

*On the 5th anniversary of the Working Time Regulations...*

## London Boroughs have worst working hours

*Male employees in three London boroughs work the longest hours in Britain, a new trade union study has shown. They are among the 25 per cent of UK men working over 48 hours a week, five years after legislation designed to bring excess hours under control.*

The GMB London Region announced these figures (see table) at the Hazards 2003 Conference in London. The union commissioned the University of Durham to analyse the data from the 2001 Census.

The top ten areas of Britain with the highest percentages of men working long hours include some of the wealthy boroughs of London. London overall has nearly half a million men regularly working over 48 hours, and is the fifth worst of the country's twelve regions.

UK workers are supposed to be protected by the European Commission's Working Time Directive, which came into force in the UK in October 1998 as the Working Time Regulations. Before the regulations, 2.7 million UK workers of both sexes were known to work over 48 hours. The UK government was reluctant to consider hours as a health issue at all, and insisted on exemptions from the European standards. It cannot be a coincidence that the figure for men alone is now 3.4 million.

The Working Time Directive is currently under review by the European Commission. The TUC, meeting in September, passed a resolution on work-life balance, calling for a campaign to end the "work till you drop" culture. Congress called for an end of the right of UK workers to opt out of the maximum 48 hour week, and for an end to the exclusion of certain jobs, such as train drivers, from the legislation.

The opt-out is forced on many workers as they are taken on. The right not to opt-out is meaningless for workers forced into systematic overtime in grossly low-paid industries including transport,

food manufacture, agriculture, service sector jobs and construction. The government's Labour Force Survey shows that two out of three people who work more than 48 hours want to work fewer

### London's overwork league table

UK Ranking out of 229	Local authority	Men working more than 48hrs per week	Percentage
	<b>LONDON TOTAL</b>	<b>437,494</b>	<b>24.61</b>
1	Kensington and Chelsea	17,390	42.3
2	City of London	1,031	41.4
3	Westminster	18,138	37.1
6	Hammersmith and Fulham	4,120	33.1
8	Richmond upon Thames	15,254	31.7
12	Wandsworth	2,105	30.7
13	Camden	14,640	30.5
43	Islington	10,957	26.5
57	Barnet	20,288	25.9
66	Bromley	19,349	25.4
72	Merton	12,645	24.8
78	Havering	14,000	24.5
79	Kingston upon Thames	9,994	24.5
84	Lambeth	16,434	24.0
88	Sutton	11,572	23.9
99	Southwark	13,357	23.3
101	Tower Hamlets	9,947	23.3
102	Bexley	13,049	23.2
105	Hillingdon	14,516	23.0
108	Redbridge	13,172	22.6
110	Ealing	17,440	22.6
111	Enfield	14,615	22.6
115	Harrow	11,810	22.5
120	Greenwich	10,884	22.4
121	Hounslow	12,525	22.3
123	Croydon	18,365	22.2
131	Barking and Dagenham	7,788	21.7
141	Brent	13,455	21.2
148	Haringey	10,441	21.0
161	Lewisham	12,207	20.4
174	Hackney	8,081	19.8
191	Waltham Forest	9,877	18.9
224	Newham	8,048	16.5

hours. But only one in three employees even know that there is a limit on the average working week.

It is expected that in the new year the European Commission will present a number of options ranging from getting rid of the opt-out completely, to setting a maximum number of hours – such as a 60 hour week – for an employee who signs an opt-out.

In a separate development, the Road Transport Directive comes into force in 2005. It will still allow drivers a maximum working week of 60 hours and a maximum continuous period of 12 hours. But the average time worked by any driver over a four-month period (17 weeks) must

not exceed 48 hours a week. There is no opt-out.

UK employers are lobbying hard to keep the opt-out and it is one of the Confederation of British Industry's key campaigns. The reason is clear from surveys by construction industry employers' organisations which reveal frighteningly high percentages of workers working excessive hours:

- ▲ Construction Confederation: 38% of workers regular work over 48 hours, 55% have signed the opt-out
- ▲ Heating and Ventilation Contractors Association: 45% have signed the opt-out

- ▲ Electrical Contractors Association: 48% regularly work over the limit, 56% have signed an opt-out.

All three have recently met construction minister Nigel Griffiths to argue for keeping the opt out. According to Construction News, the Department of Trade and Industry has "strong reservations" about abolishing the opt-out.

*LHC factsheets Working Time: 1: Shift work and night work and 2: Long working hours are available at [www.lhc.org.uk](http://www.lhc.org.uk) or by phoning the advice line 020 7794 5999.*

## Hot workers want animal rights

*As global warming hit workplaces again this summer, trade union members protested outside the Health and Safety Executive (HSE) to demand a maximum temperature for all workplaces.*

Members of the Musicians' Union, the food workers' union BFAWU, National Union of Journalists, Iron and Steel Trades Confederation and the General Federation of Trades Unions (GFTU) gathered to say that the long-established legal minimum temperature must be matched by a maximum. Health problems with working in heat are well recognised, said demonstrators, and farm animals have better legal protection against hot conditions than workers.

While a Musicians Union band serenaded the HSE with relevant tunes, Roger Sutton of the GFTU pointed to the lead taken by the TUC two years ago. The HSE had promised to look at the problem but nothing had happened since.

'This problem comes every summer,' said Roger Sutton. 'All we want to do is set a level above which it is clearly risky to work. Surely not too much to ask in the technological world of the 21st century?'



*In the summer time, Musicians' Union members get crotchety with the HSE*

# European formula for chemical chaos

*Business interests have again triumphed over concerns for human health. Over-optimistic plans by Commissioners of the European Union to ensure safety tests on manufactured chemicals have been greatly scaled back following massive lobbying by the chemicals industry and the American government and with the backing of our own Prime Minister.*

Over 100,000 chemicals in day-to-day use have not been tested to internationally agreed standards for effects on human health or the environment, it is estimated. Many of these substances are suspected of causing cancer, birth defects, allergies and lower sperm counts while others are suspected of environmental damage.

In 2001 the European Union drafted a time-limited programme to address this. It was called REACH, Registration,

Evaluation and Authorisation of Chemicals, and the aim was to force industry to test all substances by 2015. The European Commission estimates the benefits to society and the environment to be in the range of £50 billion.

Many environmental groups launched a massive campaign in support of the proposals. In the other corner the chemicals industry, particularly in Europe and the USA, lobbied for the proposals to be dropped, claiming costs of up to £9 billion, and damage to competitiveness and employment.

Some organisations, including the London Hazards Centre, saw the proposals as so optimistic in their scope, and the time scale so short, as to be a recipe for a mess. Given the number of substances to be tested, and the limited time scale, it was obvious that the target would require the commitment of incredible sums of money and technicians, which was very unlikely, or the weakening of testing standards, which was much more likely and very worrying.

The past few months have seen the American chemical industry lobbying their President to put pressure on key European players and organisations. The European chemicals industry was hard at work as well, with the UK Prime Minister, German Chancellor and French President signing and sending a letter to the European Commission criticising REACH.

So a well intentioned, if ill thought out, proposal to ensure the testing of all chemicals on the market, is now a proposal to register just 30,000 and ensure the testing of just 6,000. The requirement for the registration of information for 20,000 of the 30,000 would be rudimentary and just 1,500 substances of 'very high concern' would need licensing.

The proposals still need the approval of EU member states via the European Parliament. It is likely that industrial lobbyists will want to see the proposals watered down further still before any vote is taken.

## Poor enforcement by local authorities exposed

*Enforcement of workplace safety by local authorities is erratic, and in some cases non-existent. That's the conclusion of Safety Lottery, a report for public sector union Unison by the Centre for Corporate Accountability (CCA). The report shows how the level of enforcement of health and safety depends on where you work.*

Local authority environmental health departments are responsible for safety law in a far greater number of workplaces than the HSE. London authorities just aren't employing enough

officers to do the job. Lambeth, Lewisham and Hillingdon are in the lowest ten authorities for the number of officers enforcing safety law. No London authority comes in the top ten. Hillingdon and Lewisham have less than one enforcement officer working on safety.

Redbridge is the second worst nationally for visits to premises and third lowest in visiting larger premises such as warehouses, wholesalers and fuel depots. Figures for inspections of premises put Lewisham, Redbridge and Lambeth in the bottom ten nationally, with Lambeth making none at all.

Bromley did well in investigating all of its 174 RIDDOR reportable injuries.

Hounslow only investigated 10%, Bexley 6%, Waltham Forest 5% and Westminster 3%.

The CCA findings substantiate comments by Bill Callaghan, chair of the Health and Safety Commission. Speaking at local government conferences this year, Callaghan called on local authorities to allocate adequate resources for safety law enforcement.

*Safety Lottery is online at [www.corporateaccountability.org](http://www.corporateaccountability.org) Centre for Corporate Accountability, 020 7490 4494, 197/199 City Road, EC1V 1JN.*

# Hazards Conference livens up London

*Over 500 safety reps and campaigners gathered at the London School of Economics over a weekend in September to participate in the 14th National Hazards Conference.*

The conference opened with a meeting on Asbestos – the global killer. Activists from the UK and Japan spoke of how the industry has affected their communities and other communities around the globe. There were poster and photo displays from Glasgow, Liverpool, London, Japan and Southern Africa. The meeting called for a global ban on asbestos, full controls on the asbestos legacy in our buildings and proper, quick compensation, benefits and medical help for asbestos disease victims.

Saturday opened with a session where Ann Jones, whose son Simon was killed at work, and Dave Joyce, newly elected National Health and Safety Officer of the Communication Workers Union, called on the government to act on corporate manslaughter and other key issues. In the afternoon there were information meetings on workers' rights, privatisation, the environment and casualisation.



**Asbestos was a major conference concern. Clydeside has one of the longest-established action groups, thanks to the lavish use of asbestos in the shipyards.**

Workshops kept everyone busy for the rest of the day and first thing Sunday morning. Topics included stress, smoking at work, transport, lone working, chemicals, fire safety, etc.

International solidarity was the opening theme on Sunday with information about the murders of trade unionists in Colombia from Miguel Puerto, Colombian human rights lawyer, of the International Centre for Trade Union Rights (ICTUR).

This was followed by a debate about what needs to be done to make workplaces and the environment safer. There were again calls for the government to act on promises regarding corporate manslaughter legislation and improving workers' rights.

*For information on Hazards Conference 2004 contact Greater Manchester Hazards Centre 0161-953 4037 gmhazards@hotmail.com*



**LHC's Mumtaz Mahmood co-organised and spoke at the session on Black and Minority Ethnic workers.**



**Rie Ikeda of the Ban Asbestos Network Japan (BANJAN) prepares their photo exhibition before speaking in the Asbestos – Global Killer meeting.**

# Bad safety managers can be sued

*Employers can now be sued in the civil courts if a worker suffers illness or injury as a result of a breach of The Management of Health and Safety at Work Regulations 1999 (MHSW) or The Fire Precautions (Workplace) Regulations 1997.*

The amendments, which became effective on 27 October, put right the failure of the UK government to properly transpose EU Directives in 1992 when they made UK law. The then government specifically excluded the right to use a failure to comply with the regulations, such as not doing a risk assessment, as evidence in a claim for compensation when someone is injured at work.

It took 11 years of campaigning by the Fire Brigades Union (FBU) to get these changes, culminating in a successful

challenge to the UK government in the European Court.

Other trade union and legal spokespersons have claimed that the amended regulations also open the possibility for unions to take injunctions against employers, halting work until a risk assessment has been done. This is not a universally held opinion and test cases may need to be taken to clarify the position.

The MHSW regulations lay down a system for managing health and safety including:

- ▲ risk assessment
- ▲ principles of prevention
- ▲ organisation, control, monitoring and review
- ▲ health surveillance
- ▲ health and safety assistance
- ▲ procedures for serious and imminent danger
- ▲ contact with external services
- ▲ information for employees

- ▲ health and safety training
- ▲ risk assessment in respect of new or expectant mothers
- ▲ co-ordination with other employers sharing the workplace
- ▲ agency, temporary and sub-contractors

Workers and their safety reps need to be aware that they too can be sued if the employer can prove a civil injury as a result of a worker failing to follow health and safety instructions or training.

*LHC factsheet: Management of health and safety at work regulations. From [www.lhc.org.uk](http://www.lhc.org.uk) or the LHC advice line.*

*The Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations 2003. SI 2003 No. 2457. Free at [www.hmso.gov.uk](http://www.hmso.gov.uk) or can be ordered from TSO on 0870 600 5522*

## European Hazards Conference

The ninth European Work Hazards Network Conference took place in Elsinore, Denmark in September. 224 trade unionists, activists, academics and occupational health workers from 21 countries attended, hosted by the Danish network of unions, workers and activists known as the AAA.

In the past couple of years Denmark's right wing government has attacked health and safety at work and collective bargaining. Despite all this, Denmark is far more proactive in health and safety at work due to the potent role played by the unions and enforcement agencies. For most Danes, EU Directives would mean a plummet in their standards.

## Centre core funding secured

After many months of uncertainty and delays, the Association of London Government has agreed to fund the Centre for three more years. The Centre was one of many London organisations plunged into serious difficulties by the ALG's decision to completely overhaul its funding strategy and practice.

The whole process has used a lot of our workers' time and our services have suffered as a result. There was a long gap in our regular supporters' mailings over the summer, though many of you will have been contacted about the funding situation.

Many of our supporters contacted local councillors to back the Centre. We are convinced your pressure made all the difference and would like to thank everyone who took action.

## Workers' Memorial Day 2004



Now is the time to start thinking about how you can use the next Workers' Memorial Day to highlight health and safety in your locality or your industry.

*Contact LHC for factsheet on organising a campaigning event*

## Project will support 300 BME groups



*Volunteers from Islington Chinese Association attended a health & safety training session with Cantonese interpretation by Yvonne Chui of ICA.*

The Centre's Black and Minority Ethnic (BME) Project has now trained 300 BME voluntary organisations Londonwide, and has completed its second year. Over the last few months training has taken place in Barking and Dagenham, Barnet, Croydon, Enfield, Harrow and Hackney. Guest speakers have included Environmental Health Officers Stephen Tribbick and Terry Vaughan, London Fire Brigade Officers Bruno Bruniges, Tony Drake and David Taylor, and trade union specialists Terry White of TGWU and Vincent Borg of UNISON.

The project began its third year at the beginning of October. During this year, we will support groups to develop their health and safety management on the basis of their training. Already Brent Homestart, Confederation of Indian Organisations UK, Enfield Women's Centre and Islington Chinese Association have taken advantage of this service. If your group has taken part in the project and wants practical support, contact Angie or Mumtaz on 020 7794 5999.

### London Hazards Centre AGM

**Wednesday 26th November, 6.30 Friends' Meeting House, Euston Road**

Speakers	Dave Joyce	CWU National Safety Adviser
	Helen Lynn	Women's Environmental Network
	Alex Gordon	RMT National Executive Committee

All welcome — please let us know in advance if possible

**USING THE CENTRE**

### Training

#### COURSE PROGRAMME

The Centre runs one-day courses aimed at trade union safety representatives and voluntary/public sector organisations.

Courses cost £40 per person and are held at Islington Voluntary Action Council which is fully accessible. Our winter programme includes:

- ▲ **Introduction to risk assessment**  
Thursday 19 February 2004
- ▲ **Women's health and safety at work**  
Tuesday 9 December 2003  
Tuesday 20 January 2004
- ▲ **Asbestos awareness at work**  
Tuesday 23 March 2004

Details and booking forms at [www.lhc.org.uk](http://www.lhc.org.uk) or from the centre advice line 020 7794 5999.

#### COURSES TO ORDER

We run tailor made courses on a range of health and safety topics for unions, charities, community groups and councils. Contact us to discuss training for your organisation or workplace.

### London Hazards Advice Line

Free advice and support for Londoners on health and safety at work and in the community. We aim especially to work with local groups such as tenants/residents organisations, black and minority ethnic networks, union branches, etc. We'll provide the level of support you need, from a single phone call to long-term support for a local campaign.

**020 7794 5999**  
**Mon, Tues, Thurs, Fri,**  
**10-12 and 2-5**