

# Brunswicks Regulatory News

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SOLICITORS

## Building a huge fine!

The HSE claim that a message has been sent to the construction industry this month after three companies and a manager were fined a total of £217,500 plus a total of £125,000 costs at Manchester Crown Court for breaching health and safety law, following the death of a 17-year-old trainee scaffolder. Steven Burke, from Levenshulme, Manchester, died at Davyhulme Wastewater Treatment Works on 30 January 2004 after falling approximately 18 metres whilst working to construct a scaffold within a 20-metre high sewage digester tank.

He was employed by 3D Scaffolding Ltd and under the control of a visiting contracts manager, David Swindell. Irlam was contracted to work for RAM Services Ltd, itself a subcontractor of the project's principal contractor, Mowlem Group PLC. 3D Scaffolding Ltd, of Brunnell Drive, on the Northbank Industrial Estate in Irlam, Greater Manchester, pleaded guilty breaching s2(1) HSWA that it failed to maintain a safe system of work and was fined £60,000 and ordered to pay £20,000 costs.

David Swindell Junior of Barrington Drive, Middlewich, Cheshire, a contracts manager employed by 3D Scaffolding Ltd, was found guilty of breaching section 7 HSWA in that he failed to take reasonable care for the health and safety of other persons who might be affected by his acts or omissions at work. He was fined £7,500 and ordered to pay £15,000 costs.

The Principal contractor, Mowlem Plc, of White Lion Court, Swan Street, Isleworth, Middlesex, and RAM Services Ltd of Holyoake House, Lowerhouse Lane, Burnley, which employed 3D Scaffolding Ltd, each pleaded guilty to charges of breaching s3(1). Mowlem was fined £75,000 and ordered to pay £20,000 costs. RAM Services Ltd also pleaded guilty to a charge, under reg 29 of the Construction (Health and Safety at Work) Regulations 1996, in that they failed to ensure that scaffolding used by their own employees had been properly inspected to ensure that it was safe to use. RAM Services was fined a total of £75,000 and ordered to pay £70,000 costs.

Chief Inspector of Construction Stephen Williams said:

*"This is a very distressing case which should send the strongest message to everyone responsible for the safety of young workers. All industries, especially the construction sector, rely on keen young people. However, employment opportunities must not come at the expense of young workers' safety. With the number of apprentices in the workplace set to increase, it is critical that the work they are expected to carry out has been properly assessed and suitable controls put in place to ensure their health and safety. Managers and supervisors*

*have to recognise that youngsters fresh to the workplace may well have a limited perception of the risks involved in the work. Steven Burke's death, at the very start of his working life was not only a tragedy, it was also entirely preventable. Had those responsible assessed the work properly and ensured that he was supervised at all times by a qualified scaffolder, then Steven would not have been killed. Our thoughts go out to his family."*

Ed - The fines come at the start of an HSE initiative using intensive inspection and aimed at reducing the rise in serious and fatal injuries on construction and refurbishment sites. During the campaign more than 1,000 sites nationally will be visited to try and reduce the rise in serious and fatal injuries.

## **Scrapyard worker killed**

Easco (Midlands) Limited was fined £200,000 and ordered to pay £55,000 costs at Coventry Crown Court, on Monday 5th February, after pleading guilty to breaching section 2(1) HSWA.

On 14th June 2005, Mr Ronald Barnacle, 58, who was working as a burner at the company's site in Ibstock Road, Longford, Coventry was killed when he was struck by a reversing skip lorry.

HSE Inspector Jenny Skeldon said:

*"Scrapyard owners need to ensure that they make a suitable and sufficient risk assessment of the movement of vehicles and pedestrians on site and, identify and implement appropriate control measures to prevent people being struck by moving vehicles. In this case, particularly between March 2004 and December 2005, there were inadequate precautions in place to segregate pedestrians from vehicles, despite previous warnings from HSE at other sites within the Easco group. Had basic health and safety precautions been observed it is most unlikely that such a fatality would have occurred."*

## **Child death**

Coventry City Council was fined £125,000 and ordered to pay costs of £40,000 at Coventry Crown Court after pleading guilty to breaching section 3(1) HSWA. On the morning of 4 April 2006, Amy Robinson, 11, was on her way to school when she was struck and killed by a reversing City Council collection vehicle at the junction of Longfellow Road and Coleridge Road in the Stoke area of Coventry.

HSE Inspector Paul Smith, said:

"There is a tragic history of pedestrians, particularly children and old people, being run over by refuse collection vehicles. These incidents must act as a stimulus for the industry to review its procedures, making sure that vehicle risks are properly controlled. There are simple and straight forward control measures that have been specifically designed for the waste

*and recycling industry. HSE, working in partnership with the waste and recycling industry has produced a set of clear standards which have been shown to be reasonable and practicable by other local authorities and organizations. By using the collection staff to keep a look out as the vehicle reverses, warning pedestrians and instructing the driver to stop if a pedestrian is likely to enter the reversing zone are some of the simple measures that can be taken."*

Ed - words fail me. Pointless needless tragedy.

## **Council Science Lesson**

Gateshead Metropolitan Borough Council was fined a total of £10,000 and ordered to pay costs of £6,830 at Gateshead Magistrates' Court after pleading guilty to a charge under Section 3(1) HSWA following an incident at Crookhill Primary School, Ryton, on the 14 November 2006.

25 pupils and 2 members of teaching staff were evacuated from a classroom in the school when they were overcome by carbon monoxide. Tests carried out by HSE found that carbon monoxide was being produced by an inadequately maintained boiler in the boiler plant room and leaking into the classroom above.

HSE inspector, Michael Bone, said:

*"This incident resulted from a combination of factors. HSE's investigation showed that the failure by Gateshead Metropolitan Borough Council to operate an effective gas safety management system was the most significant matter. The boiler plant at Crookhill had not been maintained correctly, causing it to produce carbon monoxide which then leaked into the classroom. An effective gas safety management system must include quality control of gas work carried out by competent CORGI registered gas operatives. This enables the employer to ensure that appliances are maintained in line with manufacturers' instructions and appropriate standards. It also helps the employer to identify specific training needs for gas operatives. I would urge all organisations with responsibility for managing gas safety to review their procedures and quality systems."*

Ed - I've said it before - let's not forget Gateshead MBC is a health and safety enforcing authority. Do as I say, not as I do

## Schools in Asbestos Worries

In autumn 2006, the HSE identified that there was the potential for asbestos fibres to be released in particular circumstances in CLASP (system built) schools. The HSE took action, advising all relevant duty holders to visually check their school buildings and, where necessary, to seal gaps in column casings using silicone sealant and tape. This simple solution has been shown to prevent asbestos fibres escaping into classrooms.

The three local authority employers' organisations (England, Scotland, Wales) have surveyed local authorities and received positive reports of action.

HSE also set up a stakeholder working group to share information and to produce guidance. In addition, HSE inspectors targeted particular duty holders to check that the advice had been followed. Some of these checks resulted in Improvement Notices being served but in the majority we found that duty holders had followed advice.

As soon as HSE were alerted to conditions at Hay Lane School, an inspector made a site visit. The London Borough of Brent identified all the remedial work required to meet HSE's guidance for system built schools. This was carried out by licensed asbestos contractors during the weekend before Hay Lane Special School opened for the new term (January 2008).

Re-assurance air sampling involving disturbance was carried out at Hay Lane School after the remedial work and was found to be satisfactory. Sampling was also carried out to see whether asbestos was present in the ceiling void and test results were negative.

Further discussions took place with Brent Council about the management of asbestos in other schools under their control and HSE took appropriate enforcement action.

The HSE's advice is that asbestos in good condition, and not likely to be damaged, is better left in place and managed. Asbestos in poor condition, or which is likely to be damaged or disturbed, should be repaired, sealed, enclosed or removed.

Ed - Its good to see the HSE being proactive after years of reactive enforcement.

## Asbestos Web Video Launch

According to HSE figures every year 4000 people die of asbestos which is more than those in road traffic accidents. It is expected that asbestos deaths will peak to nearly 5000 which is a legacy from years gone by.

As part of the going asbestos awareness raising campaign and to mark National Action Mesothelioma Day, the HSE is launching a web video, "Asbestos the hidden killer" featuring Tom King a carpenter by trade, who has been diagnosed with the terminal lung cancer, mesothelioma. The video can be viewed at [www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm)

Recent research conducted by HSE shows that young tradesmen, such as plumbers and electricians, know that asbestos is dangerous but just don't believe that they are personally at risk. This campaign reminds tradesmen that unless they take precautions asbestos could kill them too.

Instead of enjoying his retirement now, Tom said of his condition mesothelioma, *"It's taken away 85% of what I do, my life has been cut short. If I had known of the dangers of the asbestos when I was younger I would have taken the right precautions. If I'm very lucky I'll say I've got three years left, but it may just be a year."*

Judith Hackitt, Chair of the Health and Safety Commission said, *"Every week 20 tradesmen die simply because they have breathed in asbestos fibres during the course of their work. The problem today is that we associate it with a problem that's been and gone because asbestos is now banned. We regard asbestos as something a previous generation were exposed to. There is a real risk that the younger generation entering the workforce today will think this does not apply to them but it does. If they work on any building built or refurbished before the year 2000 it could well contain asbestos."*

## Construction Health Management System

In a bid to help the construction industry tackle occupational health issues, HSE launched its Construction Occupational Health Management Essentials (COHME) for construction companies.

Stephen Williams, Chief Inspector of Construction at HSE said:

*"We want occupational health to move up the agenda for all construction companies. Large companies can show real leadership in influencing this cultural change. Properly managing occupational health is not a new legal requirement and we expect to see good practice in the industry. Leadership that the construction industry needs to take to tackle the occupational health issue. The tool will provide the industry with a single point of access to clear guidance on managing health risks, customised for construction."*

*The COHME tool will equip all construction companies with practical advice on how to tackle rising occupational health issues such as dermatitis, asbestos, respiratory diseases and musculoskeletal disorders. The COHME tool will facilitate the initiative and lead urge large construction companies to act on this, with smaller companies adopting this as a part of the supply chain process. Time is ticking and now is the time to show ownership of this issue."*

Ed - COHME is a web-based guidance tool on the management of occupational health risks faced by large construction companies. This guidance is designed to help large construction clients, designers and contractors to understand the management of occupational health risks in construction.

## Height Issues

Environmental Reclamation Ltd (ERL) of St Albans, Hertfordshire, was fined a total of £30,000, and ordered to pay £21,360.11 costs for breaching s2(1) HSWA and reg 4(1) of the Work at Height Regulations 2005.

ERL had on Friday 8 February been found guilty after trial at Aylesbury Crown Court following an incident that led to two of its workers suffering serious personal injury. The company had been contracted to demolish and clear farm buildings at Church Farm, Church Lane, Oving, in Buckinghamshire. On Wednesday, 17 May 2006, two men working on a derelict barn fell through a fragile asbestos cement roof and suffered multiple fractures and spinal injuries.

At the hearing a second defendant, Clarks Construction Ltd (Clarks) of Luton, Bedfordshire, acting as the Principal Contractor on the same project, was fined £7,500, and ordered to pay £9,388.64 in costs. Clarks had earlier pleaded guilty to breaching section 3(1) HSWA at Aylesbury Magistrates Court.

HSE Inspector Norman Macritchie, said:

*"Today's fines highlight the seriousness of this - entirely preventable - incident. Here, two employees, who were permitted to walk on the fragile roof of an unstable building, fell around four metres onto a concrete floor. Both suffered serious injuries and were evacuated to Stoke Mandeville Hospital by helicopter ambulance. I wish them the best possible recovery. This incident has had devastating effects on those concerned. Construction employers should take all reasonably practicable steps to protect their workers. Falling from height is the single greatest cause of fatality in the construction industry in the UK. Work at height should always be meticulously planned, organised and carried out, if tragic incidents like this are to be avoided."*

## Challenging Hazardous Industries

Speaking at the American Society of Safety Engineers-Middle East Chapter annual conference in Bahrain, Geoffrey Podger HSE's Chief Executive told delegates how essential it was to invest in safety,

*"All of us here today have a common aim. We want our business and industry to be successful and for that success to be sustained in the long term. However, major incidents, like Buncefield, undermine this effort. Safety not only ensures people go home safely at the end of the day; it's also good for business. It requires investment though. Investment in leadership; investment in infrastructure; and investment in learning."*

Mr Podger explained how the true challenge was to change behaviour in the boardroom, since it is their action and delivery that really counts:

*"Leadership is demonstrated through actions from the top, so that a culture develops where all managers and staff know that safety is being taken seriously. Staff must see and hear the right messages, with the right tone and level of commitment. Managers must walk the talk, and be seen to listen to staff and to value their insights. To achieve this, it is necessary to encourage a no-blame relationship, to recognise safe behaviours and challenge unsafe practices. Strong leadership is fundamental to achieving robust process safety management. It is a Company Board issue and requires clear accountabilities at all levels, together with effective measurement systems, including indicators of process safety performance to enable learning from near misses and pre-cursor events, and avoiding major incidents. It is essential also to use the right metrics: too often occupational health and safety data is used as an assurance of the unrelated but key issue of process safety. Furthermore, an ingrained quest to learn is critical, companies must seek to learn from their own experiences while also looking beyond themselves for lessons in order to avoid complacency."*

Ed - all smart words Mr Podger - do you think the HSE's enforcement culture over the past 10 years has helped or hindered?

## Dangers from above

Surjit Singh Kundi trading as Kundi Electrical, from a base in Oldbury, was ordered, by West Bromwich Magistrates, to pay £25,000 in fines, with £2,301 costs after pleading guilty to breaching s2(1) and 3(1) of the HSWA. This case followed an HSE investigation into a fatal incident on 20 April 2007.

The court heard that, on that day, Mr Satnam Singh, 62, fell 5-6 metres through a fragile rooflight whilst preparing to undertake work on the roof of a textiles factory in Smethwick. Work had already been undertaken to replace plastic rooflights following a burglary at the site and further work was being undertaken by Kundi Electrical to repair recurring roof leaks.

In undertaking this roofing work, equipment and building materials were being carried across roofs, which are well known in roofing and building industries to be fragile, when Mr Singh fell through and died later in hospital from the injuries sustained. The roof of the textiles factory was being accessed up a ladder and across several different types of pitched roofs of several factory units and an adjacent engineering company, below which employees were working.

HSE Inspector Georgina Speake said:

*“The roofs which were being repaired and those being used for access were totally unprotected, exposing anyone crossing them or working beneath, to the most serious risks. Mr Kundi had failed to undertake a suitable and sufficient risk assessment to identify the risk associated with the work being undertaken. The findings should have been passed on to employees so that they were aware of the hazards and then measures needed to minimise the risks put in place. T*

*he risk was wholly predictable therefore avoidable. Such falls remain one of the biggest killers in the construction industry and last year, across the country, 45 people died after falling while working at height. Many incidents can be avoided if employers identify a safe way of tackling a job, provide all necessary protective equipment and ensure that workers or casual employees are fully trained and properly supervised. In this instance there were a number of optional methods and routes of access which would have greatly reduced the risk. Precautions that need to be taken to prevent falls are often simple and there is free guidance readily available to help employers take the right action.”*

## Unguarded Dangers

Pilkington Tiles Ltd of Clifton Junction, Swinton, Manchester was fined £18,000 and ordered to pay costs of £7,500 at Trafford Magistrates Court after pleading guilty of breaching reg 11 (1) PUWER and section 2(1) HSWA.

On 4 April 2006, maintenance engineer Brian Wallis caught his fingertip in the running machinery of the conveyor belt he was adjusting when it suddenly started up.

HSE inspector Sandra Tomlinson said:

*“This was a wholly avoidable incident had the company followed the correct procedures. The danger of unguarded machinery cannot be highlighted too much. It is the employers duty to ensure that risks to safety within the workplace are adequately assessed and that correct control measures are implemented to avoid injury”*

**Ed - the same stories repeat themselves ...**

## Live Machines

Jeld-Wen UK Limited of Mardale Road, Penrith was fined £2,000 and ordered to pay £3,500 costs after pleading guilty at Penrith Magistrates' Court to a charge under reg 22 PUWER.

In October 2006 an employee was repairing a frame-making machine at the company, which makes doors. Diagnosis of the fault was done with the machine live and his fingers were dragged into the machine resulting in two of them being broken.

The machine had a function to mechanically isolate the machine and which would have allowed the fault to be diagnosed safely, but the company did not make use of it. HSE investigated the incident and served an Improvement Notice on Jeld-Wen UK requiring the company to ensure that its machinery is used safely.

HSE Inspector Mhairi Duffy said:

*“The consequences of this incident could have been far more severe. This piece of equipment had a function, which had it been used, should have prevented this injury occurring. Employers are responsible for ensuring that safe operating procedures are in place for all their employees.”*

## Learner Drivers

Dick Thompson and Co (Cumbria) Ltd of Blackdyke Road, Carlisle were fined £2,000 and ordered to pay £834.39 costs at Carlisle Magistrates Court after pleading guilty to a charge under section 2 (1) HSWA that they failed to ensure the safety of an employee.

The court heard that on 8 August 2007 HSE inspector Mhairi Duffy visited the premises when she saw employee Ryan Jewett being lifted eight feet into the air on a pallet on a fork lift truck to fit a company sign to their own premises. The company was issued with a Prohibition Notice at the time and the prosecution has subsequently followed.

HSE Inspector Mhairi Duffy said

*“Although no one was injured on the occasion, this incident had all the hallmarks of an accident waiting to happen. Employers must realise that they have to take the health and safety of their employees seriously, accidents involving fork lift trucks account for a large proportion of accidents in the workplace and it is an employer’s responsibility to ensure that drivers are properly trained and use the equipment properly. Working at heights should never be carried out from the fork arms or from a pallet balanced on the fork arms of a lift truck. Specifically designed work platforms secured to the truck may be used under limited controlled conditions.”*

## Gas again

David Mees, of Ael-y-Bryn, Llandinam, Powys, pleaded guilty to contravening Regulations 3(1), 3(3), 5(3), 27(1) of the Gas Safety (Installation and Use) Regulations 1998 relating to carrying out work on gas appliances at three addresses in Powys while not registered.

Mees was also prosecuted by Powys Trading Standards department for advertising his services as a CORGI registered gas engineer.

Mees was sentenced with a community order of 280 hours unpaid work and a supervision order. He has also been ordered to pay costs to HSE of £6000 as well as £750 costs to the local authority.

HSE inspector Barbara Francis said:

*“This case is doubly disturbing because this individual was purporting to be registered when he clearly was not. All CORGI registered fitters carry a card which gives their registration number and details of the appliances on which they have had their competence assessed. Anyone who is in any doubt can call CORGI on 0800 915 0485. While gas appliances which are correctly fitted and maintained are extremely safe, incorrectly fitted or poorly maintained appliances can give rise to carbon monoxide which is odourless, colourless and can result in illness or death. This case also provides a salutary warning for anyone doing gas work without the correct training or registration – HSE will take the strongest action possible against anyone who does not comply with the law. Their behaviour is putting lives at risk.”*

## North East hazards

A total of 30 contractors in Newcastle had an unannounced visit from the Health and Safety Executive this month and as a result five prohibition notices were issued, stopping work immediately on the sites. In addition to the prohibition notices, three improvement notices were issued regarding good order of sites, welfare facilities and working at height.

In Sunderland and Durham a total of 14 contractors had an unannounced visit from the HSE and as a result two prohibition notices were issued, stopping work immediately on the sites. In May 2007 a construction firm working on a site in Northumberland was fined £6,000 plus costs after it failed to comply with two improvement notices issued by HSE following an inspection. Last year 77 workers died in the construction industry in the UK and over half of these were in the refurbishment sector, where the number of deaths rose by 61%. HSE aims to inspect refurbishment sites across the North East throughout February to tackle poor safety standards.

Working at height and good site order were the focus of inspections in the North East last week. Work was stopped immediately at sites due to concerns about working at height, woodworking machinery that wasn't properly guarded and where a proper asbestos check had not been carried out before workers started knocking down walls. In the latter case inspectors are considering bringing a prosecution against the contractors.

HM Inspector of Health and Safety, Michael Brown, said:

*"Our inspectors were appalled at the willingness to ignore basic safety precautions. We will not tolerate poor standards and will take appropriate enforcement action proactively as well as when an accident occurs. However we have also found some examples of good practice at refurbishment sites in Newcastle and are pleased that some contractors displayed high levels of safety precautions. Our advice to those who work in the refurbishment sector is to plan work, use competent workers and if working at height use the right equipment and use it safely."*

The HSE say spot checks will continue in the North East this month where HSE inspectors will be looking at whether:

- jobs that involve working at height have been identified and properly planned to ensure that appropriate precautions are in place;
- equipment is correctly installed / assembled, inspected and maintained and used properly;
- sites are well organised, to avoid trips and falls;
- walkways and stairs are free from obstructions;
- work areas are clear of unnecessary materials and waste;
- the workforce is made aware of risk control measures.

## Shattered Lives

Every 25 minutes, someone breaks or fractures a bone at work according to the latest figures from the HSE. The HSE has launched its 'Shattered Lives' campaign, to highlight the devastating consequences of simple slips, trips and falls - including falls from height - in the workplace.

The figures are alarming - every week, one person dies from a slip, trip or fall at work and the serious injuries from slips, trips and falls make up almost a third of all injuries reported to the HSE.

Introducing the 'Shattered Lives' campaign, Dr Elizabeth Gibby, Head of the Injuries Reduction Programme, HSE said,

*"Each year slips, trips and falls cost the British society nearly £811 million pounds with £31 million of this coming from the catering and hospitality industry. But what these figures don't reflect, is the extent to which these injuries affect individual workers and their families. Slips, trips and falls can be viewed as being minor, funny accidents but the effects are not. It can lead to major injuries, and a lifetime of disability or time off work and in worst cases, fatalities. 'Shattered Lives' will encourage people to change their attitudes: if you spot a hazard, don't assume 'somebody else will sort it out'. Slips, trips and falls can also have a shattering effect on businesses through costs such as employee absence, sick pay and reduced productivity. Irrespective of the size of the business and the job that you do, it could happen to you."*

Ed - HSE's Shattered Lives campaign will offer guidance to employers and employees in the construction, building and plant maintenance and food manufacturing and retail industries where the incidence of injuries resulting from slips, trips and falls is highest.

## Corporate Manslaughter and Corporate Homicide

The Corporate Manslaughter and Corporate Homicide Act 2007 comes into force on 6 April 2008, and to help raise awareness of employers' responsibilities under the new legislation, the South Wales Working Well Together Group (WWT) is holding a mock "interview under caution" event in Cardiff next month.

The event puts a senior manager from a small to medium sized construction company in a post-accident scenario, facing an interview by the Police, assisted by the HSE, in relation to the 'incident'. The interview takes place in front of an audience made up of representatives from the construction industry.

HSE Principal Inspector for Construction in Wales, Chantal Nicholls, said:

*"Following the success of a similar event last year, the group decided to run another in 2008 and with the new legislation coming into force, this was the obvious theme. The interview is a nerve-wracking experience – the scenario is made up, but the line of questioning is exactly the same as any employer could expect if they find themselves the subject of a joint investigation by the Police and HSE."*

*Many who saw last year's event said it really helped them focus their mind on health and safety issues, and served as a reminder about what happens following an incident."*

The event is free for people in the construction industry, and is supported by the Working Well Together group, which brings together public and private sector bodies to promote good health and safety in the construction industry. There is also an opportunity to ask questions on the new law.

## **Offshore workers play their part**

Ian Whewell Chair of OIAC and head of HSE's Offshore Division welcomed the revised publication, saying:

*"I believe that the effective involvement of the workforce is essential if the UK Offshore Industry is to deliver the improvements in performance necessary for it to meet its target to be the safest in the world by 2010. This is a considerable challenge for the industry and companies must ensure that their safety culture encourages involvement and rewards safety. This helpful guidance enables everybody from roustabout to the most senior managers to understand how they can contribute and really make a difference. I would encourage everyone to "play their part" to secure real improvements in offshore health and safety."*

The guidance Play Your Part! How offshore workers can help improve health and safety, which was first published in 1996, is aimed at operators, contractors, trade unions, safety representatives and individual employees. It is intended to help them cooperate to improve health and safety offshore by the active participation of the workforce. In particular, it offers advice and guidance on implementing management systems that encourage a culture that values constructive engagement with its workforce with the result that everyday safety is improved. Focussing on four key principles of control; competence; cooperation and communication, the guide also highlights the importance of participation of all employees in effectively managing major hazard risks. In addition, it features a number of case studies that illustrate the benefits that a positive approach to worker involvement can bring as well as what can go wrong when one is not put in place effectively.

Supporting the publication of the guidance, Bill Murray, Chief Executive of the Offshore Contractors Association (OCA), said:

*"OCA welcomes and supports this initiative. Play Your Part identifies the important role that the workforce in particular plays in keeping our people and places of work safe. There are multiple means of becoming involved, but the most important message is that no one should feel constrained in any way from reporting unsafe acts and conditions."*

Commenting on the guide, Jake Molloy, General Secretary of the Oil Industry Liaison Committee (OILC), said:

*"The revised Play Your Part publication is excellent and is a timely reminder to everyone in the industry that offshore workers have a right to be involved and are indeed obliged to get involved in day to day matters affecting their health and safety."*

## HSE's Myth of the Month

### If a Pupil is hurt, the teacher is likely to be sued

The main legal duties lie with the employer, not the teacher – or even the head teacher, unless they own the school and employ the staff.

We can't find a single instance in the past five years of a teacher being personally sued for compensation.

Over the years a handful of teachers have been prosecuted following very serious incidents, but only where they failed to follow direct instructions and departed from common sense.

Teachers who act responsibly will be on the right side of the law.



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