

Risks

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HAZARDS
MAGAZINE



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

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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

Hundreds of safety whistleblowers sacked every year



Hundreds of workers are being fired every year for objecting to unsafe working conditions, and the law that is meant to protect them is failing to stop negligent bosses from showing them the door. 'In the firing line', the lead story in the Spring issue of the TUC-backed health and safety magazine *Hazards*, says that in the five years since 1999, over 1,500 workers have found themselves out of a job for raising safety concerns with their employers. The TUC says an employer found guilty of unfairly dismissing someone on safety grounds may be looking at a penalty of as little as £3,800, so unsafe bosses find it cheaper to sack a whistleblower than to make improvements. TUC general secretary Brendan Barber said: "It shouldn't be a firing offence to object to unsafe work," adding: "The problem is far worse than official statistics show. Unionised workers get advice and representation so are far more likely to get their job back where employers do the wrong thing. Workers who aren't in a union, and casual and migrant workers stand little chance of redress." *Hazards* editor Rory O' Neill said: "Giving union safety reps more rights in more workplaces is the ultimate win-win. It provides skilled, trained, on-the-ground union safety advisers at absolutely no cost to the government, complementing the work of the Health and Safety Executive and saving lives in the process." TUC wants the government to introduce a nationwide system of roving safety reps, to allocate more funds for official safety inspections and enforcement, a new right for reps to issue "provisional improvement notices", and for employment tribunals to have the power to reinstate workers unfairly dismissed after raising safety issues.

- [TUC news release. Hazards magazine "In the firing line" report.](#)
- [BBC News Online. The Scotsman. The Times. Politics.co.uk. Personnel Today.](#)
- [What do we want? New rights for safety reps, including provisional improvement notices, roving reps and a right to refuse dangerous work without](#)

fear of the sack.

Dangerous directors continue to evade the law



New research shows 620 people have been killed in the workplace in the last two years but guilty directors are still evading responsibility. Research by the Transport and General Workers' Union (TGWU) and the Centre for Corporate Accountability (CCA) reveals very few directors have been convicted for health and safety offences and in the last two years not one director has faced a jail sentence or disqualification following those convictions. TGWU and CCA examined health and safety data between April 2002 and March 2004 and found that 620 people were killed and 60,177 people suffered major injuries at the workplace. Only 23 directors were convicted of health and safety offences; not one received a prison sentence. Convicted directors faced fines averaging just £6,463. TGWU general secretary Tony Woodley said: "It cannot be right that 620 people die in workplace tragedies in a two year period yet not a single director faced disqualification or a jail sentence as a result. If deaths on this scale occurred in any other walk of life there would be calls for inquiries and resignations." UCATT general secretary Alan Richie said: "The voluntary approach has failed. The law must be reformed so that directors have a positive duty to prevent accidents." The groups are backing Labour MP Stephen Hepburn's private members' bill ([Risks 192](#)), which would impose safety duties on directors and would make it easier to hold them to account for health and safety and manslaughter offences.

- [TGWU news release](#). [BBC News Online](#). [Personnel Today](#).
- [TGWU directors' duties campaign](#). [Centre for Corporate Accountability](#).

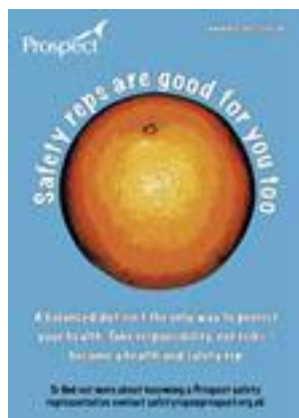
TUC calls employers to account on 28 April

TUC is urging a record number of union and safety campaigners to get involved in Workers' Memorial Day 2005. The theme of the 28 April event this year is "employer accountability." According to a new TUC briefing: "When all those who are responsible for workers' health and safety are truly held to account, there will be a significant improvement in the work-life and health of workers." TUC says the

purpose behind Workers' Memorial Day has always been to "remember the dead: fight for the living," with unions asked to consider memorials to all those dying as a result of their work while at the same time ensuring such tragedies are not repeated. "That can best be done by building trade union organisation, and campaigning for stricter enforcement with higher penalties for breaches of health and safety laws," says TUC. The TUC suggests a range of activities that could be undertaken on 28 April, from a minute's silence at work, to flying flags over the town hall at half-mast, to organising press and public events. Many unions are producing posters and other Workers' Memorial Day materials and organising events.

- [TUC Workers' Memorial Day briefing. Hazards Workers' Memorial Day news and resources.](#)
Greater Manchester Hazards Centre WMD 2005 briefing [pdf]
- **Hazards Campaign resources: Get your free posters and forget-me-knot ribbons (£25 per 100) from Greater Manchester Hazards Centre, 23 New Mount Street, Manchester, M4 4DE. Tel: 0161 953 4037. "Forget-me-knot" ribbons print-off-and-use order form [word].**

Prospect sows the seeds of safety



An apple a day is supposed to keep the doctor away, but scientific and specialists' union Prospect has added a banana and an orange to the recipe in a bid to improve workplace health and safety. Three new fruity health and safety posters from the union stress the importance of workplace health and safety inspections and health and safety representatives. The orange "safety reps are good for you too" poster notes: "A balanced diet isn't the only way to protect your health. Take responsibility, not risks – become a health and safety rep." Prospect's banana says "your health and safety representative could save your skin". And the rosy red apple advises that "workplace inspections are the core of health and safety." It says: "Union safety reps have the right to make formal workplace inspections at least once every three months – use your rights." With many employers embracing "lifestyle" campaigns with enthusiasm but ignoring workplace hazards, the Prospect approach adds a healthy new

flavour to the workplace noticeboard.

- [Prospect safety rep resources.](#)

OTHER NEWS

Asbestos ruling supports pleural plaques payouts

A move by insurers to stop paying out to people diagnosed with a condition showing asbestos exposure has failed. A High Court judge ruled thousands of people with pleural plaques - scarring on the lung lining - were still entitled to compensation. But the money they could claim, previously £5,000-£15,000, was reduced. Insurers Norwich Union, Zurich and British Shipbuilders, who took the case, said the condition did not impair quality of life or lead to more serious diseases ([Risks 187](#)). Norwich Union and Zurich both said they were considering an appeal, although they welcomed the reduction in the level of damages. But lawyers for 10 men whose compensation claims were used as examples in the insurers' case, said the anxiety caused by seeing proof they have been exposed to asbestos deserved compensation. Amicus general secretary Derek Simpson said: "This judgment is good law and good news for thousands of workers. Asbestos is not yesterday's problem. Amicus and its lawyers will continue to ensure that workers suffering from asbestos related injuries due to the failure of employers to protect them have the right to compensation." Irene Conner, head of legal services at ship officers' union NUMAST, said: "This is very good news and reflects that fact of the anxiety experienced by members who develop pleural plaques and fear that this may lead to an increased likelihood of developing other conditions."

- [BBC News Online](#) and [secondary BBC story](#). [The Scotsman](#). [The Guardian](#). [Thompsons Solicitors](#). [Amicus news release](#). [NUMAST news release](#). [UNISON news release](#).

Study finds work stress can give women diabetes

Women who experience stress and a lack of control over their work could be at great risk of diabetes, according to Swedish research. "We have discovered a link between stress, few possibilities to make decisions and little control at work and the development of type 2 diabetes in women," researcher Emilie Agardh at the Karolinska

Institute in Stockholm told AFP. Her conclusions are based on data collected from about 5,000 men between 1992 and 1994 and from some 3,000 women between 1996 and 1998. Approximately 450 of the men and women studied suffered from type 2 diabetes. Many of the women suffering from the illness said they felt they had little control at work, according to Agardh. "We have only found the link between a lack of control at work and diabetes in women. I can't yet explain why this link exists for women and not men," she said.

- [The Australian](#).

Protecting health information and protecting health at work

A new workplace health information code protects personal health information but shouldn't stop safety reps doing their life-saving job, according to a new guide. The 'Code Read?' briefing, published in the spring 2005 issue of *Hazards* magazine, says the new Information Commission code means your employer can no longer play fast and loose with your health information. It says a firm "could be breaking the law if it fails to respect new rules on workers' privacy," and adds that the new code requires employers to think twice about the health records they hold and the hoops they ask you to leap through, whether this is health screening, medical, drug, alcohol or genetic tests. Interpretation of medical information should be left to properly qualified personnel, says the code – "which means the human resources manager can't decide that your hernia isn't that serious after all, and tell you to stop shirking and get back to work," says *Hazards*. The code does not prevent safety reps receiving any of the health information they need to fulfil their functions, says the *Hazards* guide. The only limitation is that information will have to be anonymous if an individual refuses to give their permission.

- [Hazards 'Code read?' guide](#) and [workplace privacy guide to surveillance, medical, alcohol, drug and gene testing at work](#).

Minister outlines GP role in rehab

Tomorrow's doctors can play a key role in offering sick and disabled workers a better future, work and pensions secretary Alan Johnson has said. Visiting a Derbyshire "Pathways to Work" pilot project, he said: "The doctors of tomorrow have a crucial role to play in changing the 'can't do' culture to a 'can do' one by helping people focus on work.

There's a high level of trust in the doctor-patient relationship and we need the support of doctors to help people with manageable health conditions get back to full health and ultimately work." The secretary of state added: "While we must provide security for people who cannot work, increasingly doctors agree that signing some people off as long-term sick is not always in the best interests of their health - in fact it can make them worse. For many people a job can be an important step on the road to recovery and rehabilitation." The government's November 2004 public health white paper included provision for employment advisers in GP surgeries ([Risks 183](#)). The TUC this week issued a briefing document on the government's pilot Workplace Health Direct service ([Risks 193](#)). The new occupational health, safety and return to work pilot scheme will run from January 2006 and will be aimed at small and medium sized employers in England and Wales that do not currently have any occupational health provision.

- [DWP news release](#). [TUC briefing](#).

Mixed response to report on school trip risks

A select committee report has concluded there are no risks inherent to school trips and recommended that the government should produce a "manifesto" declaring the right of all school kids to go on trips. The report of the Education and Skills Select Committee concludes: "Visits organised in accordance with health and safety guidance should not lead to avoidable accidents or unfounded legal claims against teachers." Commenting on the report, HSE deputy director Justin McCracken said the executive's views closely mirror those of the committee and added "adventure activities provide the ideal opportunity to make children 'risk aware' by involving them in practical decision making in challenging environments." He added: "We applaud those teachers and helpers who give their time and energy to follow best practice and do the job safely and properly. Long may well-planned educational visits continue." Chris Keates, general secretary of teaching union NASUWT, was less impressed, condemning the "irrational and blinkered approach" of the committee. The union is concerned about the risk of legal action against teachers supervising children on trips and has been involved in negotiations with ministers on new guidance. "When the detailed guidance is published I am confident that the NASUWT National Executive will wish to respond positively," said Chris Keates.

- [HSE news release](#). [NASUWT news release](#).

- **Education and Skills Select Committee, Second Report, [Education outside the classroom](#), 10 February 2005.**

Farmyards are not playgrounds, warns HSE

An eight-strong partnership of key players in the agricultural industry is taking on the deadly dangers farms can pose to children. The groups have launched two new leaflets, one for children and one for adults, aimed at helping to reduce the number of accidents and incidents of ill-health affecting children on farms. Mike Walters, an HSE inspector seconded to rural workers' union TGWU, spearheaded the partnership made up of HSE, TGWU, National Farmers Union (NFU), NFU Mutual, the ADAS rural economy consultancy, Women's Food & Farming Union (WFU), Farms for Schools and Cardiff University School of Social Sciences. He said: "In the ten years from 1993 to 2003, 45 children were killed on farms and HSE received reports of nearly 400 serious injuries to children, with many more incidents going unreported." He added: "We must all strive to ensure that there are ZERO fatal accidents to children on farms each year." Commenting at the launch of the leaflets, TGWU's Chris Kaufman said: "The continuing toll of death, injury and ill-health for young people on farms is a vivid scar running across our industry. It requires a united assault by employers, workers and enforcers to tackle the root causes and bring this miserable tale of woe to an end. These publications are an indispensable weapon in that campaign."

- [HSE news release](#) and [new child safety leaflets](#).
- [Details of the HSE-TGWU link up](#). [TGWU children on farms campaign](#). [HSE child safety in agriculture webpages](#) and [free agriculture safety leaflets](#).

British Sugar fined after death

British Sugar has been fined £400,000 for breaching health and safety rules two years after the death of a woman who was hit by a mechanical shovel. Lorraine Waspe, 40, from Great Finborough, near Stowmarket, died at the British Sugar processing plant in Bury St Edmunds, on 14 February 2003 ([Risks 92](#)). British Sugar's contractor equipment company VM Plant was fined £250,000. At Bury St Edmunds Crown Court, in Suffolk, both firms admitted breaching health and safety rules. The court heard that in November last year, British Sugar admitted failing to ensure the health and safety of its

employees and failing to ensure employees were not exposed to risks. VM Plant was found guilty by the jury of failing to ensure that people who might be affected by their equipment were not exposed to risks to their health and safety. A second British Sugar worker, 52-year-old Robert Howe, was killed in March 2003 ([Risks 96](#)).

- [BBC News Online](#).

INTERNATIONAL

China: Over 200 die in coal mine explosion

The death toll from China's worst mining disaster in more than 15 years is over 200, with latest estimates putting the toll at 210 dead. Authorities in the colliery near the city of Fuxin, in China's north-east, have few hopes that five other miners still missing are alive. The disaster happened on the afternoon of 14 February when an underground gas explosion tore through the colliery. Even in the midst of the disaster, the digging of coal continued. Coal provides about 70 per cent of the energy needs for the world's seventh largest and fastest growing economy. Fuxin was one of China's earliest industrial bases, a significant mining centre for the country. But many shafts have now been exhausted, and the unemployment rate here is among the highest in China. Many miners cling to their jobs despite the risks. Correspondents say energy shortages mean the price of coal has gone up, leading some unscrupulous mine operators to cut corners to increase production. Others have been accused of re-opening mines which had been shut down because of poor safety standards. In December 2004, international union federation ICEM signed a deal with global mining organisations and the ILO aimed at improving safety in China's mines ([Risks 185](#)).

- [ABC News](#). [Cnews](#). [Scoop News](#). [Sky News](#). [Reuters](#). [BBC News Online](#). [China Labour Bulletin](#). [China Labor Watch](#).

Russia: Siberian coal mine explosion kills 21

An explosion that ripped through a mine in the coal-rich Kuzbass region of Siberia has killed at least 21 workers. Press reports say it the latest accident to occur in an industry plagued by dilapidated mines, aging equipment and safety violations. The blast occurred at the 20-year-old Yesaulskaya mine in the Kemerovo region, about 3,000

kilometres east of Moscow, as mine workers were trying to prevent a fire from spreading. Four miners were hospitalised with injuries but their lives were out of danger, said Olga Raskova of the Kemerovo regional government press service. Thirty miners were in the shaft when the explosion occurred, the press service said. The blast was caused by methane build-up, according to a preliminary investigation. Accidents are common in the Russian coal industry. In the deadliest disaster last year, a methane blast killed 47 miners in the Kuzbass in April ([Risks 152](#)), and 67 miners were killed in a mine explosion in the same region in 1997.

- [Yahoo News](#).

Spain: Basque accident rates “unacceptable” say unions

Basque unions have protested outside the region’s Bilbao government offices in protest at the “scarce priority” it gives to workplace health and safety. Around 100 trade union representatives took part in the demonstration last week during a meeting of management and solicitors from the Work Security Institute General Council. The protestors said nine years after the introduction of the Work Risks Prevention Law, “the necessary means for its development have not been facilitated.” The unions added that accident rates remained unacceptable, fuelled by the rise in insecure, temporary employment, and blamed the ongoing problem on the Basque and Spanish administrations, as well as on management. They said that business “doesn’t comply with the law systematically” while the authorities “obviate these facts.” Company bosses “don’t invest in Health and Work Security and give more importance to work rhythm than to the security of workers,” the unions said. “As everybody knows, the instability is the main reason for accidents and that is why we lead Europe in terms of accident rates and temporality.” A union statement added that the Work Security Institute approach exposed “the scarce priority of the Basque government towards work health.”

- [EITB24 news channel](#).

Sri Lanka/Australia: MP seeks to stop asbestos tsunami “aid”

An Australian politician has appealed to the country’s federal government to intervene and stop the use of asbestos products in Sri Lanka’s tsunami rebuilding programme. New South Wales Green MP Ian Cohen was holidaying on the coast of Sri Lanka when the tsunami

struck on 26 December. He stayed to aid victims and help with the relief effort. Mr Cohen has written to foreign affairs minister Alexander Downer to express concerns about the possible use of asbestos in emergency housing, which is being constructed with Australian aid. He says there is an aggressive push by the asbestos industry to convince south east Asian countries that its products are safe. "We're going to see a proliferation of asbestos in all these newly constructed emergency houses and that to me is a huge worry," he said. Mr Cohen wants a ban on the use of asbestos in any projects funded by Australian aid sources. He has urged Mr Downer to intervene and tie any aid to a ban on the use of asbestos products. "There's no doubt in my mind, now that I've come back to Australia and investigated the issue further, that all that asbestos that's being used in Sri Lanka is going to be very dangerous in the future."

- [ABC News](#).
- **Find out more about the global ban asbestos campaign – read the report of the [Global Asbestos Congress](#).**

USA: Deadly policies kill thousands each year

Tens of thousands of workers are dying each year in US workplaces, but the Bush government persists in weakening safety controls, unions say. In 2003, more than 4.3 million US workers were injured and 5,559 workers were killed due to job hazards. Another 60,000 died due to occupational disease. However, instead of treating this as a public health crisis, national union federation AFL-CIO says since taking office in January 2001, the Bush administration "has turned its back on workers and workplace safety." A briefing from the union body says: "Siding with its corporate friends, the administration has overturned or blocked dozens of important workplace protections and weakened job safety programmes, leaving workers in danger." Top targets have been cuts in the safety enforcement budget and the elimination of safety training programmes ([Risks 194](#)), a shift to employer-friendly "voluntary" safety programmes ([Risks 173](#)) and axing planned rules to improve safety. The AFL-CIO briefing concludes: "American workers need a strong workplace safety agency that puts workers, not employers, first and protects safety and health, not corporate interests. We will continue to fight for strong safety and health protection for all workers."

- **AFL-CIO briefing [[pdf](#)]. Sign up to the [AFL-CIO](#)**

[health and safety activists mailing list.](#)

USA: Wal-Mart sweetheart deal on child labour violations

Wal-mart - the world's largest company and the USA's largest employer - not only used child labour to do highly hazardous work in its US stores, it struck a sweetheart deal giving the company fifteen days advance notice before any investigation of future violations of federal child labour laws. According to allegations contained in a settlement agreement with the US Department of Labor, Wal-Mart used children to operate hazardous machinery. The machines — balers, shredders and compactors — are standard equipment in retail stores, and are commonly associated with injuries involving the crushing or severing of arms and hands. The multi-billion dollar company agreed to pay a \$135,000 (£71,600) fine, but as part of the agreement its representatives got a sweetheart deal that could insulate the company from getting caught in future violations. Wal-Mart gets fifteen days written notice of any government child labour investigation or audit. Demanding an enquiry into the deal, George Miller, the senior Democrat on the House Education and the Workforce Committee, said: "Once again, it looks like the Bush administration is doing a favour for a powerful friend and contributor at the expense of workers who do their jobs and still cannot get fair treatment in the workplace." The issue attracted further controversy after it was revealed a Department of Labor news release on the penalty initially said "Wal-Mart allowed teenage workers to operate hazardous equipment resulting in one teenager being injured while operating a chain saw." This was quickly recalled and replaced with one omitting any mention of the chain saw injury.

- [UFCW news release.](#) [AFL-CIO news release.](#) [Nathan Newman.org.](#) [Confined Space.](#) [Tom Paine.com.](#) [New York Times.](#) [Department of Labor revised news release.](#)

RESOURCES

New on the HSE website

The Health and Safety Executive has added new zones to its website. A corporate responsibility zone says the topic covers issues including the effects that an organisation's business has on the environment, human rights and third world poverty. It adds that health and safety in the

workplace is an important corporate responsibility issue. HSE has also added "a series of case studies that demonstrate the vital role that director leadership has to play in ensuring that risks to health and safety are properly managed. The case studies highlight the benefits that director leadership brings both to the health and safety of the employees and to the business." The case studies are drawn from public, private and voluntary sector organisations across industries including construction, education, finance, food production, health services, leisure, local government and retail.

- [HSE corporate responsibility webzone](#) and [Director leadership case studies](#).

The Hazards we like



The latest issue of *Hazards* is available now. The TUC-backed quarterly – a runner-up to Time magazine in a major business journalism award this year – is packed full of useful information for safety reps. Features in the Spring 2005 issue cover issues including safety reps' rights and latest news on workplace sickness policy. A factsheet tells you everything you'll ever need to know on the new workplace health information rules. And the magazine includes a cut-out-and-use Workers' Memorial Day poster. All of this is available at massive reductions to trade union reps – the more copies of *Hazards* you buy, the cheaper it gets. Get your branch, regional or national union office to consider a bulk order!

- [Hazards magazine](#) – [see recent issues online](#). [How to subscribe and support Hazards](#).

Guide to chemicals policy in Europe

The proposed reform of the European legislation on trade in chemical substances, known as REACH (Registration, Evaluation and Authorisation of Chemicals), has two main aims: ensuring a high level of protection for human health and the environment; and strengthening the competitiveness of the European chemical industry. A new guide from Europe's trade union safety think-tank, TUTB, says "European workers stand to benefit enormously from this reform, since at present the manufacture and use of chemicals in the workplace takes a heavy toll on them. Indeed, approximately one out of every

three occupational diseases recognised annually in Europe can be ascribed to exposure to hazardous chemicals." The proposed standard has been mired in controversy, with some arguing the reforms are essential health measures and others saying they will place damaging additional burdens on Europe's chemical firms, placing jobs at risk. The report outlines both sides of debate.

- **REACHing the workplace: How workers stand to benefit from the new European policy on chemical agents. ISBN 2-930003-53-7, 10 Euros. [Order online.](#)**

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](#)

Send your manager a Boss-o-gram, 25 February 2005



**WORK YOUR
PROPER
HOURS DAY**
FRI 25 FEB

The TUC has designated Friday 25 February 2005 'Work Your Proper Hours Day', the day once a year the TUC urges employees to only work their contracted hours. And TUC can even give your boss a timely nudge with a TUC Boss-a-gram.

Just give us your boss' email address and your own and we'll send you both a friendly reminder on the morning of Friday 25 February. We won't reveal your details to your boss - they'll only know it came from one of their staff.

- [Worksmart "Work Your Proper Hours Day" guide.](#)
- [Email TUC your long hours story.](#)
- [Let us send your manager a boss-o-gram!](#)

International RSI Awareness Day, 28 February 2005

International RSI Day, the last day of February each year - the 28th or 29th, depending on the year - is when unions and campaigners highlight the work hazards that cause strain injuries, undertake workplace activities on strains prevention and press for preventive action by employers and governments. This year the global campaign

day falls on Monday 28 February. Australian union safety organisation OHS Reps is promoting workplace bodymapping as part of this year's activities.

- [International RSI Day](#). [OHS Reps guide to RSI Day](#). [Hazards guide to bodymapping](#) and other workplace safety tools.

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.