

## HSE cave in on enforcement database deletions

*Following complaints by the London Hazards Centre (LHC), the Health and Safety Executive (HSE) has reversed its policy of deleting records from its enforcement database (see "HSE wipe out history" Daily Hazard No.88).*

HSE had taken it upon themselves to remove records of successful prosecutions, improvement notices and prohibition notices from their on-line enforcement database when five years had passed from the date they occurred. There was no public debate about this decision which was brought to everyone's attention by Hazards magazine. Hazards argued that a complete database was necessary to identify serial long-term safety offenders, to track trends in offences and to monitor the effectiveness of HSE enforcement.

When some of the families of those killed at work that use the Centre found out about HSE's action they were astonished and very angry. Ann Elvin, whose son Paul was killed at work on Euston station, said: "It is bad enough that HSE's enforcement regime has been weakened, not strengthened, since my son's preventable death. But to wipe out the public records of crimes that lead to death, injury and disablement is a criminal act in itself."

LHC felt HSE's actions were wrong and could not see any logical reason for doing them, apart from HSE's and government's pro-business de-regulation drive, and so wrote to the HSE's new Chief Executive, Geoffrey Podger.

Initial reasons given to LHC by a member of HSE's litigation team in March 2006 were their need to be "fair" to companies and to protect their "civil rights". Their justification for this was the

Rehabilitation of Offenders Act 1974 which says that individuals convicted of an offence should be treated as re-habilitated persons and therefore HSE had to treat companies in the same way.

LHC felt this was HSE stretching the law to fit their own pro-business agenda by removing evidence of company criminality, sometimes repeated criminality, and so sought advice on this from the National Association of Probation Officers, NAPO, and the Public Law Project. Both organisations said HSE had misapplied the Act as it was never intended to relate to companies, only individuals, and their interpretation treated businesses safety crimes in lighter manner than if they had been committed by an individual covered by the Act.

In March 2006 LHC wrote jointly with the Centre for Corporate Accountability (CCA) to Geoffrey Podger setting out three pages of reasons why we thought their actions wrong, requesting further detail of why they had done what they had done and demanding they stop deleting records and re-instating those already deleted.

HSE had to have a long think about their actions and finally, in a letter dated 19.6.06, replied. Geoffrey Podger said: "The outcome of our consideration is that we will reinstate onto our website records of Health and Safety at Work Act offences which have been committed by companies at a distance of time of more than five years. We will create a special archive for this material and will need a few weeks for this."

The National Union of Journalists (NUJ) had passed a motion critical of the HSE on this issue at their annual conference in February 2006. Following the HSE's policy reversal, NUJ General Secretary Jeremy Dear said: "When NUJ members heard that some of the worst

corporate offenders were going to have their slates wiped clean in this way they were outraged and immediately started a campaign to reverse this misguided decision by the HSE. Now, after constant lobbying and powerful persuasion, the HSE has changed its mind and we will still be able to find out who the culprits are and keep a watchful eye on them."

LHC says HSE's actions were not just a bad interpretation of the law but were morally wrong and served no interest other than business and a government bent on letting business off the hook on issues of health and safety. LHC's actions were taken having spoken to the families of people killed at work who were outraged at what HSE had done. HSE must reverse its current de-regulatory drive which treats health and safety laws as advisory guides for employers actions and change it to treating the breaking of health and safety laws for what they really are – criminal acts that cause untold damage, pain and suffering to people at work, members of the public, their families and the environment.

### Resources

LHC "HSE wipe out history":

▲ [www.lhc.org.uk/members/pubs/newslet/88dha.htm](http://www.lhc.org.uk/members/pubs/newslet/88dha.htm)

Hazards "Total suck up":

▲ [www.hazards.org/totalsuckup/index.htm](http://www.hazards.org/totalsuckup/index.htm)

Centre for Corporate Accountability:

▲ [www.corporateaccountability.org](http://www.corporateaccountability.org)

Public Law Project:

▲ [www.publiclawproject.org.uk/](http://www.publiclawproject.org.uk/)

HSE's searchable enforcement databases:

▲ [www.hse.gov.uk/enforce/index.htm](http://www.hse.gov.uk/enforce/index.htm)



# Is Olympic site safety already signed away?

*The Olympic Delivery Authority (ODA), the body responsible for overseeing the London Olympics, has named four construction consortiums who will be allowed to bid for the job of building the project – and many of the partners involved have been in trouble with the Health and Safety Executive (HSE) over safety, either having been prosecuted or had notices served against them in the past five years.*

This is despite previous promises that firms with a poor safety record would not be allowed to work on public sector projects. This has been a long-standing demand of the Construction Safety

Campaign and is a key part of the Hazards Campaign's "Hazards Charter". In fact the Deputy PM, John Prescott, and Michael Meacher MP speaking for the government made promises this would become standard practice when they were involved with the "Revitalising health and safety" project. More recently on Workers Memorial Day, April 28th 2005, London's Mayor, Ken Livingstone said dangerous contractors would be thrown off Greater London Authority (GLA) contracts. This was echoed at this year's WMD event at the GLA, when an assembly member spoke about safety on the Olympics site.

Clearly no-one has dis-allowed some very poor performing companies from being able to bid for the work. Should any of them be successful in winning the tender it would be all be down to monitoring and enforcing a

strict safety regime on the project to protect worker safety.

## The shortlist for the project is:

**CLM** (CH2M Hill International, Laing O'Rourke and Mace)

**G3** (Amec, Balfour Beatty and Jacobs)

**Legacy** (Bovis Lend Lease, Capita Symonds and Kellogg Brown & Root).

**Bechtel**

## Their record on the HSE database:

**Laing O'Rourke:** Four HSE prosecutions. Seven enforcement notices. (NB Other Laing companies have entries).

**Amec:** Various AMEC companies have five prosecutions and 16 enforcement notices.

**Balfour Beatty:** Various Balfour Beatty companies have eight prosecutions and nine enforcement notices.

**Bovis:** Various Bovis companies have 29 enforcement notices.

**Bechtel:** One HSE prosecution.

## HSE Enforcement database:

▲ [www.hse.gov.uk/enforce/index.htm](http://www.hse.gov.uk/enforce/index.htm)

## Hazards Charter:

▲ [www.hazardscampaign.org.uk/charter/ch0.htm](http://www.hazardscampaign.org.uk/charter/ch0.htm)

# A chance to improve safety reps

*The Health and Safety Commission (HSC) has finally published a consultative document (CD) on improving worker involvement on health and safety (see below on how to get a copy).*

This document has taken an inordinate amount of time in finally being published yet it omits almost all the key issues that have been debated and demanded over the last 15 years, namely roving safety reps, PINs (Provisional Improvement Notices), the right to "stop the job" and protection from victimisation for reps raising safety issues at their workplace (see Hazards article below). Their omission is no surprise as the Chair of the HSC, Bill Callaghan, has repeatedly and openly expressed his opposition to giving

safety representatives stronger rights in law that they could use to protect people at work against the worst excesses of employers.

In an article in Hazards magazine (see below) Hugh Robertson, the TUC's safety chief, said of the CD: "What it proposes is extremely modest and limited. The proposals within the consultation would however make two major, and significant, changes to the safety reps regulations. The first of those would place a legal requirement on employers to consult safety reps on risk assessments. We know that in many cases this just does not happen. The second would place a requirement on employers to respond to representations made by safety reps. Both these proposals will be useful tools in a safety rep's armory and the TUC would welcome these changes."

The HSC held a series of public meetings in May and June to discuss the CD and its proposals.

At the London meeting Stuart Bristow of the HSE stressed they were not consulting on PINs, Stop The Job or Roving Safety Reps. However, responses to the CD could cover any issues people wishes to include and responses would not be restricted to the questionnaire associated with the CD. Those from the trade union side put forward a number of issues such as calling for the HSE to enforce the Safety Reps Regulations, for more rights and protection for safety reps, for all workers to have the right to be represented by a safety rep, to redefine consultation and involvement to balanced participation, a duty to respond to safety reps representations with enforcement and to strengthen paid time off facilities



# Family asks – are fines enough?

*Two construction firms were recently fined for breaches of safety laws that lead to the death of Jack Tangney. After the trial Anna Saunders, Jack's widow, said: "I'm not sure what to think about the fine. It doesn't bring a person back and it doesn't necessarily make someone change what they do."*

On August 6, 2002 Jack Tangney, 29, was working on the Albion Riverside development in Battersea. He was guiding a crane operator as they lifted a wooden shutter into place on the ninth floor, when one of the 3m pieces of timber being lifted struck a wall, broke in two and fell on him, killing him instantly. Jack, from West Brompton, London, was an experienced construction worker originally from New Zealand but he was unqualified to take on the role of "banksman" to guide the crane operator.

After pleading guilty to the charges at the Old Bailey, John Doyle Construction Limited, Mr Tangney's employer, was fined £200,000 for contravening section 2(1) of the Health and Safety at Work etc Act 1974 and £50,000 for contravening section 3(1) of the same Act. The main contractor on the job, Exterior International Plc, also pleaded guilty and were fined £100,000 for contravening section 3(1) of the Health and Safety at Work etc Act 1974.

Commenting on the case the judge said: "This dreadful accident was avoidable. Everybody knew or should have perceived the increased danger." Addressing Anna Saunders in court, he said: "No sum of money is capable of reflecting the loss of a human life. I hope it will be accepted that the court has done its best to educate responsible corporations with substantial financial penalties."

While the fines in this case are comparatively high (although not exceptional), they were the only option available to the judge as convictions under the Health and Safety at Work Act (HSW)

only allow for fines. The UK government has been under pressure to come up with meaningful laws that would allow for a prison sentence in circumstances such as those that saw Jack Tangney lose his life but they have so far failed to come up with them. The new corporate manslaughter law proposals will not allow for charges against individuals or prison sentences to be awarded. Changes to HSW allowing prison sentences have yet to be announced, despite many promises over the last ten years.

After the case, Emma Davies, the investigating officer for the Health and Safety Executive (HSE), said: "The risk of serious injury, or worse, from badly planned lifting operations is well known in the industry; as are the measures needed to manage them. Had these construction companies carried out an appropriate risk assessment, Mr Tangney would be alive today. This avoidable incident is an example of how badly things can go wrong when lifting operations are not planned or supervised properly."

## rights?

and paid time off for training rights.

Hugh Robertson said: "While the new rights would be welcome, they are only part of the package. We need proper enforcement, and we need HSE to genuinely promote the principles of the trade union model of workers involvement."

### Further information

Improving worker involvement – Improving health and safety. HSC DC207. Consultation ends 8.9.06.

▲ [www.hse.gov.uk/consult/condocs/cd07.htm](http://www.hse.gov.uk/consult/condocs/cd07.htm)

TUC tells the government it wants new rights for safety reps. Hazards magazine.

▲ [www.hazards.org/safetyreps/consult206.htm](http://www.hazards.org/safetyreps/consult206.htm)

## Fined for drilling accident

*Construction worker Mark Cousins from Bishops Witham, Essex, suffered major injuries when he became entangled in a lorry mounted rotating drill being used to dig a borehole at Ellenborough Table Tennis Club, Enfield on 29 March 2004. The drill was completely unguarded, the position of the controls placed him at particular danger and there was no suitable emergency stop device. Mark suffered horrific injuries as a result.*

Mark's employer, CET Group Ltd, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and was fined £20,000 and ordered to pay

costs of £30,000, at the City of London Magistrates Court in April.

Speaking after the case Sarah Snelling, HM Inspector of Health & Safety, said: "Accidents such as the one suffered by Mark Cousins are eminently foreseeable when using such large, dangerous pieces of machinery without the proper safeguards being in place. The need for proper risk assessment and the provision of effective guards or other protection devices are well known within this industry."

During this investigation HSE became aware that running this type of equipment dangerously unguarded was common practice and so they issued a warning to operators and those in close proximity of mobile drilling machinery, to adequately guard the rotating parts of drilling rigs.



# Asbestos: insults after injuries but PM promises to put some of it straight

*Two recent legal judgements in the House of Lords and the Court of Appeal have more than added insults to the injuries suffered by asbestos disease victims and their families. One decision was regarded as so wrong that Prime Minister, Tony Blair, has promised changes to the law to ensure mesothelioma (cancer caused by asbestos) victims were not short changed in the amount of compensation they should receive.*

In May the House of Lords decided that the widows of two men who died from mesothelioma were not entitled to full compensation because their husbands had worked for more than one employer and not all the employers or their insurers could be found. They ruled that in these circumstances they can only claim from those employers or insurers who could be traced, that the employers or insurers are only liable to pay their proportion of the total compensation awarded by the courts and not for the portion owed by other employers insurers. So if an asbestos disease victim was exposed to asbestos by five employers but only four of the employers or insurers can be found then the victim will only receive four fifths of the total compensation awarded, although there are other factors such as length of employment that can be used in the calculation.

The Lords decision now becomes the standard to be applied throughout the UK on all asbestos disease claims and can only be overturned by parliament passing a new law.

Speaking at the GMB conference in Blackpool, Tony Blair said: "I regret that judgement. I'm looking at the moment to see the best opportunity for us to change it. If we can change it, we will. I hope to announce something on this in a couple of weeks."

Corus UK Ltd were successful in denying mesothelioma widow Sylvia Barker compensation which had previously been awarded by a court for the death of her husband Vernon, a former employee at Shotton Steelworks in Deeside in the 1960s. Mary Murray, 84, from Sunderland, Tyne & Wear was the second claimant, claiming against British Shipbuilders, in these key cases.

This ruling has been widely condemned as punishing the victims of asbestos disease in a wrong-footed attempt to be fair to employers and insurers. Previously the situation was resolved with the compensation award being paid proportionately by all the employers or insurers that could be found, so the victim or their family would get the full amount awarded by the court.

The argument stems from the impossible problem of pinpointing which asbestos fibres caused an asbestos disease to develop years after exposure. Someone who only worked for one employer or who was only exposed to asbestos in one job should not be affected - as long as they can identify their employer and their insurers. People who have had periods of self employment or been self employed throughout their career will have even more difficulties.

The problem is made even more difficult by the fact there is no national record of which insurers had insured which companies at what time. This information is often impossible to find because the initial asbestos exposure relates to a date of sometimes over fifty years ago. Many victims and their families will now have to accept reduced compensation because of this problem. Asbestos campaigners have long been calling for a database of employers insurance records to be maintained. This was promised several years ago but has not yet materialised.

There have been swift moves in the Scottish Parliament to try and resolve this issue in favour of the victims and promises

have been made to try and sort this out in parliament for the rest of the UK.

In an announcement in June, Secretary of State for Constitutional Affairs, Lord Falconer, said: 'I intend to bring forward an amendment to the Compensation Bill to provide that in these cases negligent employers should be jointly and severally liable, so that the claimant can recover full compensation from any relevant employer. It would then be open to that employer to seek a contribution to the damages awarded from other negligent employers.'

TUC general secretary Brendan Barber said: 'The government is to be congratulated for acting to change the law so speedily in the wake of the Barker judgement. Had this decision been allowed to stand, the victims of this terrible disease and their families would have had to wait an intolerable amount of time for compensation, and would have only been eligible for a fraction of the compensation they should have received.'

In an earlier case in January, the Court of Appeal ruled that pleural plaques, a lung condition caused by asbestos exposure and potentially the biggest area for asbestos compensation claims, were not compensatable. This ruling overturned 20 years of case law which had allowed for pleural plaques compensation claims. The case was put by insurers that "inert" pleural plaques are not a health risk. This argument has been gaining ground, especially in the USA and now in the UK. However, while they are not considered to be of any real health risk, pleural plaques can affect lung function, calcified plaques can be quite painful and being diagnosed with them shows the person has been exposed to asbestos which is a warning of the possibility of other asbestos diseases later on.

Lawyers have started to appeal this decision in the House of Lords, although this process could take 18 months or longer.



# Stop deregulation – Workers Memorial Day, London 2006/05/17

*A series of activities organised by the Construction Safety Campaign (CSC) in London for Workers Memorial Day (WMD), April 28th, were supported by unions, campaigners and politicians alike. The focus was on asbestos, both nationally and internationally, and the UK government's de-regulation drive.*

The day started with a protest outside Canada House in Trafalgar Square against the Canadian government's continued promotion of killer asbestos around the globe. Similar events were held around the world outside Canadian embassies. The event was called for by the construction

union confederation, the Building and Wood Workers' International (BWI), organised by the CSC and supported by UK construction unions.

The next event was a protest march through south London supported by the CWU, UCATT, T&GWU, GMB, other unions and campaign groups. With banners flying, approximately 150 people marched from the Tate Modern to the headquarters of the Health and Safety Executive (HSE).

At the HSE the march was met by members of the union Prospect who work in the building. A minutes silence was held and speeches given damning the Health and Safety Commission (HSC) for moves to weaken the UK's asbestos laws and the government in their overall drive to weaken safety laws to save money and creating a more "business friendly" environment.

The march then carried on through the streets of south London to the Mayor of London's offices at the Greater London Authority (GLA) where there was a rally.

While the Mayor, Ken Livingstone, sent his apologies for not being able to attend, member of the London Assembly, Joanne McCartney, deputised for him and gave re-assurances about safety on the new Olympics site as well as the London Assembly's and Mayor's support for WMD. Jeremy Corbyn MP also spoke, calling for greater worker and union involvement in the issue of safety at work.

Tony O'Brien, National Secretary of the CSC, called for the GLA to honour its promises, particularly on those regarding the removal of unsafe firms from the Olympics site as well as repeating his general concerns over asbestos and de-regulation.



PICTURE: LONDON HAZARDS CENTRE

Joanne McCartney, London Assembly Member, speaking at the WMD rally outside the GLA HQ accompanied by Tony O'Brien, National Secretary CSC.

legislation requires them to eliminate, or reduce to a minimum, hazards to the health of employees by carrying out a "suitable and sufficient" risk assessment. These are:

- ▲ The Management of Health and Safety at Work Regulations 1999
- ▲ The Manual Handling Operations Regulations 1992
- ▲ The Health and Safety (Display Screen Equipment) Regulations 1992
- ▲ The Provision and Use of Work Equipment Regulations 1998
- ▲ The Workplace (Health, Safety and Welfare) Regulations 1992 as amended
- ▲ The Personal Protective Equipment at Work Regulations 1992
- ▲ The Control of Vibration at Work Regulations 2005

## Civil law

There have been many compensation cases over the years but the situation is still not clear cut. Approximately 2,500 claims for RSI are pursued each year but only a few go to court and this only represents a small proportion of the incidence of RSI.

The cases most likely to succeed are those in which there is a clearly diagnosed localised condition such as tenosynovitis. Cases of diffuse RSI remain difficult to prove but there are successes with this type of claim.

The Trade Union Congress (TUC) point out that most cases pursued by trade unions are settled out of court.

## State benefits

A limited number of RSI conditions can lead to payment of state benefits. For further information contact a local benefits office.

## Workplace action

Preventing employees developing RSI has to be every employer and safety reps priority. Employers are legally required to do a risk assessment and consult with safety reps by the Management Regulations and to act on their findings to reduce the risk of injury. Failure to prevent injury can result in the employer being sued for compensation.

When employees complain of RSI symptoms it is important to act swiftly.

Employers and safety reps should ensure employees report their symptoms:

- ▲ in the accident book or any other reporting system in place;
- ▲ to their supervisor so that work can be stopped if necessary, reassessed and preventive measures introduced by the employer;
- ▲ to their family doctor, relating them to their work and follow their doctor's advice, especially if rest is recommended as to continue working may compound the injury.

Improvements to work should be made. Where it applies, the Disability Discrimination Act (DDA) 1995 requires "reasonable adjustments" are made to help injured workers work, although this should be general practice by employers whether the DDA applies or not.

Alternative work should be made available where necessary to help prevent further injury. Advice on alternative work equipment that might help fulfil the "reasonable adjustments" requirement can be sought from the Dept. of Work and Pensions "Access to work" scheme.

If none of the above can be achieved then rest away from work may be the only solution. Dismissal of those injured should definitely not occur and could lead to the employer getting in trouble with the law, having to pay compensation. If all else fails and it is appropriate, early retirement on medical grounds may be in the employee's best interests and can be explored.

Safety reps should negotiate an RSI prevention policy covering the above.

## Further information

- 1) RSI Hazards Handbook (LHC) downloadable in full from [www.lhc.org.uk/members/bookind.htm](http://www.lhc.org.uk/members/bookind.htm)
- 2) Is ill-health due upper limb disorders a problem in your workplace HSE Indg 171 downloadable from [www.hse.gov.uk/pubns/indg171.pdf](http://www.hse.gov.uk/pubns/indg171.pdf)
- 3) Dept. of work and pensions "Access to work" support. Information available from: [www.jobcentreplus.gov.uk/JCP/Customers/HelpForDisabledPeople/AccessToWork/](http://www.jobcentreplus.gov.uk/JCP/Customers/HelpForDisabledPeople/AccessToWork/)
- 4) Trade Union Congress: [www.tuc.org.uk/h\\_and\\_s/index.cfm?mins=397](http://www.tuc.org.uk/h_and_s/index.cfm?mins=397)
- 5) RSI Association: [www.rsi.org.uk/download\\_centre.asp](http://www.rsi.org.uk/download_centre.asp)
- 6) The Chartered Society of Physiotherapists [www.csp.org.uk/uploads/documents/csp\\_briefing\\_erus\\_hs08.pdf](http://www.csp.org.uk/uploads/documents/csp_briefing_erus_hs08.pdf)
- 7) Disability Rights at WorkSmart: [www.worksmart.org.uk/rights/viewquestion.php?eny=27](http://www.worksmart.org.uk/rights/viewquestion.php?eny=27)

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



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# Good news for refugee and migrant workers: but not good enough!

Licensing measures to protect refugee and migrant (RaM) workers became operational in April 2006 and cover anyone who supplies workers (gangmasters) to the packing, food processing or farming industries to be licensed. Gangmasters in the construction industry have escaped licensing requirements under this legislation. Anyone found to be operating without a valid licence will be fined up to £5,000 or imprisoned for up to 10 years.

Licensing will start on 6 April for the majority of gangmasters supplying workers to the agriculture, horticulture and fish processing industries. It will become mandatory on 1 October. From 1 December it will be illegal to hire workers from an unlicensed gangmaster in these industries.

Jack Dromey of the Transport and General Workers Union (TGWU) said: "This is the right move for agriculture and the food industry and its workers across the country. It paves the way for a fair yet robust licensing system which the industry can unite behind. Importantly it serves notice on the rogues and scoundrels who plague this industry. Those who rip-off and exploit their workers and clients, wherever they may be in the food chain, will not be tolerated or rewarded with a contract to supply labour."

The Health and Safety Executive (HSE) together with the Trades Union Congress (TUC) have produced a leaflet which sets out the core rights refugee and

migrant workers can expect whether they are full- or part-time, temporary or permanent workers (see below). The information also applies to RaM workers who are young people doing work experience, apprentices, charity workers, mobile workers or homeworkers.

All this is good news but the reality is that London is about to start work on a multi-billion pound Olympic project that will undoubtedly utilise RaM workers. What has been set up to protect them from harm when working in the industries that are about to spring into life in London? Nothing discernible, nothing with sufficient profile to be a support that people new to our country can easily turn to.

One of the last tasks that LHC has before the City Parochial Foundation funding comes to an end in August is to ensure that the steering group continues to monitor the way that RaM workers are treated, to recommend initiatives to improve their health and safety at work and to campaign for improvements when improvements are needed.

LHC will be organising a half day conference on Thursday 23rd November to address this issue. Please contact Mike Merritt at the London Hazards Centre if you are interested in participating in this.

TUC/HSE leaflets for migrant workers can be accessed in 19 languages from:

▲ [www.tuc.org.uk/h\\_and\\_s/index.cfm?mins=403](http://www.tuc.org.uk/h_and_s/index.cfm?mins=403)

## LHC supporters scheme

If your organisation needs regular health and safety support (inspections, audits, risk assessment or training) then becoming an LHC supporter will be a useful and money saving scheme for you. You pay £495 pound annual subscription and for this you can have the services of one of our workers for a day in the following year. Additionally if you need other LHC services in the year you get 10% off our normal service rates.

**Sign up as an LHC supporter and get workplace health and safety support.**



## 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 current programme includes:

▲ **Introduction to Workplace Health and Safety**

Thursday 12th October 2006

▲ **Introduction to Risk Assessment**

Tuesday 17th October 2006

▲ **Introduction to Workplace Health and Safety**

Thursday 9th November 2006

▲ **Introduction to Risk Assessment**

Tuesday 16th November 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.

### SUPPORT FOR COMPANIES

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

## London Hazards Advice Line

We aim especially to work with local groups such as tenants/residents organisations, black and minority ethnic networks, union branches. 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**

# RSI

*Repetitive Strain Injury (RSI) is a general term used to describe a number of painful conditions which affect the body's muscles and nervous system and which are associated with repetitive work and other forms of overuse such as, static tension of muscles for long periods of time.*

There are a number of general terms in common usage, such as Work-Related Upper Limb Disorder (WRULD), Occupational Overuse Syndrome (OOS), Cumulative Trauma Disorder (CTD) and Occupational Cervicobrachial Disorder (OCD). None describes the condition fully or perfectly.

## The hazard

The human body can withstand many stresses and strains and is self repairing, but it's not invulnerable. When the injury is work related, people are often pressured to carry on. The injured part is not given the chance to recover, potentially compounding the problem to a disability.

It is generally accepted that RSI appears as two broad conditions, these may overlap and are:

- i) Pain at the point of injury (localised condition).
- ii) Pain is experienced away from the point of injury (diffuse condition).

Localised injury can be grouped as follows:

- ▲ Inflammation of the muscles, muscle-tendon junctions or associated tissue (e.g. tenosynovitis).
- ▲ Inflammation of the tissues of the hand, elbow or knee (e.g. heat conditions such as bursitis).
- ▲ Compression of the nerve (e.g. carpal tunnel syndrome).
- ▲ Fatigue of muscles because of excessive load or static posture.

Diffuse injuries are much less well understood and harder to diagnose because the location of the injury is not

where the symptoms are being experienced.

## Symptoms

The commonly reported symptoms of localised and diffuse RSI are:

- ▲ pain
- ▲ tenderness
- ▲ burning sensation
- ▲ pins and needles
- ▲ crepitus (a crackling feeling when tendons are pressed)
- ▲ loss of sensation (numbness)
- ▲ sensation of cold
- ▲ swelling
- ▲ ganglion (cyst-like swelling)
- ▲ muscle weakness
- ▲ muscle spasm
- ▲ joint restriction/loss of movement
- ▲ loss of grip
- ▲ stiffness

Not all sufferers will experience all these symptoms and they do not appear here in any particular order. Often there are no visible signs at all. In practical terms a sufferer with a very severe condition may not be able to hold a cup of tea, turn a door handle or lift a child.

## Work, workload and posture

RSI sufferers come from a wide variety of occupations but they are predominately workers who have repetitive (and often fast-paced or high workload) job tasks.

In 1995 the Health and Safety Executive published a Labour Force Survey that identified four occupational groups in which RSI was particularly prevalent:

- ▲ Armed Forces.
- ▲ Construction workers.
- ▲ Textile processing worker.
- ▲ Other processing workers (including computer users).

Contorted work posture or poor workstation design can cause RSI but workload and pressure of work are regarded as the main cause. For example,

a packaging company, where there were many RSI injuries sustained among line workers, paid a small fortune for an ergonomically designed packaging line to reduce the injury level. They were surprised that the reported rate of injuries did not decline. A safety audit of the new process revealed that, after its installation, shift production managers had increased the speed of the line by 40%.

## Development

RSI does not suddenly appear. Most sufferers, but not all, experience a development of symptoms:

### 1) Initial symptoms.

This stage may last weeks or months, but is reversible and the symptoms subside when not working.

### 2) Secondary symptoms.

Recurrent pain, aching and tiredness happen sooner in the working day, persist at night and can disturb sleep. Physical signs, such as swelling, may be visible. This stage may last several months.

### 3) Final condition.

Symptoms are experienced when the person is resting completely. Sleep is often disturbed and the sufferer may be unable to carry out even light tasks at home or work. Sometimes the damage is irreversible and the person is permanently and seriously disabled.

Initial symptoms are virtually impossible to distinguish from general aches and pain arising from ordinary fatigue and may continue for weeks or months. However, the onset of the final condition can take place within weeks. It is therefore vital to take all symptoms seriously and take prompt action.

## Criminal law

There is no specific law on RSI. However, under The Health and Safety at Work Act 1974 employers are required, so far as is reasonably practicable, to provide a "safe system of work". More recent