

Risks

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HAZARDS
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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

Edinburgh theatres face safety strike

Backstage union BECTU is balloting members in the King's and Festival theatres over job cuts it says will undermine health and safety. The union said both theatres could face major disruption if the union calls for industrial action when the result of the ballot is announced on 20 May. BECTU is trying to prevent two redundancies in the backstage technical department which provides maintenance, safety testing and risk assessment services to the theatres. Paul McManus, Scottish organiser for BECTU, said: "Not one of our members is convinced by management's financial arguments which were extremely short on detail, yet we agreed to a number of voluntary redundancies, and to additional flexibilities in duties." But he said most years someone dies working in the theatre industry, so the safety jobs had to be defended, adding "management have continually ignored our warnings that health and safety laws are being broken all the time, because they won't give technical staff the time or resources to comply with legislation which has been in place for many years." BECTU is calling on Edinburgh City Council to launch an urgent investigation into the running of the theatres.

- [BECTU news release.](#)

RMT calls for top level probe into Centra safety

Transport union RMT has reported Centra Buses to the authorities, after discovering "serious breaches" of safety rules. It alleges the breaches occurred when the company attempted to break a 9 May strike in south London. RMT asked the Health and Safety Executive (HSE) to pay an emergency visit to the Beddington Lane depot in Croydon to investigate its fears that agency drivers without appropriate passenger carrying vehicle licences (PCVs) were being used by Centra. The union also asked HSE to investigate reports that agency drivers had been instructed to remain with vehicles and remain available to drive for up to 24 hours, in contravention of driving hours regulations. "Our fear is that Centra are placing the public in serious imminent danger by flouting safety rules rather than negotiate a settlement to the dispute behind today's stoppage," RMT general secretary Bob Crow said. "I have written to the health and safety inspectorate pointing out these serious safety breaches and asking for immediate intervention to end them. I have also asked that a further

inspection be made during our next strike date, on May 20 and 21, to ensure that these illegal and dangerous practices are brought to an end.”

- [RMT news release.](#)

Time to act on fatigue at sea

A union has called for urgent action to tackle the “appalling” fatigue risk facing staff on commercial ships. Ship officers’ union NUMAST is launching a major new campaign against fatigue and cuts in crewing levels in response to new research showing almost one-third of ships’ masters and officers do not get the daily rest required by European rules and UK law. The study by Cardiff University’s centre for occupational and health psychology found nearly half of those taking part in the survey – which was conducted with NUMAST’s support – considered their working hours presented a potential threat to their health and safety and almost one-third said their working hours presented a danger to safe operations onboard their vessel. There was a widespread perception that work and rest hour rules had failed to reduce fatigue, with more than 60 per cent of officers reporting that their hours had increased over the past five to 10 years. NUMAST general secretary Brian Orrell said he was disturbed by the evidence. “The fact that 30 per cent of our members say they are not in compliance with the working time regulations is a very serious matter and deserves to be treated with much greater priority than the subject currently receives,” he said. “It is wrong that some operators are getting an unfair competitive advantage on a vital safety issue and it is high time we had some effective action.”

- [NUMAST news release.](#)
- [Hazards guide on the deadly dangers of overwork.](#)

School union demands “secret” asbestos report

A teaching union is demanding the release of a report into an asbestos incident which closed a Derbyshire school in September last year. Silverhill Primary in Mickleover shut for three months after botched maintenance work by contractors left the school contaminated with asbestos. Derby City Council is refusing to make public its own report, citing disciplinary and legal issues. The resignation of head teacher Phil Robinson, who had been suspended, means that reason is not valid, unions say. NASUWT's Dave Wilkinson criticised the “lame excuse” and

said the report should be released because it will show who was responsible and how similar events could be prevented. He said the incident had cost ratepayers £750,000 to decontaminate the school and they should know what has happened, adding: "Everybody needs to know what the truth is." Derby City Council said it cannot reveal the details while the Health and Safety Executive (HSE) prepares a legal case.

- [BBC News Online](#).

OTHER NEWS

Victory for common sense on 48 hour work week



Unions have welcomed a European Parliament vote to scrap an opt-out rule limiting the working week in the EU to an average of 48 hours. The right to opt-out could come to an end over a three-year period. TUC general secretary Brendan Barber said too many employers had abused the opt-out clause, adding:

"This is a victory for a common sense compromise on the 48 hour working week. If implemented it would mean that employers would have to accept that staff could no longer work more than 48 hours a week on average, but unions would have to concede that the average would be calculated over 12 months, not the current 17 weeks. This would mean nearly two million UK workers who currently work more than 48 hours over a 17 week period would fall below the limit, and only the two million workers putting in extremely long hours all year round will be affected." Barber added: "Working more than 48 hours week in, week out, year in, year out is undoubtedly bad for health and productivity. Tired workers are more likely to have accidents and to suffer illness." The proposed changes to the Working Time Directive, a health and safety measure, will now need to be approved by the Council of Ministers. The UK government says it will work with other governments in a bid to block the move.

- [TUC news release](#). [Usdaw news release](#). [TGWU news release](#). [ETUC news release](#). [UNISON news release](#). [The Guardian](#). [BBC News Online](#).
- [TUC "It's about time!" webpage](#).

CBI out of touch on sick leave

Claims by bosses' organisation CBI that public sector sick leave is undermining services have been dismissed as ill-informed by unions and other bodies. Sir Digby Jones, the director general of the CBI, said this week that its annual absence survey showed that on average employees in the public sector took three more sick days than those in private companies last year. However, TUC general secretary Brendan Barber said a TUC report this year exploded the myth of "sicknote Britain," adding "a more serious analysis of absence statistics shows the exact opposite" ([Risks 189](#)). Not only did public sector workers take less sick leave, Britain had one of the lowest levels of both long- and short-term sickness absence anywhere in Europe ([Risks 175](#)). Barber concluded: "A TUC poll showed that 75 per cent of workers have struggled into work when they are ill, mainly because they do not want to let their colleagues down ([Risks 140](#)). The correct conclusion to draw from all the figures is that British employers should be more grateful to their staff for working when they are ill, for taking less time off than their European colleagues and that private sector bosses should learn from the greater loyalty shown by public sector workers." Public service unions PCS and UNISON both said the CBI was demonstrating a lack of understanding of the public sector. The Work Foundation said differences between public and private sector rates could be explained by employment patterns, higher levels of occupational risk and better levels of reporting in the public sector.

- [CBI news release](#). [TUC news release](#). [PCS news release](#). [UNISON news release](#). [The Work Foundation news release](#). [BBC News Online](#). [The Guardian](#). [Newcastle Journal](#). [Financial Times](#).
- [Hazards news and resources on workplace sickness](#).

Lord Hunt is safety minister number 8

Health and safety has a new minister. Lord Hunt of Kings Heath succeeds Jane Kennedy and becomes Labour's eighth safety minister in nine years. David Blunkett, the new secretary of state for work and pensions, announced Lord Hunt's appointment as a junior minister in DWP in this week's post-election ministerial shake-up. David Blunkett said: "We have an enormous amount to do: continuing to work towards an unprecedented 80 per cent employment rate; modernising and improving our service to customers; building a legislative programme to reform the old Incapacity Benefit and delivering a long-term solution to the pensions challenge." He added: "These are major

issues which profoundly affect all of us. I want us to work together, with the department, to engage the citizens of this country to help us find the solutions."

- **DWP news releases on [David Blunkett's appointment](#) and his [ministerial team](#). [BBC profile of Lord Hunt](#) and [full listing of ministerial appointments](#).**

How could this death be "accidental"?

The death of a man killed performing a task for which he had received no training on a job for which there was no risk assessment during a process the Health and Safety Executive said could not be justified was "accidental death" according to an inquest. David Lord, 36, was crushed in the machine he was cleaning at work. He was trapped by the arm by two rollers at Janesville Products Ltd in Colne, the inquest has heard. He was pulled in and suffered fatal chest injuries on 3 September 2002. The inquest, delayed until this week because of police and HSE investigations, heard staff say they would stand inside a large rotating drum to clean the slowly-moving rollers with an air hose. They had no health and safety training and no risk assessments had been carried out, the jury heard. Worker David Ellis said he refused to clean the machine as he was frightened after once getting his foot crushed by a roller. HSE specialist inspector James Corbridge said: "If someone said to me 'is it okay to do that?' I would say no. I never felt there was a justification for someone standing in there. The problem is once this thing has grabbed you there is no way out. If you get caught in the roller it will cause you quite significant injury and in this case resulted in death." After the inquest, widow Amanda Lord said: "It was an accident waiting to happen. It was something that should have been seen to before." The family said they had received compensation and an apology from the company, which admitted liability.

- **[Lancashire Evening Telegraph](#).**

Companies fined over tank deaths

Two firms have been fined a total of £125,000 after two welders died as they tried to dismantle a ballast tank. Charles Buckenham, 52, and his stepfather Brian Dove, 55, were overcome by fumes in the tank at Lowestoft in 2003. Their employer, Small and Co Marine Engineering,

admitted failing to ensure their safety and was fined £100,000. Tank owner, the Surrey firm Edmund Nuttall, was also fined £25,000 at Ipswich Crown Court for breaching safety rules. The firms were ordered to pay £29,450 costs between them. The charges followed an investigation by the Health and Safety Executive (HSE). The court heard Mr Dove had not received any specialist training about working in confined spaces, and Mr Buckenham had received no training at all. Judge John Holt said the risks to which the men were exposed to were "totally foreseeable." During the hearing the court heard how the men were inspecting the tanks to give Edmund Nuttall a quote before removal. At some point Mr Dove ended up inside the tank. Mr Buckenham went into the tank to try to rescue him and both were overcome by fumes.

- [BBC News Online. Evening Star.](#)
- [HSE confined spaces webpages.](#)

Safety fine for dangerous director

A London council has used health and safety legislation to prosecute a company boss after an employee lost two fingers while operating an electric saw. Kensington and Chelsea Council officers say this is the first case of which they are aware that had targeted the employer rather than just the firm. Heshmatollah Khezri, a former director of Bamboo Ltd, pleaded guilty in court to safety offences and was fined £8,000, with costs of £18,740. The court heard how one of Mr Khezri's employees, Raffaele de Ninno, lost two fingers operating an electric saw in June 2003. Council environmental health officers who investigated the accident found that Mr de Ninno had not been properly trained and that the saw was lacking the attachments needed to cut long lengths of wood safely. They also discovered that Mr Khezri had not carried out a proper risk assessment for use of the saw. District Judge Simpson said that, as a director, Mr Khezri was responsible for health and safety and had put his employees at risk of injury or death. The company ceased trading after the accident but this did not prevent the council taking action.

- [EHN Online.](#)

Wood dust is a lung cancer risk

Exposure to wood dust increases the chances of developing not only nasal cancer but also lung cancer, US research suggests. "Wood dust

was designated as a human carcinogen based on increased sinus and nasal cancer rates among exposed workers," Dr. George L. Delclos and colleagues from the University of Texas, Houston report in the *American Journal of Industrial Medicine*. "However, data on an association with lung cancer have been inconclusive." In a study based on detailed personal interviews with 1,368 lung cancer patients and 1,192 cancer-free adults, the investigators found that the risk of lung cancer was three times higher for subjects involved in wood dust-related occupations and industries. For all categories of wood dust exposure, the risk was increased by 60 per cent compared with no exposure. The team said the risk of lung cancer was increased by 57 per cent with wood dust exposure in absence of smoking, by 71 per cent for smoking in the absence of wood dust exposure, and by 187 per cent for individuals who were exposed to both smoking and wood dust.

- **George L Delclos and others. Wood dust exposure is a potential risk factor for lung cancer, *American Journal of Industrial Medicine*, volume 47, pages 349-357, 2005. Digital Object Identifier (DOI) 10.1002/ajim.20137 [[abstract](#)]. [Reuters Health](#).**

Scottish emergency workers get protection

A law protecting emergency workers from assaults has taken effect in Scotland. The Emergency Workers (Scotland) Act makes it a specific offence to assault, obstruct or hinder someone providing an emergency service. Police, fire and ambulance workers and medical staff in hospitals are covered whenever they are on duty, as well as when they are dealing with emergencies. The maximum penalty under the act is nine months in jail, a fine of £5,000 or both. More serious assaults will continue to be prosecuted under common law. The act will also protect coastguards, lifeboat crews, social workers enforcing child protection orders, mental health officers and prison officers responding to emergency situations. Scottish Executive minister Tom McCabe said: "People who deal with emergencies provide an invaluable service to our society. We believe they should be able to go about their work without fear of attack or intimidation and that is why we brought forward this legislation." UNISON's Scottish organiser for local government, Joe Di Paola, said UNISON had been campaigning hard for this legislation. "There are lots of people on the frontline who are at risk all the time," he said. "We need to make sure these people are protected properly and although the vast majority of the public value

them highly there are always a few who will react badly.”

- [Scottish Executive news release](#). [UNISON news release](#). [BBC News Online](#).

Trust fined over killing of nurse

An NHS trust has been fined £28,000 after a psychiatric nurse was beaten to death by a schizophrenic patient. Mamade Eshan Chattun, 34, was killed by Jason Cann at Tooting's Springfield Hospital in June 2003 ([Risks 111](#)). At the Old Bailey, South West London and St George's Mental Health NHS Trust admitted neglect which contributed to Mr Chattun's death. Mr Chattun had been told not to deal with Cann on his own, but was the sole nurse left with him. Judge Gerald Gordon said sentencing had been difficult as the trust was non-profit making, publicly funded and cared for the sick. He told the court: “Funds are desperately needed for this purpose. A large fine would be appropriate for a substantial and profitable organisation.” Health and Safety Executive London director Brian Etheridge commented: “We simply ask for a sensible approach to the identification and management of risks. In this case such an approach would have prevented a tragic and unnecessary loss of a young father, who was simply doing his job as a health care assistant. We want to send a strong message to other hospital trusts and organisations who have to manage potential violence at work.” The trust did not institute risk assessments until after the tragedy. Mr Chattun's family are to bring a civil claim against the hospital. Cann was convicted of manslaughter.

- [HSE news release](#). [BBC News Online](#). [The Guardian](#). [The Mirror](#).

Doctors warn of smoke ban “inequality”

The government's planned smoking ban in England will leave lower paid workers at a disproportionately high risk of passive smoking related disease, a new report has warned. The British Medical Association said plans to ban smoking only in pubs serving food could lead to further health inequalities. Commenting on the study findings, Dr Vivienne Nathanson, the BMA's head of science and ethics, said: “Just as the burden of smoking falls heavily on the poorest, so does the burden of passive smoking.” She added: “While the professional classes work in smoke-free offices, low-paid, casual and service workers work in smoky environments, risking lung cancer to make a

living." Ian Foulkes, director of policy at the Chartered Institute of Environmental Health, said: "We believe that the only method of protecting workers in indoor environments from the effects of tobacco is for all workplaces to be smoke-free. It is also our view that the government's proposals will be totally unenforceable." And Professor Alex Markham, chief executive of Cancer Research UK, said the government's proposals "would improve the health of some workers while denying similar benefits to people predominantly from lower socio-economic groups." The government is proposing to bring in the ban by 2008.

- [BMA report summary](#). [BBC News Online](#). [ASH news release](#).
- [Hazards news and resources on workplace smoking](#).

INTERNATIONAL

Australia: Jail beckons for killer bosses

Killer bosses in the Australian state of New South Wales will face jail under a workplace deaths bill introduced in the state parliament. Unions, who have campaigned for these measures for years, gave industrial relations minister John Della Bosca a cautious thumbs-up after the legislation was unveiled. Union pressure had included protests of up to 10,000 people outside the parliament building in the wake of workplace deaths ([Risks 130](#)). Unions NSW secretary, John Robertson, said that while the bill wasn't perfect it was an important step forward. "The real measure of success will be whether or not it saves lives in NSW workplaces," he said. Della Bosca's Occupational Health and Safety (Workplace Deaths) Bill introduces five year prison sentences for employers found to be recklessly negligent in relation to the death of an employee. Individuals can be fined up to Aus\$165,000 (£68,300) while corporations may be fined up to Aus\$1.65 million (£683,000). Australia's first industrial manslaughter law was passed in the Australian Commonwealth Territory in 2003 ([Risks 134](#)). The UK's proposed corporate manslaughter bill includes no new sanctions – jail sentences or fines – on bosses implicated in workplace deaths ([Risks 200](#)).

- [Workers Online](#).
- **Have your say! The draft manslaughter bill for England and Wales has been published for**

comment. Responses should be sent by 17 June 2005, by [email](#) or post, to: The Corporate Manslaughter Bill Team, Home Office, Fry Building, 2nd Floor, 2 Marsham Street, London SW1P 4DF. Respondents should include their name and a contact address.

Ireland: Enforcement threat as deaths increase

An Irish love affair with US-style voluntary health and safety programmes may be turning sour after the country reported a big upturn in work fatalities. With workplace deaths up 40 per cent in the first 4 months of 2005, the leader of Ireland's Health and Safety Authority (HSA) has expressed his "deep concern" and has implored the country's most egregious safety offenders to "face up to the safety issues." HSA chief executive Tom Beegan noted that the country's 23 workplace fatalities have made the first 4 months of 2005 one of the worst starts to a year this decade. "I am very concerned that the lessons have not been learned and that people are dying needlessly simply because proper measures have not been taken to ensure workplace safety," Beegan said. The fatality statistics show that construction and agriculture are the worst offenders. "Year-in, year-out, the same industries have the worst safety record and people keep getting injured and being killed," he said. "It must not continue and we will use every means at our disposal to ensure that it doesn't." In July 2004, the Irish authorities announced they were adopting US style "voluntary protection programmes" ([Risks 165](#)). However an upturn in deaths has resulted in a recent commitment to more enforcement ([Risks 194](#)), include a forthcoming construction "blitz".

- **HSA news releases on the [construction blitz](#) and on [the increase in deaths](#). [Ireland Online](#).**
- **Why enforcement is the answer – Hazards ["Commission Impossible"](#) webpages.**

New Zealand: Company doc censured for denying health problem

A doctor involved in an employer "partnership programme" that assesses New Zealand occupational disease victims for compensation has been found guilty of professional misconduct for refusing to accept a hospital diagnosis of a "classic" work-related disease. The action

meant a cold store worker could not be awarded compensation for a serious health problem and could have prejudiced his recovery. A Medical Practitioners' Disciplinary Tribunal found the doctor's refusal to recognise the case of leptospirosis – also known as Weil's disease and accepted to be an occupational disease caused by contact with rat urine – "breached the ethical principles applying to all doctors, that is to do no harm, to try and help the patient and to be fair." The workers' symptoms of leptospirosis were found to be "obvious and classical," the tribunal found. Unions have expressed concern that some employers involved in the compensation Partnership Programme have not acted in the best interests of employees, but have instead reduced their insurance premiums by denying claimants access to compensation. Participants in the programme act as agents of the official compensation body ACC and qualify for discounts on the official compensation levy as a result. According to Ross Wilson, president of the national union federation NZCTU, ACC should not allow firms to influence the compensation process. "The decision vindicates concerns by unions that meat firms were intolerant of injury claims." He said New Zealand is facing an occupational disease crisis.

- [Worksafe Reps. NZCTU news release. Scoop.](#)

Thailand: Labour groups demand work safety law

Thai workers' right activists have taken to the streets of Bangkok demanding strict new occupational health and safety laws. Representatives of some 30 workers' right groups from Bangkok and Saraburi province marched to the Labour Ministry to submit a petition to labour minister Sora-at Klinpratoom. Sombun Sikhamdokkae, of the Network of Workers Suffering from Occupational Illnesses of Thailand, said the government needed to address urgently the issue of new occupational health legislation. She said an independent institute should also be set up to look after provident funds, compensation and rehabilitation programmes for workers who had suffered from work-related illnesses or injuries. The groups said the ministry's current draft on occupational health, safety and environment fails to address the problems facing workers, and should be revoked.

- [MCOT.org.](#)

USA: Work demands up, hours up, deaths up

Increased workloads, workforce cutbacks and faster production rates

have become major safety and health issues for US workers, national union federation AFL-CIO has warned. Its report, "Death on the job: The toll of neglect," says truck drivers, health care workers, steelworkers and flight attendants are some of America's many employees whose health risks are growing as the quality of their jobs decline. In 2004, 36 steelworkers were killed on the job and USW (the merged union of the United Steelworkers of America and PACE International Union) says pressure to compete with low-wage countries has led the steel industry to make unsafe cuts in production costs. "Companies are dealing with the overseas competition by cutting back on crew sizes, layoffs, scaling back safety and health programmes, delaying maintenance and running equipment full-out and that only leads to more workers getting hurt or killed on the job," said Mike Wright, USW safety director. He added the Bush administration's "business friendly" image plays a big role in employers' attitude toward safety. "For unions, we're the first and only line of defence and what we do in bargaining for safety and holding employers accountable, goes beyond just safety, to the basic way people are treated in the workplace," he said.

- [AFL-CIO new release and full report \[pdf\]](#).

RESOURCES

HSE stress update

The Health and Safety Executive has updated its stress webpages. HSE says its advice "is aimed at anyone with responsibility for tackling work-related stress in your organisation. That might be the person who has responsibility for co-ordinating your stress risk assessment, human resources managers, health and safety officers, trade union representatives or line managers." HSE says following its online guidance "can help you meet your legal duties." It includes links to free online publications.

- [HSE stress webpages](#).

Office health and safety guide

US government health and safety research agency NIOSH has added a topic page on office health and safety to its website. It says maintaining a healthy office environment requires attention to chemical hazards, equipment and work station design, physical environment

(temperature, humidity, light, noise, ventilation, and space), task design, psychological factors (personal interactions, work pace, job control) and sometimes, chemical or other environmental exposures. It adds a well-designed office allows each employee to work comfortably without needing to over-reach, sit or stand too long, or use awkward postures (correct ergonomic design). "Sometimes, equipment or furniture changes are the best solution to allow employees to work comfortably," it says. "On other occasions, the equipment may be satisfactory but the task could be redesigned. For example, studies have shown that those working at computers have less discomfort with short, hourly breaks." The page includes links to NIOSH publications and online resources, covering issues including carbonless copy paper, ergonomics, indoor air quality, stress, women and work hazards and work schedules.

- [NIOSH office hazards topic page.](#)

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR APRIL TO JULY 2005

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

USEFUL LINKS

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