

NO. 79 NOV 2003

THE

News from the London Hazards Centre | www.lhc.org.uk

Daily Hazard

ISSN 0269-2279

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
	LONDON TOTAL	437,494	24.61
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 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.

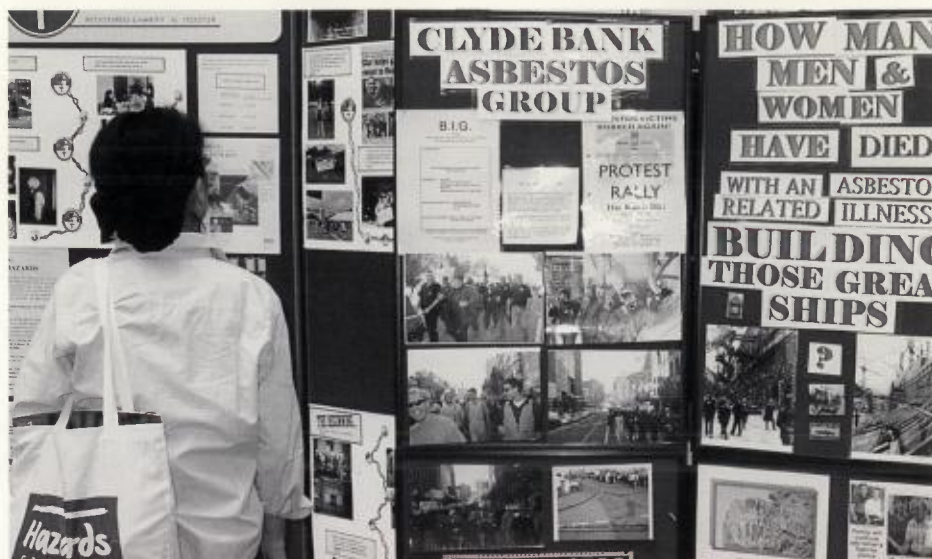
Safety Lottery is online at www.corporateaccountability.org Centre for Corporate Accountability, 020 7490 4494, 197/199 City Road, EC1V 1JN.

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 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 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 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**

Noise at work

Over 2 million UK workers are at risk from excessive noise (HSE estimate). The dangers are clear in industries such as mining, tunnelling, quarrying, heavy engineering, iron and steel production, textiles, and driving heavy vehicles. But noise is also a hazard for white-collar workers such as office workers and teachers, and in the service and entertainment industry.

New EU standards

Since 1989, UK noise regulation has been based on European standards, watered down as much as the UK could manage.

Under a 2003 European Union directive, these laws must be replaced by the start of 2006 with upgraded regulations. The leisure industry, which tried for exemption from the improved standards, will have until the end of 2007 to comply.

The new directive

- ▲ reduces action levels by 5 decibels, or 75 per cent
- ▲ emphasises that substitution and control come before protective equipment
- ▲ introduces an exposure limit

Where new equipment or work systems are brought in during 2003–2005, it will make sense to meet the new standards. Workplaces should be planning now to comply with the new requirements since they may call for major new mechanical noise control measures.

Noise damage

Permanent hearing damage is first noticeable around frequencies of 4000 Hz (high-pitched speech) and gradually spreads to other frequencies. Both ears are affected roughly equally. Dizziness or

loss of balance, and ringing in the ears, can also occur.

Noise can be a stressor causing loss of concentration, fatigue, tension, and irritability. There is suspicion that it can cause raised blood pressure and hormonal and immune system problems. There is some evidence that noise exposure during pregnancy may lead to low birth weight or damage a baby's hearing.

Vibration, exposure to some chemicals and drugs can reinforce the damaging effect of noise. Some drugs (including aspirin) and other chemicals can affect hearing directly.

Factors in noise damage

Intensity (loudness or level) results from the sound pressure of vibrations. The sound pressure is measured in A-weighted decibels (dBA). A-weighting adjusts for the human ear's varying sensitivity to different frequencies. The decibel scale is logarithmic, so every 3 dBA doubles the noise and every 10 dBA means a ten-fold increase: 90 dBA is 10 times louder than 80 dBA, and 100 dBA is 100 times louder. Speech is about 50 dBA. The noise level in factories averages 80–100 dBA. Jet engines run at about 130–140 dBA.

Frequency The human ear can hear frequencies between 16 Hertz (Hz) and 20,000 Hz. Speech frequencies are 250–4000 Hz. High frequency sounds are the more dangerous.

Duration Longer exposure increases the damage.

Nature Noise can be stable, fluctuating or intermittent. Impulsive noise (such as hammering) is particularly harmful.

Damage begins at or before 80dBA. After exposure to 85dBA for 8 hours a day for 15 years, 5 per cent of workers will show hearing loss. The same length exposure to 90dBA will damage 14 per cent of workers; and to 95 dBA, 24 per cent of workers.

The law

The Noise at Work Regulations 1989 say employers must reduce the risk of hearing damage to the lowest level reasonably practicable and maintain all equipment. The Regulations set two action levels, at 85 and 90 dBA.

First Action Level: 85 dBA (2006: 80dBA)

Employers must:

- ▲ assess noise exposure from processes and maintain records
- ▲ provide information, instruction and training for workers
- ▲ use noise reduction equipment supplied by manufacturers
- ▲ advise workers that they are entitled to ear protectors
- ▲ provide these to workers who ask for them and ensure they are maintained and repaired.

Workers are not obliged to use ear protectors at this level but must use other protective equipment supplied and report defects in equipment. Manufacturers and suppliers of equipment must supply information on the noise likely to be generated.

Second Action Level: 90 dBA (2006: 85 dBA)

Employers must:

- ▲ reduce exposure to noise by means other than ear protectors
- ▲ mark ear protection zones
- ▲ provide ear protectors to all exposed persons and ensure they are used in ear protection zones.

Employees must use ear protectors which have been provided.

Exposure Limit

Currently there is no exposure limit. From 2006 the exposure limit will be 87dBA. This will be the maximum permissible exposure measured inside any protective equipment.

Holes in the regulations

The current regulations have serious flaws:

- ▲ the 85dBA Action Level places very weak obligations on employers, despite clear evidence that 85 dBA causes permanent damage
- ▲ they omit the Directive's requirement for a programme of technical and work organisation measures to reduce exposure
- ▲ they frequently dilute requirements with the phrase 'as far as reasonably practicable'

The first two points are improved in the 2006 standards, which clearly state that protective equipment is a last resort and prioritise substitution and control measures.

Since April 1999 there has been only one successful prosecution under the Regulations, a Lancashire farmer who was fined £240.

Union action: substitution and control

Union representatives should develop an action programme aiming for substitution and control of noisy machines and processes:

- ▲ replace the machine or process by a quieter one
- ▲ reduce the noise by fitting silencers, dampening vibration, improving lubrication, minimising metal to metal contact
- ▲ maintain bearings, gears, lubrication
- ▲ block the noise path or insulate the machine or building
- ▲ move the machine or process away from people or vice versa

- ▲ limit the length of exposure
- ▲ reduce the number of people exposed
- ▲ ensure new machinery is properly designed to reduce noise – set a limit of 75 dBA for new machines

Ear protectors should only be used as a temporary measure until noise is removed, reduced or isolated, because:

- ▲ they interfere with communication and isolate the wearer
- ▲ they place the onus for safety on the worker rather than the employer
- ▲ they can lead to complacency about the noise problem
- ▲ they can easily be damaged or deteriorate
- ▲ expertise is needed in their correct choice, use and maintenance

Using surveys

Union representatives should demand that their management surveys all suspect areas and provides the results to the

union. Surveys should be carried out in typical conditions, with all noisy processes in operation and with as few people present as possible as the human body is a great noise absorber.

It's not hard to do a simple noise survey if you need to demonstrate the hazard. You can use a hand held noise survey meter, preferably an integrating type which can show average levels, or a personal dosimeter. Depending on the situation, you may want to survey:

- ▲ daily personal exposure (intensity and duration)
- ▲ average noise intensity
- ▲ peak intensity.

Instruments must be checked for correct measurement every time they are used, and they should come with a simple calibrator which does this. They must meet British Standards 6402 (dosimeters), 5969 (peak levels), BS 6698 (integrating) or 5969 (simple sound level).

Find out more

Official guidance: *Reducing noise at work: guidance on the Noise at Work Regulations 1989*. HSE, 1998. HSE series no L108. ISBN 0717615111. £9.75

Official advice: *Noise at work: advice for employers*. HSE series no INDG362. There are also HSE leaflets on noise in construction, engineering, power presses, woodworking machinery, industrial saws, paper mills, punch presses. Single copies free from HSE Books 01787-881165; many can be downloaded from www.hsebooks.co.uk.

EU directive 2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise). Official Journal of the EU no L42, 15 February 2003, p38-44; online at europa.eu.int.

London Hazards Centre Factsheets are available online at www.lhc.org.uk
London Hazards Centre Advice Line 020 7794 5999



Hampstead Town Hall Centre
213 Haverstock Hill, London NW3 4QP
Tel: 020 7794 5999 Fax: 020 7794 4702
Email: mail@lhc.org.uk Website: www.lhc.org.uk
Registered Charity No. 293677



Funded by

