



Prosecutions

£145,000 Fine following Worker Exposure

A Glasgow-registered recycling company and a director have been fined a total of £145,000 for exposing workers to toxic mercury fumes at a site in West Yorkshire.

Twenty employees had levels of mercury in their system above UK guidance levels, and five of them showed extremely high levels following the exposure between October 2007 and August 2008. Electrical Waste Recycling Group Ltd (EWR), formerly known as Matrix Direct Recycle Ltd, recycles electrical equipment, including fluorescent light tubes containing mercury and TV sets and monitors containing lead.

The court heard that ventilation problems at a plant on School Lane, Kirkheaton, Huddersfield, meant employees were being exposed to potentially harmful emissions from both substances.

EWR was fined £140,000 and ordered to pay £35,127 costs at Bradford Crown Court after pleading guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, three separate breaches of the Control of Substances Hazardous to Health Regulations 2002, and one breach of the Control of Lead at Work Regulations 2002.

Company director Craig Thompson was also fined £5,000 after pleading guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002.

Several workers had reported ill health as a result of the exposure, including a pregnant worker who was concerned that her unborn baby was at risk. HSE issued five Improvement Notices and one Prohibition Notice to the company in relation to the incident.

After the hearing HSE Inspector Jeanne Morton said: "This is a shocking case involving a large number of employees, many of them young and vulnerable, who were suddenly faced with the worrying possibility of damage to their long-term health.

"The risks associated with handling toxic substances like mercury have been known for generations, so it is all the more unacceptable that something like this has happened.

"The company failed to see the risks created by their recycling work and failed to develop effective plans for safe working. They also did nothing to check their workers' health after exposure.

"Workers have a right to expect a reasonable level of protection in the workplace, and employers have a legal duty to provide it."

Thompson's barrister Paul Greaney stressed that his client had not profited from his failure to carry out health and safety requirements and it had not been a case of 'corner cutting'.

He said, though, that Thompson was inexperienced in dealing with hazardous waste and found himself 'out of his depth'

Fall from Height Fine

A Leeds bottle manufacturer has been fined after a worker sustained serious injuries when he plunged two metres onto a concrete floor.

Allied Glass Containers Ltd was prosecuted by the Health and Safety Executive over the incident at a factory on South Accommodation Road, Hunslet, last January.

The company was fined £10,000 and ordered to pay £3,173 costs by Leeds Magistrates after the court heard details of the fall.

Urgent maintenance work at the factory required a mezzanine floor to be opened up so faulty equipment could be removed and replaced.



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A three-square-metre gap was created for equipment to be transferred using a block and tackle pulley system, which was subsequently left open in case adjustments were required before the maintenance team took a break.

One worker was called back to the upper level after a problem was identified, but he lost his footing and plunged through the gap, falling two metres onto a concrete floor below.

He sustained multiple injuries, including fractures to his back and skull, and bruising to his brain and kidney. He spent 11 days in hospital and has yet to return to work.

Allied Glass pleaded guilty to a Section 2(1) breach of the Health and Safety at Work etc Act 1974 in relation to the incident, namely for failing to ensure the safety of workers from the risk of a fall from height.

HSE inspectors discovered there was no risk assessment for creating a hole in the floor, and no precautions were taken to prevent a fall.

The company has since made improvements to ensure the flooring need not be lifted for maintenance work of this type.

After the hearing inspector Paul Yeadon commented:

"Somebody could easily have died here. This incident was completely preventable with a simple risk assessment and a bit of common sense in planning the job.

"Allied Glass has lost a valued, experienced employee, who is still recovering from his injuries. He should never have been allowed to fall.

"We have continued to engage with the company and it's reassuring that lessons appear to have been learned, with improvements now in place to prevent future falls.

"We hope today's hearing serves as a reminder to all manufacturers that employee safety should be of paramount importance at all times. It shouldn't take an accident of this kind to prompt the implementation of safe-working procedures that should be in place regardless."

The prosecution of Allied Glass Containers Ltd comes just three days after HSE launched a its hard-hitting Shattered Lives campaign to reduce slips, trips and falls in the workplace.

Salus Be Wise

Any task will be performed more efficiently and effectively if some forethought is given to where it is to be performed, how it will be implemented, and what the expected outcome will be. Risk assessment aims to facilitate the control necessary for reducing the potential for harm caused by work and to eliminate, or at least minimise, injuries and damage to property.

Risk assessment is not an end in itself, but a means of ensuring that the most-significant workplace risks are managed to implement sufficient and cost-effective controls. These might include elimination of the hazard, engineering controls, safe systems of work, 'permit to work' procedures, safety training, or use of personal protective equipment.

The general requirement to carry out a risk assessment arises from the general duties on employers to ensure the health and safety of employees and those affected by the work activities given in Sections 2 and 3 of the Health and Safety at Work etc Act 1974. This is made explicit by the requirement in Regulation 3 of the Management of Health and Safety at Work Regulations 1999 to undertake a 'suitable and sufficient' assessment of all the risks presented by work activities, which must be reviewed if there are changes that alter the situation.

In addition to all the relevant legislation covering risk assessment, other resources available on the Salus service to help in this area include:

- Salus Guides (Risk Assessment of General Workplace Hazards)
- Forms and checklists
- Key guidance documents (including: Key to healthy workplaces: risk assessment, Five steps to risk assessment)



Construction Company Fined £20,000

A York-based construction company has been fined £20,000 after one of its mobile elevating work platforms overturned, seriously injuring a worker and putting the public at risk.

Shepherd Construction Limited of Jockey Lane, Huntington, York, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 for its role in the incident at the Trinity Square construction site in central Nottingham.

The company was fined £20,000 and ordered to pay £6,900 costs.

The court heard how on 30 August 2007 a contractor on the site drove a cherry picker over a concealed man hole cover.

The cover gave way under the weight of the machine and the cherry picker toppled over, leaving its driver with serious injuries to his skull, back and legs.

The long reaching arm of the machine crashed to the ground, landing in a busy area that had been occupied by pedestrians and vehicles only seconds before. Following the incident, Milton Street in central Nottingham was blocked off for almost six hours.

HSE Inspector Martin Giles said:

"This was a very dangerous incident, in an area which was bustling with pedestrians and vehicles. It could so easily have led to people being killed and has left a worker with serious injuries.

"The company failed to put in place adequate measures to find and record where the man holes and service covers were around the site and failed to take steps to protect them or prevent vehicles from driving over them.

"Operators of mobile elevating work platforms, such as scissor lifts and cherry pickers, must be warned about man hole covers and underground services because there is a real risk of them collapsing and heavy vehicles toppling over.

"When people's lives are at risk it is absolutely inexcusable to leave this to chance."

£30,000 Fine after Worker's Death

Mental Health Matters Ltd, a North East-based registered charity, has been fined £30,000 with costs of £20,000 after one of their employees was killed by a service user.

Ashleigh Ewing, a 22-year-old support worker employed by Mental Health Matters, was attacked and killed by service user Ronald Dixon.

Mental Health Matters provide support and housing services to people who suffer from mental health problems. They pleaded guilty to a charge brought by the Health and Safety Executive for a breach of Section 2(1) of the Health and Safety at Work etc Act 1974 for failing to do all that was reasonably practicable to ensure Ms Ewing's safety.

Newcastle Crown Court heard that Ashleigh Ewing was visiting Ronald Dixon at his home in Heaton, Newcastle upon Tyne on 19 May 2006 when she was attacked and stabbed to death.

Ashleigh had started work with Mental Health Matters exactly six months prior to the date of her death. The attack occurred on the final day of her probation period.

The prosecution told Mr Justice Keith that Ashleigh's employment by Mental Health Matters exposed her to certain obvious risks, particularly in the context of her dealings with Mr Dixon. His mental health was known to be deteriorating and Mental Health Matters failed to respond to a number of warning signs. The court also heard that they failed to afford Ashleigh the level of protection that the nature of her job warranted.



Mrs Pam Waldron, HSE's Head of Operations said:

"This is an unusual case which shows the need for employers to assess risks to employees who visit individuals in their homes and for arrangements to be reviewed when changes occur.

"We believe that if Mental Health Matters had carried out a risk assessment, it would have resulted in the visiting arrangements being reviewed."

No Precautions Lead to Fall

A Sheffield painting company has been fined £2,000 after a worker's seven-metre fall caused life-changing injuries.

The Health and Safety Executive (HSE) prosecuted Charles Painting (UK) Ltd of Thorpe Hesley, Rotherham, South Yorkshire, over the incident on 20 June 2007.

The company pleaded guilty to breaching 9 (2) the Work at Height Regulations 2005 at Sheffield Magistrates Court and as well as the £2,000 fine, was ordered to pay £1,000 in costs.

The court heard that employee John Henderson, suffered multiple fractures to his legs and arm when he fell through a fragile roof surface which has seriously changed his life. The fall happened while Mr Henderson was preparing to clean roof lights at Beeley Fabrications, Claywheels Lane, in Sheffield. He was pulling water pipes across the roof in preparation to clean, when he fell seven metres through a roof light onto the workshop floor.

The HSE investigation found that there were no working platforms, guardrails, scaffold or sufficient means of protection provided on the roof or underneath to prevent the fall.

After the hearing HSE Inspector Alison Crank said: "There were no precautions in place at the time to prevent a fall through the fragile roof or from the roof edge and as a result Mr Henderson sustained long-term serious injury.

"Figures show that falls from height are a major cause of deaths at work in the UK, with more than 4,000 employees suffering a major injury as a result of a fall from height in 2008/09. HSE is determined to raise as much awareness as possible to the hazards and risks of working at height so that employers can take sufficient steps to minimise the serious consequences of a fall."

Council Employee Killed

The Health and Safety Executive (HSE) is warning both employers and drivers about the consequences of not taking reasonable care for the safety of others after a council employee was killed.

Dudley Metropolitan Council was fined £30,000 and ordered to pay £20,000 in costs after pleading guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974.

Michael Lilley, a council employee and the driver of the vehicle, pleaded guilty to two breaches of Section 7 of the Health and Safety at Work etc Act and was fined £750 and ordered to pay £500 in costs.

The man killed was George Pagett, a council employee who was described as a well-liked professional manager. He was struck and killed by a wheeled shovel loader, driven by Mr Lilley, in Dudley MBC's Lister Road Depot in Netherton on 27 October 2006.

Wolverhampton Court, sitting at the Waterfront, Brierley Hill, heard how Mr Lilley drove against the direction of the site's one-way system and had the loading shovel at a height that meant he couldn't see in front properly. He also didn't take suitable precautions to make sure he didn't damage any other vehicles or harm pedestrians.

Mr Pagett had been wearing a high visibility jacket and was facing the oncoming traffic in the yard when he was hit in the upper back by the blade of the wheeled loader shovel's bucket. Other employees tried to warn Mr Pagett and divert Mr Lilley, but the vehicle did not stop until after the front wheel had run him over.



HSE inspector David Price said:

"This was a terrible incident that could so easily have been prevented. Mr Pagett's untimely death has brought great grief to his family, and to many of his work colleagues.

"Depots and loading yards are potentially dangerous places, with vehicles often required to manoeuvre in tight or enclosed spaces. Employers need to provide set routes, to keep pedestrians and vehicles safely apart. They also need to check their site rules and systems of work are both appropriate and adequately enforced.

"Drivers need to obey signs and instructions in workplaces, just as closely as they would obey them on a public highway. In driving at over 8mph against the one-way system, with the unnecessarily raised bucket obscuring much of his view through the windscreen, Michael Lilley failed to take reasonable care for the health and safety of Mr Pagett."

Load Falls as Crane Fails

A crane manufacturer and supplier has been fined £10,000 after an electric overhead moving crane dropped a load, narrowly avoiding the crane operator.

Rosendale Group Limited, of Portside North, Merseyton Road, Ellesmere Port in Wirral, pleaded guilty to breaching Section 6(1)(a) of the Health and Safety at Work etc Act 1974. The company was also ordered to pay £10,000 costs at Sheffield Magistrates Court.

The company had supplied Sheffield-based paper manufacturer Georgia Pacific GB Limited, of Oughtibridge Mill, with the crane to lift reels of paper. On 18 February 2006, during a routine lifting operation, an anchorage point on the crane failed, causing the crane to drop its combined weight of 1.8 tonnes from a height of approximately 1.2 metres.

After the hearing HSE Inspector Alison Crank said:

"It was extremely fortunate that no one was injured or even killed in this incident. Had the load fallen moments earlier it would have fallen into the path of the crane operator.

"Rosendale Group Limited should have ensured the safety critical anchorage points on the crane had been designed for the typical loading conditions that the crane would experience during routine use.

"Companies that supply lifting equipment must be aware that they will be held to account if the equipment is not well designed or manufactured."

Unregistered Gas Fitter Fined

An unregistered gas fitter has been fined after admitting putting more than 700 seasonal workers in danger.

The Health and Safety Executive (HSE) brought the prosecution against self-employed gas installer Jaime Loxton, of Norton Canon, Herefordshire.

Mr Loxton pleaded guilty to breaching Section 3(2) of the Health and Safety at Work etc. Act 1974 and Regulation 3(3) of the Gas Safety (Installation & Use) Regulations 1998. He was fined a total of £1,250 and ordered to pay £550 costs by Hereford Magistrates.

The court heard how between 20 May 2004 and 9 May 2008, Mr Loxton was working at a caravan site at Brierley, near Leominster in Herefordshire, used as accommodation for migrant workers employed by S&A Produce, a large soft fruit growers.

Mr Loxton had been contracted to install appliances, connect and disconnect pipework, and conduct gas safety inspections of LPG fuelled appliances in up to 200 caravans.

In July 2008, gas appliances in five randomly selected caravans at the site were examined by independent CORGI registered gas engineers from the Health & Safety Laboratory. They identified numerous defects with their installation and operation.



The most serious of these defects included significant gas leaks from pipework and spillage of carbon monoxide from appliances, which was a significant risk to the safety of occupants.

It emerged that Mr Loxston was not CORGI registered at the time and a prohibition notice was served on him, requiring him to cease gas work until he was registered.

He replied to a warning letter from the HSE in 2002 saying he was planning to gain the correct accreditation but this never happened.

HSE inspector Luke Messenger said: "Badly fitted gas appliances can be highly dangerous, if not fatal. There is the threat of carbon monoxide poisoning from the fumes, as well as the potential for fire and explosion if leaking gas is exposed to a naked flame or a spark.

"The activities of Mr Loxston were a danger to more than 700 seasonal workers and it was extremely fortunate no lives were lost.

"There are specific qualifications for work on caravans and residential park homes, and also for the types of appliances found in them. Anyone working in these locations or on these appliances without the right qualifications will be working illegally. This man was not even a registered gas fitter.

"Anyone having work done on their gas appliances, whether they are homeowners, landlords or businesses, must always check to see if the engineer is on the Gas Safe Register. Accredited engineers will have a Gas Safe Register ID. If they refuse to show the card or if you have suspicions they may not be legitimate, they should be reported immediately."

Sentencing Guidelines

Corporate Manslaughter & Health and Safety Offences Causing Death - Final Guidelines

This guideline has been issued by the Sentencing Guideline Council as a definitive guide to sentencing under the Corporate Manslaughter and Corporate Homicide Act 2007 (CMCHA).

The guideline applies only to corporate manslaughter and to those health and safety offences where the offence is shown to have been a significant cause of the death. By definition, the harm involved is very serious.

Beyond that, the possible range of factors affecting the seriousness of the offence will be very wide. Seriousness should ordinarily be assessed first by asking:

- how foreseeable was serious injury? The more foreseeable it was, the graver usually will be the offence
- how far short of the applicable standard did the defendant fall?
- how common is this kind of breach in this organisation? How widespread was the non-compliance? Was it isolated in extent or indicative of a systematic departure from good practice across the defendant's operations?
- how far up the organisation does the breach go? Usually, the higher up the responsibility for the breach, the more serious the offence.

Other factors are likely, if present, to aggravate the offence, and such factors are listed in the guidelines, although this list is not exhaustive.

Equally, the several factors, which are similarly non-exhaustive, are likely, if present, to afford mitigation. These include issues such as a prompt acceptance of responsibility, and a high level of co-operation with the investigation, beyond that which will always be expected. A good health and safety record would also count.



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Financial information, size and nature of organisation

The guidelines point out that the law must expect the same standard of behaviour from a large and a small organisation. Smallness does not by itself mitigate, and largeness does not by itself aggravate, these offences.

Size is, however, relevant. The means of a defendant should be considered when the penalty for the organisation is issued. The court should require information about the financial circumstances of the defendant before the case.

The guidelines stress that a fixed correlation between the fine and either turnover or profit, is not appropriate. The court should, however, look carefully at both turnover and profit, and also at assets, in order to gauge the resources of the defendant. In assessing the financial consequences of a fine, the court is advised to consider (inter alia) several factors that may or may not be relevant, including the affect on the employment of the innocent.

Level of fines

There will inevitably be a broad range of fines due to the range of seriousness involved, and the differences in the circumstances of the defendants. However, fines must be punitive and sufficient to have an impact on the defendant. The fine is designed to punish the defendant, and is therefore tailored not only to what it has done but also to its individual circumstances.

The offence of corporate manslaughter, because it requires gross breach at a senior level, will ordinarily involve a level of seriousness significantly greater than a health and safety offence. The appropriate fine will seldom be less than £500,000 and may be measured in millions of pounds.

The range of seriousness involved in health and safety offences is greater than for corporate manslaughter. However, where the offence is shown to have caused death, the appropriate fine will seldom be less than £100,000 and may be measured in hundreds of thousands of pounds or more. A plea of guilty should be recognised by the appropriate reduction.

Publicity Orders

Publicity Orders are available in the case of corporate manslaughter only. They may require publication in a specified manner of:

- the fact of conviction
- specified particulars of the offence
- the amount of any fine
- the terms of any remedial order.

The object of such an order is deterrence and punishment.

The guideline document also covers compensation, costs, remedial orders, and a summary of approach to sentencing. The annex includes financial information expected to be provided to the court.



News

'Box ticking' Mentality Fears over Director Duties

The Government should resist pressure for new legal duties on directors, says EEF the manufacturers' organisation, after a new survey suggested that, despite the recession, company boards are taking a more hands-on approach and spending more time on health and safety.

The survey of nearly 400 companies, conducted by EEF, revealed there has been a major increase in board engagement in managing health and safety risks over the last three years. EEF suggest that their survey proves the proposed new laws are unnecessary and may be counter productive. Earlier this month, Aberdeen North MP, Frank Doran, presented his Health and Safety (Company Director Liability) Bill in a House of Commons debate. It calls for new legally binding safety duties on company directors.

The EEF survey found that:

- 81% of boards discuss health and safety as a regular item, compared with 58% in 2006
- 73% of boards set and monitor targets for health and safety, compared to 53% in 2006
- 91% identify the health and safety responsibilities of senior managers in their health and safety policy, compared to 77% in 2006
- 80% of companies are spending more time on health and safety than they were in 2006.

The most common requests for further advice and support were: help with benchmarking performance (54%), help with setting and monitoring meaningful targets (45%), and health and safety training for senior managers (41%).

Steve Pointer, Head of Health & Safety Policy at EEF, said: "Leadership of health and safety is extremely important. Our survey confirms that there has been a sea change in director involvement – active leadership is now very definitely the norm, not the exception.

"Recent legal changes, insurance considerations and a campaign by HSE and other organisations have all played a part in that improvement. With the effect of those legal changes still feeding through the system it makes no sense to introduce a new law now. We urge HSE to stick with the current approach and are keen to continue lending our active support."

Steve Pointer said he fears that further statutory duties that would simply lead to a 'box ticking' mentality aimed at protecting board members instead of protecting employees.

The HSE will soon decide on whether to propose new duties on directors, a recommendation also made in Rita Donaghy's report on construction deaths.

Proposals to Help those Made Ill by Work

Thousands of people with serious industrial diseases who miss out because they cannot trace their employers' insurance records should be able to claim compensation thanks to Government proposals announced last week.

Plans have been set out to create an Employers' Liability Tracing Office to help people track down their employers' liability insurance policies, and an Employers' Liability Insurance Bureau to provide a fund of last resort for those who are unable to trace them.

The proposed tracing office will incorporate an electronic database of employers' liability insurance policies, which should make it easier to track down these records and improve the existing tracing service.



The consultation will consider:

- how the tracing office could be best managed and funded
- the scope of help that could be provided by an employers liability insurance bureau, the timing of claims and how much compensation could be paid
- what more employers can do to meet their obligations to maintain employers' liability compulsory insurance.

Department for Work and Pensions Minister, Lord McKenzie, said:

"Far too many people suffering from serious industrial diseases are unable to trace their insurance policies and get the compensation they deserve.

"That is why we want to set up a better tracing service with a dedicated database to help them track down these policies, and a fund of last resort if all else fails.

"We will continue to work with insurance bodies, trade unions and campaign groups to ensure all those affected get the help they need."

Where a person is injured or made ill through their work, as a result of the employer's negligence, they would normally claim civil damages from the employer.

However, a number of people have been unable to trace their employers' liability insurance policy and make a claim. This is because some industrial diseases only appear decades later when employers may have ceased trading or they may have not kept old insurance records or lost them.

A voluntary Code of Practice for tracing Employers' Liability insurance policies, set up in 1999 has led to some improvements, but many individuals are still left without help.

Load Safety – Loading

The HSE continue to show case their dedicated website on Load Safety. In focus is how to secure loads safely.

To secure a load safely it must be:

- restrained – tied firmly down to the load bed; and
- contained – it can't move around (shift) inside the vehicle.

The advice is that, the only way to do this is with strong chains or webbing straps (lashings) attached directly to the vehicle. If the load shifts in transit, the depot should be contacted and a safe way to rectify the problem agreed.

Further guidance is given on headboards, webbing straps, and curtains.

Guidance

Protecting Migrant Workers

The HSE has issued guidance for small businesses employing migrant workers, or other recently arrived workers from overseas.

Employers need to make sure the risks to migrant workers are controlled and the guidance provides advice on carrying out a risk assessment. Issues which need to be considered include:

- language and communication issues
- literacy, numeracy, physical attributes, general health, and relevant work experience
- whether vocational qualifications are compatible with those in Great Britain, and are genuine
- the possible effects of the attitudes and assumptions of workers new to work in Britain, or of British workers towards them.

In brief, the guide covers the following 'four Cs' – communication, confusion, competence and cultural attitudes:

Communication difficulties

These may be due to lack of spoken or written English or a limited understanding of English. Due to these issues workers may not be able to:

- understand health and safety training/instructions
- understand safety critical communications or hand signals from colleagues, or be unable to use them to warn others in an emergency
- communicate effectively with supervisors or managers
- understand each other.

To improve communication, employers can:

- use translated materials or interpreters (ensuring they are correct/competent)
- use 'buddy' systems, pairing less experienced workers with experienced co-workers who speak the same language
- use training DVDs or signs instead of written information and instructions
- provide clear explanation of signs (including hand signals) and instructions for emergencies
- train supervisors in how to communicate clearly.

Confusion

Due to lack of experience or unfamiliarity with the site or equipment confusion can arise. As such workers may not recognise hazards or understand obvious rules for the use of equipment.

To lessen confusion, employers can:

- ensure all temps have clear, co-ordinated arrangements for sharing health and safety information before they are taken on
- ensure agencies carry out suitability checks where relevant, under the Conduct of Employment Agencies and Employment Businesses Regulations 2003
- provide a suitable induction, in an understandable format.



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Competence

Employers need to ensure that workers are competent to do their jobs. Qualifications or skills from overseas may be of a lower standard than those required for work in the UK; or workers may have forged qualifications .

To ensure competency, employers should:

- use the National Recognition Information Centre for the UK (UK NARIC) system to check whether overseas qualifications are equivalent to British qualifications
- translate certificates to check on their relevance
- carry out a supervised practical assessment if there are any doubts regarding competence levels.

Cultural attitudes

Cultural attitudes and expectations about health and safety differ around the globe. These attitudes may undermine good health and safety management, for example workers may:

- not report accidents because they fear they will be blamed or sacked
- may believe 'accidents are inevitable' and as such may not help the employer to prevent them
- may have cultural assumptions about fellow workers which could affect health and safety arrangements. For example, older
- workers may not accept young interpreters
- experience workplace bullying due to cultural differences
- may not check understanding as they have an unquestioning attitude to those in authority
- just want to 'get on with the job', ignoring the potential for danger.

To try to overcome these attitudes, employers can emphasise the importance of reporting accidents and near misses, thoroughly investigate accidents, and provide supervisors with additional guidance on cultural awareness.

The guide provides examples of other things to consider and points the reader to further sources of information.

Health Promotion in the Transport Sector

Initiatives to promote health in the workplace need to encompass the worker's private life, their working life, and the interaction between the two. Working conditions are known to influence the general health of workers; for example, sedentary work can contribute to obesity. Similarly, workers' personal habits, attitudes and lifestyle choices affect their health and wellbeing, and also can have an impact on their work performance.

The European Agency for Safety and Health at Work have issued this fact sheet, which considers health promotion in the transport sector. It suggests that transport is a male-dominated sector (83% of workers in the sector are men). Workers in this sector are exposed to prolonged sitting, tiring or painful positions, long working hours (average more than 48 hours a week) and irregular working hours (night and evening work, weekend work and more than 10 hours worked per day).

The most common health problems reported by drivers are:

- lower back pain
- overweight
- cardiovascular and respiratory diseases
- work-related stress.

These problems have been found to be linked to factors relating to the working environment (such as poor work organisation), working conditions (static work), and to individual risk factors (such as lack of exercise, unhealthy diet, alcohol abuse, smoking, age and pre-existing diseases).

When developing Workplace Health Promotion (WHP) programmes, the fact sheet stresses the importance of considering and addressing the role and impact of both organisational and individual-level factors on drivers' health and wellbeing.

A review of evidence-based case studies of WHP interventions found that several factors were key to their success:

- organisational commitment to improving the health of the workforce
- appropriate information and comprehensive communication strategies to employees
- employees' involvement throughout the process
- organisation of work tasks and processes contributing to health, rather than damaging it
- implementation of practices which enhance healthy choices as the easiest choices.

A WHP programme should not replace the management of health and safety risks at work. Instead, it is complementary to proper risk management.

Workplace health promotion interventions

A number of practical workplace health promotion interventions can be put in place to improve drivers' health and wellbeing. Wherever possible WHP planning and interventions should be connected to risk prevention activities.

The fact sheet also talks about the implementation of WHP interventions, and includes good practice case studies to illustrate successful WHP programmes in this sector.



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Incidents Involving Transport Systems – Air

This General Risk Assessment (GRA) examines the hazards, risk and control measures relating to incidents attended by the Fire and Rescue Service (FRS) involving aircraft.

The term aircraft is used to describe all types of flying machines:

- fixed wing
- rotary wing (helicopters, gyro planes etc.)
- balloons
- airships
- gliders
- unmanned aerial systems (could be any of the above)
- micro-lights.

FRSs attend many incidents involving a variety of aircraft types. The kinds of incidents vary greatly and can result in fires, rescues and scene safety. Activities relating to aircraft accidents involving more specific and significant hazards, for example hazardous materials or explosives, are not covered by this GRA.

The significant hazards and risks associated with aircraft incidents include:

- aircraft construction
- damaged structures
- aircraft engines
- aircraft fuels
- pressurised systems (eg fire extinguishers, hydraulic systems, etc)
- electrical Systems
- fluoroelastomers
- confined Working Conditions
- recovery Systems
- airbags
- payload
- biological
- blood borne pathogens
- equipment in use
- psychological trauma
- limited experience.

Hazards associated with military/ex-military aircraft and helicopters and military helicopters are also covered. The key control measures relating to all of the hazards and risks listed are outlined.

Ice and Unstable Ground

This Generic Risk Assessment (GRA), produced to help the Fire and Rescue Service, examines the hazards, risks and controls relating to working on or near ice and unstable ground.

Ice, although a fairly definitive term, should almost always be considered in conjunction with working near, on or in water. When considering the term unstable ground this should include such substances as sand, mud, gravel, earth, slurry and food substances such as rice grain or flour. Other unstable ground environments will include collapsed structures involving rubble and debris. This GRA does not cover frozen snow or blue ice as they are part of specialist mountain rescue techniques.

Significant hazards and risks covered by the GRA are:

- drowning, asphyxiation and hypothermia - it is not possible to determine the thickness and integrity of ice on the surface of a body of water
- biological hazards - waterborne diseases should be expected to be present at these types of incidents and there are a number of infections that can be contracted including: salmonella, amoebic dysentery, tetanus and typhoid
- chemical contamination - usually caused by industrial pollutants or agrochemicals, which can cause both short and long term health risks
- falling from height - injuries resulting from falls are likely to occur when a supporting surface gives way without warning
- struck by falling equipment or crushed by in-filling material - this could include personnel's own equipment or, in the case of food storage units, by in-filling material
- slips, trips and falls - due to the unstable and slippery nature of the surfaces likely to be encountered
- manual handling - the risk of a manual handling injury may be increased if personnel have to adopt awkward postures whilst performing rescues or handling equipment
- individuals being rescued - may be panicking and uncooperative, which in turn increases the risk to emergency service personnel
- extremes of temperature - due to the arduous physical nature of the task and the necessity, on occasions, to wear specialist personal protective equipment (PPE), there is an increased risk of personnel suffering heat related injuries/conditions. Personnel could also suffer from injuries/conditions relating to extremely low temperature such as frost nip and frost bite
- limited experience - working on or near ice or on unstable ground are instances where the experience of the FRS is limited.

Key control measures

The most effective risk control measure in preventing harm is, if practicable, to avoid committing FRS personnel into the hazard area in the first instance. The GRA stresses that this principle needs to be built into the pre-planning processes of the FRS. When working on ice and unstable ground cannot be avoided, consideration must be given to suitable control measures that may include:

- pre-planning
- training
- pre-determined response
- specialist assistance/equipment
- personal protective equipment (PPE)
- command and control
- depth (and flow) of water under ice
- hygiene and decontamination.



Consultation

Quarries Regulations 1999 – ACoP Revision Consultation

The Health and Safety Executive is consulting on proposals to amend its Approved Code of Practice (ACoP) for the Quarries Regulations 1999.

The ACoP document provides practical advice and guidance in terms of what needs to be done to comply with the requirements of those Regulations. It also refers to other legislation that covers people working in the quarrying industry in Great Britain. Those references are now in need of an update as a result of legislative changes and this is one of the reasons why the HSE is proposing that the ACoP should be amended.

It is suggested that four paragraphs of the ACoP be amended to make the guidance clearer and ensure that it adequately reflects industry guidance. The proposals will be of interest to quarry operators, duty holders who have responsibility for health and safety in quarries, and contractors and others involved in quarrying work.

The changes proposed

In addition to the updated references, the following changes are proposed; to:

- amend paragraph 62 of the ACoP and its introduction to make it clearer who is eligible to be appointed as the 'competent individual'. The roles and responsibilities, under regulation 8(1)(d) of the Regulations, of people so appointed will also be clarified
- amend paragraph 174(c) to take away the reference to falls of more than 2 metres. This alteration is intended to ensure consistency with regulation 11 of the Work at Height Regulations 2005, which imposes duties in respect of the avoidance of risks from danger areas
- amend paragraph 176 for the purpose of removing the minimum standard for barriers and instituting a risk-based approach instead. This reflects the requirements of the Work at Height Regulations 2005, which revoked those of the Workplace Regulations pertaining to the prevention of falls and injuries from falling objects. The HSE intends to prepare and publish separate guidance on the subject of barrier suitability
- to amend paragraph 265 so as to bring its guidance on face working into line with that of the new industry guidance, which is based on risk. This change was requested by the industry.

The HSE seeks comments on these proposals and would welcome responses to the following questions in particular:

- does paragraph 62a, as amended, make it clear that either the competent individual or a nominated substitute must be present when work is carried out on site?
- does the proposed amendment to paragraph 174(c) make the requirement to carry out an assessment of the risks from falls obvious in the context of this type of work?
- should guidance on barrier suitability be included in the ACoP or be presented in a separate guidance document?