

# THE DAILY HAZARD

## New government, old hazards

Friday 2nd May 1997 and Tony Blair's New Labour Party has decisively ended 18 years of Tory Government with a massive Parliamentary majority of 179. Moreover, the new Labour Government has given the health and safety brief to two MPs familiar to Hazards Campaigners. Both Michael Meacher MP, Minister of State, and Angela Eagle MP, who will have responsibility for health and safety, have addressed National Hazards Conferences in the past. So, can we heave a sigh of relief and look forward to big changes on the health and safety front?

Labour spokespeople in opposition were certainly forthcoming about action to be taken on health and safety and wider environmental issues:

- Graham Allen MP, then shadow minister for Health and Safety, stated in October 1996 that "Labour... considers a worker's right to health and safety protection as fundamental and condemns any employer who takes risks with workers' lives."
- Ian McCartney MP, then Labour's chief Employment spokesperson, writing in Hazards Magazine at the end of last year, promised sanctions against "cowboy employers", including the introduction of the offence of corporate manslaughter;
- Michael Meacher MP speaking at the Socialist Environment and Resources Association (SERA) conference in January 1997 promised a freedom of information act which could be used by safety reps to break through the silence of commercial confidentiality which can be used to

conceal hazards information about commercial products.

After some hesitation, plans for a freedom of information bill are going ahead but there has so far been no evidence of early action to address other health and safety issues. Although it will take a significant amount of resources to begin to recoup the ground lost under the previous government, some important measures and policy changes could be taken without massive expenditure (see box for Hazards Campaign demands).

The Government has indicated its intention to ratify the European Social Charter at an early stage. But, what about the Working Time Directive? Will the government introduce legislation speedily and make proper arrangements for enforcement (the previous government's consultative document proposed that individual workers should take grievances up through the industrial tribunals system). And what about the HSE's proposal to issue a consultative document by mid-1998 on banning the import of asbestos? Why the wait, when even some sectors of industry are also calling for the ban of this extremely hazardous substance.

Certainly, the 4 million workers destined to suffer injury or ill-health in the next year as a result of work cannot afford to wait long. Moreover, on purely economic grounds, it makes sense for the new government to show some urgency: the HSE itself estimates the prevention of absence through sickness and ill-health will save the country up to £16 billion every year.



Construction Safety Campaign (CSC) members and supporters march through central London to the Houses of Parliament on 6 March to demand a ban on asbestos.

Terry Smith

### HAZARDS CAMPAIGN CHARTER

Key demands of the Charter produced by the national Hazards Campaign network as a Manifesto to candidates in the General Election include:

#### ENFORCEMENT

- Increase resources for all enforcement authorities and agencies
- Review HSE philosophy and introduce a stricter enforcement policy
- End the "minded to" system which allows employers to avoid prosecution for health and safety failures

#### SAFETY REPS RIGHTS

- Give the right to recognition, irrespective of workplace trade union recognition agreement
- Establish the right to appoint roving or regional safety reps

#### CORPORATE RESPONSIBILITY

- Establish corporate responsibility in criminal law for manslaughter and bodily harm

#### LEGISLATION

- End deregulation and the privatisation of public services

- Ratify the European Social Charter
- Implement fully and speedily the Working Hours Directive

#### ASBESTOS

- Impose a total ban on asbestos
- Introduce a public register of all buildings containing asbestos

#### HAZARDS MOVEMENT

- support independent occupational health projects and research
- encourage funding for local hazards centres and groups
- provide funding for victim support groups

Copies of "Hazards Campaign Charter: health and safety demands on a new Government" (2nd edition) can be obtained for £1 from Hazards Campaign, c/o Hazards '97 office, 47 Godwin Street, Bradford BD1 2SH.

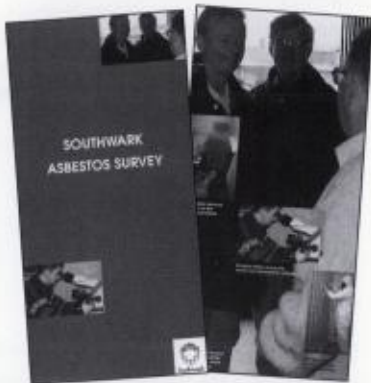
# Southwark tenants get asbestos survey

After a long campaign, the London Borough of Southwark has sent tenants a leaflet setting out the council's plan to survey the asbestos in their homes. Tenants have been told not to drill, scrape, sand down or disturb anything they think may be asbestos.

This action follows promises made by Jeremy Fraser, then leader of Southwark council, at a meeting in 1996 to angry tenants of the Heygate Estate who demanded action over the asbestos in their homes (see Daily Hazard 48 and 50). The local tenants' association (TA) accused the council of being secretive about the extent of the problem and of refusing to fully inform all tenants. Southwark council were previously condemned by the local government ombudsman over

the issue of informing tenants about asbestos back in 1989.

Now Southwark has said it will carry out a ten per cent survey of all its 54,000 homes to establish the location or likely



Southwark asbestos survey leaflet to tenants

location of asbestos. The Southwark Group of Tenants Organisations (SGTO) has received assurances from the council that a higher percentage survey "including complete estate surveys, will be used if necessary".

Southwark says the results of the survey will be used to produce a schedule for dealing with the asbestos as part of their planned maintenance programme. In fact, survey work and some asbestos removals are currently being done on the Heygate Estate. Margaret Ambrose, Chair of the Heygate TA is not fully satisfied with the extent of the works. "They are only doing a partial removal of asbestos bath panels etc. and encapsulating the rest" said Margaret. "We don't feel this is adequate as panels such

as those under windows which could easily be damaged and then give off respirable asbestos dust are being left. With this problem, we feel prevention is better than cure".

Southwark had previously admitted it did not have enough money to do a full survey but would take steps to deal with the problem. SGTO sums up the issue well: "This is a national problem and should be dealt with on a national basis, and should not rely on cash-strapped authorities trying to resolve this on a local basis".

Southwark tenants concerned about the presence or condition of asbestos in their home should ring the Southwark asbestos information line: 0171-525 4796.

## 9th National Hazards Conference

The 9th National Hazards Conference will be held between 5 and 7 September 1997 at the University of Bradford. This is the main event of the national Hazards Campaign calendar and a good opportunity to discuss today's key issues and organise campaigns for the coming year.

There will be workshops on RSI, stress, asbestos, asthma, manual handling, violence, chemicals, homeworking, construction etc. For further information and a registration form, phone the Conference office on 01274 770 160.

## OUT NOW! RSI HAZARDS HANDBOOK

The new London Hazards Centre handbook on repetitive strain injuries (RSI) is now available. It describes the various specific conditions that are included in the umbrella term RSI; looks at workplace organising strategies to prevent RSI; spells out safety representatives' rights; gives information on treatment and rehabilitation; provides information on legal action and compensation; and includes a resources and contacts list.

RSI Hazards Handbook. £4.50 to trade unionists, RSI sufferers and community groups. £12.00 to others. Add 50p per £5.00 order for post and packing. All purchasers of the RSI book can buy any or all of our other books at half price.

# Fumes force Hammersmith council office closure

Council staff in Hammersmith were evacuated from their office when fumes from the floor coating in the nearby sports centre poisoned them. Prompt action by the UNISON safety rep tracked down the source of the fumes, and may have helped save the unborn child of one of his colleagues.

On Monday 24 February, staff in a Hammersmith social service office started to notice a funny smell - something like white spirit or nail varnish. Before long, their eyes began to itch and their throats and heads to ache. By Tuesday, people were being sick and by Wednesday, a large number of staff reported feeling unwell. "It was a deep shock to have to deal with a problem of this nature," said Mike Williams, UNISON health and safety representative, "There were people suddenly vomiting - we had no idea what was hitting us."

It was quick thinking by Mike Williams which finally made the link with the next-door Janet Adegoko Sports Centre. A visit on Wednesday, the third day of the 'outbreak', established that it was on Monday that contractors had started applying a new coat of floor

sealant. Mike obtained the data sheet on the sealant and provided it to management who decided to evacuate the staff to other offices in the building. On Thursday and Friday, however, staff in other parts of the building reported sickness, and the whole building was finally evacuated.

The funny smell turned out to be the chemical xylene, a common industrial solvent which made up about 15 per cent of the coating. Also present were Toluene Di-isocyanate (TDI) and some unspecified solvents, probably something like white spirit. This is a toxic mixture and certainly capable of causing the symptoms of the Hammersmith workers.

Although xylene doesn't build up long-term deposits in the body it does take several days for the system to get rid of the chemical, so it is easy to explain why illness persisted after pollution levels had dwindled.

Polyurethane floor coatings are widely used in other public buildings such as schools and hospitals. It was predictable that applying this stuff would produce fumes: the solvent liquid part of it is designed to evaporate, leaving the

polyurethane coat behind. Under the Management of Health and Safety at Work Regulations 1992, the contractors should have informed all those likely to be affected to allow them to take adequate steps to protect themselves. They did not and therefore cannot claim to have been operating on the basis of a safe system of work.

By the end of the incident 70 per cent of staff in the affected areas had reported some sort of symptoms; complaints of chest pains were a further cause for concern. Four people were taken into hospital for tests and doctors were extremely concerned at the incident. Even more worrying, one of the staff was pregnant, and xylene is known to be a hazard to the unborn child. She spent

several days in her local hospital in Oxford, where doctors said exposure earlier in pregnancy could have caused a miscarriage, but there was still a risk of damage. As it was, there was a worrying three months to go, and a delivery closely monitored by a consultant paediatrician, before her happily normal child was born in June.

# Safety management: employer duties and employee rights

A common problem faced by safety reps is getting management to carry out their legal duties. The lack of a sound safety management system leads safety matters to be ignored or dealt with in an unacceptably ad-hoc fashion and allows managers to pass the buck or explain away health and safety failures. The first part of this factsheet briefly describes the key elements of a proper safety management system. Safety reps should check what is going on in their workplace against the management duties listed below and they should use their rights to pressure managers into taking a structured approach to improving health and safety in the workplace and developing a good health and safety "culture". The second part of the factsheet looks at safety reps rights to be informed and consulted about the safety management system and how they might put pressure on reluctant managers.

## MANAGEMENT DUTIES

The Health and Safety at Work Act (HASAWA) 1974 says that: "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees". More recently, Regulation 4 of the Management of Health and Safety at Work (MHSW) Regulations 1992 lays down that every employer shall make arrangements for the "effective planning, organisation, control, monitoring and review of the preventive and protective measures".

## Safety Policy

The starting point of a sound system is the health and safety policy. Section 2(3) of HASAWA requires every organisation with five or more employees to have a written health and safety policy. Smaller organisations should also adopt good practice and accept the need for a written policy as well. A safety policy should:

- state the organisation's

commitment to making the health and safety of employees a priority organisational goal

- set out arrangements for the management, organisation and review of health and safety

- make provision for consultation and co-operation with workforce representatives
- be revised when there are changes in the work or law
- be readily accessible to employees

## Organisation and planning

Companies and organisations have to design and establish systems and allocate responsibilities. Managers must:

- integrate health and safety matters into their planning and decision making procedures
  - identify and choose methods and techniques that can be used to train and communicate with staff; detect, control or eliminate hazards; and monitor and review performance
  - allocate responsibilities and devise a timetable for the implementation of their plan.
- Individuals at all levels of management have to be made responsible and accountable for the control and implementation of policy. The organisation must make sure that these people are competent and are given training and access to information and advice appropriate to the extent of the responsibility and the level of risk involved.

## Risk Assessments

Regulation 3 of MHSW lays down that every employer shall assess the risks to the health and safety of his employees to which they are exposed at work. Where the employer employs five or more people, the significant findings of the assessment must be written down. When conducted properly, risk assessments can facilitate a structured approach to identifying risks and determining control measures. Standard forms are normally used to achieve thoroughness and consistency. Official guidance

often includes suggested standard formats, though these can be modified to suit particular needs and risk levels. Risk assessments may be thematic (e.g. stress, violence, manual handling), task-centred (e.g. keyboarding, cleaning, driving) or relate to particular aspects of the working environment (e.g. hot working conditions). Task-centred assessments can be generic (i.e. apply to all situations) or focus on a particular piece of equipment or job. They should record the people at risk; minimum legal standards; existing control measures and the need for further action. Workers must be consulted as part of the risk assessment. They will often know the hazards and risks of their jobs better than anybody else.

## Monitoring

Two types of monitoring system must be implemented:

- Active systems which monitor the achievement of objectives and the extent of compliance with standards. Regular and carefully conducted inspections, covering one or all parts of the premises or one specific work activity (e.g. keyboarding or manual handling), provide information essential for conducting risk assessments, verifying whether plans are being implemented and objectives achieved. A written record must be taken, circulated to others with specific health and safety responsibility and made available to employees.
- Reactive systems which monitor accidents, ill-health, incidents and other evidence of deficient health and safety performance. Recording and reporting systems and subsequent investigations are important elements of a good monitoring system. All accidents and near-misses must be recorded in an accident book. Employees should be encouraged to record such events and they have the right to record accidents in the terms they see fit.

## Review

All health and safety management systems need regular review. Changes in the law, production systems or working methods should all trigger an evaluation of existing arrangements. In addition a periodic review of the whole system should take place. An annual review would be appropriate in most cases. An independent audit should take place at less regular intervals. An independent assessment of the validity and reliability of management planning and control systems may help to avoid complacency on the part of those managing the system and provide welcome input on how improvements could be made.

## SAFETY REPS' RIGHTS

Various laws give worker representatives the right to influence the safety management system and acquire the information they need for that purpose.

- Section 2(6) of HASAWA gives consultation and information rights to elected safety reps in workplaces where the employer officially recognises a trade union.
- The Safety Representatives and Safety Committees (SRSC) Regulations give safety reps the right to see and copy any information held by the employer that relates to health, safety and welfare (unless it identifies a particular member of staff), including risk assessments, safety policy, fire certificate, accident book and information on proposed changes that might affect the health and safety of members
- The MHSW Regulations 1992 extended safety reps' rights by laying down that employers must consult with safety reps "in good time" as to any changes in the workplace that may affect the health and safety of employees they represent; the appointment of "competent" persons; any health and safety information the employer is required to give to employees; the planning and provision of any health and safety training for employees; the health and safety consequences of new

technologies

- The Health and Safety (Consultation with Employees) Regulations 1996 afford consultation and information rights to workers and their representatives in workplaces where a trade union is not officially recognised by the employer.

## What if managers do not co-operate?

Managers often ignore safety reps and, in many cases, actively seek to limit their activities and influence. Others are simply ignorant about their legal duties. Depending on the degree of resistance from management, safety reps should:

- insist that the health and safety of workers is prioritised
- quote the official HSE line that good health and safety systems improve morale, reduce sickness absence and increase productivity
- formalise any requests for information or action in writing
- raise matters at safety committees
- document and draw attention to hazardous situations by making sure all workers systematically use the accident book to record work related ill-health or accidents and/or leave the workplace to rest and recover from fatigue, headaches etc.
- stop the job if they or their members are in serious or imminent danger, as per Regulation 7 of the MHSW Regulations; Section 47-49 of the Employment Rights Act 1996 also gives all workers the right to take an employer to an industrial tribunal if they are victimised for raising health and safety concerns
- get full-time officers involved when local consultation is stalled
- call in enforcement authorities (Health and Safety Executive or local authority environmental health department): despite suffering cuts in resources and often displaying reluctance to get involved, they may be able and willing to help
- use newsletters, notice-boards and regular meetings to keep members closely informed of developments on outstanding issues.

## NEW TUC HANDBOOK PUBLISHED

A new edition of Hazards at Work,\* the Trade Union Congress (TUC) guide to health and safety, has just been published in a loose-leaf format to allow for periodic updating. Compared with the previous version published in 1988, the new edition emphasises the expanded influence of European-initiated legislation though many of the sections on specific hazards are little altered. The guide provides a huge volume of advice and information for safety representatives to tackle practical problems at work.

Regrettably, not all the material is accurate or accessible. Examples such as a table on page 7 which eliminates Ireland and Denmark from the European Union or a meaningless jumble of figures on page 60 in a discussion on high temperatures are replicated throughout the book. Apart from the shortcomings of proof-reading, more attention could have been paid to the presentation of the material. The chapter on stress has hardly changed at all since 1988 and it is hard to understand why there is no reference to the significant court cases and negotiated agreements of the last few years. There should have been a chapter on reproductive health which brings all aspects of the topic together instead of which there are scattered references to pregnancy throughout the text. Many similar examples could be quoted.

The job of revision was undertaken by a single individual when it definitely required a team of specialists working under strong editorial direction. Since the TUC expects union branches to pay £20 for this publication, and for it to be used as the main teaching resource, there should have been more care taken to produce it in a professional way. Perhaps this could be borne in mind when the updates are being prepared.

● *Hazards at Work: TUC guide to health and safety, TUC, Congress House, Great Russell St., London WC1B 3LS, ISBN 1 85006 368 0, £20, contact Owen Tudor on 0171 467 1325 for further information*

## ADVICE LINES

### ...on cancer

Cancerlink provides support and information for people with cancer. It has a free general information helpline (0800 132 905), a separate line for Asian people in Bengali, Hindi, Punjabi, Urdu and English (0800 590 415) and for young people (0800 591 028). You can also write to Cancerlink at 11-21 Northdown Street, London N1 9BN.

### ...and homeworking

The National Group on Homeworking launched a HOMEWORKERS' HELPLINE on 12 May. For free confidential advice about employment rights, benefits, tax, national insurance, health and safety for homeworkers, phone 0800 174 095.

## European work hazards conference 1997

Shonagh Methven and Hugh MacGrillen were the Centre's delegates at the 1997 European Work Hazards Conference held in the Netherlands on 14-16 March. Our delegates attended workshops on asbestos, chemicals, occupational exposure limits, new management methods and occupational health risks in pregnancy. Dutch delegates reported that 100 babies were born deaf each year in the Netherlands because of maternal exposure to noise at work. Other discussions showed that strains were developing in the European Union's 'social partnership' as employers and governments sought to maintain profit margins and limit public spending respectively.

## Web Site

We are working on a World Wide Web site which will give members access to our library catalogue database, HAZLIT. It will be ready during the Summer. E-mail us for details at <lonhaz@mcr1.poptel.org.uk> and we will send you the address and password as soon as the site is ready.



Gavin Smith/Insight

**Workers' Memorial Day, 28 April 1997.** Construction workers and relatives commemorate the needless deaths of three young sewer workers (Paul and David Richardson and Steve Hammond) from hydrogen sulphide gas poisoning at Watney market, Aldgate in 1990. Floyd Construction was fined £50,000 for the flagrant breaches of health and safety regulations which led to the deaths.

## PUBLICATIONS

- ▼ **RSI Hazards Handbook.** January 1997. £12/£4.50\*
- ▼ **The Asbestos Hazards Handbook.** December 1995. £12/£5\*
- ▼ **Hard Labour: Stress, ill-health and hazardous employment practices.** August 1994. £6.95
- ▼ **VDU Work and the Hazards to Health.** August 1993. £6.50 \*
- ▼ **Protecting the Community: A worker's guide to health and safety in Europe.** May 1992. Now only £2
- ▼ **Sick Building Syndrome: Causes, effects and control.** June 1990. £4.50
- ▼ **Fluorescent Lighting: A health hazard overhead.** March 1987. £2.00\*/£5.00
- ▼ **Toxic Treatments: Wood preservative hazards at work and in the home.** January 1989. £5.95

\* Price to community/tenants/union groups when ordered direct from the Centre.

Add £0.50 post and packing up to each £5 worth of books. Discounts for 10 or more copies. Cheques to 'London Hazards Centre'.

For a list of factsheets contact the Centre or send SAE.

## INTRODUCTION TO HEALTH & SAFETY COURSE

11 September

This one-day course will cover management duties, risk assessment, training, welfare, safety representatives and safety committees and hazards identification.

Our trainers draw on experience of advising safety reps and voluntary organisations to provide practical training which you can apply in the workplace.

Cost: £40; £20 to organisations qualifying for LBGU training bursaries

We can also design and run training at the Centre or your own site. Call us to discuss your needs.



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