

Brunswicks Regulatory News

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SOLICITORS

Large Fines after Legionella Outbreak

HP Bulmer Limited and Nalco Limited, who had previously pleaded guilty to contraventions HSWA following an outbreak of Legionnaire's disease in Hereford that occurred in 2003, were fined at Hereford Crown Court on 1 July, 2008.

At inquests the Coroners' court had directly related the deaths of two people to the outbreak and the Health Protection Agency had originally attributed 28 cases of legionnaire's disease to the outbreak, although this figure was later revised to 26.

HP Bulmer Limited (of Ashby House, 1 Bridge Street, Staines, Middlesex) was fined £300,000 with costs ordered of £50,000 after pleading guilty to a breach of s3(1) HSWA. Nalco Ltd, of Winnington Avenue, Northwich, Cheshire, was also fined £300,000 with £50,000 costs after also pleading guilty to a breaching the duty in s3(1) HSWA.

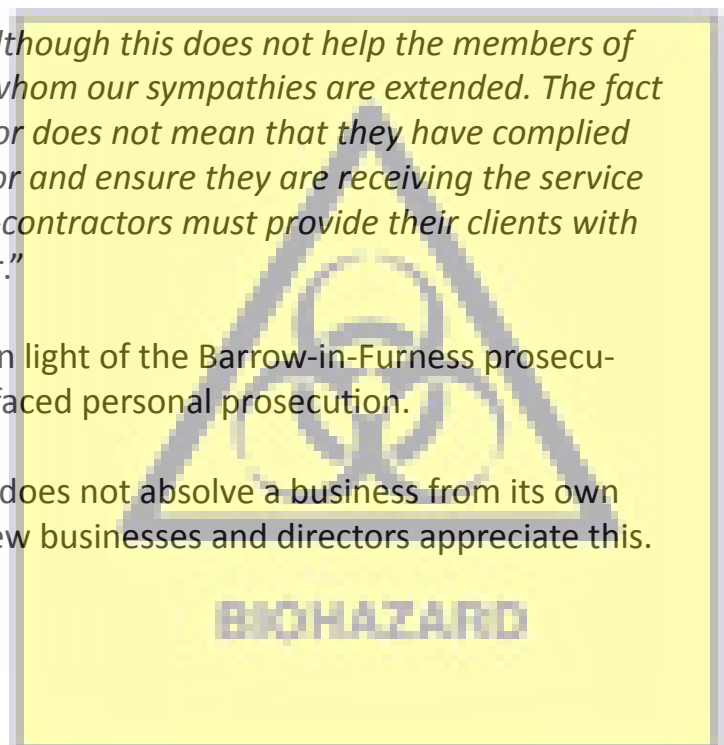
HSE investigating inspector Tony Woodward said:

"There was a failure to institute and maintain an effective cleansing treatment and disinfectant regime for two seasonably used cooling towers, at Bulmer's site in the Cider Mills, Plough Lane, Hereford. Inadequate management, by neglecting such an obvious duty of care, that can result in the health and lives of the public or employees being endangered, cannot go unpunished.

The fines will also help to deter any repetition although this does not help the members of the public who were adversely affected and to whom our sympathies are extended. The fact that building users engage a specialist contractor does not mean that they have complied with the law; they must work with the contractor and ensure they are receiving the service required. Equally specialist contractors and sub-contractors must provide their clients with the expertise which they have been engaged for."

Ed - What is remarkable in a case like this, and in light of the Barrow-in-Furness prosecutions is that no manager, director or employee faced personal prosecution.

The comment that using a specialist contractor does not absolve a business from its own obligations is self evidently correct - although few businesses and directors appreciate this.



Rolls Royce Fined

Rolls Royce plc of Derby was fined £120,000 and ordered to pay £ 12,122.53 costs, at Derby Crown Court after pleading guilty to breaching s3(1) HSWA by failing to ensure, as far as was reasonably practical, that employees were not exposed to hazardous substances.

Between 25 July and 7 October 2005, five agency workers, four from the Chesterfield area, including Paul Blenkiron, 38, and Ian Austin, 62, from Scotland, worked on the decommissioning of the light alloy foundry on Osmaston Road which involved the removal of plant and materials and work with hot cutting equipment. As the risks had not been properly identified, safe working practices were not put in place. The men were exposed to hazardous substances including potassium fluorosilicate, fume from hot metal cutting, and oxides of sulphur, resulting in all suffering from skin rashes and two of the men suffering respiratory problems.

HSE Inspector Noelle Walker said:

“This incident could have been avoided if safe working practices had been put in place. Employers must ensure that decommissioning work is properly planned to take account of health and safety risks and that employees and agency workers are made fully aware of the risks associated with hazardous substances to prevent this sort of exposure, which has resulted in potentially long term ill health for these men.”

Maintenance is the Key

Procter and Gamble Product Supply (UK) Ltd, from Trafford Park Road, Manchester pleaded guilty to breaching health and safety law at Trafford Magistrates Court and has been fined a total of £40,000 and ordered to pay full costs of £2,738. The company was fined £20,000 under both s2(1) and s3(1) HSWA that they failed to ensure the safety of maintenance workers by not adequately maintaining the lift brakes.

The incident happened on 6 July 2006, when three maintenance workers entered a lift, which then descended in an uncontrolled way. One of the workers broke a leg, a second suffered ankle injuries and the third compression injuries.

HSE Inspector Richard Clarke said:

“Failure by the company to ensure that this lift was properly maintained resulted in these three workers suffering injury. Their injuries could have been far worse. This incident should serve as a lesson to all companies to ensure that they have proper maintenance regimes to avoid similar incidents in the future. This was a wholly avoidable accident had a proper maintenance regime been in place.”

Ed - It's ironic that although the maintenance of the lift was inadequate the company did employ maintenance workers, who possibly could have solved the issue. Supervision is key.

Fatal Collapse

Four men, all employees of Bradway Construction Ltd, were using a suspended access cradle provided by Apollo Cradles Ltd to work on the maintenance and painting of an office building in Vicar Lane, Sheffield on 3 July 2003, when the cradle failed causing them to fall from a height of 10 metres. As a result one man died and his three colleagues were injured.

HSE investigated this incident and brought the case against two companies - Apollo Cradles Ltd from Barnsley, South Yorkshire, and Bradway Construction Ltd, from Sheffield, Yorkshire. Apollo was found guilty of breaching health and safety law has been fined £115,000 and ordered to pay £45,000 costs. At an earlier hearing in Sheffield Magistrates' Court Bradway Construction Ltd pleaded guilty to breaching health and safety law and in Sheffield Crown Court the company was fined £25,000 and ordered to pay £18,000 costs.

HSE Principal Inspector Dave Redman said:

"This is a tragic case involving four men who had never worked in a suspended access cradle before. The incident could have been avoided had Apollo Cradles Ltd ensured that the equipment it was providing was safe and fit for use. By failing to operate an effective maintenance regime and to properly examine the condition of the cradle, they betrayed the trust of workers whose lives depended on them. Added to this, the workers were required by their employers, Bradway Construction Ltd, to carry out painting and maintenance at height in a cradle without any training or instruction as to its safe use. This is unacceptable in this day and age – all workers have a right to expect to be trained on how to use the equipment they are working with, and there is plenty of advice and guidance available to employers in the construction industry to help them meet their legal obligations."

Ed - Apollo Cradles Ltd were found guilty of breaching s3(1) and s36 HSWA. While Bradway Construction Ltd pleaded guilty to breaching s2(1) HSWA

Prosecutions under s36 are rare. They can be brought where someone commits an offence due to the act or default of another person. The person whose act or default gave rise to the offence can be prosecuted whether or not anyone else is prosecuted. You have been warned.

Dacorum Borough Council Fined

Dacorum Borough Council of Civic Centre, Hemel Hempstead, was fined £37,500 and ordered to pay £17,500 costs, at St Albans Magistrates Court after pleading guilty to breaches of s2 HSWA, reg 3(1) of the Management of Health and Safety at Work Regulations 1999 and reg 3(1) of the Electricity at Work Regulations 1989.

On 9 November 2006, Ben Richardson, who worked for Dacorum Borough Council as part of the housing repair team, was called to Jarman Close, in Hemel Hempstead, to help Council plumbers working to fix a burst water main. He clamped an electric cable thinking it was a domestic water main. The house, built in the 1960s, had a mains water pipe and electricity supply cable which were both of similar size and colour, making them hard to distinguish. The cable ruptured sending a massive current through his body.

The HSE investigation identified that the system of work used to detect the water supply did not involve the use of a cable avoidance tool (CAT) to safely detect electric current and avoid the electricity supply to the house. Mr Richardson's workmate said they had been shown how to use a CAT during '20 or 30 minutes' as part of a training course in 1998, but they had never achieved competence in its use.

HSE Inspector, Trevor Morrow, said:

"The CAT is a sophisticated piece of equipment. You won't learn to use it competently during 20 to 30 minutes on a training course, but you will with regular use and experience. The CAT they were trained on was a different model to the one that was kept at Dacorum Borough Council, so they would have had to be trained again. If it had been available as part of their normal excavation work and they had been competent in its use, then the CAT would have prevented this fatality. I hope this tragic incident makes it clear to employers that they need to take positive steps to risk assess the obvious hazards involved with underground work, such as electricity and gas, and to manage them. They must ensure that staff are properly trained in the use of detection equipment, such as a CAT, and are aware of the potential risks involved in this type of work."

Ed - Lets not forget Dacorum BC is also a health and safety enforcing authority!

Factory Explosion

An incident, which occurred on 24 April 2006 at the Warwick International Group Ltd operation in Mostyn, Flintshire, caused extensive damage to the plant, although no-one was killed or injured.

Warwick International Group Ltd pleaded guilty at a previous hearing to a charge under section 2(1) HSWA, and were fined £12,000 and ordered to pay £22,500 costs when they appeared for sentencing at Mold Magistrates Court.

An investigation by HSE showed the initial dust explosion occurred within the granulation plant at the factory, and spread to connected parts of the plant. The resulting fire spread rapidly throughout the building, taking firefighters several hours to bring under control.

The investigation showed that risk assessments had not been updated, and measures to prevent or mitigate an explosion in the granulation plant had also not been taken, putting employees at risk.

After the hearing, HSE investigating inspector Jo-Anne Michael said:

“This incident was entirely foreseeable and avoidable, and it is extremely lucky that no-one was hurt as a result. While the company took action quickly following the incident, our investigation showed that this was a continuing breach and they could, and should, have taken measures several years before to prevent this happening.”

Printing Problems

On 13 July 2005, a Clays employee was carrying out maintenance on the roof of its Popson Street site, when he slipped and fell through a skylight. The employee fell seven meters onto a metal cage and sustained multiple injuries causing him to be off work for several months.

Clays Ltd of Bungay was fined £32,000 and ordered to pay costs of £12,000 at Lowestoft Magistrates’ Court

The company pleaded guilty to three breaches of s2(1) and one breach of s3(1) HSWA. In addition, guilty pleas were entered in respect of breaches of reg 3 and 5 of the Management of Health and Safety at Work Regulations 1999.

The HSE investigation into this incident found that there were limited safeguards to prevent injury from falling from height. Furthermore, poor health and safety standards were found in other areas, including the use of actuator keys to disarm guarding on machinery. The keys allow the user to override the safety devices and use the machines unguarded. Employees were also found to be working on the racking at the site warehouse without adequate safeguards to prevent falls from height.

HSE Inspector, Jon Elven said:

“Clays has received fines consistent with the failure to manage health and safety issues at their site in Bungay. The company has exposed both employees and sub contractors to potentially dangerous situations and HSE will not hesitate to take action against those who fall short of the law in such a serious way.”

Ed – It was only in our May edition that we covered the health and safety precautions to be taking when using machinery.

Plumber Falls

Homes for Haringey Ltd, was found guilty of breaching section 2(1) HSWA and fined £10,000 with costs of £3,562 at City of London Magistrates' Court on Tuesday 1 July.

HSE Inspector John Crookes said:

"It is totally unacceptable that so many lives of employees who work from height continue to be put at risk. Falls from height remain the most common kind of accident causing fatal injuries. Last year, 45 people died and more than 3000 suffered a serious injury after a fall from height in the workplace. All companies must assess the risks from work that they are undertaking at height, ensuring that the work is planned properly and appropriate measures are taken so that workers are not exposed to risk of falling. Arms Length Management Organisations (ALMOs) were set up to bring improved business practices into managing local authority housing stock. This includes effectively managing the health and safety of their employees. This unfortunate accident could have been prevented had a simple safe system of work been followed, such as using secured boards to create a stable working platform, and crawling boards where access across the unboarded parts of the loft was required."

On 18 January 2007, a trainee plumber, was working with a colleague in a loft space in a Council-owned residential flat when he fell through a skylight, which was covered by loft insulation material, falling approximately 10 feet onto stairs below. He sustained injuries to his upper spine and was unable to work for the next 12 months. At the time of the incident, he was employed by Haringey Council, working for Homes for Haringey Ltd.

Crane Topples Over

Cheshire Crane Hire Ltd of Nant Road, Connah's Quay, Flintshire was fined £8,000 and ordered to pay full costs of £8,842 at Wirral Magistrates' Court on Wednesday after pleading guilty to a breach of Section 2(1) HSWA, in that it failed to ensure the safety of its 60 tonne mobile crane, which was both overloaded and sited on soft ground, overturned. The incident occurred at the former Champion Spark Plug premises at Arrow Brook Road at Upton, Wirral on 29 March 2007.

HSE Inspector Neil Jamieson, who investigated the incident, said:

"The company's managing director Frank Preston had estimated the weight of the tower at about six tonnes, but its actual weight was more than double that figure. He also failed to explain the type of contract to his client, nor did he ask him to sign any papers, which is essential good practice. It is essential that for all lifting operations, proper planning - including careful assessment of the ground conditions and appropriate methods of work - should be adopted. It is fortunate in this case that nobody was hurt, but there was the potential for fatalities."

Though parked on a tarmac surface, the crane's outriggers were positioned on soft ground and it overturned whilst attempting to lift a 23 metre long steel chimney stack from the outside wall of a brick clad machinery room that was about to be refurbished. The stack fell next to the boom of the crane. Nobody was injured, but the crane's cab crushed an adjacent electricity sub station and in subsequent days the crane's diesel and hydraulic tanks leaked out, contaminating a local brook.

Another Fall

Forster Refurbishment and Property Services Ltd, of Branston Road, Burton-on-Trent was ordered, by Staffordshire Magistrates, to pay £7,000 in fines, with £3,138 costs after pleading guilty to breaching Section 2(1) HSWA.

The court heard that, on 2nd April, 2007, two employees were working on the roof of a large industrial unit in Stubby Lane, Uttoxeter when one of them, working in the valley gutter, fell onto the neighbouring roof pitch which gave way, causing the man to fall more than 4.5 metres (15ft) onto a concrete floor below. He sustained serious injuries but has been able to return to work.

Sufficient measures had not been taken to support or protect anyone from falling off or through the fragile roofs where the company was renewing industrial roofing

HSE Inspector Tariq Khan said:

"Regulations require employers to not only ensure that a safe system of work is followed but also that adequate supervision, training and equipment are provided. This is particularly essential when carrying out highly specialised and dangerous work on fragile roofs. Forster Refurbishment and Property Services Ltd failed to implement suitable measures to prevent a fall or to provide safety netting below the fragile roof. There was also inadequate supervision of the work on a roof measuring in excess of 80 meters long and 80 meters wide. The employee who fell is lucky to be alive; we would not normally expect someone falling from that height onto a concrete floor to survive. Such falls remain one of the biggest killers of workers and last year, across the country, in the construction industry alone 10 employees were killed, 13 self-employed killed and 3,409 seriously injured after falling from height. Many incidents could be avoided if companies ensured that they had thought through a safe way of tackling a job, provided all necessary protective equipment and ensured workers were fully trained and properly supervised. Precautions that need to be taken to prevent falls are often simple and there is ample free guidance readily available to help companies take the right action."

Docking Company Fined

Transatlantic UK Limited of Aire Street, Goole pleaded guilty and was fined a total of £10,000 and ordered to pay costs of £7,442.40 at Goole Magistrates' Court. The prosecution follows an incident on 2 October 2006 at Aldam Terminal, Goole Docks, Goole, which resulted in the death of a 33 year old Russian seaman. Transatlantic UK Ltd were charged with breaching Section 3 (1) HSWA.

As Chief Mate responsible for overseeing the loading of his vessel, the MV Odin, the seaman was walking along the nearby quayside when he was struck and fatally injured by the vehicle (a 'reach stacker') which was being used to lift containers on board.

HSE Inspector Kirsty Welsh said:

"This tragic incident could have been avoided had the company shown forethought and applied some basic planning to their dockside operations. Workplace vehicles need to be well-designed, maintained and fully equipped with safety devices - as in this instance they were - but this is not enough if thought has not been given to the environment in which they operate. Employers must look carefully at the hazards and risks in their workplace and take steps to eliminate or reduce them. In this case the system of radio communication had failed which meant that workers were repeatedly putting themselves at risk by disembarking to check the even distribution of the vessel's cargo. Added to this there were no agreed working procedures for moving vehicles around the terminal, something which creates an obvious risk in busy, noisy dockside conditions where the movements of vehicles and pedestrians need to be clearly segregated."

Transatlantic UK Ltd were charged with breaching Section 3 (1) of the Health and Safety at Work etc Act 1974.

NHS Escapes Investigation

HSE and Kent Police reviewed the Healthcare Commission's report through a series of interviews with the Commission's lead investigators and all the experts who considered the information gathered by the Healthcare Commission in compiling their report. HSE has concluded that whilst mistakes had been made, there is insufficient information to launch a criminal investigation.

Sandra Caldwell CB, HSE Deputy Chief Executive, said:

"First I want to express my sympathy to all those affected by the outbreaks of C. difficile at Maidstone and Tunbridge Wells NHS Trust. HSE shares the Police's conclusion that, from the information available, we cannot establish with certainty a causal link between failings to manage infection and the death of any particular person. The Trust has acknowledged that mistakes were made and their senior management team has changed substantially. Our priority now is to provide reassurance to the people of Kent that the infection risk at their hospitals is being properly managed. An audit of the Trust will therefore be conducted this September."

NHS Trust Fined

The Oxford Radcliffe Hospitals NHS Trust, which runs the John Radcliffe Hospital in Headley Way, Oxford, was fined £8,000 and ordered to pay costs of £2,286.15, and £500 in compensation, as well as a £15 victim surcharge, at Oxford Magistrates' Court following an injury to a patient in their care.

The Trust pleaded guilty to charges under section 3(1) HSWA, for failing to ensure the safety of one of its patients.

On 10 October 2007 an elderly patient was scalded when taking a bath. The temperature of the water from the hot tap was approximately 55 degrees Celsius and she suffered burns to her body. The patient was discharged six weeks after the incident, though she had been due to leave on the day the incident occurred. The bath involved was one of four in the hospital, not fitted with TMVs.

Prior to the incident there was no formal protocol for assessing individual patients' capabilities for bathing and no formal safety inspections of water temperatures.

Matthew Lee, HSE Inspector, said:

"The Trust took immediate action following the incident to ensure that all baths in the hospital were fitted with TMVs and have implemented a comprehensive range of improvements to ensure that there can be no repetition of this type of incident. I would advise those who care for vulnerable people to ensure they have adequate controls in place to prevent a similar accident occurring."

Carbon Monoxide Risk

Every year, approximately 25 people die from carbon monoxide poisoning caused by appliances and flues that have not been properly installed or maintained. Wates Construction Ltd, of Station Approach, Leatherhead, Surrey, was fined £7,000 with £2,491 costs by Birmingham Magistrates' Court, after pleading guilty to contravening section 3(1) HSWA.

Prosecution followed roofing work carried out by subcontractors working for Wates Construction Ltd, the principal contractors for the works, on a number of bungalows in Rednal Road, Birmingham, between 30 June and 13 September 2006. The integrity of warm air flues, which vent through roof ridge terminals, was discovered to have been disrupted in 11 of the properties, potentially causing a build-up of lethal carbon monoxide in the loft space. Another CORGI registered subcontractor had warned Wates Construction Ltd about the need to check the flues after the roofing work had been completed. Wates Construction Ltd failed to do this.

Speaking after the case, HSE investigating inspector Mike Ford said:

"The dangers of damaging flues are well known in the building and refurbishment trade. Such dangerous work, as that seen in Rednal Road, puts lives at risk from carbon monoxide poisoning."

The Elderly

A serious incident to an 89 year-old Edinburgh woman occurred when they fell down an open hatch in the kitchen floor left unguarded by the gas replacement contractor. Progas Heating Ltd of Denny, Stirlingshire, were fined £5000 at Edinburgh Sheriff Court today (Monday July 7, 2008) after pleading guilty to a charge under section 3(1) HSWA. Progas Heating Ltd were moving the gas meter from the inside of the property to the outside. This was part of a larger contract for Scotland Gas Networks to renew the gas main and associated services in the whole street. An existing hatch in the floor of the kitchen was opened to allow access beneath the floor for the workmen. The hatch was left open, unguarded and unprotected except for the closed kitchen door while the Progas workmen continued work outside the property. The woman walked into the kitchen to cook her lunch and fell over five feet through the open hatch, which was immediately behind the door, sustaining three fractures to her left ankle

This incident highlighted the dangers associated with working in elderly persons' properties. HSE Principal Inspector Jim Skilling said:

"This is one of four very serious incidents that my Inspectors have investigated in a 12-month period in the east of Scotland. All involved elderly women falling down hatches or holes left exposed and unprotected where a contractor carried out plumbing, heating or gas replacement work in their properties. It is not sensible or acceptable for contractors to assume that simply telling the occupant to remain in one room is sufficient. Contractors must take positive steps to prevent any incident by implementing a safe system of work approach where all holes are barriered or covered to ensure the safety of all persons whether occupants or visitors. This was a wholly preventable incident, which has greatly affected the householder, and it could very well have proved fatal."

Ed - A similar case recently resulted in a fine of £3,300 being imposed on a firm elsewhere in Scotland; another two cases are currently being considered by Procurators Fiscal.

Gas Again?

Richard Cartlidge of Limerick Road, Bispham, Blackpool was fined £1,000 and ordered to pay £987 costs at Blackpool Magistrates Court on Tuesday 30 July. He pleaded guilty to a charge under the Gas Safety (Installation and Use) Regulations 1998 of carrying out work as a gas fitter while not a member of an approved organisation.

The court heard that in March 2003 Richard Cartlidge fitted a gas fire at a flat in Victoria Road East, Thornton. The owner had concerns about the way the fire had been fitted, called in a second gas installer to check the work and found it had been fitted incorrectly and left in a dangerous condition.

HSE Inspector Sheldon Taylor said:

“This prosecution should serve as lesson to anyone having gas work carried out to ensure that the work is carried out by a registered gas fitter. All gas installation businesses, including self employed gas installers, are required by law to be registered. Using a gas installer who is not registered is not only illegal, but can be dangerous, as there is no guarantee of their competence. Registered installers have been trained in gas safety and the standards needed for appliances and installations. According to HSE statistics, 20 people die from carbon monoxide poisoning every year. Carbon monoxide is a colourless, tasteless, poisonous gas produced by gas appliances and flues which have not been properly installed or maintained.”

Unguarded Machinery

Janesville Acoustics Ltd of Spring Garden Mill, Spring Garden Road, Colne, pleaded guilty yesterday at Reedley Magistrates Court to four charges resulting from two incidents. They were fined at total of £4,000 and ordered to pay total costs of £3,000.

In July 2006 an employee was changing a plastic bag on the dust extraction system, he slipped and his arm became trapped in an unguarded part of the machine and suffered crush injuries to his hand. Then in January 2007 an employee was using his hand to evenly distribute resin in a hopper when a rotating agitator within the hopper came into contact with the employee’s hand causing injury to his fingers, which required surgery.

In relation to the incident in July 2006 the company were fined £500 under Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 in that they failed to make a suitable assessment of the risk to their employees, and fined £1,500 under Section 3(1) HSWA in that they failed to ensure that someone not in their employment was not exposed to risk.

In relation to the incident in January 2007, the company were fined £500 under Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 in that they failed to make a suitable assessment of the risk, and fined £1,500 under Section 2(1) HSWA in that they failed to ensure the safety of employees.

Health and Safety Executive Inspector Sheldon Taylor said:

“These were entirely preventable incidents had the machines being properly guarded. While the injuries on this occasion were not serious, the consequences could have been far worse. Companies have a responsibility for the health and safety of their employees which includes carrying out proper risk assessments and machines being guarded.”

Woodwork Incident

On 4 July 2007, Just Frames Ltd employee, Paul Boam (47) from Nottingham, suffered partial amputation of his thumb and index finger whilst using a Wadkin saw to cut timber. He has been unable to return to work since the incident.

The company, based at Albany Mill, Lower Middleton Street, Ilkeston, was fined £3,500 and ordered to pay £3,797 costs, at Southern Derbyshire Magistrates' Court after pleading guilty to breaching Regulation 9(1) PUWER, for failing to ensure that all persons who used work equipment had received adequate training for purposes of health and safety.

HSE Inspector Samantha Farrar, said:

"This incident could have been avoided if the company had trained its staff to use wood-working machinery. Employers must ensure that woodworking machine operators are properly trained and that they are made fully aware of the risks associated with such machinery."

Farm Maintenance

In the next six to eight weeks the HSE, VOSA (Vehicle & Operator Services Agency) and Kent Police will be carrying out random checks of vehicles both in fields and on the roads to ensure they are in a good state of repair and are safe.

HSE will be promoting the use of the BAGMA (British Agricultural and Garden Machinery Association) vehicle health check scheme during any spot checks undertaken as part of this campaign in Kent.

Mike Walters, HSE Principal Inspector in Kent says:

"A well maintained vehicle being driven by a competent person should be safe to use both on the farm and on the road. By adopting the BAGMA vehicle health check scheme, farmers will be able to ensure that their tractors and trailers are maintained in safe working order and are roadworthy. From our experience, more than 50% of vehicles have been found to be unsafe and taken out of use. A basic check can contribute to preventing deaths and suffering of those injured by agricultural vehicles every year. I urge all farmers to make sure their tractors, trailers and other mobile equipment are safe to use both on the farm and on the road by doing regular checks on their vehicles; using the vehicle health check scheme and by only using vehicles which are up to the task. We will not hesitate to deal with vehicles that are found to be unsafe, no matter how inconvenient this may be for the duty holder."

Spot checks undertaken by HSE, VOSA and Kent Police, HSE will concentrate on the safe use of agricultural vehicles and equipment both on and off the road. They will also stop and check compliance of any operators of refuse/skip lorries during this initiative.

Safe Farming

Recent provisional statistics released by the HSE reveal that 39 workers were killed in the agriculture sector in 2007/08. With an average of one death a week over the last ten years, the agriculture industry has one of the worst incident records of the major employment sectors. The industry's lack of training, skills and competencies has been recognised by HSE as a key area for improvement.

HSE's Non-executive board member Judith Donovan reiterated the need to focus on skills and competencies based training for the agriculture sector while presenting certificates to students who have successfully completed their vocational qualifications.

Judith Donovan said,

"I congratulate these students who have demonstrated a will to learn and shown that they take pride in doing their work the right way. Their qualifications and experience will help them to make their farms safer and bring about a sustainable change to the industry's record. Incidents on farms can have devastating effects; casualties are not just workers but their children, family members as well as members of the public. The financial costs are also considerable, work can be disrupted and employees absent, which seriously reduces productivity of the farm. While the industry accounts for only 1.7% of the workforce in Great Britain, it accounts for a massive 16% of the fatal injuries to workers, so it is vital that there is a focus on training and competencies to better the safety record on farms."

Over recent years changes in the agricultural industry have seen increases in the number of smallholdings, self-employed units, contracting-out, part-time and niche market farmers, alongside technological changes in farming equipment and machinery. These changes have placed an emphasis on the need for skills training.

Recognising the need for a greater skilled workforce the HSE has initiated the development of a new suite of vocational certificates in health and safety for farmers and growers. The vocational qualifications have received widespread support and acclaim from key industry stakeholders. They form part of a package of measures aiming to bring about a sustainable change to the industry's incident record by increasing the level of knowledge, skills and competencies of those people working within the industry, or who are about to join it.

Tyneside Crackdown

More than 100 Tyneside businesses were visited in a recent crackdown on industrial estates by Health and Safety Executive and local council inspectors.

On 14 occasions, they were so worried about what they saw, they issued an official “improvement notice” requiring action to be taken as a matter of urgency to prevent an accident occurring. A further eight improvement notices will also be issued should employers fail to address issues of concern.

Problems ranged from concerns about working at height, manual handling, lack of training for fork lift truck drivers, damaged racking and lack of appropriate ventilation systems for controlling exposure to wood dust.

HSE Inspector Michael Bone said:

“The kind of unacceptable practise we saw included people accessing upper storage areas with no precautions in place to prevent them from falling and being injured or even killed and not properly guarding dangerous parts of machines. The reality is that they are simply accidents waiting to happen but could be prevented by doing simple things such as storing items at ground level, or if they have to be stored at a height providing edge protection and carrying out risk assessments and making sure that all dangerous parts of a machine are recognised and guarded. When we called in to some premises, we were able to offer advice there and then, but in more serious cases, we had to take the more serious step of issuing an improvement notice where the relevant health and safety requirement had been broken.”

Inspectors were also on the look to see if landlords were meeting their obligations on industrial estates. Managing traffic came under close scrutiny. Inspector Michael Bone continued:

“On some industrial estates we were appalled by what we saw. Cars were parked on pedestrian walkways, there was no way of separating pedestrians from traffic – which can range from your typical white van to huge articulated lorries doing deliveries. It simply wasn’t acceptable, especially when transport is one of the major causes of workplace accidents.”

Inspectors from the Health and Safety Executive and Newcastle City Council visited three industrial estates and 23 individual business in Newcastle, where three improvement notices were issued. They called in to 20 business on three industrial estates in North Tyneside and six improvement notices were issued. Twenty seven business and three industrial estates in Gateshead received a visit with where 3 improvement notices were issued with a possible eight to follow, and three industrial estates and 33 business were inspected in South Tyneside and two improvement notices were issued

Welsh Nursing Homes

Of 28 homes inspected in Wales, three quarters were issued with at least one enforcement notice, and a total of 31 enforcement notices were issued. The management of legionella risk and the correct use of bedrails were the main recurring areas of concern.

As a result of the findings, HSE will be contacting nursing homes in Wales to remind them of their duties to manage health and safety, and will be providing training resources to help homes improve standards.

HSE Inspector Steve Scott, who led the initiative, said:

“The sample is a small percentage of the total number of nursing homes in Wales, and we must stress that not every nursing home we visited was issued with an enforcement notice. Those who did receive an enforcement notice were extremely keen to address shortcomings when they were raised. These homes were given a specified period of time to put matters highlighted right, and we are carrying out follow up visits to all of these premises to ensure that remedial action has been carried out. The inspections found that management of other risks such as slips and trips and manual handling were generally being addressed but the use of bed rails, and legionella risk, was an issue at many of the homes we visited. We distributed a computer CD on bed rail management during our visits, and similar resource on the management of legionella in nursing homes is currently in the early stages of production. We hope to run the seminars in September / October 2008, but homes requiring advice and guidance in the meantime can contact HSE Infoline on 0845 345 0055.”

Regulatory Enforcement and Sanctions Bill

The Regulatory Enforcement and Sanctions Bill, aimed at delivering better regulation to businesses across the country, has received Royal Assent. The Act creates a new body, the Local Better Regulation Office, that will provide expert advice for central government on the way that local authorities regulate and help ensure more consistent, risk-based, application of regulation for businesses.

Regulators will also have access to a range of new powers that will provide a more appropriate and efficient alternative to criminal prosecution. The Act will create a provision to ensure regulators do not impose or maintain unnecessary burdens on those they regulate.

Business Minister Shriti Vadera said:

"The Regulatory Enforcement and Sanctions Act is a central part of the Government's ambitious better regulation agenda. It aims to provide consistent enforcement and increase the effectiveness of risk-based regulation across the country and ease the burden for business."

The Regulatory Enforcement and Sanctions Act is the latest step in the Government's Better Regulation agenda aimed at improving regulation, achieving user-friendly and effective new regulation and tackling inefficiencies in the way current regulations are enforced. The new Act is all part of a drive to cut the cost to business of administering regulation by a quarter by 2010. The Government has already cut an estimated £800 million of administrative burdens from UK business. But has anyone noticed?

Stressful Workplace

Work-related stress is a major cause of occupational ill health and businesses which do not tackle this serious health and safety issue are likely to see a high level of sickness absence and staff turnover and a poor performance level.

The cost to local businesses should not be underestimated - research carried out in this area suggests that work-related stress accounts for more than one third of all new incidences of ill health and that each such case of stress, depression or anxiety leads to an average loss of 30.2 working days. This is why the HSE has been promoting - initially to major employers - its Managements Standards for Work-related Stress over the last two years, through workshops, training events and company visits.

The benefits to employers of tackling stress in the workplace are not only in terms of improving staff commitment, performance, productivity, recruitment and retention, but also have a legal 'pay off'. Employers have duties under Health and Safety legislation to assess the risk of stress-related ill health arising from work activities and to take measures to control such risk. Carrying out a proper risk assessment for stress could enable a company or organisation to avoid prosecution and litigation.

20th Anniversary of Piper Alpha

Commenting on the 20th anniversary of the Piper Alpha disaster where 167 people lost their lives in a major offshore explosion, Judith Hackitt, Chair of the Health and Safety Executive said:

“On the 20th anniversary of the Piper Alpha disaster we remember all those who were involved; those who lost their lives, their families and those who were injured. HSE’s Offshore Division was established as a result of the inquiry into the tragedy and since that time many lessons have been learned and there has been a considerable improvement in offshore safety. Today, the offshore industry is as important to the UK as ever and safety must remain paramount in this challenging and harsh environment. HSE’s own work has identified that more needs to be done to maintain the integrity of an ageing infrastructure and continue to reduce the risks for those working offshore – our KP3 report last year identified the need for greater leadership, more good practice sharing and improved worker involvement. HSE will continue to work closely with employers, employees and their representative organisations to drive up standards of health and safety in the offshore industry. Secretary of State for Work and Pensions, James Purnell, has asked us to carry out a review of progress in offshore safety since the publication of KP3. This will be a fitting and timely way to ensure that no-one becomes complacent and that we all maintain vigilance to ensure that the lessons of the Piper Alpha tragedy are never forgotten.”

James Purnell said:

“Much work has been done since the terrible events at Piper Alpha in 1988 and the HSE has worked closely with the off-shore industry to ensure that changes were made to make people’s lives safer. But we must not become complacent, we have to ensure this work continues, which is why I have asked the HSE to carry out a review of progress on the industry’s response to the issues identified by the ‘KP3’ Report. This will include a look at what improvements have been made to create a stronger safety culture in which, of course, the involvement of the work force is key.”

HSE's Myth of the Month

Health and safety laws banned poles in fire stations

It was widely reported that a fire station was built without the traditional pole for 'health and safety' reasons.

As the county's Chief Fire Officer said: 'Whilst every consideration regarding health and safety was taken into account, the reason a pole was not included was purely due to space restrictions.'

Poles are not banned and firefighters around the country continue to use them.

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