



Update from adams-payne safety

'adams-payne safety Ltd' Autumn 2006 / Winter 2007 Newsletter

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COMMENT

I sometimes hear the comment that there is "not much in the Newsletter that applies to me". On the face of it, that would appear to be a fair comment. If, for example, you are involved in Construction, you may not give a hoot about a transport company boss being jailed. In the same way, if you work with horses, the fact that someone has been prosecuted for removing a guard from a circular saw will probably not cause you any lost sleep!

But hang on a second – let's look below the surface at these situations and events. We need to look at the 'principles' rather than the 'specifics' in the various articles and clippings. We need to go beyond the obvious and ask "how does this apply to me and my situation"? Health & Safety in one sense is about negligence – our 'acts' or 'omissions' (the things we do or fail to do). Therefore when you read any article, consider the wider ranging issues rather than flicking through the Newsletter and sticking it in the nearest bin because none of it appears to be relevant to you! Scare tactics only ever work at a certain level (see earlier comments regarding non-red top tabloid newspapers) but as they say, 'knowledge is power' – why not just reflect on the 'principles'? You have been warned.....

Tony Payne

Useful Numbers: -

HSE Info line	0870 154 5500
HSE Books	01787 881165
HSE Website	www.hse.gov.uk
Incident Contact Centre (Riddor)	0845 300 9923
British Standards Institute	020 8996 9001
Trades Union Congress	020 7636 4030
Environment Agency	0870 850 6506
Fire Protection Association	020 7902 5300

Boss Jailed

A haulage firm Boss has been jailed for three years for manslaughter after one of his drivers momentarily fell asleep at the wheel of his lorry. The driver was also jailed – for four years – having been convicted of dangerous driving. This event led to him running over a cyclist who was taking part in a cycle race. It seems that the boss encouraged his employees to work excessive hours and he and his driver were also convicted of perverting the course of justice in that they tried to conceal the drivers shift pattern. Two other employees were jailed for 9 months each for helping to destroy tachograph documents.

Risk Assessment

In my 'Comment' column in the previous Newsletter I referred to the apparent spoiling of every-day pleasures by over-zealous 'health & safety police' and the misguided over-reaction by newspapers etc. It seems that the HSE have also reacted to this situation by launching a set of 'sensible risk management principles' and advising these people to 'get a life' rather than be spoil-sports! In an HSE public relations exercise, aimed at getting the balance right between removing unsafe practices and total risk aversion, Health & Safety Commission Chair Bill Callaghan was quoted as saying that he was "sick and tired" of hearing how health & safety is stopping people from taking part in activities. He went on to (correctly) state that some of the stories we read about are just myths but also pointed out that health & safety can often be used as a convenient excuse to justify unpopular decisions such as closing facilities when the real reason lies elsewhere. See hse.gov.uk/risk/sensible.htm.



IN SHORT

Employers' Liability

- An uninsured builder has been fined a total of £3750.00 with costs of £2000.00 for various breaches of legislation. This included a conviction for failing to have Employers' Liability Insurance as required in section 1(1) of the "Employers' Liability (Compulsory Insurance) Act 1969". The events unfolded when a member of the public phoned the HSE to report that the workers were 'bombing' materials from the roof into a skip on the site. When questioned about the situation it transpired that the builder had no insurance and this would have condemned his employees to a life of financial hardship should they have suffered a serious accident. Employers are required to have liability insurance cover for at least £5m and should retain copies of certificates for 40 years.

IN SHORT

Road Safety Guidance

Driving whilst under the influence of alcohol or drugs is a major concern and RoSPA have attempted to offer some guidance on this topic by way of a leaflet entitled "Driving for Work: Drink and Drugs Policy". A second leaflet, "Driving for Work: Own Vehicles" assists employers to establish rules for staff who use their own vehicles at work. These can be downloaded from www.rospa.com/roadsafety (Employer Section).

Metalworking Fluids

The HSE has published a new free guide to help employees to protect themselves when exposed to metalworking fluids. "Working Safely with metalworking fluids: a guide for employees" explains the main health problems and gives advice on the general precautions to take – please see.....
www.hse.gov.uk/metalworking/about.htm

Good Practice Studies For Working At Height

A series of good practice guides on the planning and assessment of tasks involving working at height can be seen at www.hse.gov.uk/falls/casestudies/index.htm. Examples include gutter cleaning, working in tanks. Storing goods at height and the use of step ladders.

Under Consideration

A number of HSE Consultations are taking place where we can all have an input before the legislation is drafted. For details of current issues where you might want to have your say
www.hse.gov.uk/consult/live.htm



IN SHORT

Fire Reform 'Guides'

A **series of eleven guides** are available to assist those preparing fire risk assessments (www.communities.gov.uk)

1. Offices and Shops
2. Premises providing Sleeping Accommodation
3. Residential Care
4. Small and Medium Places of Assembly
5. Large Places of Assembly
6. Factories and Warehouses
7. Theatres and Cinemas
8. Educational Premises
9. Healthcare Premises (responsibility of the Department of Health)
10. Transport Premises and Facilities
11. Open Air Events

A 'general' guide is also available to download free of charge from this site.

IN SHORT

FIRE REFORM

The Regulatory Reform (Fire Safety) Order 2005 became law on 1 October 2006.

These regulations place a greater emphasis on fire prevention in all non-domestic premises, including the voluntary sector and self-employed people with premises separate from their homes.

Fire certificates will be abolished and will cease to have legal status.

The Fire Safety Order will apply in England and Wales (Northern Ireland and Scotland will have their own laws). It covers 'general fire precautions' and other fire safety duties which are needed to protect people in case of fire in and around non-domestic premises. The Order requires fire precautions to be put in place "where necessary" and to the extent that it is reasonable and practicable in the circumstances of each individual case.

Responsibility for complying with the Fire Safety Order will rest with the 'responsible person'. In a workplace, this is the employer and any other person who may have control of any part of the premises, e.g. the occupier or owner. In all other premises the person or people in control of the premises will be responsible. If there is more than one responsible person in any type of premises, all must take all reasonable steps to work with each other.

The 'responsible person' will have to conduct a fire risk assessment which must focus on the safety of all 'relevant persons'. It should pay particular attention to those at special risk, such as the disabled and those with special needs, and must include consideration of any dangerous substance likely to be on the premises. The fire risk assessment will help you identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions you need to take to protect people against the fire risks that remain. If you employ five or more people you **must** record the significant findings of the assessment.

(N.B. see also 'Fire Reform Guides' in the left hand column).



IN SHORT

VEHICLE FINES

Two separate convictions in a week due to workplace transport accidents have cost a waste management company a total of £105,000 in fines and costs. One of the cases is also significant because it includes a £66,000 penalty for ignoring an earlier and relevant HSE Improvement Notice. The accident occurred at a recycling and transfer station where two 'waste-pickers' were separating material from a heap when a 40-tonne mechanical loading shovel reversed, running over one and striking the other. One suffered a broken pelvis and leg and the other's ankle and foot were crushed.

There were no physical barriers to segregate vehicles from pedestrians. The Managing Director pleaded guilty on behalf of the company to a charge of failing to comply with an inspector's notice contrary to Section 21 of the Health and Safety at Work Act and another of failing to provide a safe system of work contrary to Section (2) 1 of the Act.

IN SHORT

TRANSPORT FATALITY PROSECUTION

A 60-year-old employee was struck and killed by a visiting vehicle at the premises of his employer. Magistrates fined the firm the maximum £20,000 and ordered it to pay full HSE costs of £4500 after it pleaded guilty to breaching Section 2(1) of Health & Safety at Work etc Act 1974 (HASAW) by not ensuring the safety of its employees. The court heard that the factory cleaner had been working in the firm's front yard taking rubbish to two skips when he was hit by a skip delivery vehicle. There were no safe working procedures in place with regard to the yard area where workers regularly used the skips, no restrictions when HGVs were loading and unloading in the vicinity, and no segregation between pedestrians and vehicles. The firm said in mitigation that although a risk assessment of the yard area had been carried out, it had not considered the transport issue. The company had since set up a system of authorised yard use to address the key issue - that people and vehicles must be segregated.

Risk Assessment Guide

The HSE has revamped its short guide to risk assessment. The 11-page guide, 'Five Steps to Risk Assessment' (available free at www.hse.gov.uk/risk), has been simplified to make it accessible to non-specialists. HSE deputy chief executive Jonathan Rees said the overhaul shifts the emphasis from risk assessment recording to practical implementation of protective measures. "On its own, paperwork never saved a life," said Rees.



IN SHORT

BURIED SERVICES

Q: If different buried services are buried close to each, other how can we identify them?

A: The utilities now use the following colour coding system for buried services: **black** for electricity; **red** for some 11kv electricity cables; **blue** for water; **yellow** for gas; **grey/white** for telecommunications; and **green** for cable TV. Older services are harder to distinguish but as a general rule, any black cable should be deemed to be electrical until established otherwise and cast iron/steel pipes treated as gas pipes unless otherwise known.

General industry guidelines suggest that electric cables are buried at various depths according to their voltage. High voltage supplies are usually buried at a depth of 1m, while low voltage cables will be buried at 500mm in open ground and at 750mm under carriageways.

In addition to this, under the Electricity Supply Regulations 1988, suppliers have a duty to keep up-to-date maps indicating the position and depth of cables below surface level.

and finally...

The comments, observations, views and advice contained in this newsletter are for general guidance only and are not a substitute for competent expert advice or reference to Acts and Regulations or other legal sources in individual cases and circumstances. Advice can be obtained from, amongst others, Insurers and Solicitors, Enforcing Authorities and your own competent person.

You should always ensure that you obtain competent professional advice in individual situations.

ACCIDENT STATISTICS

Statistics for Fatal Injuries 2005/2006 were published on 17 August showing the lowest rate of fatal injuries on record. According to the statistics, the number of workers who were fatally injured last year was 212 – down 5 per cent from 223 in 2004/2005. Falls from height are still the most common kind of accident, accounting for 22 per cent of all fatal injuries, with a decrease from 53 last year to 46 – the lowest on record. In particular, the number of falls from above two metres is down to 26 from an average of 48 a year over the past five years. This appears to indicate that the Work at Height Regulations have had an effect. The second most common cause of fatal injury was being struck by a moving vehicle, or a moving or falling object – incidents which are easily avoided if employers provide the correct equipment and put safe work procedures in place. The industry with the highest number of casualties was again construction, with 59 deaths – down from 69 last year. In agriculture, forestry and fishing industries, the number of fatal injuries was down from 42 last year to 33 this year, though the HSE has identified this sector as one where more effort is required in order to communicate health and safety information to both employees and the self-employed. The manufacturing and service sectors have worsened since last year with 45 fatalities in the former and 69 in the latter.

Work-related ill health days lost

The HSE's 'Self-reported Work-related illness survey 2004-2005' has revealed that up to two million UK workers suffer from ill health that is made worse by work. Of that, 600,000 were affected for the first time last year. These figures equated to around 28 million working days lost to the economy every year. The HSE said that it is working with employers, trades unions and other government departments to bring this figure down. In the past year it has launched 'Workplace Health Connect' and the Government has more widely launched its 'Health, Work and Well-Being' strategy to keep British workers healthy and in work.

In recent years, the biggest cause of work-related ill health has been musculo-skeletal disorders (MSDs), with around one million people suffering from conditions that they believe were caused, or made worse by work. Work-related stress, with around half a million estimated sufferers, is the next biggest cause of occupational ill health. In the past 12 months, however, the trend appears to have reversed, with around 246,000 new cases of work-related stress, and 206,000 new cases of MSDs.

Sectors reporting above average rates for work-related illness include health and social welfare, Teaching, research professionals, and skilled workers in the construction and building trades. The full report can be downloaded from: www.hse.gov.uk/statistics/swi/swi0405.pdf