

Risks

issue no 190 – 15 January 2005



**HAZARDS
MAGAZINE**



Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to the TUC at healthandsafety@tuc.org.uk.

CONTENTS

- [Union news: Union stands up against low letter boxes](#) * [EIS speaks up for teaching staff who can't](#) * [NUMAST wins £1.7m for injured members](#)
- [Other news: Safety at work requires responsibility in the boardroom](#) * [Company director jailed for roofwork fatality](#) * [Hatfield rail crash bosses go on trial](#) * [Rail crash report damns lax Jarvis safety regime](#) * [Work stress means sleepless nights](#) * [Work rehab works for mental health problems](#) * [Prostate cancer linked to pesticide exposure](#) * [Extend gangmaster protection, say MPs](#) * [Equitas agrees £107 million asbestos payout](#)
- [International news: Bangladesh: Factory fire kills 23 garment workers](#) * [Italy: Workplace smoking ban takes effect](#) * [Taiwan: New rules on death from overwork](#) * [USA: Air traffic controllers face mental health probes](#) * [Sick employees urged to keep their germs at home](#) * [Gridlock in asbestos compensation battle](#)
- [Resources: HandS up for safety reps](#) * [Safety body targets EU policymakers](#)
- [Events and courses: TUC courses for safety reps](#) * [Hazard! Health in the workplace over 200 years](#)

Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 10,500 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#).

UNION NEWS

Union stands up against low letter boxes

Postal union CWU says it will not stand for low letter boxes, which it says are a real pain in back for delivery staff. The union has launched a campaign calling for government action. CWU national health and safety officer Dave Joyce said: "There are currently around 3,000 back injuries to Royal Mail postmen and women each year." Forcing them to stoop to ground level with a satchel of mail weighing up to 16kg (35lbs) presents a serious risk of back strain, he said. The union wants the UK government to follow the lead taken by its Irish counterpart in 2001. Since then building regulations have outlawed 'mousetrap-type' letter boxes at the bottom of doors in all new homes in Ireland. Dave Joyce said the union was urging the UK government to act now. "It's worth adding that both Royal Mail management and the Health and Safety Executive (HSE) have consistently argued a similar line to the union," he said. The union has spelled out its concerns in letters to deputy prime minister John Prescott MP and work and pensions secretary Alan Johnson. CWU members are also approaching individual MPs to press for safer letter boxes.

- [CWU news release.](#)

EIS speaks up for teaching staff who can't



Scottish teaching union EIS is warning that voice strain and voice loss can be a serious problem for teachers and lecturers. The union says the risk of damage to the voice can be significantly increased if proper measures are not taken to protect teaching staff. EIS general secretary Ronnie Smith said: "Voice strain is a serious problem for teachers and lecturers and can develop into a serious occupational health condition which can hinder the way people do their jobs, while also causing difficulties for schools, colleges and universities due to the loss of experienced teaching staff." He added: "The lesson for educational employers is that you must take the issue of voice strain seriously and listen to teachers or lecturers when they report their concerns. There should also be the opportunity for adequate breaks and welfare facilities and easy access to fresh, clean drinking water for teaching staff." TUC warned in November 2004 that voice loss could routinely affect over 5 million UK workers, with teachers in the highest risk group ([Risks 183](#)).

- [EIS news release. The Herald.](#)
- [Hazards voice loss news and resources.](#)

NUMAST wins £1.7m for injured members

Ship officers' union NUMAST recovered more than £1.7m in compensation in 2004 for members hurt at work. Claims recently settled include £215,000 for an electrical officer who fractured a shoulder after slipping on an oil spillage, £137,500 for a second officer who damaged an eye when a cable plug splintered and £68,634 for a second engineer who suffered a fractured leg when a hydraulic hose disconnected. The union also secured £350,000 on behalf of a chief engineer who died from mesothelioma at the age of 56. NUMAST is urging members who have been exposed to asbestos at work to contact its legal department. "By recording details of possible exposure, the union's 'asbestos register' can provide crucial information and support in the event of a subsequent compensation claim," it says.

- [NUMAST news release.](#)

OTHER NEWS

Safety at work requires responsibility in the boardroom

A union-backed campaign for tougher laws to prevent workplace death and injury and to hold company directors to account for negligent health and safety practices is now underway, with the first reading in parliament of the Health and Safety (Directors' Duties) Bill on 12 January. The private member's bill is being championed by Stephen Hepburn, Labour MP for Jarrow, and supported by the TGWU, UCATT and the TUC, as well as a growing number of groups representing families whose loved ones have been killed or injured in workplace accidents ([Risks 186](#)). Introducing the Bill to the Commons, Stephen Hepburn said: "There currently exists a state of 'legalised ignorance' for directors when it comes to health and safety. This is unacceptable. Directors are people of tremendous power and with that power ought to come a responsibility to safeguard the health of their workforce and the public." The new law would place a general health and safety duty on all company directors. Large companies would also have to appoint a director at board level to be responsible for health and safety. Under the law company directors could face custodial sentences where serious health and safety breaches or negligence resulted in death.

- [TGWU news release. TGWU directors' duties campaign.](#)

Company director jailed for roofwork fatality

A company boss has been jailed following the death of a worker in a fall from a roof. Lee Harper, who was managing director of Harper Building Contractors Ltd, was sentenced to 16 months following a prosecution brought by the Crown Prosecution Service (CPS). The case, heard at Manchester Crown Court, followed a police led, joint investigation with the Health and Safety Executive (HSE) into the death of Daryl Arnold on 11 June 2003. Mr Arnold, aged 27, and several others had been employed to remove and replace the roof of a warehouse. No safe system of work had been prepared before the work began and no safety precautions were in place at the time of the incident. Mr Arnold had never worked on a roof before. He fell approximately 6.75m, landing on the ground floor directly below, and died as a result of his injuries. HSE's Pam Waldron said the "sentence properly reflects the seriousness of his failure to ensure that Daryl Arnold was safe and HSE is pleased that the matter has been concluded... A sensible, straightforward approach to health and safety in managing the risks on this job should have prevented this tragic death." The company was also charged with an offence of corporate manslaughter and safety offences. These charges remain on file as the company is in liquidation.

- [HSE news release.](#)

Hatfield rail crash bosses go on trial

Engineering firm Balfour Beatty and five railway managers are to go on trial for manslaughter over the Hatfield rail crash in 2000. Four people died when a section of rail broke and a high speed train derailed ([Risks 176](#)). Balfour Beatty's railway maintenance arm was in charge of the upkeep of the line at Hatfield, Hertfordshire. Balfour Beatty managers Anthony Walker and Nicholas Jeffries, and Railtrack managers Alistair Cook, Sean Fugill and Keith Lea all face individual charges. All five men, along with four others, are also accused of breaches of health and safety laws. Balfour Beatty Rail Maintenance faces a corporate manslaughter charge. It is expected the trial could last as long as a year. The accident, on 17 October 2000, happened when the London to Leeds express came off the tracks at 115 mph, when it was derailed by a cracked section of rail.

- [BBC News Online.](#)

Rail crash report damns lax Jarvis safety regime

The rail contractor Jarvis has been condemned in an official report for lax safety measures which may have led to a commuter train crash that killed seven people and injured a further 76. In a confidential briefing to relatives of the victims, health and safety investigators have revealed the scale of the company's safety failures in the May 2002 Potters Bar crash ([Risks 154](#)). They say the system for fixing defects was virtually "non-existent" and inspectors did not even go out on the tracks. The company now faces prosecution. A file is to be passed to the Crown Prosecution Service (CPS) this month. Network Rail, the track operator, is also likely to be prosecuted because its predecessor, Railtrack, had contracted Jarvis to fix faults on the line. Both companies are likely to escape prosecution by the CPS for corporate manslaughter because of the difficulty in finding evidence linking specific individuals to the faulty points that caused the crash. However, the Health and Safety Executive (HSE) is expected to pursue a separate action for breaches of safety regulations.

- [The Times.](#)

Work stress means sleepless nights

Four out of 10 Britons are spending sleepless nights worrying about their work or home life, a survey reveals. Increased pressure in the workplace and the home are causing growing numbers of adults to suffer anxiety and have problems sleeping, according to the PruHealth Index. For 12 per cent of Britons - equivalent to 5.6 million people - sleepless and stress-filled nights were a regular occurrence. The survey of more than 2,000 people found that frequent worrying was twice as common in women as men - 16 per cent compared to 8 per cent. Professor Simon Capewell from the University of Liverpool, who analysed the findings, said: "These data are consistent with previous surveys showing surprisingly high levels of anxiety and depression in the general population." Half of British workers believe their employer takes little or no interest in their health and wellbeing, the report says. Only 14 per cent of workers said their employer takes a lot of interest in their health while 26 per cent described the level of interest as "reasonable."

- **PruHealth news release and report [[pdf](#)]. [Ananova.](#)**

Work rehab works for mental health problems

Rehabilitation is the key to helping employees suffering from mental health problems return to work, according to new guidance from the Chartered Institute of Personnel and Development (CIPD). Research by the CIPD found more than half of employers reported an increase in stress-related absence last year and highlighted the significant impact of mental ill health issues on long-term absence levels. The length of time an individual is off work sick has been shown to have a strong relationship to the likelihood of returning to work, it says. CIPD says its guide, 'Recovery, rehabilitation and retention,' offers practical guidance on how organisations can support, rehabilitate and retain employees who are suffering from stress and other mental health problems. CIPD's Ben Willmott said: "Managers should engage with their staff to get to the route of the problem and help staff to get back into the workplace - engaging with staff will help both organisations and employees." He added: "Employers need to have a clear rehabilitation policy in place, this will help to ensure staff are aware of available assistance and managers are clear about the role they play in the process."

- [CIPD news release](#). **The guide is available on the CIPD website.**

Prostate cancer linked to pesticide exposure

A Department of Health expert committee has found "limited evidence" of a link between occupational exposure to pesticides and prostate cancer and called for further investigations. Prostate cancer is the most common cancer in men in the UK, with over 24,700 new cases a year and is the second largest cause of death from cancer in the UK. There were 9,900 deaths reported in 2002 accounting for around 13 per cent of cancer deaths in men. The Committee on Carcinogenicity found "there was some limited evidence to suggest an association between farmers/farm workers, exposure to pesticides and increased risk of prostate cancer." It concluded: "The possibility of such an association being causal could not be discounted and the published literature should continue to be monitored for further studies." Committee members added "that the potential association between herbicide use by farmers and farm workers should be kept under review." It added that while there was "no convincing evidence to associate occupational exposure to cadmium with cancer of the prostate," possible

associations should be monitored.

- [Department of Health Committee on Carcinogenicity statement.](#)

Extend gangmaster protection, say MPs

Safeguards to prevent migrant workers from being exploited should be extended to the construction industry, a Labour MP has said. Geraldine Smith, who represents the constituency where 23 Chinese cocklepickers died last year ([Risks 143](#)), called for anti-gangmaster legislation to be expanded after an exposé of the increasing use and abuse of temporary labour in fields beyond agriculture. The call was echoed by the head of the Labour trade union group of MPs, Tony Lloyd. Ms Smith, who campaigned for a private member's bill regulating gangmasters in agriculture, which was passed last year ([Risks 164](#)), said: "The bill itself was a good first step, but we have a long way to go. I'd like to work now with the unions, such as the TGWU, to expand it to the construction industry. There's a particular problem, especially in London where you can see it all around you, which affects not just foreign workers but British workers, too."

- [The Guardian and story on The Guardian's investigation into gangmasters and migrant labour. Migrant workers and health and safety.](#)

Equitas agrees £107 million asbestos payout

Equitas, the reinsurer set up to deal with Lloyd's of London's multibillion-pound asbestos liabilities, has settled more than £107 million of claims with four policyholders. One of the settlements is with Dana Corp, a US auto parts supplier that was one of Equitas's three biggest direct liabilities. Further settlements should follow, the reinsurer said in a statement. The deals settle all claims against underwriters at Lloyd's of London under policies taken out by Dana and the other claimants to cover asbestos and other liabilities. "We are in negotiations with other major policyholders and are confident that they will also result in settlements," Simon Wright, Equitas's head of asbestos pollution and health hazard claims, said in the statement. Equitas has announced more than £0.64 billion of settlements since the start of last year and has negotiated other undisclosed deals. The reinsurer is working to settle Lloyd's asbestos liabilities, which were estimated at £3.9 billion in March 2004.

- [Planet Ark. The Telegraph.](#)
- [International Ban Asbestos Secretariat.](#)

INTERNATIONAL

Bangladesh: Factory fire kills 23 garment workers

A global union body has demanded immediate action by the Bangladesh government in the aftermath of a factory fire that has left at least 23 workers dead and many others seriously injured. The fire broke out on 6 January on the top floor of the four storey building which housed the Sun Knitting and Processing factory in Narayanganj, near Dhaka, Bangladesh. Dozens of workers were injured as they tried desperately to escape down the narrow smoke-engulfed stairs. Those who died were unable to escape because many of the exits were blocked, and the fire extinguishers were not working. ITGLWF, the global union federation representing workers in the garment industry, has called on prime minister Khaleda Zia to ensure authorities investigate the fire. The union body also wants exemplary compensation to the survivors and to the families of those who died. It adds that there should be immediate steps to improve health and safety in the industry, as well as "legal action against those found responsible for criminal negligence in allowing the existence of such unsafe conditions." ITGLWF general secretary Neil Kearney said: "Tragically, factory fires are all too common in Bangladesh. Obviously, this is very damaging to the image of Bangladesh's export garment industry." Kearney warned that changes to global rules governing the textile trade will lead to additional competitive pressures on Bangladesh.

- [ITGLWF news release. BBC News Online.](#)

Italy: Workplace smoking ban takes effect

Smokers in Italy are being forced to curb their habit as a new law banning lighting up in public places takes effect. Bars, restaurants, clubs and offices are all out of bounds for people with lit cigarettes, unless they have special ventilated smoking rooms. Plainclothes police officers are expected to patrol the country's 240,000 eating and drinking establishments on the look out for any of Italy's 14 million smokers breaking the rules. Anyone who defies the new law will face fines of up to 275 euros (£191). Offending landlords will have to pay up to 2,000 euros (£1,395). The ban follows similar moves in Ireland

and Norway last year, where smoking is now prohibited in public places.

- [Sky News](#). [BBC News Online](#). [Planet Ark](#) – plus [factbox on smoking bans worldwide](#). [The Independent](#). [Italian Ministry of Health news release \(in Italian\)](#).
- [Hazards news and resources on smoking policies](#).

Taiwan: New rules on death from overwork

Taiwan has broadened the definition of death from overwork. The Council of Labor Affairs (CLA) health and safety department said that the new standard for reaching a verdict of death by overwork, known in Japan as “karoshi” and China as “guolaosi,” and serious medical conditions, such as a stroke, will not be based solely on hours worked. Other occupational factors that would now be considered include irregular work times and work patterns, abnormally long working hours, frequent business trips, work based on shifts, night time jobs and highly intensive work over long periods of time, a CLA official said. A spokesperson for the Taiwan Association for Victims of Occupational Injuries (TAVOI) said the old system, where a verdict of death by overwork could only be made when an employee before dying had worked for 24 hours continuously or had worked for over 16 hours every day for one week, was unduly strict. *Hazards* magazine has warned that overwork is the modern workplace health and safety menace, and heart attacks, suicide and strokes will be the major occupational diseases of the 21st century ([Risks 118](#)).

- [Asia Pulse](#).
- [TAVOI. Hazards news and resources on overwork and health](#).

USA: Air traffic controllers face mental health probes

Air traffic controllers who have taken time off to deal with trauma after making mistakes that cause close calls could face losing their jobs because they failed to acknowledge on routine medical forms that they had sought help for mental health problems. The US Federal Aviation Administration (FAA) already has given one air traffic controller written notice that he will be fired because he failed to include information about a disability claim on a routine medical form. The US controllers' union says the FAA's actions are a strong-arm tactic to discourage

controllers from claiming costly workers' compensation and time off after they make a mistake that leads to an operational error between two airliners, an event that can be traumatic. "They want to dissuade people from taking the time that they are entitled to under the law," said Dean Iacopelli of the National Association of Air Traffic Controllers in New York. He said the failure to check a "yes" box on the question doesn't amount to hiding information because the medical files the FAA keeps on each controller also contain information about his or her disability claims.

- [Newsday](#).

USA: Sick employees urged to keep their germs at home

US employers say a vaccine shortage and the resulting threat of a flu epidemic has pushed "presenteeism" - the practice of showing up to work sick - onto the workplace agenda. Whether it's a flu, cold or stomach virus going around, companies and their employees are realising that it only takes one employee coming to work sick to spark a workplace outbreak and set off waves of absenteeism down the line. "All of a sudden, people are talking about it," says Ron Goetzel, a Cornell University economist. "It wasn't in people's vocabulary a year ago." Now, he says, "employers are realising there are real costs to it." This year especially, says workplace analyst Lori Rosen, "the idea of the 'hero-worker' that manages to punch in for a full day's work despite illness needs to be discouraged." Contagious workers jeopardise the health and productivity of all employees, she says. So their bosses need to emphasise that while they need their employees at work, "they first want a healthy workplace," says Rosen, of CCH Associates, a human resources consulting firm. TUC last week warned that in the UK presenteeism is a bigger problem than sick leave, with 75 per cent of workers admitting to struggling in when too sick to work ([Risks 190](#)).

- [Mercerhr.com](#).
- [Hazards news and resources on sickness absence](#).

USA: Gridlock in asbestos compensation battle

The US Congress will probably have to decide the size of a proposed trust fund to compensate asbestos victims, due to a lack of agreement among affected groups, the senator drafting the measure said this week. Senator Arlen Specter, the Pennsylvania Republican who chairs

the Judiciary Committee, said he wanted to have the measure completed by early February but had not included the cost of the fund in a draft bill because it was so contentious. Specter is proposing a fund to compensate victims while curbing their right to sue. The fund would be managed by the Department of Labor but privately financed by asbestos defendants, their insurers and some existing settlements. Peg Seminario, director of health and safety with the national union federation AFL-CIO, said that some of the award levels in the bill were too low, especially for some people with lung cancer. Under the measure, ex-smokers with lung cancer, who were exposed to asbestos but do not show any asbestos-related symptoms, would be awarded \$200,000 (£106,000). Seminario was also concerned that the proposal would not provide enough money at the start of the fund, when the crush of claims could be greatest.

- **Planet Ark on the [gridlock](#) and [President Bush's comments](#). [Confined Space](#). [News release from Senator Patty Murray](#).**
- **[Asbestos Disease Awareness Organization](#). [International Ban Asbestos Secretariat](#). [Hazards asbestos campaign news](#). [The White Lung Association](#).**

RESOURCES

HandS up for safety reps

The safety rep colonisation of cyberspace is continuing at warp speed. A new and extremely impressive addition to the galaxy of safety reps' websites is "HandS", the brainchild of Amicus health and safety rep Dennis Mac, is among the most comprehensive sources of well-targeted information you are ever likely to find. HandS provides links and downloads on issues including UK safety law, the role and rights of union safety reps, and a large selection of reporting, risk assessment, inspection and other useful forms.

- **[HandS website](#).**

Safety body targets EU policymakers

Health and safety professionals' organisation IOSH has launched a specialist website on www.EUPolitix.com aimed at parliamentarians and policy makers in the European Union. "This website will enable

IOSH to be heard in European politics”, said Sarah Hamilton, IOSH head of international affairs. “It will allow policymakers in Brussels, Strasbourg and Luxembourg to come to us directly with their queries on health and safety issues.” She added: “Our website will allow Members of the European Parliament (MEPs) and their researchers to hear our views and source information from us to help them make well-informed decisions.” IOSH says the EUPolitix service is extensively used by MEPs.

- [IOSH news release](#) and [IOSH microsite on EUPolitix](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR JANUARY TO MARCH 2005

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

Hazard! Health in the workplace over 200 years



How did early footballers protect themselves from injury? What are the real arguments behind banning smoking in pubs and restaurants? Why could a top hat could leave you ‘mad as a hatter’? The People’s History Museum’s ‘Hazard!’ exhibition, in Manchester from 22 January, will use stunning posters, images and original objects to interpret the story of industrial health and safety over the last 200 years. You can dress up and find out what life was like as a Victorian chimney sweep or play a hazardous game of ‘snakes and ladders.’ There will also be a new living history character based on the famous match girls’ strike in 1888. Related events run throughout the exhibition period. At 6pm on Workers’ Memorial Day, 28 April, there will be a special “Safety reps’ save lives at work” event “to discuss workers’ struggles with health and safety and the importance of safety reps.”

- [Hazard! Health in the workplace over 200 years](#), 11am–4.30pm, 22 January - 10 July 2005, [People’s History Museum](#), Manchester. Admission is free on the opening day, Saturday 22 January. Normal admission £1, children and concessions free.

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](#).

[HSE Books](#), PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165; fax: 01787 313995.