

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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UNION NEWS

Amicus says anti-union equals anti-safety

The union Amicus has called for the government to act against companies using anti-union tactics and intimidation. It warns that companies are using heavy-handed techniques to deny workers a right to the safety and employment protection provided by a union. Giving evidence to the Trade Select Committee on 18 January, Amicus officials said they were increasingly experiencing US style union busting tactics. Closure threats, victimisation of trade union representatives and activists and inducements to denounce the union are all increasingly commonplace, they say. Amicus deputy general secretary Tony Dubbins said: "Anti-union tactics are still being used by some companies to deny their employees the basic right to trade union representation. Some of the worst we have come across are those used by Northcliffe Newspapers who have used union avoidance and anti-union techniques to deny their employees union recognition and to discourage union membership." He added: "Research in the US shows union busting companies see activity over health and safety as a top warning sign. It is immoral that companies should try and deny workers a voice; it is doubly shameful that they do it to suppress union activity by workers trying to protect life and limb." A handbook for employers produced by top US union busting firm Jackson Lewis warned that when workers started showing an interest in health and safety it was time to call on their services. Research in the UK and worldwide has established union workplaces are safer workplaces ([Risks 168](#)).

- [Amicus news release. Hazards union effect webpages.](#)

RMT fury at use of anti-union laws in safety dispute

Rail union RMT has reacted with fury to the use of anti-union laws by rail operator Midland Mainline to block industrial action in a dispute over the safe operation of multiple-unit trains. "Once again these pernicious laws are being used to frustrate the democratic will of our members, who have voted by nine to one to take action for safety," RMT general secretary Bob Crow said after the High Court decision. The union leader added: "This dispute is about safety pure and simple,

yet rather than deal with the issues the company has gone running to the courts to use the law as a battering ram against our members and the travelling public. We cannot allow the safety of our members and passengers to be subordinated to cost-cutting," Bob Crow said. The dispute centres on the company's instruction that multiple-unit trains with no connecting door should be operated with just a single guard aboard – even though in an emergency the guard would be cut off from the train's second unit and unable to aid passengers. The court backed the company's claim that the union ballot for action was "tainted" under anti-union legislation because guards had been refusing, on safety grounds, to operate the trains. Drivers are now refusing to work voluntary overtime, leaving the company unable to run its normal timetables.

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

TGWU welcome for gangmaster watchdog

Farmworkers' union TGWU has welcomed details of a new watchdog aimed at curbing the exploitation of agricultural workers and labourers. The Gangmasters Licensing Authority (GLA) will for the first time regulate those who supply workers to agricultural and shellfish businesses and was created after a high profile TGWU campaign ([Risks 164](#)). Farming minister Lord Whitty said the GLA, which will begin work in April, would help prevent "abuse" of workers. The GLA was set up under the Gangmasters (Licensing) Act, which came into force in July 2004. Anyone who acts as a gangmaster without a licence will be breaking the law. It will also be illegal to use an unlicensed gangmaster. Offenders face up to 10 years in jail. The new organisation will be chaired by Paul Whitehouse, formerly the chief constable of Sussex and currently vice-chairman of Nacro, the crime reduction charity. Michael Wilson, who will be chief executive, was a major general on the Defence Intelligence Staff and is currently chief executive of the Defence Vetting Agency. Both will take up their posts on 1 April 2005, when the authority formally starts work. Jack Dromey, deputy general secretary of the TGWU commented: "The appointments of Paul Whitehouse and Michael Wilson are the first steps in establishing an effective authority to enforce real regulation of gangmasters. The two men have the experience necessary to bring together government, the enforcement agencies and the industry to wage war on exploitation and to raise labour standards. They have the full support of the TGWU in pursuing those goals."

- [Defra news release](#). [BBC News Online](#). [The Scotsman](#).

Unions highlight Britain's deadly asbestos heritage

Asbestos has killed thousands of workers in the shipbuilding, engineering, construction and energy sectors, but a new generation is also at risk, unions have warned. Speaking ahead of a 21 January Northern TUC asbestos conference in Barrow in Furness, regional secretary Kevin Rowan said industrial towns "carry a heavy legacy of incapacity and ill-health as a result of that type of employment." He added: "Asbestos-related illnesses are perhaps the worst, most dramatic and most lethal of the effects of this heritage. But increasingly we are seeing workers from other sectors of the economy; particularly those in public services, experiencing asbestos poisoning as the public buildings built in the 1960s and earlier begin to crumble. Almost all of these buildings - town halls, libraries and schools - are littered with asbestos that presents a risk to those that work there and the members of the public that use those buildings and services." Ian McFall, head of the asbestos team at Thompsons Solicitors, said: "Trade unions offer the highest standard of legal service to their members and former members who suffer from asbestos-related disease. Only trade unions can be trusted to deliver assistance with compensation claims, at no cost to their members, win or lose." He added: "Trade union law firms have fought the ground-breaking cases which established entitlement to compensation in asbestos cases, and remain at the forefront of the challenge to secure the highest compensation awards for asbestos victims."

- [TUC news release](#).

OTHER NEWS

Bad jobs make for bad health

Poor mental and physical health have an "immensely strong relationship" to poor job satisfaction, a new study has concluded. Researchers from the University of Manchester Institute of Science and Technology (UMIST) undertook a systematic review of 485 studies covering 267,995 individuals, evaluating the research evidence linking job satisfaction to physical and mental wellbeing. The authors say that the combined findings "provided, for the first time, a clear indication of the immensely strong relationship between job satisfaction and both

mental and physical health." They add: "The relationships are particularly impressive for aspects of mental health, specifically burnout, lowered self-esteem, anxiety, and depression, where it can now be confirmed that dissatisfaction at work can be hazardous to an employee's mental health and wellbeing." The paper says "this study allows us to conclude that risk assessment of stress in the workplace should attempt to pinpoint those aspects of work that are causing most dissatisfaction among employees... After meaningful consultation with employees, work practices should be changed appropriately – and the impact of these measured both in terms of their effect on stress levels *and* on job satisfaction."

- **EB Faragher, M Cass and CL Cooper. The relationship between job satisfaction and health: a meta-analysis, Occupational and Environmental Medicine, volume 62, number 2, pages 105-112, February 2005 [[abstract](#)].**

Company fined £150,000 after site fall death

A London construction company has been fined £150,000 after its safety failings led to the death of a construction worker. McDermott Bros Contactors Ltd (MBCL) pleaded guilty to safety charges relating to the death of 54-year-old carpenter Vincent Dooley at a building site on 4 December 2000. He was working for the company on a prestige site just outside the City of London when he fell around 4m through a hole that had been cast in the floor, suffering head injuries. The court found that MBCL had failed in its duty of care towards Mr Dooley by exposing him to risks to his safety. At the time of the incident no measures were in place to prevent Mr Dooley's fall, although a general method statement had been prepared that indicated that a safety harness would be worn. Speaking after the case, HSE investigating inspector Neil Stephens, said: "There is a hierarchy of control measures for working at height and the use of personal fall arrest equipment. Harnesses are at the bottom of this hierarchy. Harnesses are almost always a last resort measure and properly constructed working platforms and/or guardrails are nearly always preferable." He added: "Sensible health and safety is about managing risks; working at height is a well known hazard, and not just in construction." MBCL was also ordered to pay £15,175.01 costs.

- [HSE news release](#).

Docs say ventilation claims are a tobacco "smokescreen"

The BMA has condemned claims made by the tobacco industry that

ventilation in bars could protect the public from the harmful effects of passive smoke. Following a Scottish Licensed Trade Association conference last week, the BMA stressed that ventilation does not protect employees or customers from the deadly effects of passive smoke and condemned arguments to the contrary as untrue and based on flawed science. BMA said research in America has found that there was 50 times more air pollution in a smoky bar than in New York's Holland tunnel at rush hour, and studies have found that ventilation in bars does not reduce the risk to the health of customers or staff. Dr Peter Terry, chair of BMA Scotland, said: "Businesses installing expensive ventilation systems will do so in the belief that they are protecting staff and the public from the ill-effects of second hand smoke. The sad truth is that they are mistaken." He added: "Smoke free enclosed public places are what Scotland wants and needs. Our only hope now is that our MSPs are not wavered by misleading claims fuelled by the tobacco industry. The only way to protect the significant majority of the population who do not smoke is to legislate for smoke free enclosed public places."

- [BMA Scotland news release.](#)
- [Hazards union news and resources on smoking.](#)

Worker gets £50,000 for lost thumb

A Sheffield steelworker has been awarded £50,000 compensation after his thumb was sliced off in a razor-blade making machine. Martyn Bradwell, aged 51, was forced to retire from his job at the Avesta steel plant in Stocksbridge, where he had worked since he was 16, because he could no longer grip properly. The father-of-two used to be left-handed, but had to teach himself to be right-handed after losing his left thumb. The accident happened when Mr Bradwell was attempting to clear a blockage on a razor-blade making machine and his glove became caught in the machinery. He needed skin grafts to his hand and three operations to repair nerve damage. Avesta, which has since changed its name to Outokumpu Stainless Limited, admitted liability. The company agreed the out-of-court payment because Mr Bradwell could no longer carry out his job. Matthew Tomlinson of law firm Russell, Jones & Walker, represented him. He said: "Across the country we are starting to see an increase in injuries from steel mills. We are concerned that, because the industry is on a major downturn, there is not the correct level of investment being made in health and safety issues, and more people are coming to harm."

- [Sheffield Star.](#)

Hairdresser killed by asbestos in old driers

A former hairdresser died as a result of years of exposure to asbestos in old hood-style hair-driers, a Bradford inquest has heard. Janet Watson, 59, contracted the asbestos cancer mesothelioma through exposure to dust produced as asbestos linings in the equipment crumbled with time. She worked in salons for 30 years, during which time she used the driers that were common in the 1970s and 80s. Neil Holdsworth, 46, her fiancé, told the hearing in Bradford that the driers contained a layer of asbestos inside the hood to save customers from getting burned. Mr Holdsworth said: "I just hope that other women who may have been exposed realise and are aware so they can make the most of what time they have left. Unfortunately that's something that Janet never really had." He added: "The girls in those days were not aware of asbestos." Dr John O'Dowd told the inquest that asbestos fibres found in her lungs were considerably higher than normal background levels. Roger Whittaker, the coroner, recorded a verdict of death from industrial disease. He said he accepted that Mrs Watson had been exposed to asbestos from the driers, "which was therefore asbestos in the workplace."

- [Yorkshire Post.](#)

Joiner died from asbestos exposure

A West Yorkshire joiner has died from the asbestos cancer mesothelioma following exposure which began when he was a teenage apprentice, an inquest heard. Wakefield coroner David Hinchcliffe heard how 61-year-old Ian Lunn developed the condition following exposure to asbestos in the mid 60s and 70s when he worked for the Ossett-based building firm Harlow and Milner Ltd. He said the father-of-one was often exposed to asbestos dust when cutting and handling sheets of material to be fitted underneath the guttering of houses. The inquest heard how Mr Lunn had first become ill in January 2003 when he developed an "annoying and unproductive cough." A biopsy revealed he had a cancer. A post-mortem examination showed unusually high levels of asbestos fibres in his lungs. Mr Hinchcliffe said Mr Lunn received compensation from the company in the form of an out-of-court settlement. The coroner recorded a verdict of death by industrial disease. Speaking after the inquest, Mr Lunn's wife Josephine said: "We were happily married for 40 years. He was a loving husband

and a great father. We miss him very much - we still can't believe he's gone."

- [Wakefield Today](#).

£10,000 for asbestos victim's mum

An 82-year-old who saw her son die from an asbestos cancer has been awarded £10,000 damages. Widow Annie Little was with her former Clyde shipyard worker son Ian Cruickshank, 52, when he died in hospital in 2001 after contracting mesothelioma. Mrs Little was awarded the sum at the Court of Session, Edinburgh. She said afterwards: "He started at Fairfields when he was 17 and worked there and at Upper Clyde Shipbuilders for 10 years, then at Govan Shipyards for a further six years." She added: "No amount of money can ever compensate for the death of my son. But I felt it was only right to pursue this case as a matter of principle, so it might benefit other mothers who face a similar situation in the future." The court heard Mr Cruickshank started becoming breathless in 2000 and had difficulty walking quickly. That summer he told his mother he had been diagnosed with mesothelioma and had maybe six months to live. Mrs Little described his death as a horrible one. Mrs Little's solicitor-advocate Frank Maguire had argued for an award of £20,000, but lawyers for the shipyard said £3,000 to £4,000 would be appropriate. Judge Lord Brodie said £10,000 was "a just figure."

- [Glasgow Evening Times](#).

Call to cut prison staff sick pay

Prison officers' union POA has said a call from MPs for cuts in sick pay to reduce sick leave levels is unjustified. Prison Officers' Association head Colin Moses said the Public Accounts Committee (PAC) criticism had not taken into account the high levels of assaults on prison staff as well as the fact that the service was under strength by almost 2,000 people. And he said much of the blame for high absentee rates lay with the Prison Service's failure to institute an adequate occupational health regime. PAC had recommended prison staff should not be paid for the first three days they are off work through illness. The PAC report said: "The Prison Service should consider the costs and benefits of not paying staff for the first three days of any period of sickness absence in line with the approach used by private sector prisons to manage sickness absence." A spokesperson for the Prison Service said the

organisation now had a "strong grip" on sickness management and matters were "expected to improve." One third of prison staff in England and Wales took no sick days in 2003-04, a third took up to five days and the remaining third more than five days.

- [BBC News Online](#).

INTERNATIONAL

Egypt: Workers fight employer and asbestos disease

Ninety employees, many suffering from debilitating asbestos disease, have been laid off by Aura-Misr, an Egyptian asbestos company. Eight have already died from lung cancer and asbestosis. In September 2004 a group of 46 asbestos workers established a camp outside the factory to demand basic workplace safeguards like gloves and masks. "The factory did not even wash the asbestos off our clothes when we left work," said Zaid Abdel Latif, the workers' leader, one of the few men at the camp who is not sick. "So we tracked the asbestos to our children. And there was no ventilation in the factory to suck the asbestos away so we breathed it all in." The workers, who made asbestos cement pipes using white or "chrysotile" asbestos, are also demanding their company pay for their medical care. The company has refused and denies it is responsible for the workers' ill-health. "None of the diseases were related to asbestos," company manager Mustafa el Hefnawi told campaign group CorpWatch. The sick workers from the Aura-Misr factory say that a month's supply of basic medicine, that allows them to continue breathing properly, costs about 70 per cent of a worker's salary. The workers' plight took a grim turn on Christmas Day 2004. The owner of the factory, Egyptian businessman Ahmed Abdel-Azeem Lokma, shut the factory and fired all the workers.

- [CorpWatch](#). [Labournet](#) – including details of how you can support the workers.
- [International Ban Asbestos Secretariat](#).

Europe: Commission treads cautious chemicals path

The European Commission says it is attempting to find a "balanced solution" to address the controversy raging about its chemical safety proposals ([Risks 105](#)). The European Commission proposal for REACH - Registration, Evaluation and Authorisation of Chemicals - is currently under examination by the European Parliament (EP). Many

environmental groups have called for tighter chemicals safety and evaluation rules. However, industry and unions have been divided, with some arguing for strict controls on safety grounds and others expressing concern that the additional requirements will put European employers at a competitive disadvantage. In their remarks at a European Parliament public hearing this week, Commissioners Günter Verheugen and Stavros Dimas underlined the Commission's commitment to helping to find a balanced solution. They both stressed the importance of delivering health and environmental improvements while safeguarding the competitiveness of European industry, and smaller firms in particular. Mr Dimas said: "It is high time for industry to provide the necessary information on the chemicals they produce, to ensure they are used and handled safely. European citizens have the right to expect a high level of protection for their health and for the environment – also in the field of chemicals. REACH has been designed in extensive consultation with stakeholders to strike a careful balance between the need for protection and workability for the companies involved."

- [European Commission news release](#) and [enterprise and industry and environment REACH webpages](#).
[ETUC news release](#).

Global: Governments must probe media deaths, says IFJ

The International Federation of Journalists (IFJ) has called for the United States and other governments to take seriously their responsibility to investigate media killings. IFJ reports that 129 journalists and media employees were killed last year, the worst 12-month toll on record. "Too often governments display a heartless and cruel indifference to the suffering endured by the victims and their families," said Aidan White, IFJ general secretary. "Too often so-called investigations into the killings of our colleagues are merely a whitewashing exercise." In a wide-ranging report that covers media deaths in 34 countries, the IFJ has attacked the impunity and injustice in the way governments respond to media deaths. "There tends to be a few meaningless words of regret, a cursory inquiry and a shrug of indifference," said White. "It is inexcusable in an age when the world relies more than ever on media to tell the story that many governments fail to bring the killers of journalists to justice or excuse themselves when their own people are involved." Jim Corrigan, president of UK journalists' union NUJ, commented: "Most of these journalists were killed in attacks because they were trying to uncover

and report the truth.” He added: “This report highlights how journalism around the world is becoming an increasingly dangerous profession; it must spur us all on to find ways of making our profession safer.”

- [IFJ news release](#). [NUJ news release](#). [BBC News Online](#). [Yahoo.com](#).
- [International News Safety Institute](#).

Spain: Unions win new controls over subcontractors

A six year union campaign in Spain has won a law to control construction industry subcontracting. Spanish building union FECOMA spearheaded the six-year drive, which included two general strikes in the industry. FECOMA also gathered more than 600,000 signatories to support their “popular legislative initiative,” which proposed the legislation. According to global construction unions’ federation IFBWW: “The health and safety record in the Spanish construction sector is the worst in Europe. FECOMA for years have been pointing to informal employment policies as the real cause of deteriorating working conditions and rocketing injury rates.” It adds that the proliferation of small construction firms in Spain – 95 per cent have fewer than 25 workers and almost 70 per cent have fewer than five – has created “an industry out of control, and thousands of workers injured each year in entirely predictable and preventable ‘accidents’.” The Spanish Congress will debate the FECOMA proposal, which will form the basis of legislative controls. Measures to be introduced include a ban on subcontracting chains. A mass union rally at the Spanish Congress building in Madrid on 21 January 2005 saw “thousands of building workers and their supporters celebrating a hard won victory that will have an impact not only in Spain, but worldwide,” says IFBWW.

- [IFBWW news release](#).

South Korea: Migrants face dirty, difficult and dangerous jobs

Foreign workers in South Korea are being employed in the most dangerous jobs and are facing an increasing risk of ill-health and injury as a result. The South Korean labour ministry reports around 1,300 foreign migrant workers suffered a workplace accident in the first half of last year. In 2003, 2,336 migrant workers were injured, up from 1,760 in 2002, 1,278 in 2001 and 1,197 in 2000. Most of the workers are engaged in “3-D” jobs – the dirty, difficult and dangerous jobs shunned by Koreans. A labour ministry official said foreign migrant

workers are eligible to benefit from the industrial accident compensation scheme even if they are illegal workers. The reality, though, can be very different. "Some illegal workers involved in an industrial accident were forced to leave the country right after medical treatment as a handicapped person with no money," said a spokesperson for the Migrant Workers' Home. Concern about the plight of South Korea's migrant labourers was heightened this week as the labour ministry launched a probe into reports that eight female Thai workers had been severely affected by exposure to toxic chemicals at a sweatshop, with some hospitalised. A human rights group representing foreign workers said the Thai workers were exposed to hexane, a toxic chemical used as a solvent to polish products. The Thai women had worked at Donghwa Digital, which makes components for liquid crystal displays. Seven of them were hired illegally. "They worked under harsh conditions in closed rooms without windows for up to 14 hours a day without wearing protective gear such as masks, gloves or goggles," said Choi Eun-Mi, of the Ansan Migrant Shelter (AMS).

- **The Korea Times on [migrant workers](#) and the [solvent poisoning case](#). [Yahoo.com](#).**

USA: Beryllium health scandal hits home

US government safety watchdog OSHA, long criticised for downplaying the dangers of the highly dangerous metal beryllium, has discovered that several of its own employees have been affected by exposure to the deadly metal. A report in the *Chicago Tribune* says ongoing medical testing show that at least three OSHA workers have developed signs of beryllium exposure. The workers are thought to have been exposed while conducting safety inspections in industries using beryllium, a lightweight metal whose dust can cause an often-fatal lung disease. The agency has been attacked for years for being slow to address the dangers of beryllium, one of the most toxic materials handled in the workplace. OSHA did not test its workers until after a top agency official, Adam Finkel, filed a whistleblower complaint on the matter in 2003, alleging that he was transferred because he was advocating a safety plan OSHA higher-ups didn't want. Public Employees for Environmental Responsibility (PEER), a environmental whistleblowers' group, said Finkel, who has now left the agency, received "a substantial financial settlement in return for withdrawing a whistleblower reprisal complaint." In February 2004, researchers reported increasing industrial use of beryllium in industrialised nations

including the US and the UK was “resulting in an unrecognised epidemic of chronic beryllium disease” ([Risks 143](#)). Writing in the *Lancet* they said evidence suggested 6 per cent of patients labelled as having sarcoidosis actually had chronic beryllium disease.

- [PEER news release. Chicago Tribune. Confined Space.](#)

USA: BP fined over \$1.4m for safety violations

UK multinational BP has been hit by fines of \$1.42m (£763,000) for safety violations on its Prudhoe Bay oilfield in Alaska. The company has already been accused of failing to look after its staff properly in the area and is still on a five-year probation from the US justice department over environmental problems on Alaska's North Slope ([Risks 69](#)). Despite the latest fine - understood to be a record from the Alaska oil and gas conservation commission - BP said the Prudhoe Bay oilfield was still one of the safest work places in Alaska. BP was originally fined \$2.53m (£1.35m) for an explosion and fire in August 2002, which badly burned one worker. BP appealed and the fine was halved to \$1.3m – appeals and fine reductions are common under the US system - but the group had a further \$102,000 fine for failing to implement safety procedures strictly enough on another well. ‘Irresponsible care,’ an April 2004 report from the US Public Interest Research Group put BP, at the top of its chemical industry accidents league table ([Risks 152](#)). In January 2002, BP has been fined a then record £1 million for safety breaches at its Grangemouth plant in the UK ([Risks 38](#)).

- [The Guardian. Hazards guide to BP’s recent safety record.](#)

USA: Car crashes on the way home linked to excessive shifts

Grossly excessive work shifts could leave workers at twice the risk of a car crash, US government-backed research has shown. A study co-funded by work safety research body NIOSH and the Agency for Healthcare Research and Quality (AHRQ), found first year doctors (medical interns) in training who work shifts of longer than 24 hours are more than twice as likely to have a car crash leaving the hospital and five times as likely to have a “near miss” incident on the road as medical interns who work shorter shifts. The study, published in the *New England Journal of Medicine*, “clearly shows that the impact of

overly long work hours and fatigue extend outside the hospital,” said Carolyn M Clancy MD, AHRQ's director. “These studies have provided a foundation of evidence for ensuring that work shifts in hospitals are adequate to provide the best training for young physicians without posing a danger to their own health and safety as well as that of their patients and others.” NIOSH director John Howard said: “These new findings are a valuable addition to the data needed by researchers to help employers and employees maximise health, safety, and productivity in designing work schedules.” Report co-author Dr Laura Barger said: “Because nearly 70 per cent of medical interns who participated in the study commute to work by car, eliminating extended work shifts could prevent a substantial number of accidents.”

- [NIOSH news release](#). **Laura K Barger and others. Extended work shifts and the risk of motor vehicle crashes among interns, NEJM, volume 352, number 2, pages 125-134, 13 January 2005.**
- **NIOSH’s findings and recommendations on administering or coping with shiftwork to reduce health and safety concerns [[pdf](#)].**

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR JANUARY TO MARCH 2005

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

Finding solutions for work-related ill health, London, 22

February

MPs, government officials and the public will have the opportunity to find out more about occupational health and safety provision and the aims of the National Work and Health Network at a House of Commons presentation on Tuesday 22 February.

- **Finding solutions for work-related ill health, 1.00pm, Tuesday 22 February, Attlee Suite, Portcullis House, House of Commons, Westminster, London. If you want to attend or would like more details, contact [Nick Pearson](#), 0114 275 5760.**

USEFUL LINKS

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