

Risks

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HAZARDS
MAGAZINE



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UNION NEWS

Pregnant researcher with cancer is fired

A university researcher who was fired while having treatment for breast cancer is challenging the move at an employment tribunal. Dr Marina Ptushkina, who was a researcher in biomolecular sciences at Manchester University (UMIST), is claiming unfair dismissal and sex discrimination. Her claim is backed by her trade union, the Association of University Teachers. Dr Ptushkina's contract was ended abruptly shortly after returning to work after a third breast cancer operation in a row, this time a mastectomy, and when she was three months pregnant with her second child. Dr Ptushkina will claim in her evidence that she was denied the opportunity to recover properly after undergoing cancer surgery. The tribunal will also hear her claim that her boss, Professor John McCarthy, had previously called her commitment to her work into question when, after giving birth to her first child, she reduced her working hours to eight hours a day from at least 12.

- [AUT news release.](#)
- [Hazards news and resources on workplace sickness policies.](#)

Pilots warning on gruelling Airbus flights

Pilots' union BALPA has warned the new long haul A380 "Airbus" must have proper staffing levels to fly safely. Captain Mervyn Granshaw, chair of BALPA, said the union was "worried about pilots being alert enough to fly for 20 or more hours." He added: "Flights will have to be planned in alignment with a pilot's body clock and sufficient rest, to enable them to undertake such long flights whilst still being able to carry out routine complex tasks as well as coping with emergencies. This has to be a priority." He said BALPA has been working with scientists and Singapore Airlines, which will be the first airline to fly the new aircraft. "For flights up to 20 hours," he said, "there needs to be a flight crew of at least four pilots and trials have shown that although the pilots will get enough sleep to remain within safe operating limits, they do not get the quality of sleep that is considered to be recuperative." He said that for longer flights, crew work and rest patterns would require further investigation. "We are concerned that apparently there is some resistance to this further investigation and pilots worldwide will not allow safety to be put at risk like that."

- **BALPA news release** [[word](#)].

BAA plays with fire at Glasgow Airport

Firefighters at Glasgow Airport have voted to take strike action over the British Airport Authority's plans to remove onsite firefighting cover. The TGWU members say the move would increase response times and jeopardise safety at the airport. Firefighters are scheduled to begin indefinite strike action from midday on Saturday 29 January. "This is fundamentally about the safety of airport users - both staff and the travelling public," said Donald Munro, TGWU regional industrial organiser. "This is no way for the BAA to run a modern international airport which requires a first class swift response firefighting team. We have been forced into taking strike action by a management which is not prioritising safety." BAA wants to replace the current firefighting teams with new "fire safety teams" who will not be allowed under law to engage in firefighting or rescue. TGWU says a dependence on local authority firefighters to cover the terminals and land side areas means response times will change from the current two minutes to at least fourteen minutes.

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

OTHER NEWS

MPs debate directors' safety duties



Labour MP Stephen Hepburn has continued his campaign for tougher laws to prevent workplace death and injury by placing the issue centrestage in a 20 January Commons debate. He urged health and safety minister Jane Kennedy to listen to calls for legally binding health and safety duties on company directors and to support his private member's bill. He pressed the case for the Health and Safety (Directors' Duties) Bill during a Commons debate which was prompted by a highly critical select committee report into government's health and safety strategy ([Risks 167](#)). The July 2004 report included a recommendation that a law on directors' duties be introduced. Stephen Hepburn MP said: "I am deeply disappointed that the government has rejected the committee's commonsense recommendation on directors' duties, preferring instead to rely on a combination of existing law and voluntary guidance." He added: "As with all voluntary codes, there are no incentives to encourage you to

follow them and no sanctions to punish you for breaching them.” Stephen Hepburn's bill received its first reading on 12 January 2005 ([Risks 190](#)) and is expected to be debated in the Commons in early March. The Bill is supported by the TGWU, UCATT, TUC and safety campaign groups.

- [TGWU news release. TGWU/UCATT campaign for directors' duties.](#) 'Health and Safety Commission and Executive,' House of Commons debate, 20 January 2005, [full transcript](#).
- [TUC/Hazards deadly business campaign.](#)

Benefit cut plan to push sick back to work

The government is set to cut incapacity benefit in a move aimed at getting claimants back into work. The prime minister wants to cut the £7 billion a year welfare budget and put pressure on claimants to find employment. The move, which is expected to be announcing in days, comes in the month a TUC report, 'Sicknote Britain?', revealed the numbers on incapacity benefit is already dropping dramatically and which presented evidence that more support and not more pressure was the best way to encourage this trend ([Risks 189](#)). The controversial government move will be revealed in the Department of Work and Pensions' five-year plan. It will include proposals to pay new claimants incapacity benefit at £56 a week, the same as Job Seekers Allowance. The changes would be closely tied to an extension of the "pathways to work" scheme, which will be rolled out to a third of all claimants in less than two years. Claimants actively seeking work or on special programmes would get an extra £20 a week as a premium. There will be more personal advisers to help claimants look for a job as the special programme of interviews and training is stepped up.

- [DWP news release.](#) [The Scotsman.](#) [Personnel Today.](#) [FT.com.](#)
- [Hazards news and resources on sickness absence and rehabilitation.](#)

Firing on health grounds an expensive mistake

Employers who fire workers on health grounds are being hit by large penalties at employment tribunals. Scottish postal worker Ronald Agnew, who was dismissed for being overweight, this week won his job back and was awarded £24,278 compensation. He was originally taken

off delivery duties, but ended up losing his job on health grounds when his managers at Royal Mail claimed they could not find another job for him. Agnew claimed he was treated unfairly, as other workers had been given the chance to undertake lighter duties to avoid dismissal. The tribunal ruled that the decision to dismiss Agnew, who suffered from kidney problems and fluid retention, was unreasonable and unfair. The tribunal chair Frances Eccles said Royal Mail was a large employer and attempts to find Agnew alternative duties to accommodate his medical condition had been inadequate. In a second case this week, district nurse Diane Whitten, 48, was awarded £70,000 damages after her wrongful dismissal by Camden and Islington community health services trust in north London. Pain from a work-related neck injury had stopped her carrying out normal duties. An employment tribunal found the trust failed in its duties under the Disability Discrimination Act and said she should have been retrained for another job.

- [Personnel Today](#). [The Guardian](#).

Wetherspoon pubs to ban smoking

JD Wetherspoon is to ban smoking in all its 650 pubs by May 2006 amid fears smoky pubs are deterring customers. The firm, which has already pioneered non-smoking areas in its bars and lounges, said that 60 of its pubs will become smoke-free from this May. It added it wanted to ban smoking two years ahead of the government deadline. Company chair Tim Martin said: "An increasing percentage of the population are giving up smoking and a significant number of people are staying away from pubs and restaurants because they are too smoky." He criticised a loophole in the government plans which would allow smoking to continue in those pubs not serving food. TUC general secretary Brendan Barber welcomed Wetherspoon's announcement. "One of Britain's biggest pub chains is acting to save its staff from the dangers of lethal secondhand smoke. The bogus argument that banning smoking is a threat to the pub, club and restaurant business must now fall flat on its face." He added: "Wetherspoons are leading the way but too many employers will continue to neglect their duty to keep their staff safe. It's the duty of the government to take the lead and make all workplaces smokefree zones." Deborah Arnott, director of the health campaigning charity ASH, said: "It shows that the government has nothing to fear from introducing legislation to make all pubs smokefree."

- [JD Wetherspoon news release](#). [TUC news release](#).
[ASH news release](#). [BBC News Online](#). [Reuters](#).
- [Hazards smoking news and resources](#).

New drive to make hospitals smokefree

Hospitals should aim to ban smoking in all their buildings and throughout their grounds, new official guidance says. The Health Development Agency said the complete ban was a "gold standard" for which NHS trusts should aim. HDA officials issued the guidance after the government's Public Health White Paper promised the health service would become smokefree by the end of 2006 ([Risks 183](#)). HDA chair Dame Yve Buckland said: "As the UK's largest employer, the NHS has a moral imperative to lead by example and promote the no-smoking message." Under the white paper proposals, hospitals are not required to stop smoking in grounds, although it is expected they will ban it in buildings. As yet, only a handful of trusts have introduced complete bans and 60 per cent still have smoking rooms. Tom Sandford, director of the Royal College of Nursing, said the guidance would help patients and professionals stop smoking, but said the NHS must be careful not to stigmatise nurses who smoke as many found it difficult to give up their addiction given the "stresses of the job." Studies have linked nurses' smoking with the stresses of the job.

- [HDA news release, guidance \[pdf\] and background document \[pdf\]](#). [BBC News Online](#).

Surgical mask menace jailed

A man with a fetish for surgical masks who became a "menace" to NHS staff has been jailed for three years. Norman Hutchins, 53, of York, phoned hospitals and dental surgeries saying he needed the masks for charity events, Leeds Crown Court heard last week. He pleaded guilty to obtaining property by deception, threatening and abusive behaviour and possessing a knife. Judge Paul Hoffman said Hutchins was "a menace to anyone involved in medical or dental institutions." He imposed an indefinite criminal anti-social behaviour order (Asbo) on Hutchins, which prohibits him from entering or phoning all NHS premises, primary care trusts and private medical establishments in England and Wales. Last June, Hutchins became the first person to be banned from all NHS premises in England and Wales when a similar order was imposed at York Crown Court ([Risks 159](#)). The court was told he had verbally and physically abused NHS staff 47 times in five

months. Jim Gee, chief executive of the NHS Security Management Service, said: "Not only is Hutchins tonight in prison but upon his release, there are restrictions in place which will prevent any repeat of this type of behaviour."

- [BBC News Online.](#)

School whiteboards risk to eyesight

High tech interactive whiteboards, used extensively in Britain's schools, could present a serious eyesight risk. A report in *The Times* says tests carried out by the National Radiological Protection Board have shown that the peripheral vision of users may be harmed even when they are not looking directly into the beam of the projector. Around 200,000 whiteboards have been installed in classrooms around the country and the government wants them in all schools, but few teachers appear to be aware of the guidelines on their use or the potential dangers. Concerns about the possible risks first arose three years ago, when engineers at Selectasize Visual Aids Ltd, who were installing some of the whiteboards, found themselves being dazzled. This was raised by managing director Sam Livermore and investigated by the Health and Safety Executive, with an inspector warning "there remains a possibility that a viewer's peripheral retina could be overexposed even when he or she is not actually staring at the projector's apparent source." NRPB discovered that if a person looked into a bright beam from a few metres away for around 20 seconds, they could damage the retina. A Department for Education and Skills spokesperson said: "Safety issues relating to the use of electronic whiteboards are clearly highlighted on both the BECTA and DfES websites."

- [The Times.](#) [BECTA whiteboard advice.](#) [National Whiteboard Network guide.](#)

Widower loses damages for wife's asbestos death

A former shipyard worker whose wife died from an asbestos cancer has been stripped of his £82,000 compensation payout. James Maguire's wife Teresa, 67, contracted mesothelioma through secondary exposure to asbestos dust on his work clothes. The Appeal Court ruled this week that Harland and Wolff, which owned the ship repair yard in Liverpool that employed Mr Maguire as a boilermaker in the 1960s, was not legally liable for Mrs Maguire's death. She died in May 2004, just weeks after the High Court awarded £82,000 damages against the company. The Court of Appeal overturned the decision by a

majority of two to one. It said that given the state of knowledge about the risks of secondary exposure to asbestos, the company could not have reasonably foreseen that she would suffer personal injury. In statements before her death, Mrs Maguire described how she regularly washed her husband's clothes after his return from work, shaking his overalls out in the backyard of their Liverpool home so that "clouds of dust" were given off. Mr Maguire said there were no facilities for changing or washing at work, so he was forced to wear the contaminated garments home.

- [The Scotsman. BBC News Online.](#)
- [Hazards asbestos news and resources.](#)

INTERNATIONAL

Canada: Workers face fines for minor safety offences

Workers in Ontario found violating provincial health and safety rules will be slapped with tickets of up to \$300 (£129), the government of the Canadian province has announced. Labour minister Chris Bentley said the new ticketing regime will be a quicker means to punish minor safety offences, such as failure to use protective equipment and lifting devices. "The important thing about the ticketing is that it gives an immediate consequence to those in violation," Mr Bentley said. The tickets, for either \$200 or \$300, can be issued to employers, supervisors and workers. Representatives from both the business community and unions were highly critical of the announcement. Wayne Samuelson, president of the Ontario Federation of Labour, said the ticketing regime would hurt workers who are often afraid of complaining about unsafe conditions for fear of losing their job. "It's a blame the worker (mentality)," he said. "This is outrageous." Bentley won praise for earlier safety initiatives. In July last year he announced the province would be recruiting 200 more health and safety inspectors by 2008, increasing total numbers from 230 to 430 ([Risks 184](#)).

- [Ottawa Citizen. Why blame the worker approaches are wrong.](#)

Global: Power giant agreement promises safety worldwide

Global union federations have won wide-ranging safety clauses in a global agreement with French multinational Electricite de France (EDF). International union groups including mining and energy federation ICEM and public services federation PSI worked with the company's unions to secure the deal. It says: "EDF Group wishes to assert its

values in a context of global economic competition: respect for individuals, respect for the environment, excellent performance, solidarity and integrity." The new framework document includes a very detailed health and safety clause and requirements regarding subcontractors, covering health and safety, ethical and environmental stipulations. Health and safety of EDF workers and employees of EDF Group contractors is cited as a "priority." ICEM says the agreement reflects the importance of safety training and actions to prevent occupational hazards. The company has operations in France, the UK and worldwide.

- [ICEM news release. EDF global agreement \[pdf\]](#).
- [Hazards global framework agreements webpage](#).

India: Help is a call away for call centre workers

Help may be at hand for scores of young call centre industry professionals in India who increasingly fall prey to ailments like insomnia, depression and digestive system disorders due to job stress. The Young Professionals Collective (YPC) will help call centre staff fight physical and mental disorders by talking to experts and sharing their concerns with peers. The group's founders say it will deal with problems including abusive and racist clients and the night shift work required to service customers in Europe and North America. "Our objective is to ensure the framing of standard working conditions in all call centres in India that is at par with international practices," said Vinod Shetty, a labour lawyer and trade union activist. "We find that most of the call centre professionals today are not equipped to handle the graveyard shifts. This results in grave physical as well as psychological disorders and a high attrition rate in the industry." Shetty added: "If we can't offer them international salaries, let's at least provide them with international working conditions." It is estimated more than a quarter of Fortune 500 companies including General Electric, American Express, British Airways, HSBC and Citibank have shifted their back office operations to India.

- [Indo-Asian News Service](#).

Israel: Who will watch out for workers' health?

Israel's funding-starved National Institute of Occupational and Environmental Health has closed. The institute's 35 researchers and experts provided vital services, including air monitoring for materials

hazardous to workers' health and blood and urine tests for workers who are exposed to dangerous substances. "This is the largest institute looking out for workers' health in Israel," said Professor Dan Michaeli, head of the association that operated the institute. "It conducted studies that no one else did or will do. It's the central data reservoir on occupational diseases, and the only institute academically recognised to train occupational doctors." Occupational safety and health experts warned that closing the institute will expose thousands of workers to risks that can cause diseases and disability in 10 or 20 years' time. Dr Asher Pardo, head of the institute's occupational hygiene department, said the staff used to conduct 30,000 monitoring studies every year in hundreds of workplaces. "We were the law's watchdogs. It's painful that they didn't realise how important this is," he said.

- [Haaretz](#).

Ukraine: Chernobyl hunger strike in third week

A group of 11 workers who took part in the clean up of the 1986 Chernobyl nuclear accident have been on hunger strike for over two weeks, demanding higher compensation for the radiation damage to their health. Shavkat Nazarov, who is from a remote village of Saratov region, was the most recent to join the action. "Not a single word was said about this hunger strike on state-controlled channels Pervy Kanal and Rossia," he said. He was informed of the protest by friends watching a Moscow TV programme. "I completely support the demands," Nazarov said. "Why does President Vladimir Putin, who we voted for, deprive us of our money?" Sergei Kulish, the head of the group, said the health of the strikers is worsening. "The strikers have heart and stomach problems, but we won't stop the hunger strike," he said in a 24 January interview.

- [St Petersburg Times](#).

USA: Safety henhouses overstaffed with foxes

A man with no safety experience but who does have a record as a lobbyist for now banned "health" products and for the Republican Party has been given the top US workplace safety job by President Bush. Jonathan L Snare has been named to head the Occupational Safety and Health Administration (OSHA). According to columnist Molly Ivins: "Exactly how this qualifies him to head OSHA is unclear - maybe he's a quick learner." She adds: "Snare is actually the second fox assigned by

Bush to guard this particular henhouse. The assistant secretary is John Henshaw, a former health and safety chief for the chemical company Monsanto. In 40 months on the job, Henshaw axed three dozen proposed regulations from the agency's agenda... toxic chemical exposure regs, metalworking fluids regs, flammable and combustible liquids, reactive chemicals that kill people and so forth." According to National Public Radio reporter Peter Overby: "OSHA used to recruit its top appointees from state agencies and job safety organisations. In the Bush administration, it draws appointees from business and anti-regulatory groups."

- [Working for Change.](#)

USA: Deadly victims of the meat trade

US meat and poultry companies are using illegal tactics to quash workers' efforts to unionise so they can improve unsafe working conditions, according to a new report from Human Rights Watch (HRW). "Meatpacking is the most dangerous factory job in America," said Lance Compa, author of 'Blood, sweat and fear: Workers' rights in US meat and poultry plants'. Dangerous conditions are cheaper for companies, he said, "and the government does next to nothing." The increasing volume and speed of production, close quarters, poor training and insufficient safeguards combine to create working conditions that violate international labour standards, the report found. "The meatpacking companies hire immigrant workers because they are often the only ones who will work under such terrible conditions," said Jamie Fellner, director of HRW's US Programme. John J Sweeney, president of national union federation AFL-CIO, commented: "Workers shouldn't have to form unions and secure basic workplace protections despite the law." He added: "We need stronger enforcement mechanisms within the law to ensure that workers' fundamental human rights are upheld and respected."

- [HRW news release. Confined Space. AFL-CIO news release. Reuters.](#)
- [Blood, sweat and fear: Workers' rights in US meat and poultry plants.](#)

RESOURCES

The business case for safe and healthy work

New reports from the European Agency for Health and Safety at Work identify the 10 occupational safety and health criteria that underpin "corporate social responsibility" (CSR) and the "strong links" between the quality of work and productivity. The first report says among the requirements for successful CSR are linking OSH (occupational safety and health) goals with the company's long-term strategic and environmental objectives and communicating OSH developments openly and honestly to both internal and external stakeholders. The productivity study found the higher the OSH standards, the higher the productivity - and vice versa. It says in some cases, a good safety record can even be used to predict future profitability. "Both reports - on corporate social responsibility and productivity - underline the importance of treating improvements in occupational safety and health as an investment in competitiveness, not as a cost," said agency director Hans-Horst Konkolewsky. "They clearly show that such improvements can make a significant contribution to a company's financial health, as well as to the personal health and safety of its employees: it's a win-win situation for everyone."

- [European Agency news release](#).
- **Corporate social responsibility and safety and health at work, [full report](#) and [summary factsheet](#).**
- [Quality of the working environment and productivity](#), Working Paper.

New HSE small firm safety assessment tool

The Health and Safety Executive (HSE) has launched a new web-based tool to assist "small and medium-sized enterprises" (SMEs) assess how well they are managing their own health and safety performance. The Health and Safety Performance Indicator is also intended to help companies tell their insurers how well they are managing health and safety so they can more accurately calculate insurance premiums based on individual performance. Launching the tool Bill Callaghan, HSC chair, said it was intended "to aid health and safety - showing how well businesses are performing. People don't have to use it. But we hope it will prove useful and that is what will drive it forward - in doing so, guiding people to give health and safety proper consideration." He added: "Good performers should not have to bear the burden created by poor performers. We believe that the 'indicator' has the potential to assist this goal."

- [HSE news release](#) and [Health and safety](#)

[performance indicator.](#)

International trade agreements can hurt you

The US-based Maquiladora Health and Safety Support Network (MHSSN) has released two reports on the failure of the US-Canada-Mexico NAFTA free trade treaty to protect Mexican workers' health and safety, and on what is needed to ensure international trade and investment treaties include protection of working conditions. 'NAFTA's 10 year failure to protect Mexican workers' health and safety,' is an 18-page report including photographs from award-winning photojournalist David Bacon. It says: "Protection of workers' health and safety must have at least the same level of rapid, enforceable sanctions against employers and governments that the protection of copyrights and patents always enjoy." This is accompanied by a 15-page report, 'Why NAFTA failed and what's needed to protect workers' health and safety in international trade treaties.' Another report from the group describes its safety work in Central America. The Network's goal is to increase the capacity of local, grassroots organisations seeking to protect the health of workers in the maquiladoras (free trade zones) and other export processing zones.

- **NAFTA's 10 year failure to protect Mexican workers' health and safety** [[pdf](#)].
- **Why NAFTA failed and what's needed to protect workers' health and safety in international trade treaties** [[pdf](#)].
- [Central America health and safety training project in Guatemala City, Guatemala, December 2004.](#)

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