

Autumn 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, compiled to inform you of the key issues and developments around Health, Safety and Welfare.

I hope you all enjoyed the summer and made the most of the longer days. Now however, Autumn is upon us and our focus must turn to winter preparation. Simple checks on grit supplies, exterior lighting and the adequacy of emergency response plans will prove to be beneficial and time well spent.

An early review will give your organisation time to plug gaps and rectify issues. You may even be preventing associated accidents, though you may never know this of course!

If you run company vehicles, or even if you pay employees a mileage rate to complete their work duties, this preparation may extend to ensuring your driving risk assessment is reviewed and accounts for the winter risks. Servicing and preparation of vehicles is also an important consideration, including the provision of emergency kits.

Be safe!

Tony Payne

Safety Executive releases 2018/19 fatality figures

The Health and Safety Executive (HSE) released in July its annual figures for work-related fatal injuries for 2018/19.

The information release revealed that 147 workers were fatally injured between April 2018 and March 2019. This bucks the downward trend seen since 1981 with the data showing an increase in fatalities against the previous year.

The figures also show how fatal injuries are spread across industry. Agriculture, forestry and fishing, and construction sectors continue to account for the largest share of fatal injuries to workers (32 and 30 deaths respectively in 2018/19).

The three most common causes of fatal injuries continue to be; workers falling from height (40), being struck by a moving vehicle (30) and being struck by a moving object (16), accounting for nearly 60 per cent of fatal injuries in 2018/19.

The data also highlights the risk to older workers with 25 per cent of fatal injuries in 2018/19 affecting workers aged 60 or over. This is despite these workers only making up 10 per cent of the workforce.

Mesothelioma, which is contracted through past exposure to asbestos, killed 2,523 in Great Britain in 2017 - a broadly similar number to the previous five years. The current figures are largely a consequence of occupational asbestos exposures that occurred before 1980.

Ensure your PPE is compliant with directive change

Changes affecting Personal Protective Equipment (PPE) came into full effect in April 2019 to comply with the EU regulation 2016/425. The implications to the end user are minimal with the changes affecting manufacturers and suppliers of PPE more widely with reclassification and recertification of their PPE products potentially required. The changes did introduce three classes of PPE – category I, II and III – for minimal, intermediate and complex (risk of death) with each category having defined tests which safeguard the quality and suitability of PPE for a range of categorised tasks. Those with responsibilities in your organisation for specifying or purchasing PPE need to ensure products purchased are compliant. A CE mark is a good start - however a Declaration of Conformity from the supplier will offer further assurances. Employers providing PPE should still comply with the Personal Protective Equipment at Work Regulations 1992 which are not affected by this regulation.

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That Brexit effect!

The Health & Safety Executive (HSE) has produced guidance to help you prepare for in the event the UK leaves the EU without a deal (and therefore an implementation period). Guidance centres around amendments to specific regulations including REACH, CLP and regulatory information pertaining to Biocides and Pesticides. To see if the guidance affects you visit www.hse.gov.uk/brexit

Company fined for unsafe lifting operation

An events management company has been fined for not ensuring the safety of its employees during the lifting of a 14-foot wide park home chassis through a narrow opening. A Magistrates' Court heard that the opening was too narrow and required employees to push down on the sides of the chassis to angle it through the opening whilst it was being manoeuvred by two forklift trucks, one at each end.

The chassis slipped off the forks, rebounded off the floor and struck one of the employees on the shoulder. The force of this lifted him off his feet and flying backwards over two metres into the wall of a building, knocking him unconscious.

An investigation by the HSE found that the lift was not properly planned, organised or carried out safely. Employees were left to devise their own method of moving the chassis, as the company had failed to properly assess the risks and take simple measures to ensure the task was carried out safely.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and fined £161,000, with costs of £1,345.

Excavator death leads to employee sentencing

A construction company and one of its employees have been sentenced for health and safety breaches after another worker was struck and killed by an excavator.

The Crown Court heard that the accident occurred during night work at a construction site, where the deceased worker had been disconnecting lifting accessories from a pile that had just been extracted from the ground, when he was crushed against a concrete wall.

The investigation by the HSE found that the construction company, in the role of principal contractor, failed to ensure the safety of its employees and of others who were working on the site. The investigation also found that the site supervisor, together with the person operating the excavator, failed to take reasonable care for other persons on site at the time. The company pleaded not guilty to breaching Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974 and was fined £1,000,000 and ordered to pay costs of £108,502.30.

The Site Supervisor pleaded not guilty to breaching Section 7(a) of the Health & Safety at Work etc. Act 1974 but was given a 6 month custodial sentence, suspended for 12 months and ordered to pay costs of £15,000.

Speaking after the hearing, the HSE Inspector said:

“This death was wholly preventable and serves as a reminder as to why it is so important for companies and individuals to take their responsibilities to protect others seriously and to take the simple actions necessary to eliminate and minimise risks.

“All those with legal responsibilities must be clear that we will not hesitate to take appropriate enforcement action, including where appropriate, prosecution against those that fall below the required standards”.

Farms under scrutiny

Farmers are being told they must pay closer attention to health and safety after the HSE raised concerns over recent livestock handling incidents.

Every year people are killed or injured in incidents involving cattle and the HSE is reminding farmers that these incidents can be prevented.

HSE inspectors will be visiting farms to remind farmers of their duty to protect themselves, their workers and members of the public from the risks of cattle and will not hesitate to use enforcement to bring about improvements

Throughout the inspections, HSE will be reminding workers that when working with livestock, they should have the appropriate controls in place:

- proper handling facilities, which are in good working order;
- a race and a crush suitable for the animals handled;
- trained and competent workers; and
- a rigorous culling policy for temperamental animals.

The focus on livestock is part of a programme of inspections over the next twelve months to ensure farmers are doing the right things to comply with the law and prevent death, injury and ill-health.

Last year eight people died on farms in cattle related incidents, nearly one quarter of the total deaths on British farms.

Electric vehicles

An EU regulation has made it mandatory to fit sound generators to electric cars so that pedestrians are aware of their presence. Research has shown that they are more than 40% more likely to be struck by a hybrid or electric vehicle than one with a conventional engine. Although the legislation came into force in July 2019. It might be many years before we see all such cars with the new system installed.

Property Management

A PM company has been fined £1.3m following the death of a member of the public near a shopping centre. The company received the fine following a prosecution by a city Council for breaching section 3.1 of the Health & Safety at Work etc. Act 1974. The dead woman was struck by a large wooden panel that was detached from a disused water tank on the plant room roof during a storm. The company had not carried out any inspections of the tank so had not realised that the panel was attached to rotten wood and corroded fixings. Costs of £375k were also awarded.

Blue Tape

This new term for what was once called ‘gold plating’ of health and safety requirements is the subject of research by the HSE. It refers to the stringent rules that businesses impose upon one another. This could be framed within contracts or perhaps be built into standards that businesses must achieve in order to be accredited by an awarding body or third party quality standards body.

The report shows concern that the burden placed on small businesses is out of proportion to the risk they present and discredits sensible regulation and good practice.

Over 99% of businesses in the UK are ‘small to medium’ (SMEs), 2000 of which took part in the survey. 40% of those found that the policies and procedures they are forced to have in place were excessive and disproportionate, with 35% stating that they could see no relationship between the policies and actual employee safety. It seems that insurers and civil law compensation claims are also responsible for some of this blue tape. ‘Understanding the impact of business to business health & safety rules’ (bit.ly/2XVboPv) is the snappy title of the report.



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.