



Police Federation of England and Wales  
Federation House  
Highbury Drive  
Leatherhead  
Surrey KT22 7UY

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## TUC Risks – 2 May 2009

### Get ready for Pandemic Flu

The TUC has reminded unions that they should ensure that their employers have an action plan for dealing with any possible outbreak of pandemic flu. The warning came as the World Health Organisation stated that there is a "strong signal that a pandemic is imminent". This follows an outbreak of a new strain of flu in Mexico which contains genes from a mixture of human swine and avian flu. At the same time the UK Government launched an advertising campaign to help prevent swine flu's spread. The TUC's Hugh Robertson told unions. 'At the moment we have not reached the level where there is a pandemic and we should not panic, but there is no excuse for employers doing nothing. The signs are that there is a serious risk of a pandemic developing in the coming months which could have a major effect on people's ability to come to work. Trade unions and employers, working together, can make a significant difference in ensuring that the effects of a pandemic are minimised, that the workforce are educated and informed on transmission issues, and in helping ensure there is no panic. Unions will also have a major part to play in ensuring that those workers who are ill as a result of infection stay at home and do not come in to work either through misplaced loyalty or employer pressure. In addition, it is important that the effect of any pandemic does not hit those who are more vulnerable hardest, such as the low paid, those who don't have permanent employment or sick pay schemes and those who have dependents.' The TUC has issued new guidance and asked all safety representatives to ensure that their employer has an agreed action plan to deal with a possible outbreak. It has also said that it will be issuing further guidance as and when the situation develops, but in the meanwhile safety representatives should check the Health Protection Agency and HSE websites for up-to-date and authoritative information.

- ? [HPA Website](#)
- ? [TUC Guidance](#)

### Enforcement notices issued on Fire Service

The HSE has issued two safety improvement notices on Hertfordshire Fire and Rescue Service after an inspection by the Health and Safety Executive. The service has been told it must improve its training four years after two of its men died fighting a tower block fire in Stevenage, Hertfordshire. The HSE found breathing apparatus procedures were not followed

after the blaze at Harrow Court in 2005. The HSE have said there will be no prosecution over the deaths, but it did carry out an inspection on 23, 25 and 26 March 2009. The HSE letter to the fire service states: "The investigation into the Harrow Court incident identified a number of failures, consequently the focus of the inspection was the service's management of health and safety and specifically looking at training and competence." It also highlights the importance of refresher training for staff using breathing apparatus. The Fire Brigades Union has welcomed the move by the HSE designed to improve the health and safety of firefighters across the County. It says some of the issues raised now needed to be addressed very urgently. Tony Smith, FBU Herts Brigade Secretary said: 'While the HSE is not proceeding with a prosecution, the Improvement Notices are very important and very significant. Two fellow firefighters died at Harrow Court, Stevenage, and it is very critical that the lessons learned from that tragedy are fully addressed. We welcome the intervention of the Health and Safety Executive, to ensure all lessons learned from that tragedy are acted upon. Firefighters work in very hazardous situations where health and safety is more important, not less important. Our job is to protect lives, property and the environment and we want to do that safely so we can return to our families at the end of our working day. In the last few years we have lost three firefighters from one watch at Stevenage in two separate incidents. The Fire Brigades Union looks forward to working with Hertfordshire fire service to help address the issues identified by the HSE.' Matt Wrack, FBU General Secretary said: "Although these Improvement Notices are served on Hertfordshire they have national implications. Other fire brigades across the UK should also now be making sure they can satisfy the expectations of the Health and Safety Executive."

? [FBU Release](#)

### **No agreement on ending long hours culture**

Attempts by the European Parliament to end the UK opt-out from parts of the working directive failed when they were unable to reach agreement with European ministers. However British and European trade unionists said they would continue to fight for adequate minimum standards on working time in Europe. ETUC General Secretary John Monks said: 'This is certainly not a victory for social Europe. We regret that it was not possible to reach an agreement that would have meant genuine social progress in Europe; for that, the individual opt-out should have clearly been put on hold and be recognised as a temporary exception that does not have its place in health and safety legislation. Also, the situation of the millions of European workers with on-call duties in sectors such as healthcare should have been properly safeguarded. Meanwhile TUC General Secretary Brendan Barber said 'We are disappointed that another opportunity has been missed to end the UK's dangerous long hours culture. Long hours cause stress, illness and lowers productivity. And when many employers are moving to short-time working, the need for an opt-out of the 48 hour week is even more out of date. The UK Government still needs to tighten the law on working time, otherwise the EU could take it to court in order to protect UK workers from abuse of the 48 hour week.' In response however the government claimed that the failure to reach agreement was somehow to the benefit of workers. Business Secretary Lord Mandelson said: "Millions of people are better off because of the opt-out and I am relieved we have been able to resist its removal." The TUC has also published ten

myths about working time that it believes have had too much influence on the debate so far.

? [TUC statement](#). [BERR release](#). [Ten Myths about working time](#).

### **Who pays for employers failures?**

A new report has shown that those responsible for occupational injuries and diseases only pay a tiny fraction of the cost. 'Who pays? You do', by Stirling University's Professor Rory O'Neill, concludes that thousands of lives each year could be saved if businesses were prevented from 'cost shifting' onto individuals and society the real bill for work-related ill-health. The research shows that at best 25 per cent of the cost of occupational ill-health and injuries is borne by business, yet businesses create 100 per cent of the risks that caused the problem. The report is also highly critical of the British Chambers of Commerce (BCC). BCC's '2009 Burdens Barometer', published last month which targets 10 workplace safety regulations covering working time, chemicals, asbestos, explosives, biocides, work at height, vibration and noise, as well as occupational exposure limits and the corporate manslaughter act and claims these cost businesses £2.2bn a year. However the total bill for industry's occupational health and safety failings could be well in excess of £30bn each year. Professor O'Neil stated: 'The business lobby bleats continually about the 'burden' of health and safety regulation, but the burden of lax workplace safety standards is carried almost entirely by sick and injured workers, bereaved families and the public purse. 'The reason 1,000 people in Britain die in work-related fatalities each year and tens of thousands die of occupational diseases, is not because businesses pay too much, but because they pay too little', he says. 'Cost shifting' of the bill for occupational injuries and diseases means business creates the problem and individuals and the public purse pick up the tab. While firms evade the true costs of the harm for which they are responsible, deadly conditions will persist in Britain's workplaces.'

? [Hazards report](#)

### **First charges under Corporate Manslaughter Law**

For the first time charges have been brought under of the Corporate Manslaughter and Corporate Homicide Act 2007. The Crown Prosecution Service authorised a charge of corporate manslaughter against Cotswold Geotechnical Holdings Ltd in relation to the death of Alexander Wright in September 2008. Mr Wright who worked for the company died when he was taking soil samples from inside a pit which had been excavated as part of a site survey when the sides of the pit collapsed crushing him. The company has also been charged with failing to discharge a duty contrary to Section 33, Health and Safety at Work Act 1974. In addition, Peter Eaton, a director of the company has been charged with gross negligence manslaughter and with an offence contrary to Section 37, Health and Safety at Work Act 1974. Kate Leonard, a CPS lawyer said: "Under the Corporate Manslaughter and Corporate Homicide Act 2007 an organisation is guilty of corporate manslaughter if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the person who died. A substantial part of the breach must have been in the way activities were organised by senior management. I have concluded that

there is sufficient evidence for a realistic prospect of conviction for this offence." Mr Eaton will appear at Stroud Magistrates' Court on 17 June.

? [CPS release](#)

### **Director fined for health and safety death**

A north-west company director has been fined after the death of an employee. George Robertson Graham, the senior partner at Carlisle company Auto Recoveries was fined £100,000 and ordered to pay £20,000 in costs by Carlisle Crown Court. Graham pleaded guilty to an offence under the Health and safety at Work Act for failing to have a safe system of work in place and not performing an adequate risk assessment. In May 2006, two workers were moving a five-tonne hydraulic press brake when it toppled over and crushed one of the workers, Mr Mullen, who died of multiple injuries. An investigation discovered that the machine was top heavy and was likely to be unstable, which meant the system of work for moving it was not safe. Following the conviction the HSE have reminded employers of the importance of risk assessments. Steve Smith, HSE inspector, said "There had not been any special arrangements made through risk assessments, formalised systems of work, specially designed equipment or training of the employees involved."

? [Press report](#)

### **Disability**

The TUC has issued advice on dealing with discrimination cases following recent court cases which have limited the scope of the Disability Discrimination Act as it applies to employment cases. This has implications for the handling of long-term sickness absence cases, and the TUC advice seeks to help unions deal with these.

? [TUC Advice](#)

### **New Safety Law Poster**

Employers can throw away that old yellowing health and safety law poster that has been pinned up on a notice board for the last twenty years. The HSE have produced a new, simpler, more eye-catching version which aims to give the information in a much clearer way, while at the same time ensuring that workers know their basic rights to both have a safe workplace and to be consulted. The new poster was developed with the involvement of trade unions who were eager to ensure that the important messages that the previous poster gave were not lost, but at the same time were presented in a clearer, more readable, form.

? [HSE release](#)

## **TUC turns up the heat on temperature**

The TUC has called for the introduction of a new upper limit on workplace temperature. It says with our summers predicted to get gradually hotter and drier over the coming years, UK factories and offices will become increasingly uncomfortable and potentially hazardous places to work. A new TUC report says that although employees are not expected to work when the temperature drops below 16 degrees Celsius (or 13 degrees Celsius if they are doing physically demanding work), there are no similar restrictions for when the workplace becomes too hot. TUC would like to see the law changed so that employers are forced to act when the temperature inside hits 24 degrees Celsius, and that staff could be sent home and their employers prosecuted if it soared to 30 degrees, or 27 degrees for those engaged in physically demanding work. TUC general secretary Brendan Barber said: 'No-one is expected to work in sub-zero temperatures but overheated employees are meant to carry on regardless of how high the office temperature soars. We need to see action now, before the impact of climate change is felt and our summers become hotter than ever.' A recent TUC survey found 94 per cent of respondents said their workplaces had been too hot to work in last summer, and four in ten (42 per cent) said they regularly worked in unbearably hot conditions. Examples include a lab where last summer staff were working in temperatures of 32 degrees Celsius, a chicken factory where the soaring temperature was making staff feel dizzy and a school where the temperature in a classroom with two glass walls regularly rises to 32 degrees.

? [TUC news release](#). The case for a legally enforceable maximum temperature [\[pdf\]](#)

## **HSE issues fragile roof warning**

A construction company has been fined £6,600 after a self-employed worker was lucky to survive a fall through a fragile roof during replacement of leaking roof lights. Keen Construction Ltd, based in Downton near Salisbury, which had earlier pleaded guilty to contravening regulation 9(2) of the Work at Height Regulations 2005, was also ordered at Reading Crown Court this week to pay costs of £3,625. A Health and Safety Executive (HSE) investigation followed the incident in Lambourn, Berkshire in September 2007 in which a worker fell five and a half metres through a fragile single skin asbestos cement roof. There were no crawling boards in use and no safety net or crash desk below the working area of the roof. The victim suffered broken ribs and injuries to his pelvis, vertebrae and lung. He was unable to return to work for over a year. HSE inspector Meurig Rees Williams said: 'By any standards, this was a very serious incident. The injured worker suffered long-term injuries after falling five and a half metres and is lucky to be alive.'

? [HSE news release](#) and [falls webpages](#)

## **Muscle soreness is linked to workload**

Back and neck soreness in office workers is more likely to be caused by high workloads and tight deadlines than by posture or other physical factors, a new study has found. Researchers from the University of Sydney studied over 1,300 Australian public employees to measure the general indicators for physical health and psychological well-being.

Unmanageable workloads and unrealistic deadlines were amongst the stronger predictors of reported neck and back pain, said Karin Griffiths, a member of the research team. 'When you have staff doing a job that is already computer based, then give them higher workloads, tighter time constraints and more deadlines, the evidence suggests that you substantially increase the risk of musculoskeletal symptoms,' she said. Louise Persse, national president of the public service union CPSU, said: 'Close to a third of women who responded to CPSU's What Women Want survey said that they had no control over their workloads. If that is placing them at risk of suffering neck and back problems, then we have a massive health and safety issue here,' she said. The study also found a correlation between hours in front of a computer and reporting of musculoskeletal problems. Working six or more hours per day with a computer increased the risk of neck and back problems by up to 230 per cent, while working eight or more increased the risk by up to 500 per cent.

? [CPSU news release](#).

### **Global: Unions crucial to swine flu control**

The current swine flu scare has one largely ignored group of victims - those workers in the pig industry who face both health risks and job loss. However well-informed, unionised workers in the sector are crucial to swine flu control, a union body has said. Global farmworkers' union federation IUF said there was no evidence that the N1N1 strain could be transmitted from pigs to humans, and the mutant virus has not been found in any hog farm so far. 'However, people in farming, slaughtering and post-slaughtering operations can get more common swine influenza from regular, close contact with infected pigs or colleagues,' an IUF statement said. It cites the World Health Organisation (WHO) which says 'most of the previously reported swine influenza cases in humans recovered fully from the disease without requiring medical attention and without antiviral medicines.' A joint statement from WHO and other international agencies on 6 May confirmed pork and pork products 'handled in accordance with good hygienic practices... will not be a source of infection.' According to IUF: 'As with avian flu, workers are at a strategic frontline of risk of infection and can play a key role in early warning systems and in containing outbreaks, as long as they are properly informed, receive proper training, are provided with adequate protective equipment and their voice is heard.' IUF general secretary Ron Oswald commented: 'Trade unions have direct lines of communication into workplaces and so must be part of government action plans to deal with swine flu.' He added: 'Workplaces where active union health and safety committees are present and where trade unions, employers and public health authorities have a constructive, ongoing dialogue will be well equipped to assist workers and communities in preventing and containing epidemics.'

? [IUF news release](#). [WHO/FAO/OIE/WTO statement](#) and [swine flu webpages](#).

? [TUC flu guide](#).

### **Disability**

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cases. This has implications for the handling of long-term sickness absence cases, and the TUC advice seeks to help unions deal with these.

? [TUC Advice](#)

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## HSE Bulletin – 18 May 2009

### FIRST AID AT WORK

++ First Aid website re-launched ++

New structure and style - easier navigation, HSE and first aid, your duties, ask an expert...

<http://www.hse.gov.uk/firstaid/index.htm?ebul=hsegen/18-may-2009&cr=4>

++ First aid at work trainers ++

Find out whether a first aid training organisation has been approved by HSE.

<http://webcommunities.hse.gov.uk/inovem/inovem.ti/firstaid/view?objectId=15603?ebul=hsegen/18-may-2009&cr=5>

### STRESS

++ Stress at work news ++

Join the 30,000 subscribers to the HSE Stress e-Bulletin - free regular news/updates by email.

<http://www.hse.gov.uk/stress/ebulletin/index.htm?ebul=hsegen/18-may-2009&cr=8>

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## TUC Risks – 23 May 2009

### Shiftworkers get second class treatment

Shiftworkers in the UK are facing serious health risks but are getting second class safety because the Health and Safety Executive (HSE) clocks off outside normal office hours. An online report from the workers' health and safety journal *Hazards* notes: 'Shiftwork and work at night has been linked to a wide range of health problems, including breast cancer, prostate cancer, non-Hodgkin's lymphoma, heightened accident risk, heart disease risk factors and pregnancy problems. There is emerging evidence that these health effects combined make shiftworkers, particularly women shiftworkers, far more likely to take early ill-health retirement.' 'While you were sleeping', by Stirling University's Professor Andrew Watterson, says the estimated 3.5 million shiftworkers in the UK getting second class treatment because no staff at the official health and safety regulator HSE normally undertake work outside of normal hours - no preventive health promotion work or inspections, for example. An HSE spokesperson cited in the article says 'we don't under normal circumstances roster anyone to work outside normal office hours (other than HSE

duty officers and press officers who are on call). If anything happens out of hours the relevant inspector(s) will undertake investigations etc. as appropriate.' Professor Watterson calls for more HSE resources to be targeted at workers on atypical hours, rigorous enforcement of working time law, an end to the UK opt-out from the working time directive's 48-hour working week ceiling, and for the UK government to follow the Danish government's lead and compensate workers with breast cancer caused by long-term night work. He also urges trades unions to step up their campaigns on occupational health issues, including shiftwork, and to demand effective risk assessments on shift patterns to ensure the least unhealthy patterns are adopted. Unions should ensure wherever possible their safety rep cover includes workers on atypical shifts, including night shifts, he says. TUC's latest safety reps' survey shows shiftwork is seen as a growing health and safety problem in the UK.

- ? [While you were sleeping](#), Hazards magazine, Number 106, 2009 and related [working hours webpages](#).

### **Drug tests used to jettison staff**

Employers are increasingly using drug testing to get rid of staff without having to make redundancy payouts, a drugs and human rights charity has said. Release has reported a four-fold increase in calls to its drugs team about problems with workplace testing in the first three months of 2009 compared with the same period last year. In the first quarter of 2008, the team received 493 calls, with just 31 (6.2 per cent) related to testing at work. In the first three months of this year, 548 calls were received with 145 (26.4 per cent) about this issue. Sacking employees who test positive for illicit drugs allows employers to avoid making redundancy payouts. Cannabis, which can remain detectable for several weeks after use, is the substance causing the biggest problems for employees. While drug testing in the workplace has been routine for many years in some safety critical jobs, such as driving and machine operation, Release reports that many calls are coming from sectors it had comparatively few dealings with before such as office work, banking and commerce. Previously the charity received regular calls from employers about how best to support staff with drug problems. These calls have dwindled to almost zero. Concateno, a group of companies that between them have approximately 60 per cent of the UK workplace drug testing market, reported a 13.2 per cent increase in testing between 2007 and 2008. In 2007, 159,000 workplace drug tests were carried out and in 2008, 180,000 tests were done. Concateno workplace field sales manager Neil James last month said the firm had seen 'a steady increase' in demand for drugs testing from the construction industry over the past six months. He said the construction sector now made up about 20 per cent of the workload for Britain's largest drug and alcohol-testing business.

- ? [The Guardian. Release](#).

### **Europe: Victory on working hours for drivers**

Europe's transport unions have won support for safe driving hours. The European Transport Workers' Federation (ETF) applauded the European Parliament's decision to reject a



proposal on a revised working time directive for road transport. The decision follows a concerted campaign by the federation and its affiliates against extended hours. Now the European Parliament has voted against a proposal, put forward by the European Commission, that aimed to lift any working time restrictions for self-employed professional drivers. The decision is set to have a number of benefits, including eliminating the prospect of an 86-hour working week for certain categories of professional driver and preventing social standards in the sector from reaching a new low. It will also enhance safety on European roads and safeguard the health and safety of all professional drivers. 'The ETF was fully determined to see the rejection of this proposal, which would have had an adverse impact on road safety and on the drivers' profession,' said Eduardo Chagas, ETF general secretary. 'For us, there was no compromise on this issue. An 86-hour working week would have indeed been a false gift for self-employed drivers, but a real gift to some within the industry. Drivers are qualified professionals, whose skills are key to public safety on European roads. It's about time their value was recognised!'

? [ITF news report](#).

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## **HSE Bulletin – 26 May 2009**

### **RISK**

++ RRAC - need to tackle an "epidemic of fear" ++

Risk and Regulation Advisory Council reports its recommendations to the Prime Minister.

<http://rrac.intelligus.net/portal/site/rrac/?mode=0?ebul=hsegen/26-may-2009&cr=8>

### **NOISE AT WORK**

++ Did you hear that? ++

Institute of Acoustics one day meeting, London, 23 June 2009.

<http://www.hse.gov.uk/noise/news.htm?ebul=hsegen/26-may-2009&cr=9>

### **RESEARCH REPORTS**

++ Recently published research reports ++

"Feedback on the noise/HAV worker pilot project", "Assessment of repetitive tasks tool"...

<http://www.hse.gov.uk/research/whatsnew.htm?ebul=hsegen/26-may-2009&cr=19>

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## **TUC Risks – 30 May 2009**

**Hazards conference, 10-12 July, Manchester**

The National Hazards Conference, on the theme 'Making a better world of work possible', will take place in Manchester on 10-12 July 2009. The largest gathering of trade union safety reps in Europe, the conference will include the usual mix of top class speakers, workshops and socialising. Speakers this year including top US union safety official Nancy Lessin, who will look the green jobs agenda and how to make sure it is also a good, safe jobs agenda. Charley Richardson, who has worked with unions in North America and Europe, will look at the impact on safety of the economic downturn and company restructuring, and how unions can respond.

- ? Making a better world of work possible, [National Hazards conference](#), 10-12 July 2009, University of Manchester. Hazards 2009 conference application form [\[pdf\]](#). The deadline for application is Friday 19 June. Sponsor the conference [\[pdf\]](#).
- ? Further details: Hazards Campaign, c/o Greater Manchester Hazards Centre, Windrush Millennium Centre, 70 Alexandra Road, Manchester, M16 7WD. Tel: 0161 636 7558.

### **Healthy workplace conference, 20 November, London**

SERTUC, the TUC body covering the south-east of England, is teaming up with the Health and Safety Executive (HSE) to host a 20 November health and safety conference in London on the theme of 'the healthy workplace.' It says the event will feature contributions from an Acas representative, a public health director and leading health and safety speakers.

- ? [The Healthy Workplace](#), Friday 20 November 2009, TUC Congress House, Great Russell Street, London WC1B 3LS.

### **Disclaimer:**

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