Prosecutions

£250,000 Fine in Manual Handling Case

The HSE has prosecuted a Leeds freight company after a man was crushed to death unloading a case of glass from a cargo container.

Roadways Container Logistics Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 at Leeds Crown Court, in relation to the incident. The company was fined £250,000 and ordered to pay £100,000 costs.

The court heard that on 6 April 2006 Admin Manager, Alan Fletcher, from Leeds, along with two cargo handlers and a supervisor, had been present as cases of glass were being unloaded from an open top freight container at Roadway's container base in Stourton.

Mr Fletcher was crushed when he tried to stop the final case, weighing approximately two tonnes, from falling as it was being lifted from the container.

The court also heard that neither Mr Fletcher, nor his colleagues, had received the appropriate training in lifting operations. There had also been no risk assessment or formal planning carried out prior to the incident and the case had not been properly secured.

Following the hearing, HSE Inspector, Morag Irwin, said:

"Today's hearing highlights the importance of having an effective system in place for managing health and safety generally and specifically when lifting heavy goods, and I hope it serves as a warning to other companies.

"In this case, the measures in place were grossly inadequate; there was a failure to carry out a risk assessment or formal planning, as well as a lack of training, all of which resulted in the tragic and unnecessary death of an employee that so easily could have been avoided.

"HSE has produced a lot of guidance on this matter and I would urge other companies not to take any chances when it comes to carrying out lifting operations."

No one at Roadway Container Logistics Ltd was available to comment.

Driver Killed at Landfill Site - £210,000 Fine

A waste management and recycling company has been fined after a driver was killed at a Northamptonshire landfill site.

SITA UK Limited was prosecuted by the Health and Safety Executive (HSE) following the death of Gary Carter, 32, at the Cranford landfill site on 4 January 2007.

The company, of Grenfell Road, Maidenhead, Berkshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £210,000 and ordered to pay full costs of £38,000.

Northampton Crown Court heard that Mr Carter, of Kidwelly, Dyfed, arrived at the site to empty his refuse lorry and, like all the lorries emptying at the site that day, had to be assisted onto and off the tipping area due to the wet weather and soft ground conditions on the site.

After being towed to the tipping area by a bulldozer, Mr Carter discharged only part of his load. To shed the rest he had to move forward but his lorry had become too bogged down in soft ground.

The driver of the compactor, which was spreading the rubbish behind his lorry, radioed to him to say he would drive up behind Mr Carter's lorry and push it forward with his own vehicle.

At the same time the bulldozer reversed up to the front of Mr Carter's lorry to give him a tow. Both tried to help Mr Carter move, but without communicating with each other. When the compactor started to push the lorry forward, Mr Carter was attaching a tow rope from the bulldozer to the front of his lorry which meant he was crushed to death between his lorry and back of the bulldozer.

He died at the scene.

The court heard from the prosecution that new working arrangements had been introduced a few days before the accident without having been properly risk assessed. Further, that SITA had not defined the supervisory roles for their staff on the site and that site rules on pushing lorries were ambiguous.

HSE Inspector Roy Bush said:

"Every company has a legal responsibility to take care of people working on their site, whether they are employed by them or not, in whatever circumstances they are asked to operate.

"Assessing risks, mitigating them wherever possible or stopping work as appropriate is the least people should expect from companies. Employers need to ensure their staff understand their roles and responsibilities in making sure sites like this operate to clear site safety rules.

"In this case, the prosecution shows that this has not happened and Mr Carter's family have lost him as a result."

Plumber Carries out Illegal Gas Works

A plumber who illegally worked on gas boilers when unregistered in the Southend-on-Sea area has been sentenced in court.

Anthony Grove of McDivitt Walk, Leigh-on-Sea, Essex, pleaded guilty to working on a gas boiler and exposing his customers to risks.

A Health and Safety Executive (HSE) investigation found that Mr Grove, who was originally contracted to carry out plumbing work at two houses in Rayleigh and in Lovelace Gardens, Southend, between May and September 2009, had replaced old boilers at the properties after giving the owners false CORGI registration details.

The court heard how both homeowners subsequently complained about his work to Gas Safe (formerly CORGI), who alerted HSE. It was found that the work had been carried out incorrectly and that, in one case, the new installation was immediately dangerous.

Mr Grove was also found to have been employed as a gas fitter with different companies between February 2000 and February 2008, while not being registered. Immediately after the investigation started, he was served a Prohibition Notice to stop him carrying out further gas work until he could prove he was registered.

Mr Grove admitted breaching Regulation 3(3) of the Gas Safety (Installation & Use) Regulations 1998 and Section 3(2) of the Health & Safety at Work etc. Act 1974. He was fined £850 and ordered to pay £500 in costs.

HSE Inspector Steve Hook, said:

"It is illegal for an unregistered person to carry out work on a gas appliance. When unqualified workers try to bypass the law in this way they are not only putting themselves at risk of prosecution and a large fine, they are also putting their customers' lives at risk.

"Working with gas appliances is difficult, specialised and potentially very dangerous. Only qualified and registered engineers should attempt it.

"HSE will not hesitate to prosecute those who break the law in this way."

Paul Johnston, Chief Executive of Gas Safe Register added:

"If you're employing an engineer to fit, fix or service gas appliances, you should always make sure that person is Gas Safe registered. If they say they are, don't just take their word for it. Check they are on the Gas Safe Register and check their ID card when they arrive at your door. You shouldn't take any risks, badly fitted and poorly serviced gas appliances can cause fires, explosions, gas leaks and carbon monoxide poisoning."

News

Alcohol and the Workplace – Advice for Employers

According to research from Drinkaware, 520,000 people in Great Britain go to work with a hangover each day.

The average person goes to work suffering from the effects of too much alcohol three times a month, with almost one in five people (17%) admitting that they struggle to manage their workload and make mistakes as a direct result of being hungover.

As businesses prepare for the impact of the World Cup, the charity have teamed up with healthcare provider Bupa to compile advice for employers on managing issues related to alcohol in the workplace, along with alcohol advice for employees.

Advice to employers

- recognise the risks – intoxicated or hungover employees can be disruptive and unproductive at work, cause accidents and upset others
- set out a clear alcohol policy – work with HR, employees representatives and legal to build a policy and clearly communicate to all employees what is acceptable. See Alcohol and Drug Misuse in the Workplace (2006) by the Royal College of Physicians' Faculty of Occupational Medicine
- care for staff – if an employee appears to be intoxicated, employers have a duty of care to that employee as well as all other staff and can ask the person to go home. Any incident should be investigated thoroughly to address safety issues and potential underlying reasons for the behaviour
- watch for warning signals – if you suspect someone is regularly coming into work with a hangover, it might be a sign of alcohol or mental health problems. Employers are advised to consult their alcohol policy and work with their HR department to address the situation
- know the limits – in some industries, alcohol can put lives at risk, such as train and bus drivers. There are legal limits on the acceptable levels of alcohol, which are often well below the level of any feeling of intoxication. Employers are legally responsible for ensuring employees are regularly tested for alcohol and drug consumption.

Advice to employees

- while some people drink alcohol to help them relax, long-term drinking can lead to a range of health and social problems including addiction, obesity and relationship problems. Drinking every day will affect concentration and ability to work. This is likely to cause stress in the long run. Have at least two alcohol-free days a week
- alcohol is a depressant and calms certain parts of the brain. So, while alcohol may help to temporarily forget troubling issues, it doesn't make problems go away. If you are regularly feeling stressed at work, employees are advised to speak to their manager, he or she has a duty to take reasonable steps to try to resolve the problem.
- there are many alternatives to drinking to help reduce stress levels, such as exercise. Exercise helps to use up the stress hormones. Even a brisk walk for 30 minutes a day will help combat stress
- stick to the guidelines that recommend men don't regularly exceed more than 3-4 units of alcohol per day and women to stay within 2-3 units per day. A pint of strong beer or a large glass of wine is 3 units.

Guidance

Behavioural Safety – Briefing for Workplace Reps

Issued by the TUC, this briefing aims to help union representatives respond to any behavioural safety initiatives within their industry or workplace.

Behavioural safety is defined as a number of types of programs aimed to improve safety by changing the behaviour of workers. It is most common in the UK in production industries, particularly the chemical and energy sectors. Such programs are varied; some have the behavioural element as just one component of the wider safety management framework, while others see changing behaviour as the main focus.

Key to all behavioural safety systems is the belief that injuries and illnesses are a result of 'unsafe acts' by workers. To prevent these acts, management are advised to target specific behaviours and aim to change these based on observing and monitoring workers.

The briefing suggests that all behavioural safety programs follow a similar process. They begin with site observation including individual feedback. Workers are observed for both safe and unsafe behaviours; following the observation a checklist is completed with the safe and at-risk behaviours noted together with the date, time and location. The behaviours are discussed with the worker and recommendations to improve unsafe behaviour are suggested. The worker's comments and reasons for the unsafe behaviour is also recorded. Reports are collated for analysis by a steering committee, which also highlight trends of at-risk behaviours and locations in which these are taking place. The steering committee is usually made up of union or management-appointed worker reps. The committee then produce recommendations to address workers' behaviour, which go to senior management for approval and implementation.

Action Needed on Chemicals of Major Public Health Concern

The World Health Organisation (WHO) has called for multisectoral action to protect human health from the harmful effects of improperly managed chemicals. The leaflet, summarises scientific evidence and recommendations for 10 chemicals or groups of chemicals of major public health concern, most of them very relevant to workplace exposure. An example of these are outlined below, the remaining cover:

- arsenic
- cadmium
- dioxins and dioxin-like substances
- inadequate or excess fluoride
- lead
- mercury
- highly hazardous pesticides.

Asbestos

All types of asbestos cause lung cancer, mesothelioma, cancer of the larynx and ovary, and asbestosis (fibrosis of the lungs). Exposure to asbestos occurs through inhalation of fibres in air in the working environment, ambient air in the vicinity of point sources such as factories handling asbestos, or indoor air in housing and buildings containing friable (crumbly) asbestos materials. Currently around 125 million people in the world are exposed to asbestos at the workplace. In 2004, asbestos-related lung cancer, mesothelioma and asbestosis from occupational exposures resulted in 107,000 deaths and 1,523,000 DALYs. In addition, several thousands of deaths can be attributed to other asbestos-related diseases, as well as to non-occupational exposures to asbestos.

Elimination of asbestos-related diseases should take place through the following public health actions:

- recognising that the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos
- replacing asbestos with safer substitutes and developing economic and technological mechanisms to stimulate its replacement

- taking measures to prevent exposure to asbestos in place and during asbestos removal (abatement)
- improving early diagnosis, treatment, social and medical rehabilitation of asbestos-related diseases and establishing registries of people with past and/or current exposures to asbestos.

Benzene

Human exposure to benzene has been associated with a range of acute and long term adverse health effects and diseases, including cancer and aplastic anaemia. Exposure can occur occupationally and domestically as a result of the ubiquitous use of benzene-containing petroleum products including motor fuels and solvents. Active and passive exposure to tobacco smoke is also a significant source of exposure. Benzene is highly volatile and exposure occurs mostly through inhalation. Interventions to reduce both work and general population exposure include promoting the use of alternative solvents in industrial processes, developing and implementing policies and legislation to remove benzene from consumer products, discouraging domestic use of benzene-containing products, stopping smoking, and promoting building codes requiring detached garages.

Air pollution

Indoor air pollution from solid fuel use and urban outdoor air pollution are estimated to be responsible for 3.1 million premature deaths world-wide every year and 3.2% of the global burden of disease. More than half of the health burden from air pollution is borne by people in developing countries. Air pollutants have been linked to a range of adverse health effects, including respiratory infections, cardiovascular diseases and lung cancer. Reduction of air pollution levels will decrease the global burden of disease from these illnesses. Pollution prevention requires policies on air quality and transport, air pollution control regulations in cities, emission controls in industry and promotion of clean, renewable energy sources.

Interventions to reduce indoor air pollution include switching from home use of solid fuel to cleaner fuels and technology and ventilation in homes, schools and the working environment, and stopping smoking. Efforts to significantly reduce air pollutants will also help to decrease greenhouse gas emissions and mitigate the effects of global warming.

Working Safely under Motor Vehicles being Repaired

This leaflet is aimed at owners, managers and supervisors of motor vehicle repair facilities, and may also be useful to employees.

Working beneath a vehicle is often required to check for faults, servicing, repairs etc. As these tasks are so common, people may get used to the fact that they are working under potentially lethal weights. Unfortunately, serious and fatal accidents do happen each year despite the dangers and precautions being well known.

The leaflet includes extracts from HSE inspectors' accident reports (mostly fatalities) involving people working beneath vehicles in motor vehicle repair. Whilst they do not cover every danger, they do include explanations of how to minimise the most serious risks and aim to serve as a reminder of the consequences of getting it wrong.

'Key Precautions' are listed throughout the leaflet, around the advice given. The advice covers the following:

- using the correct equipment
- ensuring the use of all the necessary equipment
- using equipment correctly
- correct installation of lifting equipment
- maintenance of lifting equipment
- staff training
- regular equipment checks and inspections
- working away from the workshop
- propping cabs and tipping trailers
- avoiding work beneath a vehicle with air suspension unless it is propped first
- ensuring everyone working on a vehicle knows the safe systems of work
- working in or near pits
- roadside repairs.

Dangers During Tyre Inflation

Removal, replacement and inflation of tyres is extremely common in motor vehicle repair (around 30 million tyres are replaced in the UK each year). It can cause injury and even death resulting from:

- manual handling of the tyre and wheel
- collapse of an elevated vehicle
- being struck by vehicles at the roadside
- explosion of the tyre or disintegration of the wheel during inflation.

This leaflet deals specifically with the dangers during tyre inflation – advice on the other hazards can be found in Health and safety in motor vehicle repair and associated industries (HSG261).

Inflated tyres contain a large amount of stored energy. For example, the sidewall of a typical commercial vehicle (CV) tyre has over 34 tonnes of force acting on it. Tyres are designed to withstand this but if they are damaged or used while flat, or significantly underinflated, they may fail. The force can then be released explosively at an angle of up to 45 degrees from the rupture (which is often, but not always, the face of the sidewall), resulting in a destructive air blast and the ejection of high-speed particles.

If the wheel is not restrained, it can fly metres through the air. Similarly, failure of multi-piece ('split rim') wheels can result in explosive ejection of component parts. These types of tyre explosion have led to numerous fatalities.

The leaflet covers:

- risk of failure
- how the types of wheels and tyres affect the risk
- working on multi-piece wheels: dos and don'ts
- working on divided wheels: dos and don'ts.

Control of Legionella Bacteria in Hot and Cold Water Systems

This notice, issued by the HSE, is to remind duty holders of the requirement to:

- identify and assess sources of risk for legionella bacteria in hot and cold water systems
- take steps to prevent or control the risk by putting adequate controls in place
- maintain and monitor those controls to ensure effectiveness.

Duty holders are required to assess the risks from legionella bacteria within their potable water systems and put in place a scheme to prevent or control the risk. In relation to offshore installations the actions required will include, although are not limited to, the following:

Assessing and managing the risk

- ensure that the legionella risk assessment has been reviewed within the past two years
- have a written scheme for preventing or controlling the risk
- carry out all control measures identified by the risk assessment and keep a record of the precautions taken
- appoint a competent person to be managerially responsibly for this.

Preventing and controlling risk

- for water originating from a storage tank onshore, seek documentary evidence confirming the quality of water provided by the supplier for each delivery (water supplied directly to a supply vessel from a standpipe connected to the public main should already meet quality standards)
- ensure that potable water delivered to the installation contains adequate (0.2 - 0.5 ppm) levels of biocide. This may not always be possible and duty holders may require an alternative control measure. This could be achieved by isolating the cargo water received from the supply vessel in a storage tank on the installation, adding sufficient biocide with a contact time of 30 minutes until the biocide level is at least 0.2 ppm, before allowing the delivered water to enter the potable water system
- ensure that potable water transfer hoses are capped when not in use, disinfected at regular intervals and replaced, in accordance with manufacturer's guidelines, as part of the planned maintenance scheme
- ensure that bunkering stations have a facility to allow flushing of potable water transfer hoses and permit acceptance sampling of water from supply vessels. This is also required to allow effective disinfection of hoses to take place
- ensure that all potable water storage tanks, including header tanks, are inspected on an annual basis and any necessary remedial works carried out
- ensure that calorifiers are fitted with shunt pumps to prevent thermal stratification within the calorifiers. Temperature gauges should be fitted on the flow and return pipework to ensure that outgoing water is at least 60°C and the return is at least 50°C
- ensure that measured quantities of biocide are added to the potable water system to provide biocide levels in all parts of the system of between 0.2 ppm and 0.5 ppm at all times
- if fitted, ultra violet filtration units should be positioned on the system before biocide is added as UV radiation is known to reduce biocide levels. It is important to note that UV filtration units are not effective for disinfection as they only work at point of application and research has shown that biofilms carrying legionella bacteria can pass the UV filtration unit. Such systems must always be used in combination with biocide treatment
- monitor biocide levels in the accommodation units preferably on a daily basis and adjust dosing rates accordingly
- ensure that monthly checks are carried out on sentinel taps to ensure that the cold water temperature is below 20°C after running for up to two minutes and the hot water temperature is at least 50°C within a minute of running the water
- portable water should be sampled for bacteriological and chemical analysis at least every three months. Microbiological monitoring for legionella bacteria should be carried out in accordance with Legionnaires' disease. The control of legionella bacteria in water systems.

Reports

Health & Safety - Not a Priority

YouGov carried out two online surveys, between 2 and 4 March 2010, asking the opinions of 4,644 adults from across Great Britain. Of these, 2,804 were employed, and the published results are based on responses from these employed respondents.

The survey, which was commissioned by IOSH, found that health and safety was not the top priority of respondents. Pay (51%) and suitable working hours (26%) were both rated as more important than not being hurt or made ill by work (10%). However, health and safety was more important than holiday entitlement (2%) and pensions (2%). Almost two-thirds (60%) said that health and safety at work is important to them.

The majority (60%) of respondents thought that it was important to their boss that work did not injure workers or make them ill. However, respondents didn't feel that this was the most important matter for their boss, with many more believing that this was profit (26%), getting work done on time (26%) or keeping customers happy (25%). As with the previous survey (2008), only 7% thought that making sure employees were unharmed was the boss's main concern.

Other interesting points from the survey included:

- 22% of respondents were prepared to blow the whistle by going to the Health and Safety Executive if their employer was breaking the law
- more people know where to go for health and safety advice at work than in the previous poll – 81% of respondents compared to 76% in 2008
- 69 per cent of respondents underestimate the number of injuries at work in Great Britain each year (there are an estimated 200,000–300,000). 46 per cent thought that there were fewer than 50,000 injuries per year.

Carcinogens and Respiratory Sensitisers – Exposure During Thermal Processing of Plastics

This HSE report describes work carried out to support the FIT3 Disease Reduction Programme Cancer Project's aim to develop a strategy to reduce the incidence of occupational cancer in Great Britain. As part of this strategy, HSE has initiated research that aims to deliver evidence that will help to identify carcinogens of concern, improve control of exposure to carcinogens at work and provide a baseline for evaluating strategies for intervention.

Earlier, in 2005-7, HSL characterised the exposure profiles of a selected group of occupational carcinogens and determined baseline exposures with which to compare future levels. The project identified the potential for exposure to carcinogens in the thermoplastic processing and finishing industries however there was a scarcity of published quantitative exposure data. A number of laboratory and other studies had shown that carcinogens could be generated from the processing of thermoplastics in some situations but further investigation was required to establish the levels of exposure that may originate in the industrial setting.

This study will also inform a parallel programme of work on respiratory disease because the measurement strategy used was sufficiently broad in scope to take into account the presence of respiratory sensitisers and respiratory irritants as well as carcinogens.

Findings from the study include:

- the levels of carcinogens detected in the process fume at the sites investigated were found to be either low or not detectable
- where low levels of carcinogens or potential respiratory sensitisers were found these were at concentrations 2-3 orders of magnitude below any respective WEL
- the maximum concentrations of carcinogens found at the sites visited were: benzene 3(R45) 11 ppb; formaldehyde (R40) 9 µg/m; naphthalene (IARC 2B) < 100 ng/m3; and, other carcinogenic polycyclic aromatic hydrocarbons (IARC 1, 2A and 2B) all < 1 ng/m3
- all substances detected in this study were measured at levels below 10% of their respective WEL, demonstrating the low levels of process fume encountered
- the low levels of total inhalable particulate measured (values from all sites were below 1.15 mg/m3) and the low concentration of all other substances measured, demonstrates the low levels of fume generated and the effective temperature control of the respective thermal processing operations
- a notable absence of monomers was found in the process fume, which is often a predictor of polymer degradation, and further supports the evidence for good temperature control and minimal generation of process fume at the sites investigated
- at the majority of sites it was not always possible to clearly separate background environmental levels of contaminants from those generated from other procedures carried out at the site and those generated from the thermal processing activity of interest due to the low concentrations found
- no known respiratory sensitisers (R42) were found at any of the sites investigated
- where low levels of respiratory irritants such as aldehydes, ketones and hydrochloric acid were found these were at concentrations 2-3 orders of magnitude below any respective WEL
- the principal exposure controls employed at the sites investigated were a combination of process temperature control and forced mechanical dilution ventilation
- most processes at the sites investigated required very little operator intervention, which in itself reduced exposure risk
- the use of LEV and RPE to control exposures to airborne contaminants generated by thermoforming processes was not commonplace at the sites visited
- the measurement results indicate that no carcinogens, respiratory sensitisers or respiratory irritants were detected at levels of concern at any of the sites visited. This indicates that the strategies employed are adequate to control the risks associated with exposure to these agents.