

Spring 2018 Newsletter

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Useful Websites:-

- HSE Website www.hse.gov.uk
- British Standards Institute www.standardsuk.com
- Trades Union Congress www.tuc.org.uk
- Environment Agency www.environment-agency.gov.uk

COMMENT

Welcome to our first newsletter of 2018, designed to keep you informed of the key developments around the subject of health, safety and wellbeing.

With the snow and rain of March a fading memory, the next focus is on spring cleaning, which should include our health and safety management performance. The renewed energy that this time of year brings offers an opportunity to review the effectiveness of our safety management system in order to contribute to business objectives.

The introduction of the new International Standard ISO 45001 (for Health & Safety Management systems) will be a challenge for those of you are transitioning from the OHSAS 18001 standard or are considering signing-up to the new one. As approved consultants for BSI, we are in a good position to help you with this if you want to gain external accreditation, which could open doors to new business and recognise your drive for continual improvement (see following article).

Tony Payne

Fine for unlicensed asbestos removal

The HSE report that a construction company has been fined for carrying out unsafe and unlicensed asbestos removal during refurbishment works in a junior school.

A Magistrates Court heard how the company removed asbestos in an unsafe manner and did not have the appropriate licence to carry out the work. Company workers were exposed to high levels of airborne asbestos fibres during the removal work as no water suppression was used, nor were workers face-fit tested for the respiratory protective equipment they were wearing. Also, an enclosure under negative pressure was not set up to contain the asbestos fibres released which were spread to the surrounding area. With no means of worker decontamination available on completion of the work, the company pleaded guilty to breaching various sections of the Control of Asbestos Regulations 2012 and was fined £28,000 with costs of £1,141.80

Roof fall fatality

A farm buildings installer has been fined £100k for failing to conduct a suitable and sufficient risk assessment and failing to provide edge protection for work involving the installation of roofing sheets. An employee fell over 6m to his death, which led to the company being found guilty of breaching the Health & safety at Work Act section 2.1. (failing to ensure the safety of employees).

e-Learning the cost effective safety training

All businesses must provide relevant training for its employees. When things go wrong, this is one of the first questions asked of you by the HSE or Insurers. You may think that one-on-one training would cost a fortune and be time-consuming to organize - well, it isn't! Our tutor led, interactive online training goes at precisely the pace required by the individual and provides an opportunity to go over the learning content as often as required, so every employee gets the optimum learning experience. The training has been a real success and offers access to over 20 health and safety training titles including asbestos awareness, abrasive wheels, fire safety and working at height. Each title is accredited by an awarding body and courses are easily accessible via our website, where you can pay using Paypal or alternatively register for our **FREE no obligation trial**. Furthermore, you can just take the first step of registering your interest by emailing us for group course bookings, multiple license discounts and general enquiries.

Company fined £1 million for workplace transport fatality

A Crown Court heard how a delivery driver was fatally struck by a fork lift truck carrying a load suspended from its forks.

The HSE investigation found that the yard was not organised to allow safe circulation of people and traffic as appropriate routes were not identified and insufficient in number. A properly implemented Traffic Management Plan should have identified sufficient measures for the separation of vehicles and people, including protected walkways, clear signage and barriers. The Company pleaded guilty to breaching Regulation 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £1 million and ordered to pay costs of £27,942.57.

Physical Activity, Healthy Eating and Healthier Weight: a toolkit for employers



Sources: 1 Health Survey for England 2016, NHS Digital • 2 Govuk guidance on physical activity • 3 Public Health England • 4 BITC • 5 NHS Digital • 6 The National Diet and Nutrition Survey • 7 Govuk guidance on obesity

Public Health England and Business in the Community (BITC) have co-produced a new evidence-based toolkit for employers on physical activity, healthy eating and weight issues in the workplace.

A lack of physical activity and poor dietary choices leads to an unhealthy workforce. Employers are in a unique position to promote healthier lifestyle choices. It is recognised that employees who are in good health are less likely to be absent from work and are more productive overall. Working in partnership with employees, employers can influence positive diet choices and encourage greater physical activity.

The toolkit includes a checklist of actions for employers to take, under the broad themes of being prepared, encouraging physical exercise, healthy eating and providing knowledge and training. Take a look at <https://wellbeing.bitc.org.uk/> and begin to engage your workforce.

In Short:

Health & Safety Executive (HSE) statistics report that 137 workers were killed in 2016/17 and 1.3 million reported suffering from work related ill health. Statistics can be accessed from their website at www.hse.gov.uk

Vehicle entrapment

A waste disposal company has been fined £60k with added costs after one of its employees was trapped between a loading shovel and a truck, causing her to suffer fatal injuries. She had left the cab of her lorry to remove a piece of carpet that was mixed in with the garden waste being loaded, whilst the shovel operator continued trying to dislodge the carpet using his bucket, without realising that she was still there. The HSE Inspector sent to investigate the case found that the company had not enforced vehicle segregation rules nor basic site safety, hence the fine.

General overview of the changes between OHSAS 18001 and ISO 45001 standards.

- 45001 will make health and safety the concern of an entire business. Leaders, managers, and workers will be expected to participate and help create and meet health and safety targets.
- 45001 places more emphasis on the planning stage of health and safety. It requires organisations to analyse available resources, including responsible staff.
- Additional documentation will be required under 45001, formalising goals and priorities more so than was required with 18001.
- 45001 places greater emphasis on communication - of objectives, policy, risk, and hazards.
- 45001 will continue to drive continuous improvement. Nonconformity with rules and procedures must be identified and responded to with appropriate, timely action.
- The structure is built around 'Annex SL' (ISO's high level text for management system standards), similar to ISO 14001 and ISO 9001 standards.

CSCS Cards

The Construction Industry Training Board (CITB) has announced that it will no longer be involved in the construction skills certification scheme (CSCS) once its current contract is completed, or some other body takes over. As most people will know, the holder of a CSCS card will have shown that they are aware of the health & safety issues pertaining to their trade or occupation. Most of the larger Principal Contractors around the country insist on sub-contractors having these cards as evidence of a certain level of competence and safety awareness, even though there is no legal basis for this. At present over 1.5 million cards are in issue at any one time. In recent years the CITB, as well as the BBC, have uncovered the fraudulent issue and use of these cards which has cast some doubt on their validity as a means of giving assurance.

CDM FAILINGS

In compliance with the Construction Design & Management regulations, a European company were appointed as **Principal Contractor** on a project to demolish a redundant process plant, during which one of its employees suffered a fatal accident.

In discussions, it had been agreed that a large metal hopper would be supported by an existing crane as it was cut away from the structural steelwork holding it in place. However, the agreed safe system of work was not followed by the PC who instructed their employee to use oxy-acetylene cutting equipment to remove the unsupported hopper from the structure, whilst working at height. The hopper eventually collapsed, causing a ventilation pipe to strike the employee, who died at the scene.

Other options were available – a cherry-picker could have been provided, or a scaffold could have been constructed. Instead, it was described as like ‘cutting the branch he was sitting on’ by the investigating HSE Inspector, who also criticised the **Client** for failing to provide ongoing monitoring of the task and processes.

Further to this, the site was also not secured, meaning that anyone on site could wander in and have a look at this particularly hazardous activity.

The HSE subsequently brought charges to both the Principal Contractor and the Client under sections 2 and 3 of the Health & Safety At Work Act (failing to provide for the health and safety of employees and non-employees respectively).

In fact, the Principal Contractor had removed its employees from the site immediately after the incident and returned to Spain, ignoring all contact from the HSE. Found guilty, they were fined over £3M with costs, with the Client also receiving fines and costs exceeding £100k.

The important message here is that you must take adequate steps to ensure that all parties under CDM are competent, properly resourced and follow agreed procedures in order to prevent accidents such as this from happening. A wealth of information is available on the HSE website.

Apprentice Incapacitated

When a young, untrained worker fell 6 metres through a fragile skylight, his life changed for ever. He suffered severe head, face and back injuries and was put into an induced coma for three weeks and has been unable to work ever since the accident in late 2016.

The 18 year old was involved in roof surveying work for his employer, but his supervisor was not in the immediate vicinity and he had received no training that could have helped him to judge the situation better, being unaware of the danger he was in.

There was a risk assessment, conducted by a company director, but it failed to identify the need for fall protection measures. In Court, the Director was found guilty of neglect and was convicted under section 37(1) of the Health & Safety at Work Act, for which he received a 12 month community order requiring 200 hours of unpaid work and was electronically tagged for the first month. His Company were found guilty of breaching regulation 4 of The Work at Height Regulations and were fined £120k, with costs added.

Equine Safety at the forefront of forum

The National Equine forum held in London in March 2018 saw a packed house of vets, equestrian business leaders and politicians. Amongst the agenda items were the British Horse Society, who outlined their 'Dead? Or Dead Slow?' campaign, designed to encourage drivers to pass horses safely on the roads. The campaign specifically highlights the importance of riders helping to influence driver behaviour. They illustrated the gravity of the situation by highlighting that there have been 2900 road incidents involving horses since 2011, with 39 riders killed and 230 horse fatalities.

Amongst the other contributors were 'British Eventing', who are looking to improve the outcome of falls through course design, including frangible fences, ground lines, friendly profiles, colours and definition.

Source: www.nationalequineforum.com/forum-2018



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, reference to Acts and Regulations or other legal sources in individual cases and circumstances. Advice can be obtained from, amongst others, Insurers, Solicitors, Enforcing Authorities and your own competent person. You should always ensure that you obtain competent professional advice in individual situations.