

# Trades Union Congress: Health and Safety

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## Risks

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Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Tom Mellish](#)

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**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over **9,100** 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](#).

## ACTION

### RSI Association funding appeal

The RSI Association says a severe funding crisis could force it to close and is

appealing for urgent cash support. The London-based advice and information group says it urgently needs £10,000 to bridge an immediate shortfall and a further £10,000 to meet its liabilities until the end of March this year. Without urgent help it says it is likely to close down operation within two weeks.

- [RSI Association](#), 380-384 Harrow Road, London, W9 2 HU. [Online donations](#) and newsletter subscription form [[pdf format](#)].

## UNION NEWS

### TUC calls 'work your proper hours' day

It will be a case of 'thank god it's Friday' on 27 February 2004 - the day the TUC has designated the first national 'work your proper hours' day. The move is the latest phase of TUC's 'It's about time!' campaign, which is seeking an end to the UK's long hours culture. TUC is urging employees who do regular unpaid overtime to work only their contractual hours on the day to remind their bosses just how much modern workplaces depend on unpaid overtime. It says 27 February 'is the day in 2004 when those who do unpaid overtime stop working for free and start to get paid.' Since its launch in September 2003, the TUC 'It's about time!' campaign, has: published research showing UK workers are being overworked and ripped off on overtime; revealed European Union disquiet at the UK's working time opt-out 'abuse'; exposed Britain's missing holidays; and provided guidance on how to put back the 48-hour ceiling on your working week. .

- Long hours are bad for you - see the [Hazards worked to death webpages](#).

### Amicus wins safety rep time off tribunal

An employer was wrong to deny a union safety rep paid time off to attend an advanced TUC safety course, an employment tribunal has ruled. Amicus safety rep **Paul Debenham** had asked his employer, KLM UK Engineering of Norwich, for time off to attend the TUC occupational health and safety certificate course. The employer refused requests in both 1998 and 2001. He applied again this year and was again refused at short notice. As a result he had been attempting to complete the 36 day course in his own time. Backed by Amicus, he took the case to an employment tribunal which ruled his application should not have been refused. It said he should receive 20 days holiday as compensation. He will now attend the remainder of the course in paid work time. Amicus regional officer **Mark Robinson**, who represented the safety rep, commented: 'This tribunal demonstrates that senior health and safety representatives should approach their employers to attend this course. Whilst it is longer and more detailed than other courses, it is relevant and employers cannot just decline it on the grounds of cost or operational requirements.'

- [Amicus news release](#) . More from *Hazards* on [safety reps' rights](#) .

### HGV drivers secure milestone hours deal

Lorry drivers based in the West Midlands and Lincolnshire are set to maintain their earning levels for working fewer hours in a ground-breaking deal. An agreement negotiated between the union Usdaw and A F Blakemore & Son Ltd is one of the first in the country linked to the Road Transport Working Time Directive, due to come into effect in March 2005. The new law will limit the number of hours drivers can work in any one week. The A F Blakemore drivers

must reduce their current 57-hour working week to 48 - but this deal means they will not lose out financially. Holiday entitlement will also increase, from 25 days to 30 days per year. Usdaw says it is working with several distribution companies on deals related to the Road Transport Working Time Directive. In November 2003, Usdaw and transport union TGWU struck a deal with ACC Transport, part of the Co-operative Group, to increase drivers' pay and reduce their working hours ([Risks 134](#)).

- [Ushaw news release](#). [TGWU news release](#).
- [Hazards get-a-life' news and resources](#).

### **Where there's a chill there's a way**

Retail union Usdaw is bracing itself for a surge in calls from members struggling to keep warm in Britain's freezing workplaces. It says during cold snaps workers its members are having to resort to drastic measures to keep warm, even though the law says employers should maintain a 'reasonable temperature' in the workplace. Usdaw general secretary Bill Connor said: 'We had one case not too long ago of supermarket checkout operators putting plastic bags over their feet to try and stop them from freezing. They were on tills that were kept very close to the doors and whenever the doors opened, a gust of chill wind blasted through. That was totally unacceptable.' He added: 'Employers have a duty to make sure the workplace temperature is kept at a reasonable level. When circumstances dictate that it isn't possible or practical to keep the temperature at or above 16°C, the employer must carry out risk assessments. At all times, the health and safety of the workforce should be paramount.'

- [Ushaw news release](#).
- [Ushaw checking out health and safety in shops guide](#).

### **RMT action call in working-while-sober sackings**

Rail union RMT is to hold a strike ballot over the dismissal of five Metronet Tube maintenance workers, fired after empty beer cans were found in a cabin at Farringdon, London ([Risks 135](#)). RMT says the 'Farringdon Five' were randomly selected for the chop - all five had negative drug and alcohol tests. RMT says the cabin where evidence of drinking was allegedly found is freely accessed by at least 60 people, including contractors, who were neither investigated nor tested. RMT regional officer Bobby Law said their members had been 'stitched up' and added: 'Management has refused to abide by its own disciplinary procedures, failed to take account of 31 discrepancies in the case, and simply scapegoated five innocent employees in a bid to bury a case with high profile media interest.' He said: 'We have sought justice through the disciplinary procedures, but it has been cynically denied us. That is why the RMT is now calling on our members to vote for industrial action in defence of justice for the sacked Farringdon Five.'

- [RMT news release](#).
- [Union approaches to drugs and alcohol at work](#).

### **FBU blasts 'dangerously naïve' fire bill**

The Fire Brigades Union (FBU) has condemned the government's rapid shift in fire policy as 'dangerously naïve' and called for proper pilot testing before changes are implemented ([Risks 139](#)). It says the much of the Fire and Rescue Services Bill is not controversial, but says a 'real danger lies in the proposals

contained in locally drawn up fire plans to strip away the rescue role of the fire service before key measures have been piloted.' The union warns that emergency response times could be slowed and fire safety compromised. FBU general secretary Andy Gilchrist said: 'The fact is they plan to strip away the rescue role of the fire service, cross their fingers and hope very limited prevention measures work. This is a dangerously naïve move which is a recipe for disaster.' He added that fire and rescue services minister Nick Raynsford 'is leading a dangerous dash for change without pilot-testing key proposals. If government can pilot test weekend jails and councils the introduction of wheelie bins they can do it for a 999 rescue service.'

- [FBU news release](#).

## **Asbestos health concern grows**

Health checks on workers exposed to asbestos in a Norfolk egg box factory have uncovered evidence that some workers may have been affected, says their trade union. Employees at Omni-Pac have been concerned ever since asbestos was discovered at the plant in South Denes, Great Yarmouth, in October ([Risks 133](#)). About 80 workers turned out to a union meeting to learn more when the Transport and General Workers' Union (TGWU) warned of the 'grave risk' to their health from exposure to the damaged blue asbestos lagging. Since then most of the 200 workers have been seen by occupational health experts. Now the TGWU says it has found evidence one former member of staff died from a disease which may have been related to asbestos. Another current employee has evidence of scarring to his lungs. The factory, which is still closed, will not re-open until the end of April at the earliest - two months later than planned.

- [BBC News Online](#).

## **OTHER NEWS**

### **UK faces asbestos cancer epidemic**

The United Kingdom is facing an epidemic of mesothelioma cancers among workers exposed to asbestos, top doctors have warned. Writing in the 31 January edition of the *British Medical Journal* they say there are now over 1,800 mesothelioma deaths per year in Britain - more than one in 200 of all deaths in men and almost one in 1,000 in women - and the number is still rising, with the peak of the epidemic still to come. 'For a man first exposed as a teenager, who remained in a high risk occupation, such as insulation, throughout his working life, the lifetime risk of mesothelioma can be as high as one in five,' the authors write. 'There is nothing we can do now to prevent it in workers exposed to asbestos throughout the 1950s, 1960s, and 1970s. What we can do is recognise it early, treat it actively, and learn about best treatment with carefully thought out studies because we will be seeing many more mesotheliomas in the next 25 years. In the developed world alone 100,000 people alive now will die from it.' For each mesothelioma case, experts estimate there will be between one and three asbestos-related lung cancer cases. TUC general secretary Brendan Barber commented: 'For too long people who develop mesothelioma have been written off as untreatable. We need more research into possible cures for this dreadful illness. The use of asbestos might now be banned in the UK, but this is not the end of the problem.' He added: 'Half a million workplaces still contain asbestos, much of it sitting there forgotten about until it gets disturbed during maintenance or demolition work. The best legacy that we can give to those whose lives have been destroyed and ended by this killer dust is to ensure that it is managed safely so that no

more workers are unwittingly exposed.'

- T Treasure, D Waller, S Swift and J Peto. Editorial. Radical surgery for mesothelioma. The epidemic is still to peak and we need more research to manage it. [British Medical Journal](#), volume 328, pages 237-238, 31 January 2004. [TUC news release](#). [BBC News Online](#).

## **Farmer guilty of slurry attack**

A farmer who held a terrified vet's face under 18 inches of slurry has been found guilty of affray. Judge Stephen O'Malley released sheep trader Roger Baker on bail while a pre-sentence report was carried out, but warned him he faced jail. Susan Potter, 46, and animal health inspector Jonathan McCulloch, 27, were videoing a dead lamb and emaciated cattle on Baker's land at Ventongimps, near Truro, a year ago when the attack took place ([Risks 95](#)). Baker, 61, first dragged Mr McCulloch into knee-deep liquid manure and when Mrs Potter went to his aid he turned on her. Mrs Potter told the jury she thought she was going to be drowned and had to hold her breath as she was held under the slurry. Baker has convictions for animal cruelty spanning 30 years and has served two jail terms. As a result of his history, Judge Stephen O'Malley told Baker he faces jail. He said: 'I warn you it will be a sentence of imprisonment on you for affray.'

- [BBC News Online](#).

## **MEPs support end to working time opt-out**

Members of the European Parliament have voted for workplace safety and against Britain's opt-out from the Working Time Directive. The MEPs backed a report calling for an end to the opt-out at the 22 January meeting of the Employment and Social Affairs Committee in the European Parliament in Brussels. Welcoming the decision, GMB general secretary Kevin Curran said: 'This report recognises that people working excessively long hours is bad for workers' health and safety, and furthermore the safety of those working along side them or in their care.' He said he was 'staggered' at a claim by some Conservative and Liberal MEPs that workers choose to work long hours for the extra cash. 'The overwhelming majority of workers are forced to work such hours to earn a basic living wage, never mind a bit extra. Given the choice, most would prefer to be spending more time with their family and friends.' He added: 'We applaud the Labour MEPs, led by Stephen Hughes, for supporting this report, working to protect the health, safety, and family life of the millions of people back in their constituencies by calling on the British government to address this as matter of urgency.'

- [GMB news release](#).

## **HSE warns that machines still kill**

The death of a worker in a paper baler has lead to a warning about the deadly dangers posed by workplace machinery. The Health and Safety Executive alert highlights the dangers of clearing machinery blockages or carrying out running repairs without proper isolation procedures or interlocking. 'Machines still kill people,' said HSE's James Barrett. 'Our inspectors all too regularly investigate fatal accidents. One common feature is the failure to properly isolate and lock off power before carrying out work on machines. It is really so depressing when you know that simply locking off the power before you start work could save somebody's life.' During the last three years, over 40 people have died as a result of accidents in the manufacturing industry - and contact with moving machinery is the largest cause of death, says HSE. Barrett said: 'People need to be carefully trained in the procedure and supervised closely by a competent

manager. Senior management must carry out regular checks to confirm the procedures are always followed.' Print and paper union GPMU is urging companies to review with GPMU safety reps 'their isolation and lock off procedures for working on machinery.'

- [HSE news release](#). [GPMU circular](#).

## **Smaller seed bags to solve growing back problems**

An agreement to switch to smaller sized seed bags will result in fewer bad backs in agriculture, say safety experts. Seed companies have agreed to phase out hefty 50kg bags by autumn 2007. The agreement was initiated by the Health and Safety Commission's Health in Agriculture Group (HIAG). Roger Nourish, the Health and Safety Executive's top agriculture inspector and chair of HIAG, said: 'More workers in agriculture suffer from bad backs than in any other industry and there is wide agreement that we need to move people away from handling bags of seed weighing 50 kg.' HSE's 2001/02 self-reported work-related injury survey shows that of those who have worked in agriculture in the past eight years, 3.8 per cent have sustained a musculoskeletal injury, compared with 2.3 per cent in general manufacturing and 3.6 per cent in construction. Action on the manual handling of loads is part of a programme to reduce injuries from musculoskeletal disorders, one of eight key programmes in the HSC's strategy up to 2010.

- [HSE news release](#).

## **INTERNATIONAL**

### **Denmark: Guards say no to jail house monsters**

A prison officers' union in Denmark is calling for prison gyms to be closed down. They say some inmates use the gyms to become stronger to attack staff and threaten people when they are released. The head of the Danish prison guards' union said it was unacceptable that men should be allowed to build themselves into monsters while in jail. The head of the prison guards' union, Carsten Pedersen, said: 'We should not let these monstrous men develop within the penitentiary system.' Mr Pedersen said he was 'convinced that this intense bodybuilding by prisoners was behind the sharp rise in the number of violent and threatening incidents against prison staff.'

- [BBC News Online](#).

### **Europe: Work risks to women are neglected**

Safety and health risks facing women at work tend to be underestimated and neglected, says a new report. The Bilbao-based European Agency says its investigation found the traditional prevention approach can underestimate work-related risks to women. *Gender issues in safety and health - a review* says women in general suffer more from work related stress, infectious diseases, upper limb disorders, skin diseases as well as asthma and allergies, while men suffer more from accidents, back pain and hearing loss. Commenting at the launch of the report, European Commissioner Anna Diamantopoulou said: 'This report shows how important it is to consider gender in risk prevention and include occupational health and safety in gender equality activities in order to improve the prevention of work related risks for both men and women.' Agency director Hans-Horst Konkolewsky said: 'Our study documents that the traditional gender-neutral approach to prevention can result in underestimation and even negligence of the real risks especially to the health of women.' A report last week from Europe's unions reached



similar conclusions ([Risks 140](#)).

- European Agency [news release](#), [report](#) and new [gender website](#).
- [Hazards women and work hazards webpage](#).

## **Global: Brutal conditions in microchip factories**

Microelectronics industry workers in the developing world, producing computer parts for use by top multinationals, are facing exploitation and 'dire' working conditions. *Clean up your computer*, a new report from the aid charity CAFOD, says 'interviews with electronics workers in Mexico, Thailand and China reveal a story of unsafe factories, compulsory overtime, wages below the legal minimum, and degrading treatment.' The workers produce parts that end up in the computers of companies such as Hewlett Packard, Dell and IBM. CAFOD says recruitment agencies supplying workers for an IBM production line in Mexico gave reasons for rejection included: 'Homosexual, more than two tattoos, father is a lawyer, has brought labour claims, worked for a union, pregnancy, does not agree with IBM policies.' One worker interviewed by CAFOD reported been subjected to a full strip search and pregnancy test. Detailed recommendations include a call for the multinational companies 'to put workers at the centre of action on labour standards by involving unions, NGOs and other workers' groups in efforts to improve working conditions.'

- [CAFOD news release](#). [The Age](#). Full report: Clean up your Computer: Working conditions in the electronics sector [[pdf format](#)].

## **Global: Regulations are the only way to stop abuse**

Voluntary action by brand names and multinational retailers has failed to change the culture of workers' rights abuses in the textiles and clothing supply chain, a top union leader has said, leaving regulation as the only alternative to continuing worker misery. Neil Kearney of the global textile unions' federation ITGLWF told the World Economic Forum in Davos that comprehensive labour legislation enforced worldwide would quickly clean up the supply chain, especially if accompanied by legal obligations on all brand names and retailers to ensure that they source only from legally-compliant suppliers and disclose full details of their supply chain for independent verification. 'The current supply chain is rotten,' said Mr. Kearney. 'A recent investigation of conditions in three factories supplying a leading European retailer found slave labour, children at work, undocumented workers, illegally low wages, 16 hour work days, seven day work weeks, horrendous health and safety hazards, firings for even thinking about unionising, massive discrimination against women workers and much more.'

- [ITGLWF news release](#).

## **USA: Woman denied strains payout gets \$12m**

A former nursing home worker with carpal tunnel syndrome has been awarded more than \$12 million in a judgment against three insurance companies that denied her \$8,000 workers' compensation claim. The Rapid City jury returned its verdict - \$60,000 (£32,800) in compensatory damages and \$12 million (£5.57m) in punitive damages - after a four-day federal court trial. In 1999, Alice Torres, a cook at Meadowbrook Manor nursing home in Rapid City, filed a workers' compensation claim for her strain injury. She had sought about \$8,000 (£4,380) for medical bills, lost time and physical impairment. But insurance adjusters denied the claim. In court, Torres' attorneys, Michael Abourezk and Glen Johnson, challenged a Travelers Insurance 'Claim Professional Incentive Programme' that offered staff handling claims end-of-

year bonuses of as much as 20 per cent of their pay if they reduced overall payouts year-on-year. Abourezk said: 'An insurance adjuster is supposed to be like a judge, fair and impartial.' He added: 'If you bribe a judge, you get thrown in jail. But they bribe these claims adjusters with bounties that are tied directly to their performance in paying claims.'

- [Confined Space](#). [Black Hills Pioneer](#). [Aberdeen News](#).

## **USA: Ergonomic experts boycott conference**

For more than two decades, Barbara Silverstein has studied work-related injuries. Nonetheless, she decided to boycott a federal government-sponsored symposium on ergonomic injuries. 'It's an incredible waste,' said Silverstein, an epidemiologist who works for the Washington State Department of Labor and Industries. In all, 11 of the country's leading ergonomists are boycotting the meeting. They accuse the Bush administration of distorting science for political ends, and say more than enough evidence exists linking work to a variety of injuries. They accuse industry and the administration of trying to avoid a debate over workplace regulations by questioning accepted ergonomic research. 'It's a stall tactic,' Silverstein said. In a letter to the US government's safety watchdog, OSHA, which is sponsoring the meeting, the 11 scientists say it will only rehash questions that have been exhaustively researched and resolved. The first legislative act of the Bush administration was to axe an ergonomics law that had been introduced after a lengthy union campaign ([Risks 25](#)). Last year, a costly campaign spearheaded by industry groups succeeded in getting Washington State's own ergonomics law repealed ([Risks 131](#)).

- [The Baltimore Sun](#). [Washington Post](#).

## **EVENTS AND COURSES**

### **Work your proper hours day, 27 February**

Position for picture ([View picture](#))

TUC says February 27 is the day in 2004 when those who do unpaid overtime stop working for free and start to get paid. 'Work your proper hours' day is the latest move in the TUC's 'It's about time' campaign to end the UK opt-out from Europe's 48-hour working week ceiling, and to call time on the overwork epidemic.

- [Keep up-to-date with the It's about time! campaign](#).

### **International RSI Awareness Day, 29 February**

International RSI (repetitive strain injury) Awareness Day is held on the last day of February each year - the only day that doesn't repeat every year. That means that this year, a leap year, RSI Day is 29 February. Union organisations and workplace disease advocacy groups worldwide support the annual event. The Canadian autoworkers' union CAW has already issued new guidance. It says: 'RSI Day is about raising awareness and the need for action promoting prevention, rehabilitation and compensation. By using the principles of ergonomics, for example, we can re-design tools, work stations, workplaces and work organisation to reduce the risk of workers getting hurt. RSI Awareness Day also highlights the need for ergonomics regulations to compel employers to introduce methods to prevent RSIs from occurring.'

- [RSI Day resources](#). [CAW RSI Day guide](#). [RSI Association 'RSI week' resources](#).



## **Beating violence and abuse at work seminar, 1 March**

All workers, especially those who deal with the public, could be at risk of violence and abuse. Whether they work in transport, retail, health and care, security, leisure, utilities, the rescue services, local authorities, the civil service or government agencies, working with the public can be stressful, abusive, dangerous and even life threatening. A South-east Region TUC (SERTUC) seminar at the TUC's London HQ on 1 March aims to address these issues and develop strategies to beat violence and abuse at work. There will be speakers from trade union movement, employers and the legal profession and lots of opportunity for contributions from participants.

- Beating violence and abuse at work: A seminar for trade unionists, Monday 1 March, 9.30am-1pm. Free. To register, see [further details](#) online or send your details (name, full contact details and union organisation) to [Darren Lewis](#), SERTUC, Congress House, Great Russell Street, London WC1 3LS. Tel: 020 7467 1220.

## **TUC courses for safety reps**

COURSES FOR January to March 2004

[South West](#), [Wales](#) [Scotland](#) [Southern and Eastern](#) [East and West Midlands](#)  
[Northern](#) [Yorkshire and Humberside](#)

## **USEFUL LINKS**

Visit the TUC [http://www.tuc.org.uk/h\\_and\\_s/](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](#).

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What's new in the [HSC/E](#) and the [European Agency](#).

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