

# THE DAILY HAZARD

## WORKERS USE COSHH ON BOSSES

**Frustration is growing at the lack of management action on the implementation of the Control of Substances Hazardous to Health (COSHH) Regulations.**

**The Regulations came into force on 1st January 1990 and impose wide ranging duties on employers to safeguard their workforce from hazardous materials.**

**Despite strict requirements in law, reports are few and far between of the completion of the first stage of COSHH - the carrying out of an assessment of the hazards of substances found in the workplace.**

**So workers are beginning to take action to force employers to comply with the law. London Hazards Centre has dealt with the following cases.**

*Stop the work if it breaks the law*

Shop stewards representing Ealing Council workers have informed the management that they will no longer work with materials which have not been subjected to a COSHH assessment. They have declared that work will stop forthwith, with no further notice and that Section 6(1) of COSHH applies, forbidding work to go on until the assessment is done.

This tough new policy was adopted unanimously by stewards from six unions on the Joint Safety Committee. NALGO rep Dave Drury pointed out that the Council had made no preparations for COSHH, no-one had been trained to carry out assessments nor had any manager been assigned responsibility.

Quite apart from all the parks and gardens chemicals, the Council runs an in-house printing operation using a range of inks and dyes, all of which are high risk chemical products.

### SMALL FIRMS IGNORE COSHH

Many small companies have not even heard of COSHH. A case in point is the tiny dye-making company, European Colour in South London, where the workers regularly handle benzidine-based dyes and magenta. These are known to cause bladder cancer.

Manufacturers of these compounds are under a specific obligation to carry out health surveillance of exposed workers under COSHH Regulation 11. This entails periodic health checks and the maintenance of records. Yet this employer could not produce data sheets when requested to by the TGWU, far less do anything as sophisticated as fixing up for the workers to see a doctor.

### WELDING THE COSHH

The implementation of COSHH has barely started. Where employers have moved, it is almost always only as a result of union pressure. It is vital for unions to insist on compliance with COSHH if the law is not to become a dead letter. Many unions have produced leaflets and pamphlets on the COSHH Regulations.

An introduction to the Regulations and a model assessment form are available from the London Hazards Centre, who can also supply a summary of the findings of the World Health Organisation report on occupational cancer in painters. The TUC organises regular COSHH courses. This is the moment to learn, get organised and make the employers obey the law.

**'Too many employers have done too little, too late . . . . for them, time is running out.'**

*John Rimington, Director General, Health and Safety Executive*



Brenda Prince (Format)

Painters face cancer hazard

### USING COSHH TO DEVELOP A SAFER PAINTS POLICY - UNION POWER

Painters in Camden Council Direct Labour Organisation have been spurred into demanding a comprehensive chemicals policy by the publication of a World Health Organisation (WHO) report which shows all painters are exposed to an increased cancer risk.

The report states chillingly that 'occupational exposure as a painter is carcinogenic'. WHO shows that painters suffer a 20 per cent excess of all cancers above the average, a 40 per cent excess of lung cancer and that there is an increased incidence of cancer in painters' children. Painters are also known to be prone to neurological illness, respiratory disease and dermatitis. The shop stewards in Camden DLO have already succeeded in having eggshell paints (and also lindane)

banned for use by both Council employees and outside contractors. They are now pressing for the removal of all solvent-based paints. They wrote to the management at the beginning of March: 'COSHH should have been implemented two months ago. At present you are operating illegally. No-one should be working with substances which haven't been assessed. No-one should be working with materials without the proper training on safe working practices. No-one should be working while exposed to materials where exposure limits have not been established.'

The stewards are prepared to back up their words with action if necessary. As a result management is finally taking action to implement COSHH

including allowing stewards facility time off to complete their own assessments.

In the private sector painters at British Oxygen Cryoplants in Edmonton are also getting organised to defend their health through COSHH. The company has presented them with a list of over 150 paints with industrial applications. These span an extraordinary range of toxic solvents, pigments and resins. Yet in quite a number of instances, the company was unable even to produce data sheets. The company's own assessments could be politely described as bland. But with union pressure the stewards have now been given toxicity information on the substances and are planning for a systematic programme of substitution.

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# Tenants win change in wood treatment policies

A major victory for all housing association and co-op tenants has been won by the actions of two tenants in North London.

As a result of their campaign the Housing Corporation has revised its policy for the funding of remedial timber decay treatments to allow for non-chemical methods and is re-writing its technical guidelines to encourage this approach.

The following account of how this was achieved has been written for *The Daily Hazard* by the tenants.

After one and a half years of leaks and problems with damp two single mothers, who are tenants of a housing co-op based in North West London, were told in April 1989 that their recently converted flats were extensively affected by dry rot.

Having seen press articles and a copy of *'Toxic Treatments'* (published by the London Hazards Centre), they were worried about the health risk to themselves and their small children that would be posed by the use of toxic chemicals to treat their homes. Both tenants asked that no chemicals be used without their permission and set about trying to find alternative methods.

After initially agreeing to this, their co-op said they had no option but to use traditional, toxic methods, in order not to delay the works or fall outside of Housing Corporation funding guidelines. They ignored medical evidence provided by the tenants that they and their children had long-standing health problems which were likely to be aggravated by the use of these chemicals. On top of this, the women were told that the architect responsible for overseeing the work had advised that they and their children could remain in their home while the

works were carried out (see photo) and had to insist that on medical, noise, safety and other grounds they should be suitably rehoused. Having been informed in July 1989 that chemical treatment was about to be applied against their wishes, the two women took legal action. As a result, the housing co-op applied to the Housing Corporation, the government body which, among other things, funds housing co-ops and associations, for financial approval for the works to be carried out non-chemically. Approval was obtained in November 1989.

On the strength of their case, two tenants from another NW housing co-op also asked for non-toxic treatment to control dry rot in their home, and this was also approved by the Housing Corporation at the same time.

The non-chemical treatment on both houses is being carried out under the supervision of Hutton and Rostron Environmental Investigations Ltd., who are independent specialists in environmental control of timber decay infestation in buildings. They have used their methods on buildings such as Brighton Pavilion and the Mansion House and now, because of this case, have been approved as consultants with acceptable guarantees by the Housing Corporation (HC) and can use their expertise on public sector housing. Traditional dry rot firms who use chemical treatments offer twenty year guarantees backed up by an independent trust which means even if a firm goes out of business, the guarantees can still be honoured. The HC has now recognised that Hutton and Rostron's guarantee provides suitable protection. As a result of the women's case, the HC has asked Hutton and Rostron to assist them in re-writing their guidelines on the treatment of dry rot, making non-toxic methods more the standard to work to rather than the alternative.

The battle to establish public sector tenant's rights to refuse pollution in their homes has been a long and hard one. The two women and their children have been moved around a number of times, living in short life and overcrowded properties, with one even being left homeless at one stage. They have had the work of keeping on top of the case every step of the way while living under stress and in difficult circumstances. Their case has been helped immensely by

support from friends, other housing co-op tenants and a couple of sympathetic MPs.

While their legal action is still outstanding, their case has already broken new ground; other public sector tenants now have a precedent to use at the Housing Corporation, when faced with the prospect of controlling dry rot in their homes while trying to ensure that those homes are fit to live in. ]

## Potholes on the Parliamentary pesticide road

The Centre was recently invited by the HSE to take part in a working party set up to produce a technical note on the safe use of wood preservatives.

Although this is a tribute to the impact of our work, we quickly realised that the working party consisted entirely of representatives of industry and officialdom. The first draft of the committee's note was highly complacent about the current system of pesticides approval and about pesticides now in use. Rather than have the Centre's name put to a document of which we disapprove, and which we clearly will have no chance of changing, the Centre withdrew its representative after two meetings.

The Hazards Centre has been more productively involved in developing improved legislation to protect workers and consumers from hazardous chemicals. The Private Member's Bill the Centre helped to draw up for Ian McCartney M.P. has now been published. This proposes to set up a register of banned and licensed chemicals for sale to the home, with prison sentences and fines for manufacturers and suppliers who infringe the regulations. Copies of the bill are available from the Centre. Predictably, the Government made no time for the bill but there are hopes that some of the ideas will be taken up by the Labour Party front bench when they put amendments to the Government's 'Green Bill'. The Labour Party's increased interest in this area resulted in a seminar on pesticides in April organised by Opposition's front bench speakers, in which the Centre took part.



One of the tenants was told that this kitchen was fit for her and her young sons to use.



# INTO EUROPE



## Action points

Since the government declared that Europe was 'open for business', there has been a lot of publicity about the benefits of the Single European Market for employers but not much about how it will affect workers, especially on health and safety.

The Single European Act has a clear commitment to health and safety, and the shift of decision making from the UK government to the European Community is almost total. This factsheet sets out the way that decision making process works, and how you can influence it.

## Structures:

**European Commission:** This is the civil service of the Community, and is based in Brussels. It employs 12000 workers and has wide executive powers. Only the Commission can propose legislation.

**European Parliament:** Based in Strasbourg, it is the only elected body, made up of 518 MEPs. Proposals for legislation are published as draft directives and sent by the Commission to Parliament.

There are two main committees that deal with health and safety. *Environment and Public Health*, and *Employment and Social Affairs*. The committees' reports and recommendations go before the full parliament for debate and decision by members - there are two readings.

**The Council of Ministers** - based in Brussels, this consists of Government ministers from all the member states. On health and safety responsibility falls on the Environment or Employment Ministers. When legislation is agreed here it becomes binding on member states.

**Qualified Majority Voting** - The Council of Ministers used to be able to veto any proposals, but this has been changed so that, on health and safety, no country can exercise a veto. The majority needed is 54 out of 76 votes.

## Types of Euro legislation

1. **Recommendation** The weakest.

2. **Directive** - The most common. It states the ends to be achieved and the dates for implementation - but not the means of achieving them. So, if a state has no basic willingness to comply it can seek delays and ultimately create loopholes in its own national implementation.

3. **The resolution** - Strongest of all and least used. It lays down means as well as ends.

## The state of play.

The framework directive and its five subsidiary directives are now well advanced. The VDUs and manual handling directives have achieved a common position and should complete all their stages during 1990. The other four directives have now been adopted. **The framework directive:** lays down general principles on health and safety obligations, including avoiding risks, adapting the work to the individual and developing a coherent overall prevention policy. **The workplace directive:** covers the safe organisation of the workplace with general obligations on employers to inform and consult workers. Includes detailed annexes covering emergency exits, lighting and temperature. **The work equipment directive:** deals in the same way with machinery and equipment installation. Detailed technical annexes on guards, shutdown procedures etc. **Personal protective equipment directive:** includes general requirements plus specific types of equipment necessary in particular circumstances. **The VDU directive:** provides for eye tests for VDU operators at the employers' expense and for work to be organised so that operators have periodic breaks away from VDU work. There is a detailed technical annex on keyboards, screens, chairs and positioning. **Manual handling directive:** says heavy lifting etc. should be

avoided where there's a risk of injury, and that work must be organised in as safe a way as possible.

## New Directives on the way

The action programme is:

**High Risk Sectors** ♦ work at temporary or mobile work sites (primarily construction or demolition sites) ♦ measures to be applied in improving health and safety in drilling industries (prompted by disasters in the North Sea) ♦ quarrying and open cast mines ♦ fishing vessels ♦ transport

**Other Sectors** ♦ health and safety signs ♦ factsheets for workers exposed to dangerous substances ♦ vibration and electromagnetic radiation ♦ asbestos

The EC is also proposing to set up a European Community Safety, Hygiene and Health Agency to provide support for implementation of new laws, which could be extremely useful. Work on these proposed directives is fairly advanced, and most will be published in 1990.

## What you can do

Use your union structure - raise issues at workplace, branch and trades council meetings. If you have safety committees or TU health and safety specialists, use them to make sure you are consulted and kept informed. If your union is affiliated to an international federation, use that too. The Commission has a tripartite Advisory Committee on Safety, Hygiene and Health Protection at Work, which has TUC reps on it; The European TUC can also lobby the the Commission direct.

Use your MEPs - raise with them your views on EC Directives and on the UK enactment of them. Get them to write to Vasso Papandreou in Brussels (she is the Commissioner responsible for employment); the EC Health and Safety Directorate in Luxembourg, and members on the Employment and Social Affairs Committee. Use your MPs in Westminster - all EC proposals are discussed by the House of Commons Select Committee on European legislation, and by House of Lords Select Committee on the European Communities. The Health and Safety

Commission (HSC) - publishes consultative documents detailing proposed UK legislation to meet minimum EC requirements. Make sure your union gets these, consults members and puts their comments in. The HSC always receives plenty of comments from industry!

## How Britain waters down directives

*Most of the legislation improving health and safety introduced in the UK over the past ten years has come from the European Community, such as the Packaging and Labelling of Dangerous Substances Regs and the Control of Substances Hazardous to Health Regs.*

*There is a powerful lobby by employers' organisations and the UK government to water down EC Directives on health and safety. A clear example of this is the **Noise at Work Regulations 1989** - the UK's response to the EC Protection of Workers Exposed To Noise at Work Directive. The directive originally adopted the West German noise exposure limit of 85dB, but employers' organisations successfully lobbied for a 90dB action level. The CBI claimed it would cost British industry over £500 million to meet the 85dB level. Instead the UK regulations will cost workers their hearing: the HSC's own figures say that of those exposed to 90dB for a working lifetime, 40 per cent will be deafened.*

*Furthermore, the UK Noise Regs omit several articles contained in the EC directive, thereby emphasising the use of personal protective equipment, rather than noise control. Article 7 of the directive gives noise-exposed workers the right to hearing tests in the clear context of a hearing preservation programme. The HSC decided that, since hearing tests are available under the NHS, employers are not obliged to provide them.*

*The 700 audiologists currently working in the NHS stand no chance of supplying hearing tests to the estimated 1.7 million workers exposed to dangerous levels of noise. Formal complaints from noise affected workers who are experiencing delays in getting NHS hearing tests would provide evidence that the UK Regs are inadequate, and lead to action from the EC to close the current loopholes.*





# MUCK AND BRASS IN THE SCHOOL YARD

**'The profits machine purrs on,' remarked the Financial Times recently when reporting that notorious transnational BTR had exceeded £1 billion profits in 1989. Headteacher Joyce Sluszny took a different view early in March when two of her pupils at Colverstone Primary School, Hackney, presented her with lumps of asbestos which they had picked up in the playground.**

The asbestos had come from a crumbling shed adjoining the school in the premises of a rubber goods factory belonging to Leyland Medical, a subsidiary of BTR. With asbestos dust swirling around the playground, Mrs. Sluszny brought all the children back into the school for the rest of the day and immediately contacted the company, ILEA, Hackney Environmental Health Department (EHD) and the Health and Safety Executive (HSE). Factory manager Mr Sadler told her that she was 'over-reacting' but eventu-



*Mystery discharge into school yard.*

ally two men from the company arrived to sweep the debris into dustbin bags. The management refused to dismantle the shed despite being recommended to do so by a technical services officer from ILEA.

There was scarcely any more success with the EHD and HSE. The EHD was unable to intervene because it was a factory. A HSE Inspector merely advised the company to replace the damaged roof of the shed. In reply to Mrs. Sluszny's protests that the asbestos remained within reach of the children's fingertips, the Inspector rubbed the asbestos and then licked his fingers to show that it was 'safe!' He claimed that he was powerless to take further action.

Asbestos is not the only problem Colverstone Primary has had from the factory. For the past 7 years, a waste pipe has discharged into the playground. The HSE Inspector guessed that the emissions were 'highly unlikely to contain anything other than water vapour', but he made no effort to collect any samples for tests. On occasion the emissions are yellow and give off a sharp, acrid smell that penetrates the classrooms. The wastepipe could easily be adjusted to direct them away from the school.

'I am shocked at the lack of legislative power regarding the health and safety of pupils in schools,' Mrs. Sluszny told the *Daily Hazard*, 'and very concerned at what the children might suffer in later life. British Leyland Medical have a penny-pinching attitude and no regard to public relations at all.' Local parents, alarmed at the official indifference have started a campaign to ensure that the company spends just a minuscule proportion of its vast profits on safeguarding their children.

## Remember The Dead - Fight For The Living

**The first National Hazards Week held in the UK will be on June 16th-24th.**

Events are being planned all around the country to highlight the unnecessary deaths, disease and injuries caused by work, and to encourage people to organise improvements in their workplaces.

The week begins with an **International conference in Birmingham on June 16th.** Workshops are organised by the TUC Education Service, and focus on health and safety in the third world, transnationals and their effect on workers and the environment, the impact of the Bhopal disaster, and building an international workers' organisation. For further details contact: 021 236 0801.

**Throughout the week there are events scheduled in all major cities.** The aim is to increase public awareness of occupational ill health, and encourage trade union membership.

**On June 23rd and 24th there will be the Construction Safety Campaign National Conference and AGM,** which will provide a grand finale for the week.

Workshops will look at UK and forthcoming EC law on occupational diseases - their causes and control, developing the work of the campaign, and more.

For further details of this and other London events contact us at the Centre.

Get your union involved. If you're thinking of doing work on health and safety - this is the week to do it.

## RSI Conference

Fifty delegates from 15 unions participated in the Repetition Strain Injury (RSI) conference at the Red Rose Club on 24th February. They represented a range of occupations affected by RSI, from factory workers to journalists.

There was vigorous debate, demonstrating deep concern about the spread of RSI and the lack of action by the employers, the medical profession and the government in tackling it.

The conference ended with proposals to develop an RSI Charter of demands for model working conditions and pressure for improved legislation. A model motion has been circulated to assist in raising the issue in the unions. A detailed conference report will be available shortly.

## CENTRE NEWS

### New Worker

Chris Whitehouse is to join us as the second information worker. Chris has long experience in information work for a range of activist organisations, including TIE and TICL (Transnational Information Exchange and Centre), Christian Aid and the Centre Pastoral Vergueiro in Sao Paulo, Brazil.

### Office Space

The Centre has space to let at an annual rent of £2,970. If you are interested ring Pat Connolly

### Telephone Code

On 6 May the London 01 code will change. The Centre's new telephone number from that date will be 071-837- 5605. Anyone dialling from outside the 071 area should use the new code.

### VAT

The Centre was registered for VAT on 1 January this year. Our VAT number is 524 8886 08.

### Homeworkers Questionnaire

London Hazard Centre is working with the London Homeworkers Group to develop a questionnaire to find out the position of homeworkers in London.

The survey will cover health and safety, pay and conditions, childcare needs, why women homework and training needs. It can be carried out at a Local Authority level but will be coordinated by the Group. If you are interested in the survey or want information on hazards to homeworkers contact Roslyn at the Centre. We have a basic health and safety factsheet available. The Centre is hoping to run a day school on homeworking hazards. If you are involved in homeworking we would like to hear from you.



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