

THE DAILY HAZARD

FAMILIES DEMAND JUSTICE, AS CONSTRUCTION DEATHS MOUNT



Families of the victims of fatal accidents in construction are pushing for 'unlawful killing' verdicts at Coroner's Courts and are pursuing cases of reckless manslaughter in the law courts.

Mrs. Cartman, wife of Billy Cartman who was killed on the Channel Tunnel Project on 7 May 1990, has said she will "hammer TML for everything they've got". Billy had been sent to work alongside the tunnel borer while the machine was still running, in

breach of safe working practice. Mrs Cartman is now taking advice from different sources, including the Transport and General Workers Union Legal Services, on how to prosecute TML. She has refused to be put off by TML representatives who contacted her after the accident and is determined that someone will end up behind bars.

In Walthamstow on 7 March 1990 Daniel Flanagan was instructed to get into a trench with two others. The trench was next to and exposed the foundations of a concrete wall. The work and wall were declared safe by Costain's site and contracts managers but while the three were in the trench the wall started to collapse. Dan Flanagan gave his life to save his fellow workers by holding the wall

up for a few moments while they escaped. At the Coroner's Court Inquest a Health and Safety Executive (HSE) inspector said that the trench digging was a 'direct cause of the collapse' and that any proper inspection would have revealed that the wall was unstable.

The jury returned a bizarre and shocking accidental death verdict. The evidence pointed clearly to a breach of health and safety laws by site management.

Mrs. Kerans, Dan's sister, was moved to call the verdict 'an insult' and said 'the verdict should have been unlawful killing- this is awful'. Dan's family has now pledged to pursue a case of reckless manslaughter against Costain and the sub-contractor P.G. Corri-gan. In 1988-89, only 3 per cent of

fatalities at work resulted in prosecutions in the Crown Court and the average fine was £2145. The other 97 per cent went to a Magistrates' Court where the average fine was £505. No-one at all was sent to gaol. Yet according to the HSE at least 75 per cent of fatal accidents are attributable to management shortcomings. But the HSE is not willing to pursue prosecutions for manslaughter. Plainly the law protects employers' profits and not workers' safety.

This leaves it to the families of victims to take private prosecutions against employers. The results of forthcoming cases will hopefully send a few tremors through the boardrooms especially if a company director ends up in gaol for manslaughter resulting from negligence.

PAUL ELVIN CASE

DPP MAKES A MOVE

The Director of Public Prosecutions is to examine the death of 24 year old Paul Elvin who was electrocuted on his first day at work in Euston station in December 1988 (see *Daily Hazard* No. 25).

His mother, Ann Elvin, wrote to the Attorney General in mid May, asking for a full police investigation into the circumstances of Paul's death. Furthermore, she enclosed a detailed document based on evidence arising from the inquest, arguing that the facts of her son's death fit the principles of reckless manslaughter liability. "We have almost ten thousand signatures on our petition calling for justice in Paul's case," commented Mrs. Elvin. "By justice we don't mean a civil claim for compensation, we mean a criminal prosecution of those responsible."

The Health and Safety Executive is now taking a criminal prosecution against the main contractor involved, under Section 3 of the Health and Safety at Work Act, and is recommending that the case should be heard in the Crown Court. Mrs. Elvin went on to say, "Obviously we're pleased that the HSE has at last decided to act, but it just doesn't go far enough. We feel that every death at work should be fully investigated by the police as well as the Inspectorate, to see if there was an obvious and serious risk of physical harm to the deceased - that's the main test of reckless manslaughter liability. This is never done - we're not only talking about Paul's death, but about the public interest."

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New book shows how to stop sick building syndrome

When Ealing Council employees moved into the prestigious Great Western Centre offices in 1987 they did not imagine that failure to maintain the complex building services would land several workers in hospital with severe allergic reactions; many more have chronic, debilitating ailments.

A unique case? Not according to the London Hazards Centre's records which show that increasing numbers of office workers suffer from a group of symptoms ranging from dryness of the skin, eyes, nose and throat, to tiredness, headaches and allergic and asthmatic conditions. Collectively, these have come to be known as sick building syndrome. With costs pared to the bone, essential maintenance work on air conditioning, heating, cooling and ventilation is often neglected. In the most serious cases, the failure of maintenance leads to outbreaks of legionnaires' disease.

On 21 June 1990, as part of National Hazards Campaign Week, the London Hazards Centre launched *Sick Building Syndrome: Causes, effects and control* which will help all those concerned - including office, shop, hospital, local authority and industrial workers, occupational and health and safety advisers, trade union safety representatives and researchers, doctors, architects, planners, surveyors, heating and ventilation engineers and building services specialists - unravel the maze of technical and medical information and find practical remedies to the problem of sick buildings.

Workers show how surveys pinpoint sick buildings

Because symptoms of sick building syndrome such as headaches, tiredness and respiratory irritation are common in the general population it has been easy for employers to dismiss claims of building sickness. The following cases show how questionnaire surveys can be used to highlight the distinguishing features of sick building syndrome - that it is associated with particular buildings and that the symptoms improve after leaving the building. *Sick Building Syndrome* includes a model questionnaire and checklist for building inspections.

For four years CPSA members at Hounslow DSS battled to convince management that continual reports of worker ill-health were linked to the decrepit air conditioning system. In 1988 safety reps finally took matters into their own hands and conducted a detailed questionnaire and building survey which over-

whelmingly confirmed their suspicions. Although management have acknowledged that there is a building sickness problem, they have not yet acted on the CPSA's comprehensive recommendations for improvements, nor has the Property Services Agency, which is responsible for the building, yet sent in their experts to assess the problem.

A questionnaire conducted by MSF members at the sealed, air conditioned City and Guilds building in Britannia Street, London, showed that a staggering 90 per cent of the respondents suffered from headaches related to working in the building and a significant proportion believe that their health has worsened as a consequence of moving to their present place of employment. MSF intend to use the survey results to reinforce their campaign for workplace improvements.

Sick Building Syndrome: Causes, effects and control, London Hazards Centre Trust Ltd. £4.50. June 1990. ISBN 0-948974-06-0.

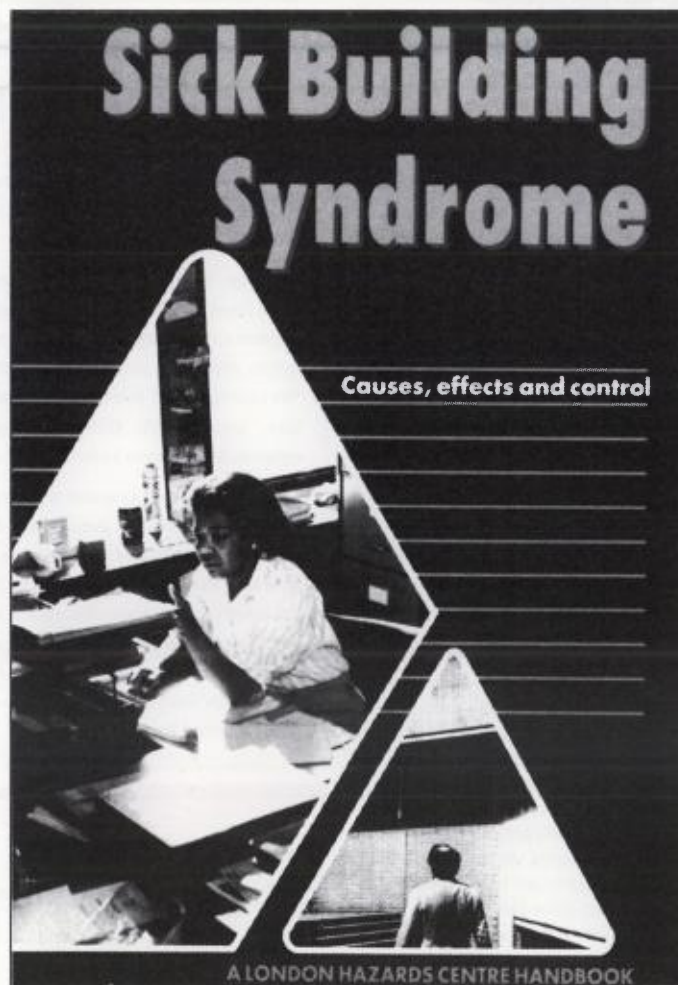
RIBA, RIBA

Legionella bacterium which causes legionnaires' disease, the most serious building-related disease, was only discovered in 1976. It is however ubiquitous and has probably been around for a very long time. It's also no respecter of social class, having just been discovered at the headquarters of the Royal Institute of British Architects (RIBA) in Portland Place, W1.

The profession responded splendidly to the insult, however, by raising the temperature throughout the water system to about 70°C and then flushing out with the biocide chlorine. *Legionella*, which thrives in stagnant water at room temperature, will be killed off by this treatment. As *Legionella* can pass from building to building in water droplets, regular testing for the bacteria is necessary even when there is a good standard of cleaning and maintenance.

The RIBA management turned in a less polished performance over the Invasion of the Portland Stone Mites which come in off the windowsills, their usual habitat, in hot weather. These creatures were terminated by the insecticide cypermethrin. The only problem was that this was also sprayed over the humans present, who were working at their desks or taking their morning coffee. Cypermethrin is regarded as one of the less toxic insecticides but can produce eye and lung irritation and skin complaints - accidental ingestion can produce neurological symptoms. The operative, who wore no protective clothing, knew none of this, nor did the management.

Indignant union representatives discovered that the management health and safety officer hadn't known what chemical was to be used, hadn't thought that forewarning might be required, hadn't realised that an assessment should have been carried out under the COSHH Regulations. The union representatives are now beginning to wonder what could happen when the planned refurbishment of RIBA headquarters goes ahead in view of the large quantities of rather aged asbestos piping and lagging that would have to be removed. The basic difficulty here is that the architect's plans for the building seem to have gone astray.



PHOTOCOPIER AND LASER PRINTER HAZARDS

THE MAIN DANGERS

Photocopiers and laser printers are safe when used occasionally and serviced regularly. But if they are badly positioned, poorly maintained and used frequently or for long runs, there are risks to health, ranging from irritated eyes, nose and throat to dermatitis, headaches, premature ageing and reproductive and cancer hazards. Proper ventilation and maintenance are essential in eliminating hazards.

A major Danish study on copier pollution concluded that ozone and other chemicals could occur above the OEL (occupational exposure limit) when:

- 1 the copying room is small**
- 2 the number of air changes in the room is low**
- 3 the photocopier is used a lot.**

THE CHEMICALS

Ozone

Ozone is a gas produced during the high voltage electrical discharge in photocopiers and laser printers. It is sweet smelling and highly toxic with a UK OEL of 0.1 ppm. However the US Department of Health warns 'this concentration is objectionable to all normal persons and irritates the nose and throats of most persons'. If you can smell ozone the levels are too high. Ozone breaks down in air quite quickly though this can be slowed by high humidity, temperature and some effects of office furnishings. Health effects are eye, nose, throat and lung irritation, dermatitis, headaches and nausea, premature ageing and potential reproductive dangers. When mixed with nitrogen oxide in certain proportions it can have an effect on the central nervous system.

Selenium and Cadmium sulphide

Some copiers use a drum impregnated with selenium or cadmium sulphide. The gas emitted from these materials especially when hot can cause throat irritation and sensitisation (ie adverse reaction to very tiny quantities of chemical) to exposed workers. This is more a risk to maintenance staff when cleaning or grinding the surface of the drum.

Nitrogen oxide

May be produced when there is a spark in electrostatic photocopiers. Symptoms are similar to those produced by carbon monoxide. The OEL is 25 ppm.

Carbon monoxide

Is produced when toner (containing Carbon Black) is heated in an inadequate air supply. Some copiers can reach half the OEL in well ventilated rooms. In poorly ventilated conditions the effects include headaches, drowsiness, faintness and increased pulse rate. Carbon monoxide can cross the placenta and affect the unborn child. The OEL is 50 ppm.

Toners

Toners are generally a mixture of plastic resin and Carbon Black often with other additives. Carbon Black is classified as a nuisance dust (ie is only mildly toxic in itself) but will contain impurities known to be carcinogens. Toners should be handled with care, protective gloves should be worn, and dust release minimised. Contact with the tongue, ie. by touching copied papers with a wetted finger can lead to small growths on the tongue. Other health effects may be irritated eyes, headache and itching skin. Maintenance workers are at risk from repeated exposure which can lead to skin and eye sensitisation.

OTHER HAZARDS

Ultraviolet light

Photocopier lids should be kept closed when the machine is in use. Ultraviolet light can cause eye irritation and burns.

Noise levels

Can reach up to 65dB(A) for ordinary copiers. Care should be taken in siting copiers with noisy collaters as far from workers as possible.

Fire hazards

Excessive dust in electrical equipment will cause sparking. Provision of carbon dioxide extinguishers near machines is essential.

Jams

Even though most machines cut out when opened, they should be switched off before removing jammed paper. Avoid hot surfaces and wash hands immediately afterwards.

LASER PRINTERS - A GROWING HAZARD

Laser printers are now flooding the market and in many offices are replacing photocopiers. Unlike photocopiers, they are often placed on desk tops beside workers. However, they produce ozone like conventional copiers. Thus there must be regular checks on filters which may need to

be replaced as often as once a month. Tests on the efficiency of filters under factory conditions on new machines do not take into account deterioration under heavy use in the workplace. In any case, some machines in factory condition emit ozone up to 80 per cent of the OEL. In Denmark add-on filters are popular as a guard against the failure of internal filters, but these are not yet widely available in the UK.

ACTION POINTS

1. Investigate - check health effects on people by carrying out a survey. Measure levels of chemicals - make management carry out tests. Symptoms should be reported in the accident book and medical tests taken when serious symptoms occur.
2. Control - make sure copiers are regularly serviced and the filter replaced on a regular cycle. Servicing alone will only reduce chemical contamination for as short a period as a month if use is heavy. If machine is old and faulty, demand a new one.
3. Siting and ventilation - ventilation is crucial! Ensure that the area in which machine is sited has a complete change of air every hour, that the exhaust vent is kept free of obstruction, and that no-one is situated next to the exhaust vent of the machine - where possible no-one should work in the same room as a copier and where this is not possible no-one should be

within 3m of the machine. Machines should not be sited in clusters or in rooms of total volume less than 25m³.

4. Vet new laser printers and photocopiers in advance - demand specific information on filter changing and servicing. Only accept machines with clear maintenance guidelines, health and safety instructions and easy change filter systems. If they cannot provide this information do not buy or accept the product. Demand the data from management and check the system is correctly installed.

5. When maintaining the machine, adding toner etc, follow guidelines such as wearing gloves. Hands and face must be washed immediately afterwards.

6. Use the law - the Health and Safety at Work Act imposes a general duty on every employer to ensure the health, safety and welfare of all employees at work. This covers the maintenance of plant, the use, storage and handling of substances and the provision of information, instruction and training. The Office, Shops and Railway Premises Act 1963 states that an adequate supply of fresh air must be circulated in all workrooms. Rooms with no direct access to fresh air must be provided with mechanical ventilation. The Control of Substances Hazardous to Health Regulations require employers to carry out an assessment of all chemicals on their premises - ensure that safety data sheets for all copier chemicals are obtained and all recommended precautions are taken.



Demonstrators make their point at Centrepoint during National Hazards Week



JOANNE COBRIER (FORNMAN)

'REMEMBER THE DEAD, FIGHT FOR THE LIVING'

Under the slogan 'Remember the Dead, Fight for the Living', health and safety activists across the country organised a wide range of events as part of National Hazards Campaign Week (16-23 June) to highlight the annual toll of 700 deaths from accidents and 20,000 deaths from occupational diseases.

To protest about employer complacency over this carnage, workers delivered a coffin to the Confederation of British Industry (CBI) headquarters at Centrepoint, London. Prior to this event, basic health and safety information was handed out at a number of tube stations in central London. Coffin bearers dressed in a variety of industrial protective clothing carried the coffin along New Oxford Street (somewhat to the amazement of passers-by), calling for bigger fines and prison sentences for negligent employers. David Hunt, Deputy Director of the CBI, presented the protesters with a newly published pamphlet. This was promptly dubbed the Confederation of British Injuries' jokebook whereupon Mr. Hunt retreated into the building. Even the Health and Safety Executive, the government body responsible for enforcing the law, admits that

the situation would be drastically improved if management took appropriate health and safety measures. The fact is that prosecutions are few and fines are generally minimal. There is neither incentive or sanction for employers to take measures to protect the lives and well-being of their workers where these might cut into their profits.

At a press conference in the House of Commons on 19 June, Labour Party health and safety spokesperson, Tony Lloyd MP said that 'all employees need the right to refuse to do dangerous work without fear of victimisation'.



ALAN DIXON

Campaigners link up. John McPherson, a Glaswegian campaigner on asbestos (suffering from asbestos related cancer) visits Kingsmead Estate Asbestos Action Group in Hackney during Hazards Week.

tion...If the government is unable to enforce the law, then workers must be able to force employers to meet minimal legal requirements by refusing to endanger their own health, safety and welfare,' added Roger Lyons of the Manufacturing, Science and Finance Union (MSF).

Among other Hazards Campaign events in London were the official launch of an exciting new project, the Camden Occupational Health Project (COHP) and the launch of the London Hazards Centre's latest book, *Sick Building Syndrome*, both of which got widespread media publicity. At Camden, trade unionists and health service professionals heard the project workers explain how they were taking occupational health research work into three doctors' surgeries in the borough. Patients are interviewed to see if illness is work-related. Advice is given on how to deal with hazards at work and patients are put in touch with trade unions, environmental health or health promotion departments, as appropriate. The research will also allow patterns of workplace hazards in the borough to be identified, facilitating local trade union action on occupational health and safety. It is hoped that the launch of COHP will provide the stimulus for setting up further occupational health projects in London.

In addition to these London-wide activities, workplace health and safety representatives used the focus of the week to conduct workplace inspections and raise the issue of health and safety with their members. Elsewhere in the country, events were held in Birmingham, Edinburgh, Sheffield, Manchester, Wigan, Sunderland, Chester, Newcastle

and Chesterfield. A great deal of favourable media coverage was obtained and a large number of people involved in what turned out to be a successful National Hazards Week. The case for now taking it on as an annual event is overwhelming.

One final thought occurs: if the Hazards Campaign can achieve these results with tiny resources but with the application of a certain amount of enthusiasm and imagination, why has the TUC's Inspect and Protect operation vanished without trace? Why doesn't Congress House brighten up its ideas a little?

CONSTRUCTION WORKERS SAFETY CONFERENCE

The Construction Safety Campaign (CSC) held its first national conference and second AGM in London in June. Construction workers from all over the country were joined by full and part time trade union officials to debate the atrocious safety record of the industry and to programme future activities. Harry Cohen, MP for Leyton, spoke on the need for directors and senior managers, proved negligent in the case of a fatal or major accident, to be imprisoned for breaches of health and safety law. Roger Lyons, Assistant General Secretary of MSF, said workers must have the right to refuse dangerous work under law without the threat of black-listing. Tony O'Brien, National Secretary of the CSC, said at the end of the conference, "We must now take the campaign into even more site canteens and offer solidarity with any industrial action on the issue of safety of construction workers".

OFFICE SPACE

The Centre has space to let at a rent of £2970pa
Call Pat Connolly on 071 837 5605



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