



### Prosecutions

#### Companies Fined £280,000 After Oil Refinery Accident

Three companies have been fined a total of £283,332 after a man was paralysed from the waist down while working at a Shell oil refinery in Cheshire.

The HSE prosecuted three companies in connection with an incident at the Stanlow Manufacturing Complex near Ellesmere Port. Shell UK Oil Products Ltd, Dalprop Ltd and Hertel UK Ltd were fined at Warrington Crown Court.

Shell UK Oil Products and Dalprop pleaded guilty to contravening Regulation 8(1)(c) of the Lifting Operations and Lifting Equipment Regulations 1998. It was fined £116,666 and ordered to pay costs of £16,204, and Dalprop was fined £83,333 with costs of £11,115.

The case related to an incident on 9 February 2007 when Stephen Rizzotti was working for Dalprop Ltd on a refurbishment project at the plant. Mr Rizzotti suffered a broken back, two broken legs, a broken pelvis and other injuries when a container carrying 500kg of waste materials fell 30 feet on top of him. The court heard that the incident was caused by the materials being suspended above a walkway. He is now wheelchair-bound.

According to HSE Inspector, Alan Graham: "This incident was totally avoidable... The scaffolding should have been constructed so that the lifting equipment was away from areas where people had to walk. The landing area should also have been suitably protected."

Hertel UK installed the scaffolding and platforms used for the project. This included the boards around the lifting equipment, which became dislodged causing the container carrying waste materials to fall. Hertel UK pleaded guilty to contravening Section 3(1) of the Health and Safety at Work Act 1974. The company was fined £83,333 and ordered to pay costs of £16,204.

A spokesperson for Shell commented that following the incident, Shell and its contracting companies cooperated fully with the HSE and Shell has taken steps to improve its way of working to prevent a recurrence.

#### Salus Be Wise

Employers or self-employed people providing lifting equipment for use at work, or who have control of the use of lifting equipment, must ensure the lifting equipment is safe. The main requirements for a duty holder are in the Provision and Use of Work Equipment Regulations 1998 (PUWER) and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

LOLER addresses the specific risks associated with the use of lifting equipment. Thorough examination and inspection are key requirements of the Regulations. To meet these requirements, duty holders must:

- ensure lifting equipment (including lifting accessories) exposed to conditions causing deterioration which could lead to dangerous situations undergoes regular thorough examination by a competent person
- ensure all supplementary inspections and tests recommended by the competent person are carried out within the timescale stated.

The Barbour service offers a range of tools that can help.

The above incident could have been prevented through many means, including:

- legislation (Lifting Operations and Lifting Equipment Regulations 1998)
- guidance (LOLER 1998, HSE guide)
- code of practice and guidance (Safe Use of Lifting Equipment: LOLER 1998, HSE Legal Series)
- guide (Simple guide to LOLER 1998)
- Barbour guide (Lifts and Lifting Operations).



### **Bus Company Fined £400,000 After Man Crushed to Death**

A major bus company has been fined after one of its employees died following being crushed at a bus garage in Uxbridge, Hillingdon.

The HSE prosecuted Centrewest London Buses Ltd, part of the First Group, for safety failings leading up to the incident on 18 May 2004.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 Southwark Crown Court. It was subsequently fined £400,000.

Robert Cherry was preparing one of the buses at the station in Uxbridge Bus Garage. As he stepped in between two parked buses, the front bus lurched backwards, crushing him against the rear, stationary vehicle. He died at the scene.

The HSE investigation showed that traffic management at the garage was poor, particularly when buses left the garage at the start of the working day. The garage had originally been designed to hold 65 buses, but at the time of Mr Cherry's death it was the base for 119 vehicles. The garage was not well lit and drivers carrying out checks were forced to walk between closely parked buses that were manoeuvring to leave the garage.

The bus that struck Mr Cherry also had a defective gear selector that may have meant it was in a different gear to that indicated in the driver's cab. Checks carried out on similar buses after Mr Cherry's death revealed that four others based at Uxbridge had similar problems. A check at the company's other garages in London showed that ten out of 60 buses were significantly faulty and a further 30% suffered from more minor faults.

### **Compensation Awarded to Service Station Worker Injured in Robbery**

Employers are being reminded of the need for risk assessments to assess the threat to staff of violence at work after a motorway service station worker has received £36,000 in compensation for the injuries she sustained during an attempted robbery.

The woman was working as a night-time forecourt cashier at Roadchef Motorway Services in March 2008 when she was attacked. A group of three hooded youths entered the store. One asked to buy cigarettes and as the woman's colleague opened the till another of the youths jumped over the counter.

The 69-year-old tried to remove the assailant's hood for the CCTV cameras but he pushed her away, causing her to fall backwards and hit her knee. Her colleague managed to shut the till, trapping the youth's fingers. The raiders escaped empty-handed.

The worker needed steroid injections to help with the pain in her knee and physiotherapy. As a result of the attack she has now been medically retired and suffers from arthritis.

Following the incident she contacted her union, GMB, which instructed its lawyers Thompsons Solicitors to pursue a claim for compensation.

Roadchef Motorway Services Ltd admitted liability for failing to ensure its employees were safe from this type of incident.



## Guidance

With further winter weather approaching, Salus have produced a comprehensive guide on the subject of snow and ice driving and vehicle winter preparation.

It is essential at times of extreme weather that all reasonable precautions are taken to lower risk and ensure the safest possible conditions for travelling to and from work.

Please read this guide and make sure all of your staff are ready for the extreme weather that has been forecast for the coming weeks.

We have also created a complete kit for dealing with the current weather conditions.

The kit is split into 4 parts:

- General advice for employers
- Advice for employees
- A Model Health & Safety Policy for Employers on Winter Conditions
- A Barbour Guide: Driving Safely in Snow and Ice

Details within the kit include advice on office closures, minimum temperature, business continuity and which aspects of safety require specific focus such as slips and trips, working alone etc.

Please contact us at Salus if you require further advice.

## Guide to Driving in Snow and Ice

### Introduction

**Winter motoring requires special care and a little preparation if you are to avoid a breakdown or accident.**

The best advice for driving in bad winter weather is not to drive at all, if you can avoid it.

Do not go out until the snow ploughs and gritting vehicles have had a chance to do their work, and allow yourself extra time to reach your destination.

If you must drive in snowy conditions, make sure your car is well prepared and that you know how to handle your car in dangerous road conditions.

It is helpful to practice winter driving techniques in a snowy, open car park, so you are familiar with how your car handles.

Consult your owner's manual for tips specific to driving your vehicle in slippery conditions.

**This guide is to help you with your journeys in severe weather, especially as it gets worse over winter.**

**Make sure you listen out for weather warnings and be prepared to change or delay your journey depending on advice being given.**

**It is recommended that you always check your route before you set out. Check the real-time traffic information provided for your routes.**



## HEALTH & SAFETY NEWS

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### Driving safely on icy roads

- decrease your speed and leave yourself plenty of room to stop. You should allow at least three times more space than usual between you and the car in front of you
- if your tyres are making virtually no noise this could be a sign that you are driving on ice
- brake gently to avoid skidding. If your wheels start to lock up, ease off the brake
- turn on your lights to increase your visibility to other motorists
- keep your lights and windscreen clean
- using low gears will help you keep traction, especially on hills. Higher gears can be used for better overall control
- do not use cruise control on icy roads
- be especially careful on bridges and infrequently travelled roads, which will freeze first. Even at temperatures above freezing, if the conditions are wet, you might encounter ice in shady areas or on exposed roadways like bridges
- do not pass snow ploughs and gritting vehicles. The drivers have limited visibility, and you are likely to find the road in front of them worse than the road behind
- do not assume your vehicle can handle all conditions. Even four-wheel and front-wheel drive vehicles can encounter trouble on winter roads
- clear any snow off the roof of the vehicle before you drive off. It can slip down over the windscreen and obscure your view or blow onto the vehicle behind you
- if your vehicle skids depress the clutch and turn the steering wheel into the direction of the skid. When the vehicle straightens, steer along the road. Do not brake – it will just lock up your wheels and you will skid further.

### Rear wheel skids

- take your foot off the accelerator
- steer in the direction you want the front wheels to go. If your rear wheels are sliding left, steer left. If they are sliding right, steer right
- if your rear wheels start sliding the other way as you recover, ease the steering wheel toward that side. You might have to steer left and right a few times to get your vehicle completely under control
- if you are forced to brake and have standard brakes, pump them gently
- if you are forced to brake and have anti-lock brakes (ABS), do not pump the brakes. Apply steady pressure to the brakes. You will feel the brakes pulse — this is normal.

### Front wheel skids

- take your foot off the accelerator and depress the clutch but do not try to steer immediately.

### If your vehicle starts to skid:

- depress the clutch. Do not brake
- turn the steering wheel into the direction of the skid
- when the vehicle straightens, steer along the road
- release the clutch and accelerate gently.

### If you get stuck

- do not spin your wheels. This will only dig you in deeper
- turn your wheels from side to side a few times to push snow out of the way
- use a light touch on the accelerator, to ease your car out
- use a shovel to clear snow away from the wheels and the underside of the car
- pour sand, kitty litter, gravel or salt in the path of the wheels, to help get traction
- try rocking the vehicle. (Check your owner's manual first — it can damage the transmission on some vehicles.) Shift from forward to reverse, and back again. Each time you're in gear, give a light touch on the accelerator until the vehicle gets going.

### Winter preparation

Prepare your car for winter. A check-up should include:

- check ignition, brakes, wiring, hoses and fan belts
- changing and adjusting the spark plug



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- check air, fuel and emission filters
- inspect the distributor
- check the battery. Most batteries last between two and four years. Make sure yours is fully charged and replace it if you're not sure it's reliable
- check the tyres for air, sidewall wear and tread depth
- check antifreeze levels
- service the vehicle
- keep lights clean and check bulbs regularly so you'll be prepared for lower visibility and shorter days
- ensure your tyres are inflated to the manufacturers' recommended pressure and have at least 3mm of tread depth – enables a better grip on the road
- make sure wiper blades aren't worn so you can keep your windscreen as clean as possible for the extra spray, ice and rain dirty windows and mirrors can make it hard to see as the low winter sun hits. Make sure they are kept clean and free of ice and snow in colder weather. Ensure windows are clear and de-misted before setting off!
- finally, take a map to help in any unplanned diversions.

### Necessary equipment

An emergency situation on the road can arise at any time and you must be prepared. In addition to making sure you have a full tank of fuel, and fresh anti-freeze, it is recommended you should carry the following items in your boot:

- properly inflated spare tyre, wheel wrench and functional jack
- shovel
- bag of salt or cat litter
- tool kit
- ice scraper, de-icer and snow brush
- torch and extra batteries
- warm clothes, woollen hat and gloves and a woollen blanket or sleeping bag
- a pair of boots
- first-aid kit
- battery jump leads
- food and a warm drink in a flask for particularly cold weather
- it is also worth keeping a pair of sunglasses in the glove compartment to protect from the glare from the low winter sun
- reflective triangles
- compass
- first aid kit
- exterior windscreen cleaner
- wooden stick matches in a waterproof container
- scissors and string/cord
- fluorescent or brightly coloured cloth.

### If You Become Stranded...

- do not leave your car unless you know exactly where you are, how far it is to possible help, and are certain you will improve your situation
- to attract attention, hang a brightly coloured cloth from your radio aerial
- if you are sure the car's exhaust pipe is not blocked, run the engine and heater for about 10 minutes every hour or so depending upon the amount of fuel in the tank
- to protect yourself from frostbite and hypothermia use the woollen items and blankets to keep warm
- keep at least one window open slightly. Heavy snow and ice can seal a car shut
- eat and drink food carried in vehicle.