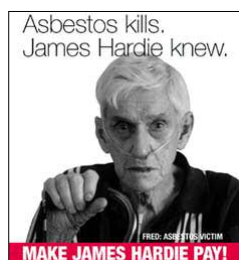
- [VTHC news release](#). [Herald Sun](#).
- **Find about more about [union safety reps’ rights](#).**

Europe: Health at work is an equality issue

Cutting health risks and tackling stress at work are equality issues, a European conference of service sector unions has heard. Delegates to the UNI-Europa women's Conference in Brussels heard a gender specific approach to health and safety at work is needed to avoid “gender specific distortions in occupational health and safety.” Because women are often found in low paid jobs with high demands but low control over their work, stress and musculoskeletal problems are big issues, delegates were told. The number of women in the workforce is growing fast - but the culture of work remains distinctly male. Conference co-chair Ilona Schulz-Müller said: “Health at work should be a very important matter when negotiating conditions. And protective regulations for women should not be to the detriment of their employment opportunities.” In the UK, TUC has been at the forefront of a campaign for a “gender dimension” in the official and union approaches to health and safety.

- [UNI news release](#). [TUC women’s health and safety webpage](#). **More on [women and work hazards](#).**

Global: US turns up heat in Hardie scandal



The powerful US Securities and Exchange Commission (SEC) has joined the growing pack of watchdogs in the hunt to bring actions against James Hardie Industries and its executives and directors. The Australian Securities and Investments Commission (ASIC) has been in contact with the SEC as the Australian regulator continues its inquiries into the company over an asbestos scandal ([Risks 184](#)). When it skipped the country for a new HQ in the Netherlands in 2001, James Hardie left behind an asbestos disease compensation fund which is now all but exhausted and on the verge of collapse ([Risks 174](#)). The SEC has the power to investigate Hardie in the US, since the company, while registered in the Netherlands, has a listing on the New York Stock Exchange. SEC

chair William Donaldson is reported to have said he “very much appreciates the information” New South Wales’ Premier Bob Carr provided to him in the form of a copy of the damning Jackson Commission report into the company ([Risks 175](#)). Hardie is already under investigation by ASIC, the Australian Competition and Consumer Commission, and - potentially most dangerous for Hardie officers - the New South Wales government, which is investigating whether Hardie and its lawyers misled the NSW Supreme Court in 2001.

- [The Australian. More on the worldwide union campaign on James Hardie.](#)

Global: Union blueprint for worldwide safe work

Unions from across the globe have created a blueprint for workplace health and safety. Union leaders attending the congress of the International Confederation of Free Trade Unions (ICFTU) in Japan agreed a 26-point action programme for a “21st century approach to occupational health and safety for trade unions”. It calls for cooperation between international and national union organisations to “strive for the right to decent, safe and healthy work to be recognised as an inalienable right for all workers.” As well as outlining efforts to promote safety programmes “for the improvement of health and safety in all countries,” the new policy says unions should “ensure that all workers have access to trade union safety representatives who have the right to inspect workplaces, see all relevant information, and stop production if there is a risk to health or safety.” The new strategy includes wide-ranging objectives, covering an asbestos ban, action on stress, strains and violence, measures to ensure hazards to high risks groups are addressed, efforts to ensure a “just transition” for workers affected by the closure of hazardous industries and for the use of the “precautionary principle.”

- [ICFTU final resolution on health and safety.](#)

USA: Workers pay for failing compensation system

The US workers’ compensation system is dramatically failing occupational disease victims. New research shows the employer insurance based system, which is supposed to cover income and medicals costs of workers suffering work-related injuries or ill-health, is instead shifting the costs onto employees and their families. Researchers Paul Leigh and John Robbins of the University of California

at Davis pulled together data from disparate sources, including studies of occupational disease prevalence and workers' compensation figures from published data and their own research. They estimate that workers' compensation misses between 91.1 and 99.9 per cent of deaths and from 80 to 93.8 per cent of medical costs. This means in 1999, workers' compensation missed roughly 46,000 to 93,000 deaths and \$8 billion to \$23 billion (£4.12bn-£11.8bn) in medical costs. Writing in *Milbank Quarterly*, the researchers say: "Injured workers and their families probably bear the greatest cost because they must pay deductibles, copayments, and the entire medical bill when insurance is not available. They must also absorb most of or all the indirect costs, that is, the lost wages and lost home production due to disability or death." They found the three occupational diseases causing the greatest number of US deaths - as many as 94,000 in 1999 - are cancer, chronic respiratory disease, and circulatory disease.

- **J Paul Leigh and John A Robbins. Occupational disease and workers' compensation: Coverage, costs, and consequences, *Milbank Quarterly*, volume 82, issue 4, pages 689-721, December 2004 [[abstract](#)].**

RESOURCES

Safety reps communicating for themselves

BT safety reps in the north west have taken a great leap for union kind. NW BT unions' health and safety coordinators' committee has boldly gone into cyberspace. Its new website - www.unionsafety.co.uk - brings together news and resources that would be useful to safety reps whatever their industry. The CWU and Connect collaboration is a great example of how unions at a local level can use technology to create better, more effective networks. It includes details of latest national and local union safety business and will even provide email updates.

- **[NW BT union health and safety.](http://www.unionsafety.co.uk)**

Hot and cold and bothered all over

Depending on which end of the globe you're perched, you could be facing the hazards of a winter chilling or summer grilling. As winter starts in the northern hemisphere, US safety watchdog OSHA has

published tips to protect workers in cold environments. A world away in Australia, top union safety website OHS Reps is warning that their summer time may bring problems of working in seasonal heat, and has issued a safety rep action plan on how to tackle the issue at the workplace.

- [OSHA news release](#) and **Cold Stress Card** [[pdf](#)].
- [OHS Reps heat and work guide](#) and **Heat incident report form** [[word](#)].

Driving for work

Accident prevention group RoSPA, with the support of the Department of Transport, has produced three new publications in a driving for work series. "Driving for work: Safer speeds policy", "Driving for work: Mobile phones" and "Driving for work: Safe journey planner" are written for employers, particularly line managers, and are available free online.

- **RoSPA leaflets on Driving for work and safer speeds** [[pdf](#)], **mobile phones** [[pdf](#)] and **safe journey planning** [[pdf](#)].

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](#)

COURSES FOR JANUARY TO MARCH 2005

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

Conference on RSI and health, Birmingham, 22 February 2005

A national conference on RSI and health is to be held in Birmingham. The organisers say: "The objective of the conference is to enable business leaders, consultants, team leaders and executives with responsibility for employees and their welfare to develop experience and be able to plan proactively to prevent RSI and related problems in the workplace." Speakers include TUC head of safety Hugh Robertson. The conference is not cheap, with even the discounted rate for early

registrations for the one day event set at £170 plus VAT.

- **[Conference details](#). National conference on RSI and health: A multidisciplinary conference for understanding, treating and managing RSI in the workplace, Tuesday 22 February 2005, Botanical Gardens, Birmingham.**

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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