

## Safety reps and terrorism



PIC: LONDON HAZARDS CENTRE

*While London gathered itself after a morning of bombings, and then another of attempted bombings two weeks later, workers had to come to terms with the realities of how their world had changed.*

Many of those directly affected were public sector workers who were at work providing a service at the time the bombs went off. Those such as underground station staff, tube drivers and bus drivers.

Many more public sector workers became involved after the bombs exploded. Workers such as those in the fire, ambulance and police services, hospital workers, local authority emergency planners or those working in the Mayor's office or Transport for London.

One thing those workers had in common is that it is more than likely they were and are represented by trade union safety representatives. And those safety

representatives have now been put in position of negotiating for their members safety in case terror revisits London.

But those safety representatives have not been negotiating just for their union's members. They have been negotiating for all their fellow workers, plus all of the general public who might be affected if similar circumstances arise again. This is possible because there is a greater density of representation by unions and safety reps in the public sector.

### Who else benefits?

There are very many thousands of private sector workers who will benefit from these on-going negotiations. Many thousands of tourists and visitors will also benefit. Most of them will never know that a union trained safety rep will have negotiated revised safe systems of work that could, should terror return, save lives or prevent the loss of further lives. And it is not just in London, as other cities realise

they are potential targets. Safety reps around the country are involved in these negotiations.

### Representation

And what is the key job of a safety rep? To put the views of the people at work they represent to their employer on how to prevent or limit the potential for harm arising out of any reasonable circumstance at their workplace. They are the way that people at work can formally give their employer their wealth of experience of doing their job in the light of making it healthier and safer.

Safety reps are volunteers doing a difficult job, sometimes with no thanks at all.

It is the view of the London Hazards Centre that safety reps are un-sung heroes in our workplaces and their job has just become much more serious. They deserve our thanks and support.

# Unions safety call following bombings

*Following the attacks on London's transport system on the 7th and 21st July several unions have been negotiating with Transport for London (TfL) and others over the safety issues that have arisen.*

While London's Mayor, Ken Livingstone, praised the way emergency procedures worked on the days concerned, saying previous practice exercises had served London well, concerns have been raised about several key issues. However, everyone, politicians, employers, union organisers and members of the public praised the work of the emergency services and transport workers on the way they coped, especially on the 7th when they had to deal with carnage and chaos.

There was no more moving moment than when George Psaradakis, the driver of the number 30 bus that was bombed said just before the national two minutes silence on the 14th July: 'A week ago I took my number 30 bus out from here on a journey that turned into a nightmare. What happened to my passengers and to passers-by that day was truly dreadful. I did what I could to help them.' He also said: 'It is good to have my union, the Transport and General Workers Union, alongside me and my family as they have been all the way through our ordeal.'

A key issue that has been raised is that of the operation of the underground, railway and bus system when detail of an attack is known. The initial attack on the 7th was not a singular one but in several places, three on the underground and one on a bus. The debate that followed was what to do if in future one device was found or exploded? Should the whole transport network be closed down and evacuated or not?

Initially there seems to have been agreement that the underground at least should be stopped and evacuated if there was a transport incident in future. Unions were angry when this did not happen following the failed, second attacks. They also complained managers on the service took it upon themselves to push staff into



*George Psaradakis, driver of the number 30 bus that was bombed, with colleagues.*

keeping the trains running, against previous agreements.

Bob Crow of RMT said: 'When yesterday's attacks happened we expected the network to be closed down and re-opened once it was deemed safe, as it was two weeks ago, but our members were put under enormous pressure to continue as normal when it was still far from clear what was happening. We have made it clear that any of our members who refuse to work in such circumstances on safety grounds will have the complete support of the union.'

After consulting with busworkers following the bombings, representatives from the Transport and General Workers Union (TGWU) met with Ken Livingstone. They were reassured about on board bus security, including CCTV and bus radios, as well as company security at garages and liaison with local police. On network operations they discussed radio communications between bus garages, TfL and the police.

Rail and underground unions have produced their own lists of demands and taken these to the Mayor, TfL and the Train Operating Companies (TOCs). The RMT who represent the majority of underground workers were very unhappy

with the results of the first meeting with threats of a ballot for industrial action unless progress was made. This threat receded following a second meeting of which RMT's general secretary Bob Crow said: 'progress was made on the serious issues that confront us.'

RMT said it had been trying to negotiate many of the issues since the attacks on New York in 2001. One of its main concerns was the possibility of a reduction in the numbers of station staff, particularly a weakening of the minimum safety standards for sub-surface stations brought in after the Kings Cross Fire. Another key RMT concern is the return of guards on all trains, an issue they have campaigned for since their removal many years ago and one that would be popular with much of the transport using public, especially women. Amber Alert procedures were called into question when the network didn't close down as expected. They called for dedicated gateline staff on all station gatelines and plans to monitor them remotely dropped. Training of supervisors of staff and the provision of emergency equipment, including breathing apparatus as well as a reduction in the numbers of agency staff were all highlighted. They called for an



investigation into the possibility of strengthening driver cab bulkheads. They called for trains without operating radios to be removed from service and a review of the HOT procedure (Hidden, Obvious and Typical) where suspect packages are discovered.

After the second meeting with the Mayor, RMT were reassured there would be no reduction in staffing levels or fire safety provisions. Trains without operating radios would be taken out of service and the suspect packages procedure (HOT procedure) was to be reviewed. The other areas of concern were for further debate. RMT said it had again told those present they fully supported their members who might refuse to work if they felt it was unsafe and would not tolerate disciplinary action being taken by their employers against them.

The issue of re-instating guards moved no closer to resolution as the Mayor in particular felt other more professional security staff such as police should be employed.

ASLEF who represent train drivers on the railway as well as on the underground have been involved in the negotiations. General Secretary Keith Norman said: 'It is better to be a delayed passenger than a dead passenger. Some elements of management and the media had the gall to criticise London Underground drivers for being reluctant to take out trains when the extent of the attacks remained unknown. On the contrary, I applaud them for it. If any ASLEF driver says it is not safe for a train to run, we will back that member in their decision up to the hilt.'

While ASLEF agree with many of the issues raised by RMT they are not

insisting on the re-instatement of guards. They are particularly concerned that everyone agrees and operates the Amber Alert and the HOT procedures in the same way. They are also concerned about the number of stations that operate without staff.

Objections and concerns have also been raised about the operation of the police during the incident where an innocent man, wrongly suspected of being a terrorist, was shot and killed on a train in the platform of Stockwell Station. The train driver, who was an ASLEF member, was confronted by a police officer who threatened him with a loaded gun to his face. ASLEF said this was because of a lack of clear codes of practices and their implementation.

## Cape's asbestos compensation fund

*All asbestos companies and their insurers have a history of wriggling out of their liabilities. Despite the occasional headline grabbing high compensation settlement, most regularly get away with cheating those they poisoned.*

Since the London Hazards Centre and UNISON started holding regular drop in sessions in Barking and Dagenham, a number of local people have contacted us who probably will not get compensation for their asbestos disease because of the legal hurdles that have to be overcome. Others who have contacted us are those who will only get the very limited lump sum available from the state scheme.

This includes widows whose husbands or partners have died of the asbestos cancer mesothelioma, but who worked in construction, have a complex work history (only in terms of employers – straightforward in another sense – for example, someone who was: 'a painter and decorator all his life'). It includes women with pleural plaques whose

fathers worked at the Cape asbestos factory in Barking, who went to children's Christmas parties inside the factory, and who also lived near the factory in Hart's Lane. It includes former workers, now pensioners, keen to get involved in the group because: 'my father worked there and he died a terrible death. But they just gave us a few quid.... because that's how it was then. So I would like to get involved for his sake.' Many of those who have contacted us have seen several family members die from asbestos over the years.

Cape has recently announced their intention to set up a £40million ring-fenced asbestos fund to cover future asbestos claims against the company. This seems like an attempt to make the company look good to shareholders, but it does not mean they will actually be good.

Cape's chairman Martin May said in June, shortly after the announcement: 'We believe that, if accepted, these proposals should enable all Scheme (asbestos) claims to be settled. This provides significant de-risking for Cape, removes a significant obstacle to the

Groups growth and leaves the Group better able to generate the resources needed to secure the continued payment of compensation to claimants.'

Asbestos experts around the UK are concerned the Scheme will not adequately cover future claims and that it is being rushed through without adequate consultation with the UK victim groups. Voting on setting up the Scheme is set to be in October. Cape says the ring fenced fund will protect compensation claims against the company becoming insolvent but Cape's track record with claimants in South Africa is not good and the asbestos groups may challenge this Scheme.

But the backdrop is the insolvency of Chester Street Insurance Holdings Ltd and Builders Accident Insurance Ltd; the T&N take over by United States giant corporation Federal Mogul which it put into administration (Chapter 11 bankruptcy) with all current claims in limbo, and the recent attempt by Australian asbestos manufacturer James Hardie to dodge claims against them

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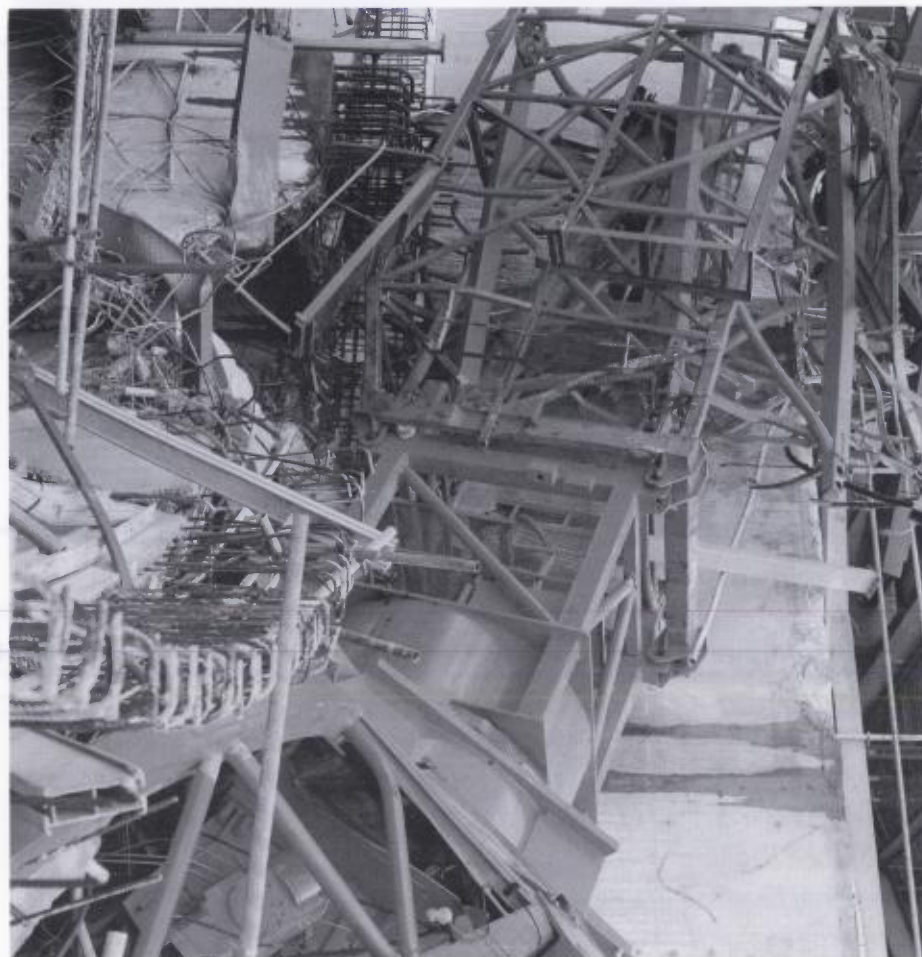


# Three deaths – but no charges

*The construction of the massive HSBC twin towers in Canary Wharf, claimed three workers lives, all killed when a Wolff 320 BF tower crane snapped and plunged nearly 500 feet on Sunday 21st May 2000. The dead were Peter Clark, 33, from Southwark, Martin Burgess, 31, from Castleford, West Yorkshire and Michael Whittard, 39 from Leeds. Another three workers were seriously injured.*

The inquest into the three deaths, in November 2003 almost two and a half years after they occurred, returned an open verdict, despite the fact that HSE reported 'several unsatisfactory aspects to the arrangements for tower crane climbing,' according to their detailed final report on the matter. These unsatisfactory aspects include:

- ▲ Not following the manufacturers instructions about balancing the crane before climbing.



PIC: HSE

- ▲ Not using special arrangements for supplying power to the hydraulic motor, so the crane could be slewed as happened in a 1989 San Francisco tower crane collapse, the only previous accident of this type. However, the wrecked Canary Wharf crane was not slewed, so this cause was ruled out.
- ▲ The crane was not fitted with an anemometer – a device to measure wind speed. The company relied on information about wind speed from drivers of neighbouring cranes, despite the fact that it is well known that at height, around high rise buildings, localised forces can be complex, and the wind speed could have exceeded the maximum permitted level.
- ▲ Working in excess of 100 hours a week.
- ▲ Not planning (that is risk assessment and control measures) specific climbs adequately.
- ▲ Not providing formal training to crane erectors about risks.
- ▲ The overall monitoring and supervision of climbing by senior management was 'insufficient'.

Now, HSE say they will not prosecute Hewden Tower Cranes Ltd, the employers, for any of this because criminal charges relating to the three deaths do not have a realistic prospect of conviction because of insufficient evidence. They say:

'In respect of more 'technical' breaches of health and safety legislation HSE has concluded that it is not in the public interest to proceed with criminal charges that are not linked to the collapse of the crane and the three deaths.'

Although survivors said that there was a slight bow in the climbing frame, and the report says 'HSE cannot rule out the possibility of a pre-existing defect, as any such defect might have been obscured by the damage caused when the climbing frame struck the ground.'

The only penalty brought against Hewden for all of the above is that in June 2000 HSE served an enforcement notice ordering examination by a competent person of all their Wolffkran external climbing equipment. All construction companies were subsequently asked to examine all cranes because they realised that failing to carry out the required examinations was commonplace.

What else is being done to prevent such deaths in the future? A discussion document on cranes went out in 2003 and guidance on tower crane stability is to be looked at by construction researchers. The (voluntary) CITB crane erectors course and manufacturers courses are expected to make a significant difference.



PIC: HSE

*Continued from page 3*

by setting up shop in Holland, means everyone knows claimants against Cape are dealing with the same type of beast.

Laurie Kazan-Allen, co-ordinator of the of the international BAN Asbestos Network, describes the way Cape let down the South African miners and their families in the latest edition of British Asbestos Newsletter.

In July 1998, five South African asbestos disease victims of British multinational Cape plc were given permission by the Court of Appeal to bring their case in England. By January 1999, 2,000 others had also begun court action in Britain. The increase in numbers led to all cases being

halted, including the original five, on the basis that the case had a stronger connection with South Africa than England. This decision was confirmed by the Court of Appeal but reversed in July 2000 by a unanimous House of Lords decision which held that all of the cases should be heard in Britain. A group action began in London and a judge was put in charge of managing the case. The numbers grew to 7,300 by the time the case settled in December 2001 following protracted negotiations between the asbestos victims' lawyers and Cape.

On 21 December 2001 Mr Justice Wright stayed proceedings in the London High Court on the understanding that a

settlement had been agreed in which Cape would pay £21m over a 10 year period to South African claimants.

The original 30 June 2002 deadline for the payment of an £11m lump sum was not met; neither was the next deadline August 20 2002. Cape executives said that the company was now unable to fund the settlement and warned that pressure from the Claimants could send the company into bankruptcy. It was a further seven months before any money was paid over and by then Cape had managed to reduce its contribution to the Claimants from £21m to £7.5m.

Because of concerns that the company's threats of bankruptcy were

legitimate, the Legal Services Commission who had funded the claim up to that point were unwilling to re-instate funding to continue the litigation against Cape and so the settlement was accepted on the basis that it was the best that could be achieved in the circumstances. The £13.5m shortfall meant that no funds were held in reserve for future asbestos claimants.

The British Asbestos Newsletter No. 59 gives a more detailed critical analysis of the scheme being proposed by Cape than we have space for. The full article Cape Asbestos Fund: Serious Proposal or Corporate Scam? Can be seen at:

- ▲ [www.lkaz.demon.co.uk](http://www.lkaz.demon.co.uk)

## BAD asbestos PUBLIC MEETING

*To discuss the latest developments with the Cape proposal and the next steps to develop the Barking and Dagenham Asbestos group.*

**Wednesday 21st September 2005**

3pm–5pm Council Chamber Barking Town Hall

with Margaret Hodge, MP for Barking,  
plus Cape victims and legal experts

All welcome. [www.badasbestos.org.uk](http://www.badasbestos.org.uk)



## Refugee and Migrant Workers' Project

Mike Merritt at London Hazards Centre (LHC) will be taking the lead on the Refugee and Migrant Workers Project (LHC RAM project) which LHC is initiating this Autumn.

After fleeing violence or extreme poverty in their home countries, being exploited by gangsters on route and arriving here penniless, we welcome many refugee and migrant workers to the UK with low paid and dangerous work that last year resulted in the deaths of 35 of them.

Our objectives in the first year of this focused project are modest. With trade union branches, refugee organisations and other voluntary sector groups we will contact as many RAM workers (and those seeking work) as we can. We will be prioritising workers in low paid, insecure and hazardous jobs.

Once we are in touch with the members of the project's client group we

will be providing them with information about the hazards to their health associated with their work, what legal standards apply and how to secure their working rights. We will do this via advice sessions, meetings, briefings and training; all backed by appropriate written information.

In the first year we will try to establish a project steering group from among RAM workers so that the workers themselves are able to influence the development of the project.

The City Parochial Foundation has funded us to do this work for a year. LHC hopes to be able to continue this work after that period by building up sufficient money (or promises of money) in the next 12 months to do this.

For further information contact Mike Merritt on [mike@lhc.org.uk](mailto:mike@lhc.org.uk) or 020 7794 5999.

## AGM 2005

The London Hazards Centre will hold its AGM on the evening of 23rd November 2005. Only delegates of organisations that are Members are able to participate in the election of the Management Council but all are welcome to the event, which starts at 6pm, central venue to be announced.

**For further information please call the Centre: 020 7794 5999**

## Call our telephone advice line – it's free !

The London Hazards Centre operates a free telephone advice line for Londoners, which is there to help people at work, at home and in the community with health and safety issues. We are funded to provide Londoners who can't afford to pay for professional advice and help with our free service. The Centre strives to ensure the advice we give is of a very high standard and is in language that lay people can understand. Because we are grant funded this means we can give

information that is free from the influence of business etc.

We try to give honest, health based advice that takes into account current medical opinion and trends in concerns. The Centre has been at the cutting edge of advice on vast ranges of topics that are considered day-to-day now such as repetition strain injury (RSI), sick building syndrome, asbestos, computer based work, chemicals and pesticides at work and in the home, stress and many more.

TRAINING

### COURSE PROGRAMME

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

Courses cost £55 per person and are held at the Red Cross building near the Angel, Islington which is fully accessible.

Our training is activity based and the timetable is from 10am to 4pm.

Our Autumn programme includes:

▲ **Introduction to Risk Assessment**  
Thursday 29th September 2005

▲ **Health and safety for people working with children**  
Thursday 27th October 2005

▲ **Introduction to Fire Risk Assessments**  
Thursday 24th November 2005

▲ **Introduction to Workplace Health and Safety**  
Thursday 26th January 2006

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.

If your organisation needs regular health and safety support we have an annual subscription scheme that provides a discounted daily fee for scheme members.

So if you have a health and safety problem and need some advice – give us a call.

**London Hazards Centre free telephone advice line: 020 7794 5999.**



# Control of Vibration at Work Regulations 2005

*This factsheet covers the key points of the Control of Vibration at Work Regulations. Much more detail can be sought from the references at the bottom of this sheet.*

The Regulations, which came into force in July 2005, are designed to protect the five million workers who are regularly exposed to vibration at work in the UK. According to HSE, 'two million of these workers are exposed to levels of vibration where there are clear risks of developing disease.' Each year, approximately 3,000 new claims for Industrial Injury Disability Benefit are made for vibration white finger and vibration related carpal tunnel syndrome.

The regulations cover hand and arm vibration, HAV, and whole body vibration, WBV. The differences between HAV and WBV, both in terms of cause and affect, are distinct and these differences are reflected in both the regulations and the accompanying guidance literature published by HSE.

## Hand Arm Vibration (HAV)

HAV is usually caused by machining operations where vibration is transmitted directly into the hand and arm by the work activity. This can be caused by fixed machinery, such as a pedestal grinder, where the work piece is held against an abrasive wheel or, as is more commonly the case, through the use of a range of hand operated power tools which transmit vibration into the hand and arm during use. Exposure to HAV frequently results in a range of health effects collectively known as Hand-Arm Vibration Syndrome or HAVS. The most well known health effect is vibration white finger, VWF, but other effects include damage to sensory nerves, muscles and joints in the hands and arms. In some people symptoms

may appear in a few months, in others it may take a few years. Once symptoms have started they will get worse and can become permanent.

HAV occurs in many industries, particularly where the use of power tools is extensive, e.g. construction/ demolition, mining, quarrying, forestry, shipbuilding/repair, motor vehicle manufacture and repair, foundries, public utilities (gas, electric, telecomms, water), railways and aircraft manufacture.

## Whole Body Vibration (WBV)

WBV is caused by vibration transmitted through the feet and/or seat and is a known cause of injury to the lower back. Workers exposed to WBV as well as other musculo-skeletal hazards such as frequent climbing into and jumping out of high cabs are at risk and older people are at particular risk.

The operators of agricultural and construction vehicles are routinely exposed to WBV hazards, as are the drivers and operators of vehicles which are not provided with suspension systems, such as fork lift trucks when driven or operated on uneven or rough surfaces. Some types of small rigid lorries and flat bed trucks are liable to excessive vibration, particularly when heavily loaded. Some items of static plant may also be a cause of WBV if powered by slow revving internal combustion engines.

The new regulations set daily exposure limits and action levels for HAV and WBV. The limits and levels are fundamental to the risk assessment process, the control measures and the health surveillance requirements.

## Vibration Measurements and Values

Vibration is not easy to measure and measurements must be carried out by a competent person using specialised

equipment. There will be some circumstances where the risk assessment will have to be made on the basis of an estimated level of vibration rather than an actual measurement. Vibration performance data, which must be provided by equipment manufacturers, (Supply of Machinery (Safety) Regulations 1992) can also be used as an element of the risk assessment process.

Throughout the regulations and the guidance documents the vibration action values and limits are expressed in amounts of acceleration. Acceleration is expressed as  $m/s^2$  (metres per second squared) and the exposure time is expressed as A(8) the time weighted average for 8 hours exposure.

## Regulation 4

### Exposure Action Value (EAV) and Exposure Limit Value (ELV)

The exposure action value, (EAV) is the daily amount of vibration exposure above which employers are required to take action to control exposure. The greater the exposure level the greater the risk and the more action will be required from the employer to reduce the risk.

For hand arm vibration the daily EAV is  $2.5 m/s^2$  and the daily ELV is  $5 m/s^2$  A(8). According to HSE this level 'represents a high risk above which employees should not be exposed'.

For whole body vibration the daily EAV is  $0.5 m/s^2$  A(8) and the daily ELV is  $0.5 m/s^2$  A(8),

### Exposure Limit Value, (ELV)

The exposure limit value (ELV) is the maximum amount of vibration an employee can be exposed to in any working day. The Exposure limit value for hand arm vibration is  $5 m/s^2$  A(8).

## Transitional Arrangements

Regulation 3 allows a five year transitional period for the application

of the limit values until 2010, limited to equipment in use before July 2007. Employers can exceed the ELV in this period so long as they comply with all other requirements and have taken all reasonably practicable actions to reduce exposure. For WBV, the period extends until 2014 for employers in agriculture and forestry. Safety reps should request the standards are met asap regardless of these exemptions.

## Regulation 5

### Risk Assessment

Employers must assess the vibration risk to employees arising out of the work activity. All work which causes exposure to vibration must be assessed, and all employees likely to be at risk must be identified.

## Regulation 6

### Programme of Control Measures

If those employees at risk are likely to be exposed above the EAV, the daily exposure action value, employers must take the following action:

- ▲ Eliminate the risk completely.
- ▲ Where the risk cannot be eliminated, reduce the risk to as low a level as is reasonably practicable.
- ▲ Provide health surveillance to those employees who continue to be regularly exposed above the daily exposure action value (EAV) or otherwise continue to be at risk.

If those employees identified as being at risk are likely to be exposed above the daily exposure limit value (ELV), employers must take immediate action to reduce their exposure below the daily exposure limit value, (ELV). This

requirement will include reducing the number of hours exposure to vibration in the working day where reduction cannot be achieved by any other means. Employees who have been diagnosed as suffering HAVS or who have complained of HAVS symptoms are at particular risk and exposure to further vibration should be avoided.

Employers must also:

- ▲ Provide information and training to exposed employees on the health risks and the measures being taken by the employer to control those risks.
- ▲ Consult the trade union safety representative, or representative of employee safety, regarding the proposals to control the risk and provision of health surveillance.
- ▲ Keep records of the risk assessment and control actions.
- ▲ Keep records of employees under health surveillance.
- ▲ Review and update risk assessments regularly.

## Regulation 7

### Health Surveillance

Health surveillance must be provided for all employees identified as being at risk of exposure above the EAV on a regular basis, or those who might be at risk for any other reason. This must be provided, irrespective of the actions the employer has taken to reduce the risk.

The purpose of health surveillance is to:

- ▲ Identify those at particular risk, e.g. suffering from blood circulatory diseases such as Raynauds's Disease.
- ▲ Identify vibration related disease at an early stage in workers regularly exposed to HAV.

- ▲ Avoid disease progression in workers already diagnosed with HAVS and prevent disability.
- ▲ Check effectiveness of vibration control measures.

Employers must take steps to establish an effective health surveillance programme in the workplace, which must include arrangements for participation and co-operation of employees.

According to HSE it is unlikely that a health surveillance programme will be considered as adequate if it does not include the services of an occupational health provider, a company occupational health physician or similar service.

Occupational health professionals, nurses and doctors, must be suitably qualified and experienced to both diagnose HAVS and also to advise on the fitness of individual employees for work which involves potential exposure to HAV.

The Faculty of Occupational Medicine has adopted a syllabus of training for both nurses and doctors involved in health surveillance, which leads to a Faculty qualification. This qualification is regarded as an indication of competency. Safety reps should make inquiries to ensure that the employers occupational health providers meet these requirements.

## Further reading

### *The Control of Vibration at Work Regulations 2005.*

- ▲ <http://www.opsi.gov.uk/si/si2005/20051093.htm>

### *HSE Website, Vibration.*

- ▲ <http://www.hse.gov.uk/vibration/>

Factsheets online [www.lhc.org.uk](http://www.lhc.org.uk) London advice 020 7794 5999



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