



## Prosecutions

### Heathrow Airport Ltd Fined following Roof Fall

Following its prosecution of Heathrow Airport Ltd, for an incident in which a contractor was injured after falling from the roof of Terminal 1, the Health and Safety Executive (HSE) is reminding employers of the need to have proper safety procedures in place to protect people working at height.

The incident in question occurred on 7 March 2007. A contractor maintenance worker was walking from one part of the terminal roof to another. Unfortunately, the local lighting was not working and there was no edge protection around a 2.2 metre deep gully. The contractor fell into the gully and sustained serious injuries to his leg. He is now unable to carry out the same type of work.

At City of London Magistrates' Court, Heathrow Airport Ltd pleaded guilty to a breach of section 3(1) of the Health and Safety at Work etc. Act 1974. The breach concerned the airport company's failure to ensure the health and safety of persons not directly in its employment, so far as was reasonably practicable. The company was fined £10,000 and ordered to pay costs amounting to £3,130.

Prosecuting HSE Inspector, Steve Kirton, made the point that by taking simple precautions, such as providing edge protection or other fall protection, this incident could easily have been prevented.

### HSE Issues Gas Safety Warning following Prosecution

The Health and Safety Executive (HSE) has warned home owners of the need to establish that gas installers are properly registered and carry a current 'Gas Safe Register' identity card. The Executive's warning follows its prosecution of Kevin Hall of Woodpecker Way, Cannock, trading as Norfix Plumbing and Heating, who was jailed for breaching health and safety legislation.

The HSE commenced an investigation into Hall's work following a complaint concerning work undertaken by him at a house in Cannock in 2008. He had replaced an old gas boiler in the property after falsely claiming to be CORGI registered. CORGI registration was a legal requirement for gas workers until April this year, when the Gas Safe Register was introduced.

Hall used another engineer's CORGI registration number on the paperwork given to the householder. However, when the work was inspected by a properly registered engineer, it was found not to comply with current standards, although it did not appear to present any major risk to the occupants.

A Prohibition Notice was issued against Hall in July 2008, preventing him from carrying out further gas installation work. However, there was evidence to show that he continued to work on boiler installations after the notice was issued.

At Cannock Magistrates' Court, Hall pleaded guilty to two charges of breaching section 33(1)(g) of the Health and Safety at Work etc. Act 1974, by carrying out gas installation work in contravention of a Prohibition Notice. He was jailed for 84 days.

HSE investigating inspector Andrew Bowker made the point that every effort was made to contact Hall in order to resolve the situation prior to proceedings being brought. Hall was well aware that he was acting unlawfully.



### Fall from Height Results in Fine for Northamptonshire Animal Feed Company

The Health and Safety Executive (HSE) has issued another reminder to employers of their obligation to protect staff working at height, following its prosecution of Dodson and Horrell Ltd, based at Kettering. The prosecution concerned an incident in which an employee suffered bruised ribs and a punctured lung after falling six feet from an animal feed bag-stacking machine. He was oiling the chains on the machine when he fell.

At Kettering Magistrates' court, Dodson and Horrell Ltd were fined £2,000 and ordered to pay £2,255 costs. They had pleaded guilty to breaching Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations 1999. The breach concerned the company's failure to carry out a suitable and sufficient risk assessment of the risks to the health and safety of its employees associated with maintenance work at height.

Prosecuting, HSE Inspector, Michelle Morrison, emphasised the need for the risks of working at height to be assessed, adding that 1,000 workers per month suffer injury through a slip, trip or fall in the workplace.

## News

### Flu Pandemic: a Risky Business

The effects of the global flu pandemic on businesses could be devastating for firms struggling in the current economic climate. CMS Cameron McKenna has issued advice for firms on the pandemic and considers the insurance implications for both the insured and the insurers.

The UK Government's national framework for responding to an influenza pandemic is based on estimated figures for potential losses, in both human and financial terms, in the event of the pandemic striking in full force. These planning strategies are set out in the Cabinet Office's document, 'Overarching government strategy to respond to pandemic influenza'.

CMS Cameron McKenna recommends that the starting point for any business in responding to the pandemic should be its business continuity plan. Most companies will already have a Business Continuity Management (BCM) plan in place, although it may be necessary to adapt this as the full effect of the pandemic becomes apparent. It is expected that businesses with a BCM strategy in place will have a better chance of working through the pandemic and of recovering quickly afterwards. This should include:

- understanding your business
- determining the BCM strategy, to include re-deployment of staff, process mapping, relocation of sites, re-routing technology, dissemination of information and sourcing potential additional suppliers
- developing and implementing the BCM strategy
- exercising and maintaining the BCM strategy
- embedding the BCM culture in the organisation.

Businesses should also ensure they have a relevant insurance policy, for example some personal accident, travel insurance, contingency insurance and business interruption cover exclude liability arising out of an influenza pandemic. Businesses should check the terms of their cover as many may find a general exclusion for all communicable diseases, or a more specific exclusion which identifies the types of illness for which cover is excluded. Questions to ask include:

- will they cover the H1N1 virus, or a mutation of that strain?
- is it ambiguous, in which case it may be construed against the person who drafted the clause or the person who is seeking to rely on the clause?



## HEALTH & SAFETY NEWS

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- is it clear one way or the other?

Where cover for losses arising out of an influenza epidemic is excluded, companies should look at obtaining cover through either a buy back into the existing insurance policy or a bespoke insurance policy to cover the effects of the pandemic.

### **Fleet Drivers Need Better Training**

Statistics produced by the RAC's 2008 Vehicle Fault Analysis (VFA) data has shown that a lack of knowledge among fleet drivers is causing unnecessary breakdowns, increased repair costs and substantial downtime.

The data has shown that nearly 115,000 fleet breakdowns could potentially be avoided if basic maintenance checks were undertaken by fleet drivers. At present at least 13,715 days of downtime is caused by fleet drivers.

Frank Flynn, Technical Information Manager for the RAC, said: "Our research shows that fleet drivers are causing downtime, and with the cost of replacement or hire cars, missed appointments, lost business contracts and warranty disputes over vehicle repairs, the impact on businesses can be significant."

Punctures and wheel changes are the reasons for the majority of call outs, the research shows.

"By adding together all of the call outs for punctures and calculating the resultant downtime, we can see those 2,140 days were lost in 2008 for this reason alone. Basic training on how to look after the vehicle and change a wheel could help reduce the downtime caused. Of course we understand this is not always realistic or practical for all fleet drivers but we believe fleets in general could benefit by training drivers on how to change a wheel."

The second most frequent call out is due to flat batteries, with just over 50,700 occurring last year, equating to 2,113 days downtime.

Road traffic accident equated to over 18,000 call outs.

### **Plan Ahead for Hotter Summers**

The UK Climate Projections Report 2009 predicts that by 2080 London will be between 2-6°C hotter than it is now. Additionally, it claims that every part of the UK is likely to be wetter in winter and drier in the summer.

Commenting on the report the TUC General Secretary, Brendan Barber, urges companies to adapt now as the projections show some damage to the climate has already been done. For example, rising temperatures, the risk of floods, disruption to travel plans will all impact on the workplace. He advises that companies should be planning for how such changes could alter the lives of employees and the way they work. Barber noted:

"A recent report from the TUC suggests that employers who are serious about the challenge posed by climate change and consider the welfare of their staff as they adapt will be the ones who reap the benefits with a more motivated, highly skilled and well-equipped workforce."



## Reports

### Offshore Workforce Survey

The Health and Safety Executive (HSE) has published the findings of research carried out on their behalf into health and safety attitudes and experiences of offshore workers. The scope of the research was to assess the views of offshore employees, both those employed directly by oil and gas companies, and also those employed as contractors offshore, with a view to gaining an insight into the management of health and safety particularly relating to asset integrity and the potential for major hazards, and also workforce involvement in these areas. Also looked at were the lines of communication that work best for HSE in trying to access the offshore workforce and vice versa.

The research study targeted the 26,500 offshore workers currently employed on offshore installations in the North Sea using a questionnaire. 3,813 responses were returned by the end of the study period (Match 2009).

A selection of the main findings of the study can be summarised as follows:

- over half of the respondents (59%) had been working in an offshore environment for over five years, and around a sixth (18%) had been working offshore in the North Sea for less than two years. Managers and supervisors (83%) were much more likely to have been working in the sector for a long time whereas one in six (17%) of the deck crew were in their first year in the North Sea
- more than three-quarters of the respondents (77%) replied that they were contractors, with 23% employed directly by oil and gas companies themselves. The most prevalent contractor jobs were in scaffolding and catering, whereas management personnel tended to be actually employed by the companies themselves
- 5% of respondents said they were currently acting as Safety Reps, with a further 12% having held this role in the past. Technicians were least likely to have had this role, catering staff were most likely
- the most important single source of advice and information on health and safety was found to be safety meetings. This was consistent across work areas, but slightly less common amongst newer employees (73% of those in their first year), compared with longer established workers (83% for those who had worked there for more than five years)
- when asked what they would do if they wanted information from the HSE two thirds of respondents said they would ask their Safety Rep, with the website also a popular answer, especially among managers and supervisors
- at least three-quarters of respondents claimed to have seen four relevant HSE publications which relate to offshore health and safety
- when asked to pick the ways in which they would like to receive HSE information the vast majority wanted an offshore worker specific website
- in terms of major hazards and accidents the two most common ways of knowing about major hazards in the workplace and the measures and arrangements in place to prevent major accidents were Tool Box Talks and Safety Meetings (both mentioned by 79% of respondents)
- encouragingly, nine tenths of respondents reported that they felt either very or fairly well involved in health and safety in their own workplace, although less than half (41%) responded that they were very well involved
- there was overwhelming support for adequate training and information to be provided for the industry, as well as strong awareness of specific risks and hazards of the offshore business. 91% responded that they had received adequate training to enable them to be fully involved in health and safety matters



- almost all respondents (98%) agreed that it was crucial that the workforce are involved in health and safety, with 86% stating they are actually involved in actively contributing to the management of health and safety issues in their workplace.

## Guidance

### Inspecting Integrity of Atmospheric Storage Tanks

- Hazardous substances storage tanks may be present in a workplace for a variety of reasons. Examples include refinery tank farms and large specialised chemical storage facilities, as well as smaller sites with bulk storage tanks that are used to store process materials, be it raw, intermediate or at the final product stage. It is critical that storage tanks are managed effectively as they can contain a large amount of hazardous liquids and so their failure can potentially cause serious or dramatic events.
- Most of the tanks in use in the UK today are over 50 years old, and comprise riveted tanks, as was the main design of the early 20th century. Failures, although not as common as those in piping systems do occur on a regular basis, especially since atmospheric tanks are not covered by the Pressure Systems Safety Regulations 2000, and as such inspection and management schemes to check their integrity are not nearly as well developed as those for pressurised plant.
- During 2005/06 Health and Safety Executive (HSE) Officers carried out a series of interventions examining the way in which owners/operators of atmospheric storage tanks check and manage their integrity. The findings of this exercise have now been published by the HSE in the form of a formal guidance document which is designed to help mechanical engineering inspectors with information for use when inspecting atmospheric storage tanks at COMAH sites and other hazardous installations.
- The scope of the exercise was to identify key issues that affect the management of the integrity of atmospheric storage tanks, to raise the profile of the assurance that atmospheric storage tanks are safe, and to benchmark and promote good practice across the wide range of sites where they occur. It is not intended that regulatory inspectors use the guidance document as the basis for a detailed technical inspection.
- The guidance document covers a wide range of issues which relate to mechanical plant - some of this is generic and can be applied to a wide range of mechanical plant. Other areas of the guidance, however, are equipment-specific.
- It provides good practice guidance and is intended to serve as a reference aid to assist regulators and those involved with the operation and in-service integrity of storage tanks.
- Also covered are issues such as general integrity procedures, damage mechanisms, manufacturing and repair defects, inspection practices, non-metallic tanks, venting and relief, coatings and linings, as well as hydrotesting. A summary is also given of the most relevant codes and standards in relation to atmospheric storage tanks.