

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 11,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer and Privacy statement](#).

UNION NEWS

Unions "optimistic" on European working hours rules



Europe's trade unions are "quietly confident" that MEPs will back demands to scrap Britain's controversial opt-out from EU rules on working time. Ahead of the 12 May vote in the European Parliament, the European Trade Union Confederation (ETUC) said it hoped MEPs would support the decision of the parliament's employment committee which endorsed a report calling for the opt-out from Europe's 48 hour working week ceiling to be dropped ([Risks 204](#)). ETUC general secretary John Monks said unions were "quietly confident" the opt-out would go. He warned that the use of the opt-out was turning into a disease, spreading to other member states. "We must stop this disease eating away at the heart of the Working Time Directive", said Monks. "If the UK continues to use the opt-out, other countries have said they will to use it too". ETUC says it wants the European Parliament "to agree on fundamental changes in keeping with the true objectives of the Directive: to safeguard the health and safety of workers, promote social dialogue, and improve work organisation." The author of the parliament's report, Alejandro Cercas, said social standards should not vary dramatically between member states, with governments "cherry-picking" different levels of protection "like in a supermarket".

- [ETUC news release](#). [Eupolitix news report](#) and [working time update](#).
- [TUC "It's about time" webpages](#).

Site accident payouts break £8m barrier

Construction union UCATT last year secured a record £8.7 million in workplace injury and disease payouts. It was the first time the total had broken the £8 million and was up from the £7.9 million won in the previous year. The new total came from 776 successful claims paid out by insurers and companies. Alan Ritchie, UCATT general secretary, said the figures underlined the effectiveness of the union's compensation procedures. But he added: "Behind every settlement there is a story of misfortune and pain. So, ideally, we would like the compensation total to be zero." Total accident compensation won by the union over the past five years now adds up to nearly £31m from more than 3,200 successful claims. UCATT says the compensation total is increasing

partly because of the steady rise in asbestos-related claims. The latest payouts included £1.2m compensation for widows of asbestos victims secured in the six months up to October last year.

- **UCATT Building Worker, page 4, Spring 2005** [[pdf](#)]. [Contract Journal](#).

Scotland's smoking ban must be enforced

The Scottish Executive must provide the funds for enforcement of a planned law to restrict smoking in workplaces and public spaces, UNISONScotland has said. The public service union has issued briefings to MSPs backing the Executive's Smoking Health and Social Care Bill, which was debated on 5 May. The union says it wants the Executive to fully fund an enforcement strategy providing backing for its environmental health members who will be required to police the ban. UNISONScotland's Dave Watson said: "Back in 1993, UNISON won the first compensation for a worker damaged by passive smoke, so we are keen to see this bill introduced to protect other workers. Neither a partial ban, nor ventilation adequately remove the damaging carcinogens, so removing the risk entirely is the only effective strategy, and we call on MSP's to back this part of the bill." The first passive smoking compensation case was won by UNISON member Veronica Bland, who in 1993 received £15,000 from Stockport Metropolitan Borough Council. She suffered years of passive smoking at work and eventually developed chronic bronchitis.

- [UNISONScotland news release](#).
- [Hazards news and resources on workplace smoking. Scottish Executive "Clearing the air" website](#).

Cabin crew call on airlines to clear the air

Cabin crew union TGWU has called on the Health and Safety Executive (HSE) to end the airline industry's silence about contaminated aircraft air. The union wants a mandatory requirement for airlines to advise passengers that they have been exposed to contaminated air. This demand came after a "contaminated air protection conference" organised by the pilots' union BALPA, part of its "major investigation" into the problem ([Risks 199](#)). "It's not 'maybe' our people are being sick or 'perhaps' but they definitely are," said Oliver Richardson, TGWU regional industrial organiser who represents cabin crew members.

"Airlines do not tell passengers when they are exposed to contaminated air." He said the union is now calling on the HSE to require British registered aircraft are fitted with "bleed air filtration systems" so that crews and passengers can be protected from contaminated air. These systems are estimated to cost less than £15,000 for a typical holiday jet aircraft which costs millions of pounds to manufacture. "The cost to put these filters on aircraft is a small price to pay to protect the travelling public," added TGWU's Oliver Richardson. "That's why the TGWU is now calling on the aviation industry to make the fitting of contaminated air sensors on all aircraft above a maximum take off weight of 5700kg used for passenger transportation compulsory."

- [TGWU news release.](#)

CWU backs community asbestos campaign

CWU health and safety department is backing a community asbestos campaign in a bid to stop a deadly airborne risk to workers and the public. Following a recent meeting between "Save Spodden Valley" community campaigners and local CWU reps from the Rochdale area the union has thrown its weight behind the campaign to halt the development of a former Turner and Newell asbestos textile factory site. The site, which developers want to turn into a housing estate, is heavily contaminated with asbestos. CWU national health and safety officer Dave Joyce said members working in both postal and telecommunications jobs would be put at risk by work on the site, either when delivering mail or working to establish communication services. "Many CWU members, former BT and Royal Mail engineers in particular, are still dying from mesothelioma, asbestosis and lung cancer caused by past asbestos exposure due to working in areas where they came into contact with asbestos containing materials in building fabric, ducting and insulation for example," he said. "For these reasons we are extremely concerned that our members along with the local community would be exposed to the risk of coming into direct contact with deadly asbestos dust and fibres to which there is no safe exposure limit. I have therefore urged those in control to ensure that there is no disturbance on the site and that the project doesn't proceed until such time, if ever, that all interested parties can be satisfied that there is no risk whatsoever to anyone living or working in this area."

- [CWU news release. Save Spodden Valley Campaign.](#)

OTHER NEWS

Asbestos cancer kills 32-year-old

A man thought to be one of the youngest person in the UK to contract asbestos-related cancer has died. Barry Welch, a 32-year-old father of three from Leicester, was diagnosed with mesothelioma last year. His family believe he was exposed to asbestos fibres as a child in the 1970s when his stepfather Roger Bugby worked for Palmers Scaffolding. It is thought the exposure came from contamination on Mr Bugby's clothing when he worked as a scaffolder on Kingsnorth Power Station, adjacent to the Isle of Grain. He was diagnosed with the cancer last September and given just six months to live. At the time, Barry Welch said: "I am an innocent victim. It just seems so unfair that my life will be cut short, even though I never knowingly came into contact or worked with asbestos." Solicitors for the Welches are pursuing a claim for compensation against Mr Bugby's former employer.

- [Leicester Mercury](#). [BBC News Online](#).
- **Can you help? The Welch family's solicitors, Irwin Mitchell, want to hear from anyone who worked with Roger Bugby for Palmers Scaffolding in the 1970s or with a knowledge of working conditions on the Kingsnorth Power Station. Contact [Adrian Budgen](#) or Martyn Hayward on 0114 274 4420.**

Palace widow gets asbestos payout

The widow of a man who died after exposure to asbestos at Buckingham Palace has been awarded nearly £180,000 in compensation by the High Court. Mary Costello's husband John died aged 58 in September 2001 of mesothelioma, an asbestos-related cancer. He had worked as a maintenance worker at the palace from 1970 to 1992. Lawyers for Mrs Costello said a breach of duty of care has been admitted by the Crown's solicitors. The High Court awarded her £177,901. Mrs Costello, 59, was seeking compensation to cover the cost of her husband's care and loss of earnings as she had to give up work as a child minder to care for him at home. Her husband's job included repairing boilers in the palace. "He would have to remove the old asbestos packing and replace it with new asbestos," said Mrs Costello's lawyer Frances McCarthy. "He also worked on pipes, which

were all lagged with asbestos which sometimes flaked off, and in air ducts where he would also be exposed to asbestos." A project to remove all the asbestos in the palace, starting with the boilers, took five years in the early 1980s. "Unfortunately, Mr Costello was never provided with any protective mask of any kind, contrary to legal guidelines, and he did not receive any warnings that the working conditions could cause injury," Ms McCarthy said. She said at least one other palace worker had died from asbestos disease.

- [Sky News](#). [BBC News Online](#).

Rail work deaths hit 14 year high

Deaths and injuries on the railways increased last year because of a big jump in fatalities among track workers and November's high-speed crash at Ufton Nervet in Berkshire ([Risks 182](#)). Nine railway staff died at work in 2004, the highest number since 1991. Ten passengers died in accidents on trains and stations. A further 204 suffered major injuries across the network. Taking into account suicides and trespassers, the overall number of deaths on the network rose from 253 to 257. Reported assaults on rail staff increased by 6 per cent. But the Rail Safety and Standards Board said the long-term trends were moving in the right direction. The number of signals passed at red dropped from 379 in 2003 to 346 and there were fewer track defects. Aidan Nelson, the board's policy director, said: "2004 was a year in which the sustained efforts of the industry... to address risk can be seen to be bearing fruit." Bob Crow, general secretary of rail union RMT, said that the nine deaths of rail workers was "an indication of a serious problem." Last week, train drivers' union ASLEF said removing 99 per of the risks associated with obstructions on the railways could be achieved cheaply, simply and quickly.

- [RSSB news release](#). [The Guardian](#). [ASLEF news release](#).

No compensation for work-related suicide

The wife of a worker who killed himself because he couldn't bear the health effects of a workplace accident has failed in a bid to get compensation for his death. Thomas Corr was aged 31 when he severed most of his right ear at the Luton IBC car factory while working on the production line. He suffered from headaches, tinnitus and post traumatic stress disorder which resulted in severe depression

and he jumped off the top of a multi-storey car park in May 2002. His wife Eileen Corr asked for £750,000 damages because of the "pain and suffering" caused after the industrial accident. IBC Vehicles admitted liability for the workplace accident, but denied that its responsibility extended to cover him taking his own life six years later. In his summing up at the High Court, Deputy Judge Nigel Baker QC said: "The company were in breach of their duty of care to take reasonable care to prevent injury to Mr Corr. That duty did not extend to a duty to take care to prevent his suicide. The damages sought to be recovered in relation to the suicide falls outside the scope of the defendant's duty of care as I have found it to be." Mrs Corr was awarded £85,520 - the amount is less than the £170,000 she was offered to settle out of court. The judge refused Mrs Corr's application for an appeal. In 2003, *Hazards* magazine warned that there were hundreds of work-related suicides in the UK each year that went unrecognised and uncompensated, and said suicides, heart attacks and stroke would be the major occupational diseases of the 21st century ([Risks 118](#)). Occupational suicide is an official work disease in Japan ([Risks 175](#)).

- [Luton Sunday](#).
- [Hazards magazine worked to death guide](#).

Offshore death rate still too high

More than 100 people were killed worldwide in oil and gas production last year. An International Association of Oil and Gas Producers (OGP) analysis of just under 2.3 billion work hours of data worldwide is said to show the continuation of an improving trend - but suggests greater improvements are essential, particularly in transporting people safely. OGP executive director Charles Bowen said: "There were 120 upstream fatalities in 2004 among OGP member companies and their contractors. And every death is a tragedy." Last year, the fatal accident rate (FAR) was 5.24 deaths for every 100 million hours worked. Last August, the UK Health and Safety Executive said there was an unacceptable slow decline in fatal and major injury rates offshore ([Risks 169](#)). Just last week, energy giant Shell was fined a record £900,000 for safety breaches that led to the deaths of two workers on a UK offshore platform, a record for an offshore safety offence ([Risks 204](#)). Also last week, the company announced profits for the quarter of £1.6 million an hour.

- [Press and Journal](#).

HSE calls for action to prevent falls

The Health and Safety Executive (HSE) has warned construction companies to ensure that adequate precautions are being taken to prevent falls from height. The warning comes after Wem-based Hawk Facilities Ltd was fined the maximum £5,000 plus over £11,000 costs following an accident which resulted in an employee suffering a broken collarbone. Bricklayer Thomas Owen fell through an uncovered hole in the second floor of a former barn during its conversion into four dwellings. Principal contractor Hawk Facilities Ltd pleaded guilty to a breach of the construction regulations at Chester Magistrates' Court. Commenting after the case, prosecuting HSE inspector, Robert Hodgkinson said: "Companies need to ensure that appropriate safety measures are implemented on site to prevent falls and to provide a safe working environment. Those managing sites need to be competent - that is to have the appropriate level of training and experience - to ensure that such measures are implemented, and once implemented, that they are maintained appropriately."

- [HSE news release.](#)

Pupil, 15, admits raping teacher

A teenage pupil repeatedly threatened to kill a teacher before raping her in a "sustained and violent sexual attack", the Old Bailey heard this week. The woman, in only her second day in the job, was head-butted and bitten by the 15-year-old during the assault, which lasted more than 10 minutes. The youth, who is now 16, admitted raping the woman in September last year. Two other charges alleging sexual assault were ordered to lie on the file. Brendan Kelly, prosecuting, said the teacher was marking books in a classroom at a school in south London when she was grabbed from behind. The 28-year-old, who described teaching as her vocation, has not worked since the attack. Unions have become increasingly concerned about threats and violence in schools. In March, teaching unions NASUWT and NUT welcomed a government commitment to "zero tolerance" of school violence ([Risks 193](#)). Last month, Victim Support offered teachers free training in how to help colleagues who have been victims of violence. The charity said the first six local education authorities to reply to its offer could send staff to two free half-day sessions to develop their victim support skills.

- [The Guardian](#) and [earlier Guardian story on victim support.](#)

INTERNATIONAL

Australia: Bosses add insult to fatal injuries

The top employers' organisation in Australia chose Workers' Memorial Day – the international day of action for those killed at work – to call for occupational health and safety laws to be dumped. Australian Chamber of Commerce and Industry (ACCI) chief executive Peter Hendy went on television on 28 April to call for the overhaul of occupational health and safety laws as thousands of Australians gathered to remember colleagues, family and friends who have been killed at work. He said safety laws “compromise” workplace safety and added: “If it is always the employer that is responsible, despite doing everything they can in terms of signs, in terms of training of staff, they're always going to be guilty. Then there will be a lack of motivation for everybody in the workplace to make sure they have the best safety system in that workplace.” Unions NSW secretary John Robertson responded: “The Australian Chamber of Commerce and Industry has no respect for workers at all. This is tasteless in the extreme.” Peter McClelland, NSW president of the construction and mining union CFMEU said: “This hypocrisy needs to be condemned. You only have to look at a union workplace to find a safer workplace. The plain objective of the ACCI is to de-unionise and restrict access of unions in the workplace.” Andreia Jones-Viegas, who lost her husband Glen at a building site last year, said safety needs to be a bigger priority for employers and governments, adding the death toll would grow “if the federal government carries through its threat to restrict right of entry to union officials to inspect safety.”

- **ACCI news report** [[pdf](#)]. [Workers Online](#).

Australia: Tights squeeze for flight attendants

Pinching and ill-fitting tights are causing grief for Australian long-haul flight attendants, raising concerns they pose a health and safety risk. Complaints about uncomfortable and poor quality garments prompted a Flight Attendants Association (FAAA) national survey of more than 1,800 women who work on the Qantas' long haul routes. Issues raised by the union survey include thermal discomfort and the dropping of the gusset causing heat rash and thrush. “Pantihose is the flight attendants version of protective clothing,” said FAAA's Andrew Smedley. “Our members are on their feet for excessive periods of

time, they travel through multiple time zones and temperature zones so they need a quality product." Qantas issues each attendant just 18 pairs of nylon-mix pantihose each year that must be worn for periods often exceeding 24 hours and re-used numerous times. It is feared the ill fitting and uncomfortable garments could pose an occupational health and safety risk for the workers. Members have the option of wearing trousers.

- [Workers Online](#).

Barbados: Unions welcome new safety bill

Unions in Barbados have welcomed a new safety bill. Orlando (Gabby) Scott, assistant general secretary of the Barbados Workers' Union (BWU), stressed that the planned law must go beyond protection of physical health, but should also protect mental and social well-being. "There are a number of things we would want to see in this bill, because we would want to see the kind of legislation that is so tight that it could serve Barbados in an effective way for the next 20 or so years," he said. Scott said the union hoped the legislation would make provision for such matters as male and female reproductive health, musculoskeletal injuries, stress and mental health, risk assessment and air quality standards, and the establishment of functioning joint health and safety committees in the workplace. Calling for more effective joint committees, Scott said: "Because if employer and union sit down at the table and are able to dispassionately discuss problems and are also able to do audits, then you can reduce a lot of the problems in the workplace."

- [Barbados Nation](#).

Global: Experts back global asbestos ban

An international conference of top experts on workplace lung diseases has backed calls for a global asbestos ban. The tenth International Conference on Occupational Respiratory Diseases (ICORD) held in April in Beijing, agreed a recommendation promoted by global union federations and other bodies that all parties should pursue a global ban and reduction in the use of asbestos. Rob Johnston, health and safety director with the international metalworkers' union federation IMF, was among those calling for a global asbestos ban. Addressing the conference, he also highlighted the union contribution to the prevention of occupational respiratory diseases. "Trade unions have

played a crucial role in the recognition and prevention of many occupational hazards, including those responsible for occupational respiratory diseases,” he said. “Union action has highlighted problems from occupational asthma to hypersensitivity pneumonitis, from hard metal disease to asbestos-related lung conditions and has been instrumental in introducing measures to make work safe.” He added union training, education and campaigning had been crucial. Many bans on respiratory hazards were implemented by unions long before statutory agencies and other safety and health bodies took action to control risks, he said.

- [IMF news release](#).
- **IMF conference presentation: Trade union prevention strategies for control of occupational respiratory hazards – [synopsis in word](#).**

Nicaragua: Support call for poisoned farmworkers

Thousands of Nicaraguan rural workers have been camping in front of the National Assembly for over two months to demand justice for the victims of an acutely toxic pesticide. Global farmworkers’ union federation IUF, which is calling for international support for the affected workers, says Nemagon, a derivative of the notorious reproductive hazard DBCP ([Risks 203](#)), was extensively and indiscriminately applied on banana plantations for many decades, including the years following its 1979 ban in the country of manufacture, the United States. Over 100,000 Nicaraguans suffer from effects of Nemagon exposure, which include dermatological and reproductive disorders and cancers. IUF says at least one thousand Nicaraguans have died as a result of exposure to the pesticide – including 40 deaths in the banana-growing department of Chinandega since workers launched their 20 February “March with no turning back” on Managua, the national capital. Nicaraguan courts have ruled that Dole's Nicaraguan subsidiary and the chemical companies Dow and Shell owe US\$490 million (£258m) in compensation. Not a penny has been paid and the Bolaños government has not fulfilled the commitments prescribed by the legislation.

- [IUF news release](#).
- **Action: You can support the workers' campaign for justice for all Nemagon victims by [sending a message to the President of Nicaragua](#).**

Japan: Union blames rail firm "humiliation" for tragedy

Union members in Japan have placed the blame for last week's massive train crash that claimed 106 lives squarely on the railway company, saying under pressure workers face humiliating penalties for slight delays. "The accident is a result of JR West's corporate stance of prioritising operations and high-pressure management that uses terror to force employees to follow orders," said Osamu Yomono, vice-president of the Japan Confederation of Railway Workers' Unions. Japanese trains are renowned for their punctuality, with JR West and other operators running timetables down to every 15 seconds. But it takes its toll in terms of stress on drivers, with punishment including "nikkin kyoiku" - dayshift education. That means re-training sessions for those responsible for delays or overrunning stops. The sessions often include making drivers write reports all day long on topics such as how to improve themselves or chores such as weeding, which the union says is humiliating. A 44-year-old train driver of JR West hanged himself in September 2001 after he spent three days in retraining for being 50 seconds late when departing from a station. There have been allegations that the 23-year-old crash driver Ryujiro Takami, who had only 11 months' experience and who had gone through re-education, was speeding after falling 1½ minutes late due to overrunning a station.

- [The Standard](#). [IPS News](#). [BBC News Online](#).

USA: Safety racketeers may soon have reason to fear

The jailing this week in the US of a former coal mine operator for safety offences has come as top politicians and safety campaigners increase the pressure for stricter penalties on hazardous employers. A federal judge sentenced Robert Ratliff Sr., 52, to 60 days in prison and a year's probation for safety violations that led to an explosion in 2003, killing a miner and injuring two others. Ratliff's company, Cody Mining, was fined US\$536,050 (£282,000) last year for safety violations related to the explosion. Failures of safety enforcement and lenient sentencing for workplace safety crimes have attracted a considerable amount of unfavourable column inches in the last two years, with official safety watchdog OSHA coming in for particular criticism. This seems to have prompted some high level policy changes. A new partnership between OSHA, the Environmental Protection Agency and a select group of Justice Department prosecutors has been forged to identify and single out for prosecution the nation's most flagrant

workplace safety violators. The initiative seeks to marshal existing laws that carry considerably stiffer penalties than those governing workplace safety alone. They include environmental laws, criminal statutes more commonly used in racketeering, white collar crime laws and even some provisions of corporate reform law. In a separate move, Senators Edward Kennedy, Jon Corzine and Congressman Major Owens introduced last week the 'Protecting America's Workers Act of 2005' and the 'Workplace Wrongful Death Accountability Act'. The former would close loopholes in existing workplace safety legislation and the latter would stiffen sanctions for worker deaths caused by an employer's wilful violations of basic safety standards.

- [Louisville Courier-Journal news and editorial. Confined Space. New York Times including special corporate crime webpages.](#)
- [US Campaign to Stop Corporate Killing. Hazards/TUC Deadly Business campaign.](#)

RESOURCES

Safe from plough to plate

Modern day agriculture, along with mining and construction, it is one of the three most hazardous sectors in industrialised and developing countries alike. The International Labour Organisation estimates that out of 355,000 fatal work accidents per year worldwide, more than half are in agriculture. A new trade union education manual, published by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), aims to tackle the workplace and community risks of hazardous agricultural practices. "Agricultural workplaces have to be sustainable both in terms of protecting the workers employed there, and in reducing any negative impact of production on public health, food quality and the general environment," said IUF general secretary Ron Oswald. "This is important in winning broad public and political support for union work on health, safety and the environment. Trade unions and their members have a vested interest in promoting their industry and ensuring its long-term profitability and sustainability." The new manual, published with the support of the ILO and its Bureau for Workers' Activities (ACTRAV), includes an educators' guide, pointers for grassroots action and workplace reps and factsheets covering all the key hazards.

- [ILO ACTRAV news release. Unions requiring further](#)

information on 'Health, safety and environment - Trade union education manual for agricultural workers' should contact [ILO ACTRAV](#).

Mesothelioma UK website

A new website offering advice on the asbestos cancer mesothelioma has been launched. Mesothelioma UK says the new resource, which is supported by Macmillan Cancer Relief, "provides impartial up-to-date information for patients diagnosed with mesothelioma and their carers." The website complements a free telephone helpline.

- [Mesothelioma UK](#). Helpline 0800 169 2409.

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR APRIL TO JULY 2005

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