

## Prosecutions

### Suspended Sentence after Office Worker is Injured

Two roofers have been fined and given suspended sentences after a Derbyshire office worker was injured when a roll of roofing felt crashed through the ceiling of her office.

Kathleen Philipson of Allestree, Derby, was sitting at her desk at offices in Nottingham Road, Ripley, when the metre-long, 37kg roll fell through a roof light and came through the ceiling, hitting her on the shoulder.

She was taken to hospital with injuries to her head, shoulder and left arm and was off work for two weeks following the incident on 22 September 2010.

A Health and Safety Executive (HSE) investigation found contractor Jason Lunt allowed re-felting work to start on the flat roof before adequate protection had been installed. It meant that as Gregory Wright, a self-employed roofer contracted by Mr Lunt, moved one of around six rolls of roof felt that were stood up on the roof, another one toppled over and fell through an unguarded roof light.

After the hearing, HSE inspector Lee Greatorex said:

"Mrs Philipson was extremely lucky not to have suffered more severe injuries. This was a frightening experience for her, but it could have been easily prevented had greater care been taken.

**"Mr Lunt should have ensured an adequate system of work was in place and that roof lights were adequately protected before repair work began. As a roofer Mr Wright should have been aware the roof lights needed to be protected unless he had evidence they were capable of withstanding a substantial load.**

"There were 22 sets of roof lights, only one of which had been covered or protected to prevent falls of people or materials through them during the re-felting job."

Jason Lunt, 41, of Valley Road, Bloxwich, in the West Midlands, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974, and Gregory Wright, also 41, of Tewkesbury Road, Bloxwich, pleaded guilty to breaching Section 3(2) of the same act.

They both received sentences of 18 weeks, suspended for 12 months on the condition that they complete 280 hours of community service. In addition they were both ordered to pay £2,114 costs each by Derby magistrates.

### Worker hit by Forklift Truck

A Trafford firm, which treats industrial waste, has appeared in court after one of its employees suffered life-threatening injuries when he was hit by a forklift truck.

Collier Industrial Waste Ltd was prosecuted by the Health and Safety Executive (HSE) after the 35-tonne vehicle reversed into a worker at its plant on Nash Road in Trafford Park on 14 January 2010.

The 60-year-old from Wirral suffered severe injuries in the incident, including damage to internal organs and multiple broken bones. He was in hospital for several months and has suffered some permanent injuries.

**The HSE investigation found the company did not have sufficient systems in place to protect workers from reversing vehicles on the site. This could have included having marked walkways, a one-way system or making sure any reversing vehicles were guided by another worker on the ground.**

Collier Industrial Waste Ltd admitted a breach of the Workplace (Health, Safety and Welfare) Regulations 1992 by failing to make sure pedestrians and vehicles could work safely.

The company was fined £20,000 and ordered to pay £9,410 in prosecution costs at Trafford Magistrates' Court in Sale on 4 November 2011.

Speaking after the hearing, HSE Inspector Daniel Longdon said:

"This was an entirely preventable incident which could have cost one of Collier's employees his life.

"There were several systems the company could have introduced to make sure workers were not put at risk by moving vehicles. Most of these would have been simple and inexpensive.

"If another worker had stood on the ground to guide the forklift truck as it reversed then this incident could have been avoided."

### News

#### Lord Young is Back

The Prime Minister's Office has announced that Lord Young has been appointed as an adviser to David Cameron on enterprise.

Lord Young resigned as enterprise adviser in November last year after saying that people had "never had it so good" during the "so-called recession". At the time David Cameron said the comments were "unacceptable".

The Government said Lord Young will work on "reducing the burden on business from health and safety regulations", and will work across departments on the implementation of his recommendations made in the Common Sense, Common Safety report.

It said he will use the unpaid role to conclude his report on removing barriers to growth for small and medium sized enterprises, and ensure the government is doing all that it can to promote and boost enterprise.

Shadow small business minister Toby Perkins has been reported as saying the move showed the Government was "out of date" and "out of touch".

#### 'Increasing Disconnect' between HSE and Business

The Scottish Chambers of Commerce (SCC) is concerned by the prospect of an 'increasing disconnect' between the HSE and businesses operating in lower or medium-risk sectors, but still wants lighter-touch regulation of such companies.

Giving evidence to the Scottish Affairs Select Committee – which is currently conducting an inquiry into the health and safety system in Scotland – the pro-business organisation highlighted the dilemma that scaling back HSE inspections could be coupled with less information for lower-risk businesses, resulting in such firms developing a negative and false impression of the impact of health and safety regulations.

Speaking to the Committee on 26 October, the SCC's head of policy and public affairs, Garry Clark, told MPs that larger companies often have good and long-standing relationships with the HSE, and are backed by teams of dedicated health and safety staff; by contrast, smaller firms rarely have such support.

He said: "If [the HSE] are reducing their budgets on the promotion and marketing of their work – for example – it will make that job more difficult. It will make businesses more likely to have false perceptions of the weight of health and safety legislation and what impact it could have on their business."

This suggestion that curbs on regulatory inspections could actually cloud the legislative landscape for lower-risk firms and smaller businesses, rather than freeing them to expand and take on staff, would seem to blow a big hole in the Government's policy on reducing so-called health and safety red tape.

The SCC also believes that negative perceptions of health and safety regulations could be exacerbated by the HSE's cost-recovery proposals. Mr Clark explained: "In terms of cost-recovery issues, that is one area where some of our members have said they are detecting a change in attitude from the HSE – from a more positive engagement approach toward a more nit-picking approach, which they have not welcomed."

Echoing Mr Clark's comments, Phil Scott, safety and risk policy manager at the Chemical Industries Association (CIA), told MPs: "I think there will be a change in the relationship between HSE inspectors and industry. There will be less clarity about when an inspector will come, what they will be looking at, and whether or not there will be a charge at the end. Most small to medium-sized businesses will not have a budget for this, so they will be faced with charges at a month's notice, on a month's invoice. They could be paying quite significant sums of money."

## Guidance

### Arrangements for reporting under RIDDOR 95

This HSE Operations Notice has been issued for the Offshore sector. It explains the arrangements for reporting injuries, diseases and dangerous occurrences offshore under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

HSE has set up an incident contact centre to offer a facility for the reporting of all RIDDOR notifications to HSE via a single point as follows:

- major injuries and fatal accidents - telephone: 0845 300 9923 (Monday to Friday - 08.30 to 17.00)
- non major accidents and dangerous occurrences Internet: RIDDOR - website (24 hours).

The regulations require that in the event of a fatal accident, major injury or dangerous occurrence, the responsible person notifies HSE by the quickest practical means and these incidents should be reported to the ICC as set out above.

Contact should only be made with HSE out of hours in certain circumstances; for example accidents where several workers have been seriously injured.

In the event of a fatal accident or major injury, the regulations require that the site remains undisturbed for a period of three days, or unless permission to disturb is given by an inspector or is necessary to secure the safety of the workplace. These requirements are unaffected by the new ICC reporting arrangements.

The regulations require that notifications of reportable diseases are made forthwith by the employer once confirmation of the disease has been made by a registered medical practitioner. The Guide to the Regulations contains a full list of these diseases. Such notification should be made to the ICC by the most appropriate method.

The regulations also require that over-3-day injuries are to be reported as soon as practicable and in any event within ten days. It is the duty of the installation owner or operator to report the injury. Where the injury is to the employee of a contractor working on an offshore installation the installation owner or operator must make suitable enquiries in order to discharge their duty to report. The contractor must co-operate with these enquiries in line with the requirements of regulation 8 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 and regulation 11 of the Management of Health and Safety at Work Regulations 1999.

The notice goes on to cover:

- records of events
- written reports
- hydrocarbon releases.

### Mobile crushing plant - unintended movement of tracks

Investigation of a fatal incident by HSE has identified that unintended movement of some mobile crushers can occur when there is an earth/ground fault. On the machine involved in the incident, damage to the outer sheath and insulation of an electrical control cable connected to the solenoid actuator of a track valve had exposed a conductor. This created an intermittent earth/ground fault whenever the exposed part of the conductor contacted the metal framework of the machine. This fault caused a voltage change that acted as a signal to the solenoid operated directional valve controlling a machine track, leading to unintended movement of the track.

This HSE Safety Bulletin is for several target groups, including those involved in quarries, Mining, construction, demolition, and waste and recycling.

#### *Actions required*

Owners should contact the manufacturer/main agent/supplier of their machine(s) in the first instance to identify if there is a risk of unintended movement of the machine through the electrical control system developing an earth/ground fault.

Where damage or degradation of electrical control cables can lead to a risk of unintended movement, the following measures should be taken to reduce the risk to as low as reasonably practicable:

- install helical sleeving (or similar) to provide additional protection to the control cables and route/secure the cables away from the machine chassis and any other potential rubbing points; and
- consider the installation of fault monitoring to reduce the likelihood of unintended movement should an earth/ground fault occur

or

- take other appropriate measures.

If improved physical protection is not supplemented by fault monitoring, a system of inspection and maintenance to evaluate and monitor for any damage/degradation to the control circuit, including the electrical cables, will be an essential part of the overall maintenance regime for the machine.

### Guidance on Venting of Gas Systems

The effectiveness of a gaseous total flooding fire fighting system depends, in part, on retention of the air-extinguishant mixture within the protected volume for a period of time. Retention of the extinguishant-air mixture requires that gas exchange ("leakage") between the enclosure and the ambient environment be restricted. In order to limit the rate of gas exchange the enclosure boundary must have a high degree of integrity.

Addition of a gaseous fire fighting extinguishant to an enclosure having limited vent area will naturally result in a change of pressure therein. If the enclosure is sealed too tightly during the extinguishant discharge, ie, too little vent area, the pressure change could exceed the structural strength of one or more of its bounding surfaces – windows, doors, walls, ceiling. Conversely, if the enclosure has too much vent area then gas exchange with the ambient atmosphere will occur rapidly, leading to short retention time of the extinguishant within the protected volume.

Thus, the use of gaseous fire fighting systems must address two performance considerations:

- a. Pressure management within the protected volume during the period of extinguishant discharge, and
- b. Retention of the extinguishant-air mixture within the enclosure for a specified period of time after the completion of the discharge.

This Fire Industry Association document provides guidance on fulfilling the requirements contained in BS EN15004-1 and BS 5306-4, in respect to over and under pressurisation venting - clauses 7.4.1 and 10.3.3. respectively and post discharge extract - clauses 5.3 h) and 15.9 respectively.

It considers the design, selection and installation of vents to safeguard the structural integrity of enclosures protected by fixed gaseous fire fighting systems and the post discharge venting provisions where used.

### Five Steps to Risk Assessment

Information from HSE reiterates the importance of workplace risk assessments, and sets out guidance on the five steps to risk assessment, to ensure it is undertaken correctly and effectively.

A risk assessment is an important step in protecting your workers and your business, as well as complying with the law. It helps you focus on the risks that really matter in your workplace – the ones with the potential to cause harm. In many instances, straightforward measures can readily control risks, for example, ensuring spillages are cleaned up promptly so people do not slip or cupboard drawers kept closed to ensure people do not trip. For most, that means simple, cheap and effective measures to ensure your most valuable asset – your workforce – is protected.

A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. Workers and others have a right to be protected from harm caused by a failure to take reasonable control measures.

The law does not expect you to eliminate all risk, but you are required to protect people as far as is 'reasonably practicable'.

The five steps to risk assessments are:

1. Identify the hazards
2. Decide who might be harmed and how
3. Evaluate the risks and decide on precaution
4. Record your findings and implement them
5. Review your assessment and update if necessary.

## Reports

### Ill-treatment in the Workplace

This report summarises the findings of a national study into ill-treatment in the workplace. Funded by the Economic and Social Research Council and supported by the Advisory, Conciliation and Arbitration Service (Acas), and the Equality and Human Rights Commission, the report provides an authoritative account of workplace ill-treatment in Britain.

Using evidence drawn from nearly 4,000 in-home, face-to-face interviews and backed up by four organisational case studies, the report illustrates how workplace ill treatment falls into three distinct categories:

- just under half the British workforce experience unreasonable treatment at work over a two year period. Some of the more common forms of unreasonable treatment are experienced by nearly one in three, or one in four, British employees. Most unreasonable treatment originates with their managers and supervisors
- 40% of employees experience incivility or disrespect over a two year period. Managers and supervisors are the most important source of incivility and disrespect but more of this kind of ill-treatment is meted out by co-workers, and by customers and clients. The most common forms of incivility and disrespect are experienced by one in five employees
- violence and injury is less common than other types of ill treatment but is still experienced by the equivalent of over one million British workers. Actual physical violence, and injury as a result of aggressive and violent acts, are primarily perpetrated by non-employees.

The report suggests some solutions which might minimise workplace ill-treatment using the evidence from case studies and from front-line practitioners. The report has implications for workplace policies (on equalities and sickness absence for example) as well as training and intervention strategies, particularly for managers and supervisors.

The report shows that:

- conventional methods for preventing ill treatment do not appear to be working
- interventions to deal with ill-treatment after the fact need to be more flexible
- getting to grips with ill-treatment means mandating fairness and respect throughout the management structure, building this mandate into routine processes and providing the resources and training needed to make it a success
- the proper management of sickness and absence policies can make a vital contribution to minimising ill-treatment.

### Load Security on Rigid-sided Lorries

The project detailed in this HSE research report sought to establish good practice for securing loads on rigid-sided lorries across various industry sectors. Good practice in this case is defined as those methods that are the most practical, involve the least risk of loads becoming unstable or falling, least risk to the operator/driver, and are practicable.

Amongst the key findings, the report highlights that friction alone should not be relied on as a method of load securing. It adds that cross-strapping the load was identified as the least-risk method for rollcages, however it would not be suitable for all types of load and positive locking may be the preferred option for loads that can be tightly packed such as uniform palletised goods.

The project also found that communication between all parties involved in the loading, transport and unloading may help to avoid or ameliorate problems surrounding load securing. Risk assessment and a loading plan prepared by someone competent to do so is also highlighted as the key to good load security. This does not have to be an onerous process but 'thinking through' the operation in advance may identify potential issues before they become a problem.

#### Recommendations

The following is suggested:

- guidance on load securing has been in existence for many years and further detailed generic guidance may not be helpful. However, industry specific additional guidance, particularly in the form of case studies, may help to illustrate ways particular loads could be secured
- existing good practice developed by some companies as a result of their own research could be shared more widely with other employers in the industry e.g. via their trade associations. This might avoid duplication of effort and assist in sharing good practice
- the recent European Guidance on load security could be more extensively promoted in the UK in addition to the existing Department of Transport guidance, as they gives detailed, clear guidance on how to secure many types of loads safely
- examples of loading plans and risk assessments for the haulage industry could be made available to help companies plan their loading
- further work could be carried out to assess the suitability of the trailer structure to retain loads.

### Current Working Practices for Refrigeration Field Service Engineers

As a result of a refrigeration related fatality in Stevenage in 2004, HSL has been requested by Stevenage Borough Council under the Local Authority Funding Scheme, to carry out a study of current working practices for refrigeration service engineers.

This report focuses primarily on the equipment, practices and procedures employed in order to carry out leak detection and other repair work on refrigeration systems in the field. This definition is further classified as service engineers working on equipment with a refrigerant load of less than 3kg in service on commercial or public premises which may be subject to inspection by local authority inspectors.

The aims of the study were to:

- identify and clarify the procedures practices and risks associated with refrigerant leak detection and repair in the field in order to facilitate a better understanding for local authority inspectors by means of the following
- identify the correct equipment required to carry out the work
- explain the procedures and methodology employed
- identify the legal requirements incumbent upon refrigeration engineers
- clarify the terminology used in industry guidance and regulatory literature
- identify the current guidance issued by various industry bodies
- identify the industry bodies including contact information.