



Prosecutions

Maintenance Company Fined after Aircraft Accident

A worker suffered injuries to his face and knees when he fell two metres in a maintenance hangar at Heathrow Airport.

John Nicholas, 59, from Gloucester, was employed by aircraft maintenance company Messier Services Ltd, and was replacing the landing gear at the front of an A340 aircraft when the incident happened.

An investigation by the Health and Safety Executive (HSE) found Mr Nicholas and a colleague were using a fork lift truck in an attempt to align the barrel of the main landing gear fitting with the socket on the underside of the aircraft.

During the operation Mr Nicholas realised the alignment was not correct and in an attempt to correct it knelt down on an unsecured pallet designed to support the landing gear, two metres above the floor.

However, the forklift truck supporting the pallet reversed suddenly causing the pallet to drop to the floor. Mr Nicholas fell with the pallet, fracturing his knee cap and suffering significant injuries to the left side of his face. Since the incident he has needed a number of operations to his mouth and teeth.

The HSE investigation found the work was not properly planned and the pallet being used did not have a proper adjustment to help align the landing gear and the socket on the underside of the aircraft.

Messier Services Ltd, which has its UK offices in Meteor Business Park, Cheltenham Road East, Gloucestershire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974.

It was fined £7,200 and ordered to pay costs of £11,820 at the City of London Magistrates' Court.

Following sentencing HSE inspector Steve Kirton said:

"This company did not properly plan this work even though it was a core part of its operations. Mr Nicholas has suffered severe injuries to his face and knees purely due to a lack of planning.

"Messier should have either found a way of working at ground level or provided a safe way of working at height with access to the right equipment.

"Employers need to plan work and assess the risk to people not only in their own premises, but also when the work takes place in another company's property."

Unregistered Plumber is Sentenced

A Middlesex plumber who put people at risk by illegally working on domestic gas appliances has been sentenced.

Tony MacTaggart (who also trades as TJM Heating and Plumbing) of Pembroke Avenue, Enfield, Middlesex, lied to homeowners about being registered with Gas Safe, the compulsory registration scheme for gas engineers.

An investigation by prosecutors, the Health and Safety Executive (HSE), found Mr MacTaggart installed a gas boiler in Cranleigh Close, Cheshunt between October and November 2009.

Hertford Magistrates' Court heard the homeowners subsequently complained about his work to Gas Safe, who visited the property and found the boiler in a dangerous condition.



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The Gas Safe engineer disconnected the boiler and alerted HSE to Mr MacTaggart's deception. HSE found he had been claiming to be Gas Safe registered, carrying out work and then tricking registered engineers into signing off the installations by asking them to carry out annual gas safety inspections.

Mr MacTaggart admitted breaching Regulation 3(3) of the Gas Safety (Installation & Use) Regulations 1998. He was fined £ £2,500 and was ordered to pay full costs of £902 plus a Victim Surcharge of £15.

HSE Inspector Stephen Manley, 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

First REACH Deadline – Over 20,000 Submissions

The first REACH deadline has come and gone, marking a major step towards the safe management and use of chemicals throughout Europe. A large proportion of the total volume of chemicals produced and used in the EU, as well as the most dangerous chemicals, have now been registered at the European Chemicals Agency (ECHA). The 30 November deadline for registration of widely-used chemicals was set by REACH, the Regulation for Registration, Evaluation, Authorisation and Restriction of Chemicals. As a result of REACH, European industry will possess more in-depth knowledge of the potentially hazardous effects of the chemicals they are dealing with. This will lead to safer use of chemicals, increased industrial competitiveness and a cleaner environment. Under the REACH system companies cannot place a chemical substance they manufacture or import on the EU market unless it has been registered with ECHA within the applicable deadline.

The first registration deadline, 30 November 2010, applied to the most hazardous substances (eg those that are carcinogenic, mutagenic or toxic for reproduction) manufactured or imported in quantities of 1 tonne or more per year per company, substances very toxic to the aquatic environment manufactured or imported in quantities of 100 tonnes or more per year per company and substances manufactured or imported above 1,000 tonnes per year. 24,675 files were submitted to ECHA by the 30 November deadline. Industry is to be commended for making considerable efforts in order to prepare chemical risk assessments on time. ECHA will now proceed with the checking of the files to ensure that all requirements have been met.

A large number of companies have already raised their safety standards as a result of the registration process, according to industry. This results in safer use of chemicals that are produced or imported in high volumes, or which present specific hazards, such as chemicals that are dangerous for human health or the environment. Although the current deadline mainly affected chemicals produced or imported in the highest volumes, a number of Small and Medium-Sized Enterprises have participated in this exercise, accounting for around 10% of



registrations. As SMEs are also users of chemicals, they will benefit from the newly gathered safety information too.

The situation will continue to improve as information gathered through this process is passed down the supply chains. The benefits of REACH will affect businesses and consumers alike with the industry's shared knowledge providing increased safety standards in both working conditions and goods. The environment will also profit due to less chemical pollution.

This is only the beginning of a process: there are two further registration deadlines in 2013 and 2018 for chemicals produced or imported in lower volumes. The Commission will examine the lessons learned from the first registration phase to allow as smooth a process as possible for future registration deadlines.

EU Crackdown on Drivers Abroad

Drivers look set to be punished for traffic offences they commit abroad, including the four 'big killers', which cause 75% of road fatalities – speeding, running red lights, failure to use seatbelts and drink driving – under proposals that were due to be agreed by EU transport ministers meeting in Brussels last week (2 December 2010).

European Commission Vice-President Siim Kallas, responsible for transport, will urge ministers to find an agreement, saying: "A foreign driver is three times more likely to commit an offence than a resident driver. Many people seem to think that when they go abroad the rules no longer apply to them. My message is that they do apply and now we are going to apply them."

EU figures suggest that foreign drivers account for 5% of traffic but around 15% of speeding offences. Most go unpunished, with countries unable to pursue drivers once they return home.

The proposals

The proposal for a directive on cross-border enforcement in the field of road safety aims to remedy that situation. Ministers will consider a text that targets traffic offences with a critical impact on road safety, including the four 'big killers' causing 75% of road fatalities:

(1) Speeding; (2) Failing to stop at traffic lights; (3) Failing to wear seatbelts; (4) Drink driving. As well as: (5) Driving under influence of drugs; (6) Failing to wear safety helmets; (7) Illegal use of an emergency lane; (8) Illegal use of a mobile phone while driving.

The proposals would enable EU drivers to be identified and thus prosecuted for offences committed in a Member State other than the one where their car is registered. In practical terms, the new rules will give Member States mutual access to each others' vehicle registration data via an electronic data exchange network to be put in place. This will allow for the exchange of the necessary data between the country in which the offence was committed and the country in which the car was registered. Once the owner's name and address are known, an offence notification, for which a model is established by the proposed directive, will be sent to him/her.

It will be for the Member State of offence (where the offence was committed) to decide on the follow up for the traffic offence. The directive does not harmonise either the nature of the offence nor the penalties for the offence. So it is the national rules in the Member State of offence, according to national law, which will continue to apply regarding both the nature of the offence and penalties.

Once an agreement is reached by ministers, a legislative proposal must be approved by MEPs in a vote in the European Parliament before becoming law. There is then a two-year period for Member States to transpose EU legislation before it comes into force, possibly by 2013.



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Revision of HS(G) 195: Music & Events Guidance

Since May 2010, HSE has been working closely with Local Authorities and members of the events industry to revise the HS(G) 195 guidance, 'A guide to health, safety & welfare at music and similar events'.

In an update, the HSE comments that good progress is being made in creating a new guide that aims to provide up-to-date and authoritative guidance that reflects current health & safety legislation and working practices in the events industry.

People who have an interest in the events industry will be able to feedback on early draft chapters which the HSE hopes to have out for review in the coming months.

As the guidance affects such a diverse audience, following the initial review, a further round of consultation on a final draft of the guide will be held later in 2011.

The plan is to publish the revised guidance at the end of 2011 or early 2012.

Those wishing to take part in the consultation process are advised to register their interest at the Event Industry Forum Website: (http://www.eventsindustryforum.co.uk/purple_guide/form.shtml)

Alternatively, members of a trade association or event industry group should contact them, as arrangements may be in place to circulate draft material to members and collate feedback for the working group.

Reports

Working Conditions Survey: Work which Adversely Affecting Workers Health

The first results of the fifth European Working Conditions Survey have been issued by the Dublin-based European Foundation for the Improvement of Living and Working Conditions (Eurofound). A total of 43,816 workers active in 34 European countries were surveyed between January and June 2010. The sample was substantially higher than in the fourth survey, because in 2005, no more than 30,000 workers across 31 countries were questioned.

The initial observations in terms of health and safety at work include:

- currently, 84% of EU-27 workers report that they are satisfied or even very satisfied with their working conditions – an increase of 2% over 2000 and 2005
- however, one quarter of European workers still feel that work is having an adverse effect on their health
- although 90% of European workers consider that they are well informed about the risks to their health and safety, 25% of them feel that their health and safety are threatened in the conduct of their work
- the proportion of workers forced to make repetitive hand or arm movements continues to increase. In 2010, the share of workers exposed to this risk stood at 63.5%, an increase of 7.4% in ten years
- exposure to chemical products and substances is also on the rise, albeit to a lesser extent. Currently, an average of 15.3% of EU-27 workers are exposed to them, compared to 14.5% in 2005. Among skilled manual workers, almost one worker in three is so exposed
- the proportion of workers who are forced to adopt painful or tiring positions for at least a quarter of their working time has risen by 1% over 2005, and now stands at 46%. Exposure to this risk is far higher among manual workers (72% among skilled workers and 59% among unskilled workers)
- the 2010 results show a slight decrease in average exposure to vibrations. However, this figure masks an opposite trend among skilled manual workers, whose exposure to vibrations has increased by close to 10% over 10 years.

The fifth survey also hints at some effects of the economic crisis. Some questions give a snapshot of the prevailing uncertainty and anxiety. The survey shows, for example, that the percentage of European workers who think that they might lose their job in the next six months has risen by 3% since 2005.

Finally, a question about 'presenteeism' showed that over the twelve months preceding the survey, almost 40% of European workers had gone in to work when they were sick.