



## Prosecutions

### Serious Fire Safety Breaches

The owner and general manager of The Park Hotel in Leicester has been handed down fines and costs totalling £40,000 for ten serious breaches of fire safety regulations.

On 13 August 2009 fire crews attended The Park Hotel in response to a fire that had broken out on the first floor of the premises. As firefighters attempted to tackle the blaze, they encountered smoke logging throughout the premises and occupants of the hotel still evacuating the premises.

After the incident it became clear that no one employed by the hotel had initiated a formal evacuation procedure upon the alarm actuating, but rather residents had evacuated themselves informally.

Fire crews were informed by an employee at the hotel that the fire alarm could not be heard in the basement area of the premises where the on-site staff lived, so there had been a delay of some 20 minutes between the evacuation of some of the residents at the hotel and the on-site manager and his own family being alerted to the fire.

It was established that on the evening of the fire, the hotel reception had closed at midnight. This was in accordance with the instruction provided by the general manager and the owner as they had decided that it was not necessary to have a night porter on duty between the hours of midnight and seven a.m. This decision had been taken in order to cut costs.

After the fire, fire safety inspectors were called to carry out a detailed inspection of the premises and found that:

- the on-site staff had been unaware of the fire until one of the residents had gone down to the basement to warn them and by the time they evacuated the building, the fire service was already in attendance. No sounder for the fire alarm appeared to be installed in the basement
- most of the fire doors leading on to the stairs and corridor to the first floor were wedged open
- none of the fire doors throughout the building were fitted with un-tumescent strips or cold smoke seals
- a number of the wooden steps to the rear fire escape were either loose or partially rotten in places. The surface of the steps was also slippery
- there was no evidence of weekly testing of the fire alarm or monthly tests on the emergency lighting
- there was no certification available for the fire extinguishers
- on inspecting inside one of the flats a detector had been inappropriately installed
- the fire risk assessment was inadequate.

### Football Club Fined

Premier League football club Aston Villa has been fined after a worker was badly injured by a fall through a roof during the redevelopment of its training ground.

Two contractors from Mechanical Cleansing Services Ltd were working at the Bodymoor Heath complex near Sutton Coldfield when one of them plunged three metres through a fragile rooflight.

The company had been employed to drain fuel tanks on a roof during demolition of an old building on the site.

Stratford-on-Avon Magistrates heard that the 34-year-old worker was cleaning the tanks and fell through a rooflight as he was heading towards a ladder to get down.

He broke bones in his heels in the three-metre fall and was off work for more than six months.

The club, its contractor and Mechanical Cleansing Services' director, Damon Roe, all admitted health and safety offences.

An internal ladder was blocked so Mr Roe decided to use a ladder against the outside front of the building to access the roof's plant room. However, both he and the football club failed to inform workers of the dangers or how to avoid the risk of falling through the fragile rooflights.



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HSE inspector Carol Southerd said:

"Work at height can be very dangerous if not properly planned and although the victim's injuries were severe, they could have been much worse.

"If the internal ladder had been used, then this incident would not have happened. A simple conversation with the club was all it would have taken to arrange for the blocked ladder to be cleared.

"When working at height all workers must have adequate instruction, training and equipment. It is vital that risks are adequately assessed and managed before employees undertake tasks in hazardous locations. There was clear failure to warn the victim or his colleague of the dangerous condition of the roof or to provide safe access to the tank."

Aston Villa Football Club Ltd admitted breaching Regulation 9(1) of the Work at Height Regulations 2005. It was fined £1,350 and ordered to pay £1,610 costs.

Mechanical Cleansing Services Ltd - of Aston, Birmingham - admitted breaching Regulation 3(6)(a) of the Management of Health and Safety at Work Regulations 1999. It was fined £1,000 and ordered to pay £1,610 costs.

Damon Roe, a director of Mechanical Cleansing Services Ltd, admitted breaching Section 37(1) of the Health & Safety at Work etc Act 1974 after failing to provide adequate information about access to the site for his workers. He was fined £1,000 and ordered to pay £1,610 costs.

### **Company Fails to Control Traffic**

A vehicle hire company, from Hampshire has been fined £5,000 after a worker was hit by a moving vehicle in West London.

Westminster Magistrates' Court heard that on 29 January 2008, a mechanic working for S.H.B Hire Ltd was asked to repair a vehicle at the site in Uxbridge Road, Southall. In order to get the vehicle from the yard he needed to move another parked vehicle, so he reversed a Ford Transit 350 tipper.

At the time Matthew Stevens, 35, from Brentford was cleaning a different vehicle when he saw the reversing tipper coming towards him. He tried to get out of the way, by jumping on the bonnet of vehicle he was cleaning but his legs were hit by the tipper. He suffered bruising and swelling to both his lower legs.

After the incident, an Improvement Notice was served by the Health and Safety Executive (HSE) ordering S.H.B Hire to segregate pedestrians and organise the yard area. The notice was complied with and action has been taken to separate the valeting area and a neighbouring school's car park.

S.H.B Hire Ltd, of Premier Way, Romsey, Hampshire, pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £5,000 and ordered to pay costs of £2,815.

Following the hearing, HSE Inspector, Jack Wilby said:

"S.H.B Hire failed to properly manage the risks and control the movement of its vehicles at its Southall site - ultimately leading to a worker becoming injured.

"While the injuries in this case were minor, the poor conditions of the yard and the failure to adequately manage the risks could have easily resulted in a more serious injury.

"Companies must ensure they take these risks seriously as every year around 50 people are killed in accidents involving workplace transport and there are over 1,900 major injuries."



### Employer Without Insurance is Fined

An car wash owner from Essex, who failed to purchase compulsory insurance to protect his employees, has been fined.

Bledar Shtylaa, who owns Blue Flag Hand Car Wash on Station Industrial Estate, Burnham-on-Crouch, was fined £2,500 at Chelmsford Magistrates Court.

The court heard how he failed to produce a current Employers' Liability Compulsory Insurance (ELCI) certificate when a Health and Safety Executive (HSE) Health and Safety Awareness Officer visited the premises on 26 October 2009.

All employers need to have an ELCI certificate and must show a copy straight away on request from a HSE official. When Mr Shtylaa failed to do this, he was issued with an ELCI "notice to produce". Upon investigation, it became apparent that Mr Shtylaa had not purchased Employer Liability Insurance since November 2006 when he first started the business.

Mr Shtylaa admitted breaching Section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969. He was ordered to pay a further £1,037 in costs.

HSE Inspector Kaitav Patel said:

"This case should serve as a warning to all employers about how seriously HSE takes this issue. Injuries to employees can potentially stop them working for a period of time or even for life. This type of insurance means that they will not be left to fend for themselves and their families when hurt in an incident.

"Employers' Liability Compulsory Insurance is designed to protect employees and ensure they are covered if there is an accident in the workplace. Failing to have this insurance potentially leaves members of staff doubly vulnerable in the event of an accident or ill health."

### Shock Severely Burns Worker

A stationery manufacturer has been fined after admitting exposing a worker to a high voltage shock that left him permanently disabled.

The man was investigating a fault on a plastic welding machine at Chart Design Ltd in Wembley in June 2007 when his fingers came into contact (or very close contact) with components carrying several thousand volts.

The shock severely burned his right hand and forearm, and damaged several muscles. He was hospitalised for 14 days and has since had to undergo skin grafts. He has not regained full use of his right hand and has been unable to return to work.

A Health and Safety Executive (HSE) investigation into the incident revealed that guard panels which should have prevented access to live circuits had been removed. Inspectors discovered that no record of maintenance checks was kept for any of the machines at the factory.

The company also had no first aiders.

Chart Design Ltd - of Luxton Close, Dury Way, Wembley - pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 at the City of London Magistrates' Court. It was fined £4,000 and ordered to pay costs of £6,330.

HSE Inspector Kerry Williams said: "A man's life has been turned upside down because of entirely preventable and basic safety failings. It is the responsibility of all managers to make sure that all maintenance work is properly planned and recorded and that adequate guards are fitted to all machinery when it is in use.

"If these simple things had been done it is unlikely that he would have suffered these horrendous injuries. But this incident could have been much worse - instead of losing the feeling in his fingers, he could have lost his life."



### News

#### Accreditation of H&S Consultants

IOSH is renewing its call for health and safety consultants to be subject to a formal programme of accreditation.

Speaking at an IOSH lunch at the House of Lords last month, John Holden, President of IOSH, claimed that accreditation of health and safety professionals would help to make health and safety more trusted and respected. He said it would also strike a major blow in the fight to quash the "silly myths that have come to surround health and safety".

He commented:

"The official guidance to the law tells businesses they must get a 'competent assistant... at an appropriate level' to help them with their health and safety. Yet employers and recruiters are left to guess what 'competence' actually means. Shockingly, at the moment, anyone can claim to be a health and safety 'adviser', without any qualifications or experience."

He added:

"This possible playground for poor advice is potentially very threatening to workers, whose lives and long-term health can be put at risk; to businesses, in terms of wasted time and money; and to people whose image of health and safety is formed by negative media coverage of some poor decisions dressed up as 'health and safety'.

IOSH is currently developing a pilot accreditation scheme for the health and safety industry. Before the election, IOSH asked the three main parties for their views on a register of accredited health and safety consultants. They received broad support for the idea.

Labour said:

"Building competence through an organisation will help generate an understanding of what information, skills and training are necessary to ensure safe and healthy working practices. This will help people identify when they need to seek advice. Accordingly, we are very supportive of efforts to establish an accreditation scheme for health and safety professionals."

The Conservative Party commented:

"This is an important contribution to the debate on the future of health and safety." (The party was reluctant to comment further until after the publication of Lord Young's current party review of health and safety).

The Liberal Democrats said:

"We support IOSH's proposals for an online register of health and safety consultants. There is a need to streamline and make transparent the qualifications of people working in this area."

#### Dangerous Substances

Information issued by the European Agency for Safety and Health at Work notes that, according to recent research, 19% of EU workers report being exposed to toxic vapours for a quarter or more of their working time, while 15% of workers have to handle dangerous substances as part of their daily work.

If the risks of using dangerous substances are not properly managed, workers' health can be harmed in a variety of ways, with effects ranging from mild eye and skin irritations to asthma, reproductive problems and birth defects, and cancer. This can be through a single short exposure, or multiple exposures and long-term accumulation of substances in the body.

By law, employers in the EU must protect their workers from being harmed by dangerous substances in the workplace. Employers must carry out risk assessments, and act on them. Legislation also governs the identification and labelling of the thousands of different substances that are registered in the EU market.



Reducing the risks of working with dangerous substances is not just a moral and legal imperative – there is a strong business case for it as well. Organisations can suffer when things go wrong, – through lost productivity, and increased liability to prosecution and claims for compensation, as well as workers.

Fortunately, a large amount of guidance is available for employers and workers in dealing with dangerous substances, and across Europe, there are many examples of good practice to learn from.

By taking appropriate action, workers can be kept safe while using dangerous substances.

Employers are also obliged to provide workers with information on the risks posed by hazardous substances, and training in how to use them safely. Regulations apply both to marketed products and to the waste and by-products resulting from production processes.

### New Helmet Safety Ratings

New safety ratings for motorcycle helmets have been announced by Road Safety Minister Mike Penning as he unveiled a new website to give motorcyclists the best advice and information on choosing a helmet.

An extra 27 motorcycle helmets have been rated by SHARP - the Department for Transport's Safety Helmet Assessment and Rating Programme – taking the total number of ratings published past the 200 mark.

All these ratings have been published on the new SHARP website which has been overhauled to include more information for motorcyclists on how to find the right helmet for them. The site also includes demonstrations of how the SHARP tests are carried out and how to make sure a helmet fits properly.

In addition, new in-store information leaflets are being made available for retailers to give them and their customers more information about the SHARP scheme.

Mike Penning said:

"We estimate that 50 deaths could be prevented each year if all riders wore the safest helmets available. That is why I am delighted to be announcing additional SHARP ratings today at the same time as the new and improved SHARP website is launched.

"By making sure that motorcyclists have access to the best safety information, promoting further training and safe riding, and reminding drivers to look out for bikers I hope that we can improve safety for motorcyclists and reduce the number of tragedies we see on the roads each year."

All helmets must meet minimum legal safety standards but the SHARP scheme uses a wider range of tests to provide riders with more information on how much protection a helmet can provide in a crash. The objective advice, which includes important guidance on how to select a good fitting helmet, will help riders to choose the safest helmet suitable for them. The SHARP tests - which award ratings of between one and five stars - show that the safety performance of helmets can vary by as much as 70%. With helmets across a wide price range scoring highly all riders should be able to find a high performing helmet in a size and style that fits them and at a price they want to pay.

The new website was developed in response to feedback from consumers and the motorcycle industry and SHARP is inviting motorcyclists to continue giving feedback on the new site so that it best meets their needs. The website can be found at: [www.direct.gov.uk/sharp](http://www.direct.gov.uk/sharp)

According to the Department for Transport, motorcyclists represent approximately 1% of UK traffic yet account for 19% of the casualty base; 493 motorcyclists died on UK roads in 2008. Accident studies show that approximately 80% of motorcyclists killed and 70% of those with serious injuries sustain head injuries.



### New Training for Door Bouncers

New bouncers are to receive training in restraint and ejecting customers, to prevent injuries.

John Jones, from Cwmbran, Torfaen, was just 21 when his neck was broken when a bouncer grabbed him from behind. He has been told he will never walk again.

The new licence-linked qualifications for door supervisors are being introduced by training providers across the UK from 1 June.

The techniques learned through the qualification will prepare the door staff to:

- understand what is and is not a safe intervention
- protect against assault and disengage from grabs and holds that they are subject to
- contain and eject a customer safely without need for painful techniques such as joint locks
- carry out safe single person and two-person ejection techniques to be used on more troublesome customers
- break up a variety of fight situations between two people effectively.

All applicants now applying for a Security Industry Authority (SIA) licence for the first time must hold either the new qualification or a current qualification that is less than three years old. There are currently no further training requirements for any existing licence holders who wish to renew their licence. However, because of the changes to the door supervision qualification, there may at a future date be a need for a short 'top-up' training session for this sector. This proposal has already been subject to public consultation and if it is introduced the SIA says this will not be a requirement until summer 2011 at the earliest.

At a PubWatch meeting last week, Colchester publicans were warned by police about their 'duty of care' after reports of one reveller being roundhouse kicked and another breaking teeth on the pavement when being removed from a venue. Inspector Paul Butcher said there had also been reports of people being thrown out into traffic.

He said:

"I do want to emphasise this is a very small minority of cases, and most doormen do a brilliant job."

## Guidance

### Workplace Temperature

Advice from the HSE on minimum and maximum workplace temperatures points to the Workplace (Health, Safety and Welfare) Regulations 1992, which lay down particular requirements for most aspects of the working environment

Regulation 7 of these Regulations deals specifically with the temperature of indoor workplaces and states that:

During working hours, the temperature in all workplaces inside buildings shall be reasonable.

However, the application of the regulation depends on the nature of the workplace, ie a bakery, a cold store, an office, a warehouse.

The associated ACOP goes on to explain:

'The temperature in workrooms should provide reasonable comfort without the need for special clothing. Where such a temperature is impractical because of hot or cold processes, all reasonable steps should be taken to achieve a temperature which is as close as possible to comfortable. 'Workroom' means a room where people normally work for more than short periods.



The temperature in workrooms should normally be at least 16 degrees Celsius unless much of the work involves severe physical effort in which case the temperature should be at least 13 degrees Celsius. These temperatures may not, however, ensure reasonable comfort, depending on other factors such as air movement and relative humidity.'

Where the temperature in a workroom would otherwise be uncomfortably high, for example because of hot processes or the design of the building, all reasonable steps should be taken to achieve a reasonably comfortable temperature, for example by insulating hot plants or pipes; providing air-cooling plant; shading windows; or siting workstations away from places subject to radiant heat. Where a reasonably comfortable temperature cannot be achieved throughout a workroom, local cooling should be provided. In extremely hot weather fans and increased ventilation may be used instead of local cooling.

Where, despite the provision of local cooling, workers are exposed to temperatures which do not give reasonable comfort, suitable protective clothing and rest facilities should be provided. Where practical there should be systems of work (for example, task rotation) to ensure that the length of time for which individual workers are exposed to uncomfortable temperatures is limited.

## Reports

### Work-related musculoskeletal disorders in the EU - Facts and figures

This report from the European Agency for Safety and Health at Work looks at all Musculoskeletal Disorders (MSDs), including the generally over-looked incidence of lower-limb disorders.

The World Health Organization has defined a work-related disorder as one that results from several factors, and where the work environment and the performance of the work contribute significantly, but in varying magnitude, to the causation of the disease. The term musculoskeletal disorder denotes health problems of the locomotor apparatus, that is, muscles, tendons, the skeleton, cartilage, the vascular system, ligaments and nerves. Work-related musculoskeletal disorders include all musculoskeletal disorders that are induced or aggravated by work and the circumstances of its performance.

MSDs are still an increasing and significant health problem within the European Union

Recent European studies still provide substantial evidence that MSDs such as back, neck and upper limb disorders are a significant ill health and cost problem and are increasing. Every year millions of European workers in all types of jobs and employment sectors are affected by MSDs through their work. Musculoskeletal disorders (MSDs) cover a broad range of health problems. Lifting, poor posture and repetitive movements are among the causes and some types of disorders are associated with particular tasks or occupations. Treatment and recovery are often unsatisfactory especially for more chronic causes. The end result can even be permanent disability, with the loss of employment.

According to the latest figures of the European Survey on Working Conditions (ESWC), 24.7% of European workers complain of backache, 22.8% of muscular pains, 45.5% report working in painful or tiring positions while 35% are required to handle heavy loads in their work. Within the EU-15, backache seems to be the most prevalent work-related health problem, in the acceding and candidate countries, backache comes in second.

#### Lower-limb problems underestimated

Pain in the lower limbs may be as important as pain in the upper limbs, although this hardly finds any reflection in the recognised occupational musculoskeletal diseases. Some national data provide more extensive information on lower-limb disorders, distinguishing by body part affected. There are also gender differences in the type and frequency of lower-limb disorders. As women are significantly exposed to prolonged standing and walking, they might be strongly affected by lower-limb disorders not currently recognised. The report concludes that more detailed EU-level trends data should be collected on lower-limb disorders and the conditions leading to them and a differentiated analysis should be conducted.

#### Recognised cases of MSDs

It is difficult in most cases to point out the exact cause of an individual case of disease. They are also not very commonly accepted as occupational diseases in the national compensation or reporting systems.

Based on the available data from the Member States, it is concluded that occupational musculoskeletal disorders are one of the major health issues at Europe's workplaces.



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According to Eurostat figures on recognised occupational diseases (EODS), musculoskeletal disorders are also the most common occupational disease.

The European figures relate to mostly three diseases, all in the category of upper-limb disorders: hand/arm tenosynovitis, epicondylitis of the elbow and carpal tunnel syndrome.

According to the 2005 EODS data collection of 12 Member States providing data on recognised cases of occupational diseases, the most common musculoskeletal occupational diseases were epicondylitis of the elbow (16,054 cases) and tenosynovitis of the hand or wrist (12,962 cases). Additionally there were 17,395 cases of carpal tunnel syndrome, a neurological disease of the wrist.

The European Schedule of Occupational Diseases includes specific conditions linked to vibration, local pressure and overuse of tendons, peritendinous tissues and of tendon insertions.

Other points raised and explored in the report include the following:

- annual figures lead to an underestimation of the problem
- some professions are strongly affected, but occupational diseases figures do not reflect that
- women suffer more MSDs, but still under-recognised
- MSDs are increasing in younger working populations.