

Spring 2019 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 latest newsletter, designed to keep you informed of the latest news and key developments around the UK..

Though Brexit is still unresolved, there is little to suggest that significant regulatory change will be coming over the safety horizon once we leave the union, with or without a deal.

New and revised sentencing guidelines continue to drive larger corporate fines for breaches and more targeted action against individuals who wilfully neglect their legal responsibilities.

If you are visited by an HSE Inspector and they find a 'material breach' (basically anything that necessitates them having to write to you), from the beginning of April their charges under Fees for Intervention (FFI) have increased from £129.00 to £154.00 per hour.

This increase is to cover the costs of running the FFI scheme, which made a loss of £1.9m last year.

All the more reason to get your health & safety management systems up to speed!

Tony Payne

Child fall costs contractor

A building contractor has been sentenced after a 12-year-old boy suffered life changing injuries from falling approximately 10 metres from a scaffold ladder

The Magistrates' Court heard how two boys were able to climb the rungs of a ladder within scaffolding erected by the contractor, by placing their feet either side of a ladder guard that did not cover the rung width of the ladder. One boy climbed to the top platform of the scaffold and climbed the uppermost ladder to a height of approximately 10 metres. The ladder slipped, causing the boy to lose his balance and fall to the ground. He subsequently required multiple operations and has been left with life-changing disabilities, including the inability to walk anything above short distances.

An investigation by the Health and Safety Executive (HSE) found the security arrangements for preventing access to the scaffolding, especially by children from a nearby school, were inadequate.

The contractor pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and was been fined £160,000 and ordered to pay £22,310 in costs.

Speaking after the hearing, the HSE Inspector commented: "The death or injury of a child is particularly tragic and a lot of thought must go into securing construction sites. Children do not perceive danger as adults do. The potential for unauthorised access to construction sites must be carefully risk assessed and effective controls put in place.

Concrete block company fined

A concrete block manufacturer has been sentenced after a worker's hand was crushed in an unguarded machine. Magistrates heard that an experienced worker was making concrete wall blocks when his hand became trapped and was crushed by the machine he was using. The individual suffered three broken fingers and thumb and had to undergo surgery on his hand. A Health and Safety Executive (HSE) investigation found the company had failed to ensure that the machine was properly guarded. The company pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and has been fined £26,667 with £3,560 costs.

After the hearing the HSE inspector commented: "This case highlights the importance of ensuring that dangerous moving parts of machinery are guarded. This incident could so easily have been avoided by having suitable guarding on the machine and systems in place to periodically check machine safety."

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We have an extensive suite of online health and safety training courses. These tutor led interactive training sessions move at precisely the pace required and provide numerous opportunities to review the content to get the optimum learning experience. The training continues to be a real success and offers access to over 25 health and safety training titles including asbestos awareness, abrasive wheels, fire safety and working at height.

The courses are easily accessible via the [adams-payne safety website](http://adams-payne-safety-website) for instant access via e-commerce or to register for your **FREE no obligation trial**. Alternatively contact me via enquiry@adamspaynesafety.com for group course bookings, multiple license discounts and general enquiries.

In Short: The average fine under the sentencing guidelines has risen from £40,500 to £221,700 since their introduction back in 2016.

Mild steel welding fume

There is new scientific evidence from the International Agency for Research on Cancer that exposure to mild steel welding fume can cause lung cancer and possibly kidney cancer in humans. The Workplace Health Expert Committee has endorsed the reclassification of mild steel welding fume as a human carcinogen. With immediate effect, there is a strengthening of HSE's enforcement expectation for all welding fume, including mild steel welding, as general ventilation does not achieve the necessary control.

Control of the cancer risk will require suitable engineering controls for all indoor welding activities, e.g. Local Exhaust Ventilation (LEV). Extraction must also control exposure to manganese, which is present in mild steel welding fume and can cause neurological effects similar to Parkinson's disease. Where LEV alone does not adequately control exposure, it should be supplemented by adequate and suitable respiratory protective equipment (RPE) to protect against the residual fume. Appropriate RPE should also be provided for welding outdoors. All welders must be suitably instructed and trained in the use of these controls. Regardless of duration, HSE will no longer accept any welding undertaken without suitable exposure control measures being in place, as there is no known level of safe exposure.

Risk assessments should reflect this change in the required and expected control measures.

Hotelier fined due to asbestos

A hotelier has been sentenced after Asbestos Containing Materials (ACM's) were disturbed during refurbishment work. A Magistrates' Court heard that construction work was undertaken to refurbish the hotel bathrooms and bedrooms which involved work on the original 1960-1970s structure, when asbestos was widely used as a building material.

An employee had raised concerns about the potential presence of ACM's within the rooms under refurbishment, and although enquiries had been made, no physical testing of the materials being disturbed was undertaken. Work continued and concerns about the materials were again raised by external contractors. Once identified, the hotel took remedial action which included sampling of common parts for asbestos fibres. When the HSE heard about the case they investigated and prosecuted the hotel, who pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc... Act 1974 and were fined £80,000 with costs of almost £15k.

Duty holders should not undertake any work which either exposes or is liable to expose people to asbestos and must carry out a suitable and sufficient assessment as to the presence, location and condition of asbestos in the premises.

Worker fractures pelvis

A worker who fell three metres through a roof light suffered a fractured pelvis and spinal injuries.

The self-employed roofer was laying wooden 'lats' and roofing felt, when he fell through a sky light that had been covered with felt. The company he was working for was subcontracted to carry out the roof work. The subsequent HSE investigation found that whilst the company initially provided air bags as a means of mitigating any falls by employees, these were moved to remove debris and the worker hit the floor instead.

The company pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974 and was fined £20,000 and £1,100 in costs.

Falls from height through fragile surfaces and skylights remain one of the most common causes of work related fatalities in this country and the risks associated with working at height are well known.

Mental wellbeing support = motivated workforce

According to the mental health charity **Mind**, 60 per cent of employees say they'd feel more motivated and more likely to recommend their organisation as a good place to work if their employer took action to support mental wellbeing.

Considering how much time we spend at work, it's not surprising that our workplace environment and culture affects our wellbeing. Smart employers know that organisations perform better when staff are healthy, motivated and focused. Employees that feel their work is meaningful and they are valued and supported, tend to have higher wellbeing levels, be more committed to the organisation's goals and, importantly, they perform better too. This strong relationship between levels of staff wellbeing and motivation and business performance is often called 'employee engagement'.

The charity has developed a three-pronged approach to help employers manage mental health in the workplace by:

1. promoting wellbeing for all staff
2. tackling the causes of work related mental health problems
3. supporting staff who are experiencing mental health problems.

Further information on how employers can support mental wellbeing in the workplace is available at:

https://www.mind.org.uk/media/428496/Resource3_HowToPromoteWellBeingFINAL.pdf

Preventing fire at work

Work presents many risks and fire is indeed one which can not only threaten the safety of onsite personnel, but also to property and occupants adjacent to where a fire develops.

When fire occurs, workers are often injured, property is destroyed, and the ability for a business to continue is severely tested, causing unexpected costs which companies struggle to recover from. Despite insurance being in place, pay-outs may not be quick, nor might they be as much as expected. Therefore, controlling fire risks at work is as important as controlling any other workplace hazards, if not more so.

The Regulatory Reform (Fire Safety) Order 2005 is the regulatory framework for fire safety and requires a suitable and sufficient fire risk assessment to be carried out by a responsible person (the employer or persons in control of the premises).

This process should ensure steps are taken to:

- eliminate or reduce ignition sources onsite - smoking, burning, hot work
- reduce fuel sources onsite - combustible material storage, LPG cylinders, waste
- establish emergency procedures for persons to follow in case of fire
- ensure general fire precautions are taken - establish escape routes and fire exits, provide suitable equipment to fight fire, identify means of raising the alarm, ensure appropriate fire signage
- inform, instruct and train employees and contractors on the site rules, precautions to prevent fire and the emergency procedures in place, including practice drills



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, Solicitors, Enforcing Authorities and your own competent person. You should always ensure that you obtain competent professional advice in individual situations.