

Probation unions pioneer asbestos management

Safety representatives from the probation service unions NAPO and UNISON have negotiated the first asbestos management policy to cover a whole government department's premises. John Hague, NAPO representative, who used the Centre during negotiations, reports.

Negotiated via the newly formed National Health and Safety Forum, the policy covers all probation service premises (offices, hostels and workshops) across England and Wales and was launched in December. The unions are already looking at extending the policy to other places where the roving nature of probation work takes their members. In the meantime, it's a possible model for other public sector safety reps to build on.

The policy sets up surveys and asbestos registers for all premises. Action will follow from the surveys using a hazard matrix. The safety reps argued successfully that the matrix should not differentiate between different forms of asbestos and that buildings built after legislation banning asbestos in 1985 should not be assumed to be asbestos-free. (The Probation Service has first hand experience of people who break the law!)

Periodically, every 6-12 months or as determined via the hazard matrix, the condition of asbestos containing material (ACM) will be re-assessed by external contractors. A national programme of quarterly local building inspections will back this up. Re-assessments will take place whenever new information suggests the presence of ACM or that ACM has been damaged (deliberately, accidentally or by erosion) or encapsulation has deteriorated.

Machine made mineral fibres (MMMMF) are included in the policy, in particular the group of MMMF known as machine made vitreous fibres (MMVF), which comprises mineral wools (glass and rock wool) and refractory ceramic fibres.

Safety reps are now close to an agreement to extend the policy from Probation Service buildings to any

situations where probation staff work. This will include local authority premises where their members work alongside social workers, as well as courts and prisons.

There is also more work to be done in relation to Community Service projects where it is not only probation staff who are at risk.

More on managing asbestos

▲ LHC factsheet: Management of asbestos in non-domestic premises

▲ Asbestos no hiding place: Hazards/TUC guide

From www.lhc.org.uk or 020 7794 5999.

Hugh MacGrillen

We are sorry to report that our colleague Hugh MacGrillen died in January. Hugh was an advice worker at the Centre for 15 years and contributed greatly to the causes of safer workplaces, housing, communities and environment in London.

Whether it was advising a local authority on the safest way to paint housing, stopping dodgy asbestos strips, investigating illnesses arising from building on contaminated land, showing how to set up a VDU work station or addressing the problems of stress at work, Hugh gave the best possible advice and support to the workers, tenants and community activists who used the Centre.

Hugh brought to the Centre a sharp intellect, wit, political acuteness, the knowledge of a qualified chemist, editorial skills, and a long and deep involvement with, and commitment to, the trade union movement. He was London regional secretary of MSF, previously ASTMS, for many years.

Hugh was Irish chess champion in 1973, and represented Ireland at Olympiads in 1972 and 1974. His commitment to the labour movement entailed the sacrifice of his chess career.



Hugh helping to promote a campaign about RSI at the BBC.

Hugh had suffered from cancer for some time, with periods of treatment and remission. He was 58 years old.

He will be sadly missed at the Centre and in many other places. Many tributes have reached us and can be read at our memorial web page. If you would like to add something about Hugh please do contact us.

Migrant workers at risk in London

Migrant workers don't usually make the tabloid press or earn the attention of government unless they are being attacked for being poor and desperate and vulnerable. While this vilification continues, the real crime of migrant workers subjected to dangerous and exploitative conditions is ignored.

Typical of the plight of hotel workers was a recent incident at the Kensington Close Hotel, reported by members of the TGWU Hotel Workers Branch. Methane leaked into the hotel after toxic gases were mixed in the basement swimming pool area. John Tobin, a painter and decorator in the hotel, told the Daily Hazard of his anger at the company's failure to implement a proper evacuation procedure. 'Most of the agency staff who work here are Vietnamese and don't speak English,' he said. 'They've never taken part in evacuation drills before because the company only involves workers directly employed by the hotel.'

The evacuation was a complete shambles, according to John. 'There were no alarms sounded. The personnel manager just knocked on guests' doors and told them to leave. The lifts carried on being used as firefighters poured into the hotel. Workers couldn't find the assembly area and when we were finally directed to a neighbouring hotel, only guests were initially allowed inside.'

Fire and ice

GMB members organising migrant workers in food production in North and West London have encountered similar problems. The GMB has about 8,000 migrant members who are concentrated mostly in the private sector in London. Many members have joined in the past five years in response to union organising campaigns in food production and other process factories. Tahir Bhatti, a GMB organiser, says that health and safety issues have been central to many of these campaigns.

Serious fire hazards at Katsouris Fresh Foods led to a major fire in this company

last summer and although no one was hurt, workers have complained that no fire extinguishers were available. 'There are about 1200 mostly Asian workers here,' Bhatti told the Daily Hazard. 'The overwhelming majority are Gujarati or Tamil but there is a small minority of East European workers too.'

'Katsouris produce no information in the languages used by the workforce,' says Bhatti. 'The HSE has served five improvement notices on the company but these have made no difference. Workers are forced to work extra hours to get the place clean and tidy for the inspectors. They have received no information about the notices and the HSE have said they are powerless to impose this requirement or to inform GMB representatives as the union isn't recognised.'

Katsouris has a big problem with slip and trip hazards which is not surprising as the company does not employ cleaners. 'There is often spilt olive oil on the ground and members end up with broken limbs. One worker was sacked after an accident,' Bhatti reports. Those who work close to the open freezers meanwhile have other worries. 'These workers suffer cold air every single day and Katsouris doesn't provide them with protective clothing,' he said.

A history of struggle

The conditions highlighted by TGWU and GMB trade unionists are neither unique nor new. There have always been migrant workers in this country. For centuries they have provided a cheap source of labour for Britain, plugging the gaps in the labour market and fulfilling a crucial role in the economy. The long exploitation of migrant workers with low pay and hazardous jobs has led many to become involved in campaigning for better conditions for all workers. They have played an active and often prominent role within their unions whether as mill workers in the 19th century or as hospital or local authority workers in the struggles of the past 50 years.

Today, migrant workers are arriving in Britain in increasing numbers and this trend is likely to continue as a result of EU enlargement from May 2004. Migrant

workers include refugees, asylum seekers, employees on work permits, EU nationals, students who are combining study with work and workers on sector based schemes. The Labour Force Survey 2002 estimated that 2.6 million workers (9% of the working population) were born outside the UK. This figure is an underestimate as it does not include numbers of people living in multi-occupied premises or working 'without authorisation'. Asylum seekers no longer have permission to work in this country and so many are forced to work illegally.

The UN has tried to increase protection for migrant workers and their families by an international treaty. Disgracefully, not one major migrant receiving country has become a party to this Convention since it was adopted by the UN in 1990. The convention came into force for states parties in July 2003. Trades Unions and the Hazards Campaign are calling for UK ratification.

London links

London and the Southeast have the biggest UK concentration of migrant workers. Industries such as construction, hotels and catering, along with the health and education sectors are heavily dependent upon migrant labour. Employers in these areas are not renowned for their commitment to health and safety and while this is a problem for all their workers it is particularly worrying for workers who are insecure about their rights to be in this country.

Community organisations and trade unions have to find creative ways of getting health and safety advice and support to those working in the most exploitative areas of the economy and let down by the law. At the London Hazards Centre we are working to build links and offer our skills to groups who have experience in reaching migrant workers.

Find out more

▲ *Overworked, underpaid and over here.* TUC, 2003.

▲ No Sweat! The UK campaign against sweatshops. www.nosweat.org.uk. PO Box 36707, London SW9 8YA

Government to restrict tribunal protection?

The 2002 Employment Act included a new standard for grievance, disciplinary and dismissal procedures. The motive was to reduce the number of Employment Tribunal claims by encouraging employers and employees to resolve disputes.

The Act lays down a three-step framework to be implemented in regulations:

- ▲ the employee/r sets out the grievance or allegation in writing
- ▲ employer and employee meet; the employee has the right to be accompanied by a colleague or trade union representative
- ▲ an appeal against disciplinary action or unsatisfactory handling of a grievance

The proposed framework is less thorough than the current ACAS Code of Practice. The main shortcoming is that employers are not obliged to investigate as part of preparing a disciplinary case.

The DTI has now moved on to drafting regulations to implement the Act. Consultation on dispute resolution finished last October, but the draft on employment tribunals is open for comment until 5 March.

Employment Tribunal procedures

The proposals on Employment Tribunal Procedures fall short of the political rhetoric that pushed the bill through Parliament. They introduce a **pre-acceptance** stage in tribunal claims. Tribunal chairs will be given powers to throw out an employee's claims after reading the application form and without a full hearing, where:

- ▲ the worker hasn't informed their employer of a grievance in writing and waited 20 days for a response
- ▲ the worker does not have enough continuous employment to qualify for an employment right

- ▲ the applicant does not qualify for a right because they are not an employee

Currently tribunal officials can advise applicants that their claim is unlikely to be successful but the individual still has the right to a full hearing. It would be interesting to test this restriction against the 'fair hearing' guaranteed by the Human Rights Act.

Dispute Resolution Regulations

The Government consulted last autumn on Dispute Resolution Regulations to implement the 2002 framework. Every worker should be seriously concerned about two proposals:

- ▲ the Act's provisions to make the new procedures part of every contract of employment are not to be triggered. This will probably lead employers only to use them where they think a dispute is likely to end in a tribunal or they have already decided to sack someone.
- ▲ the procedures would only be triggered once the employer has decided to dismiss an employee, and would not apply to oral or written warnings or to suspensions

If the procedures are only used once a dispute has escalated and the employer has decided on dismissal, the employee's prospects of keeping their job will be seriously diminished; and if the employee messes up their response they will be debarred from a tribunal even if their dismissal is intrinsically unfair by current standards.

Though consultation is over, it may still be worth contacting your MP.

- ▲ Documents at www.dti.gov.uk.

Whistleblowers defend safety

Greg Tucker, Sarah Friday and Laurie Holden have first hand experience of the employment tribunal system. All are railway union reps fired or downgraded for defending health and safety after privatisation. All eventually won tribunal cases, though not all got their jobs back. Their employers were denounced in the strongest terms by tribunals, but they had to wait two or three years for this verdict.

They tell their story in the Centre's new booklet, *Victimised Whistleblowers – a trade union perspective*. Read this and you'll see how railway management has become a disaster area, and why safety reps are the vital line of defence.

Victimised Whistleblowers is £1 from the Centre, and online at www.workplacevictimisation.net or via www.lhc.org.uk



Left to right: Greg Tucker, Sarah Friday, Centre worker Margaret Sharkey, and Laurie Holden

Have your say on working time law

UK 'compromises freedom of choice'

In the next few weeks trade unionists have a chance to attack the blatant abuse of working hours highlighted by the Canary Wharf crane crash inquest (see next page).

This kind of exploitation is made possible by the opt-out, the UK's unique abuse of the European Union safeguards, which allows UK employers to pressure workers to sign away their right to a maximum week of 48 hours.

The European Commission began the year by launching its consultation on working time, focusing on opt-out agreements, and looking at how the Working Time Directive could be revised. Improvements to the directive could influence UK regulations and practice. Responses have to be made through unions and the TUC by 31 March.

The European Commission confirms:

- ▲ The UK is the only EU state where working time has increased over the last ten years
- ▲ 4 million UK workers habitually work more than 48 hours. This is 16% of the whole workforce and 21% of those working full-time.
- ▲ 1.5 million habitually work over 55 hours.
- ▲ Around 1 million UK workers have more than one job and may therefore be working more than 48 hours in total
- ▲ A high percentage of the UK workforce are asked to sign the opt-out: 65% of companies in one survey, with over half the workers waiving rights.
- ▲ The UK is unique in this widespread use of the opt-out. Luxembourg has recently introduced it, with tight record keeping, for hotels and catering. France allows some categories of health workers to opt-out. Germany, the Netherlands and Spain are considering opt-outs for health workers on call.

The Commission says it cannot evaluate

the effects of excessive hours on UK workers' health and safety, because of a 'lack of reliable data'. What it means is that the 1999 amendment to the Working Time Regulations allowed companies to keep a minimum record of hours worked. Many bosses just filed the worker's opt-out and kept no record of hours at all. It is similarly impossible to monitor UK companies' compliance with other aspects of the directive such as daily rest periods (article 3) or weekly rest periods (article 5).

The Commission agrees that there is strong evidence that excessive hours contribute to accidents and increase the risk of cardiovascular disease, mental disorders and other illness.

Finally the Commission is not happy with the widespread UK practice of asking workers to opt out when they are taken on. The report says:

'It is legitimate to suppose that if the opt-out agreement must be signed at the same time as the employment contract, freedom of choice is compromised by the worker's situation at that moment.'

The UK government has made it clear that it will fight to keep the opt-out. It would be foolish to expect automatic

progress from Brussels. Although this report is critical of the UK, the Commission is clearly trying to please both employers' and workers' representatives. That is impossible. The TUC wants the individual opt-out removed, but is unlikely to take on the government without strong pressure from safety representatives.

- ▲ Responses have to be made through individual unions and the TUC by 31 March, so make your views known to your union.
- ▲ Lobby your MEP as well.
- ▲ The EU communication can be seen at: http://europa.eu.int/comm/employment_social/consultation_en.html The title is: *Communication from the Commission [...] concerning the re-examination of Directive 93/104/EC concerning certain aspects of the organization of working time.*

Background on working hours

- ▲ *London boroughs have worst working hours*, Daily Hazard n79, Nov 2003
- ▲ LHC factsheets on working time: 1: Shifts and night work, 2: Long hours. From www.lhc.org.uk and 020 7794 5999.

Alan Dalton



Alan with his first grandchild on an environmental demonstration

We mourn the loss of Alan Dalton, the veteran safety and environmental campaigner, who died in December.

Alan was a key activist of the British Society for Social Responsibility in Science (BSSRS) Hazards group in the 1970s, which supported the first safety reps and led to the founding of the London Hazards Centre. He was known internationally as an anti-asbestos campaigner and fighter against all workplace hazards.

The Centre retains a memorial to him in the shape of the books he donated to our library.

A full obituary appears on the Hazards magazine web site, www.hazards.org

Multiple fatality crane crash 'a mystery'

A two and a half year Health and Safety Executive investigation, followed by an inquest, have failed to find any clear reason for the Canary Wharf crane crash which killed three construction workers on 21 May 2001.

Michael Whittard, 36, from Leeds, Martin Burgess, 31, from Castleford, West Yorkshire, and Peter Clark, 33, from Southwark, south London, died when the upper section of the crane they were working on crashed nearly 500 feet to the ground. It was being used to construct one of the two adjacent HSBC skyscrapers in London's Canary Wharf when the top snapped off.

Two other workers survived the crash by clinging onto the remains of the mast and then climbing onto the building.

The men were employed by Hewden Tower Cranes, a sub-contractor to Cleveland Kvaerner Bridge. The workers were extending the height of the crane by adding new sections when the upper part of the crane began twisting.

Crash survivor Eamonn Glover told the inquest he shut his eyes as 'the whole thing shook. I actually thought I was going down with the crane. When everything stopped I looked up and there was no crane there.'

Ian McDeson of the Construction Safety Campaign (CSC) attended the inquest and said: 'Evidence came out during the inquest of long working hours, lack of training and questionable working practices. Witnesses said they worked ten to twelve hours a day, seven days a week, sometimes having just travelled very long distances to get to the site. One witness said there was little formal training for the riggers, they just learned from their peers



while on site. While there was no evidence of real wrong-doing there was some evidence of temporary bodes being done while erecting the crane and one witness said the jerking of the lifting frame as it was being moved was the worst he had ever experienced.'

The inquest also heard that a special safety plug was missing and there was no anemometer in the crane cab to measure wind speed, though the weather was not thought to have played a part.

The inquest jury, at St Pancras Coroner's Court in central London, returned an open verdict.

'I cannot understand how three people get killed and no one is to blame,' commented CSC national secretary Tony O'Brien. 'It happened on a Sunday. If it had happened on a weekday it could have been worse: I don't want to think about the number of people that could have been walking around there.'

Asbestos management – Waltham Forest shows how

Another good example on asbestos management (see front page) was set by Waltham Forest council with an information day in European Week for Health and Safety, with the help of the Centre.

Advice worker Mick Holder spoke to workers from various sections of the council about asbestos-related disease, the biggest occupational killer ever. While the UK finally banned all imports in 1999, there are still six million tons in our workplaces, hospitals, schools, homes etc. Time and effort must be spent on managing it safely, to prevent workers being accidentally exposed. At high risk are building and related workers who maintain properties and install electrical, telephone or computer cabling. But any worker in the vicinity may be at risk if asbestos is disturbed.

The event was organised by the asbestos sub-committee of the council safety committee and was fully supported by council unions who are part of the drive to ensure compliance with the new regulation. Members of the sub-committee gave an overview of plans to survey council properties, compile and update records and decide between removal and safe management in place.

Sue Manning, Union Side Safety Officer, said: 'We have been aware of the forthcoming new regulation for a long while now and we have been instrumental in taking this issue to the safety committee, getting a commitment from the council and moving them forward.'

▲ London Hazards Centre Factsheet: Management of asbestos in non-domestic premises (*Daily Hazard* no 77, March 2003, and www.lhc.org.uk)

Fatality at Park Royal stonemasons



MOLLY COOPER

Safety campaigners and union officials joined with the family of John Dunleavy, 37, to mark his untimely death last September.

John was crushed by a massive slab of stone that was being moved at Deco Marble and Granite, Park Royal. He had worked there for eight years and was a works foreman.

Family and friends marked John's death by laying a wreath outside the firm on 19 December. They were supported by members of the Construction Safety Campaign and the construction union UCATT. John's workmates stopped work to attend the brief ceremony.

There will be an investigation of the incident by the Health and Safety Executive who will pass their findings on to the Hornsey Coroner's Office.

Training inspires voluntary groups

This is the final year of the Centre's Black and Minority Ethnic Health and Safety Training Project. We are now offering free support to all the voluntary sector organisations that participated in last year's 54 sessions of free training throughout London. The response has been good so far and requests are coming in for further training, help with writing and reviewing policy, risk assessments, inspections and similar work.

It is interesting to get to know groups individually and rewarding to see the resulting changes in knowledge, attitude and work practices relating to health and safety.

In one case, a charity group requested in-house training for 12 of their staff, committee and volunteers. A guest speaker from London Fire Brigade gave an inspiring talk and carried out an informal inspection. Some hazards were highlighted and were soon rectified. The group was so impressed that they are now planning a community seminar on Fire Safety in the Home.

Various groups have sent in their safety policies for review. Another has asked for help with guidelines on implementing their policy.

For further information, contact Mumtaz or Angie.



Voluntary sector workers from Barnet and LHC trainer Mumtaz Mahmood finish their training day with some fresh air at North London Business Park

USING THE CENTRE

Training

COURSE PROGRAMME

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

Courses cost £40 per person and are held at Islington Voluntary Action Council which is fully accessible.

Our current programme includes:

- ▲ **Asbestos awareness at work**
Tuesday 23 Mar 2004
- ▲ **Chemicals in the workplace**
Thursday 10 Jun 2004
- ▲ **Introduction to risk assessment**
Thursday 11 Mar 2004
- ▲ **Introduction to Workplace Health and Safety**
Thursday 6 May 2004
- ▲ **Tackling stress at work**
Tuesday 25 May 2004

Details and booking forms at 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.

London Hazards Advice Line

Free advice and support for Londoners on health and safety at work and in the community. We aim especially to work with local groups such as tenants/residents organisations, black and minority ethnic networks, union branches, etc. 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

**Mon, Tues, Thurs, Fri,
10-12 and 2-5**