



## Prosecutions

### Company Fined after Derbyshire Lorry Driver Seriously Injured

A foam manufacturer has been sentenced after a **lorry driver broke his back when a pile of insulating board fell on him.**

The Court heard that on 21 October 2009 Colin Ball, a 52-year-old lorry driver, was delivering a consignment of insulation board to the company's warehouse when a separate stack fell onto him, knocking him into his trailer.

This resulted in the driver suffering multiple spinal fractures and a serious head injury. It is likely that he will need long term rehabilitation for his injuries.

The company involved, Recticel Limited of Alfreton in Derbyshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Etc Act 1974. Recticel specialises in manufacturing and converting Polyurethane foams and has over one hundred manufacturing establishments in 20 countries, employing over 11,000 people worldwide. Recticel was fined £6,238 and had to pay £11,762 costs.

HSE inspector Lyn Mizen commented:

"This incident serves to highlight **the need for companies to ensure that their stacking arrangements are properly planned, managed and controlled.** This incident could easily have been prevented had the company implemented a suitable and sufficient safe system of work to effectively manage the risks posed by stacked materials in their warehouse."

### Refurbishment Company Fined for Asbestos Failings

A North Tyneside **business man has been fined for failure to provide adequate information, instruction and training to workers concerning asbestos.**

Neil Brown, 45, trading as High View Services was fined £360 after pleading guilty to breaching Regulation 10(1)(a) of the Control of Asbestos Regulations 2006. He was also ordered to pay £360 costs.

An HSE investigation found that work conducted by Neil Brown's **employees could readily bring them into contact with asbestos, however they had not been given any asbestos awareness.**

HSE Inspector Graham Watson said:

"Any employer who conducts work which may result in their employees coming into contact with asbestos must make sure they receive adequate information, instruction and training to help control not just the risks to themselves but others who may also be exposed.

**"You are most likely to find asbestos in buildings built or refurbished before 2000. Anyone conducting refurbishment work in such buildings, where they are likely to disturb the fabric of the building, must therefore make sure that their employees are properly trained. This includes not only making sure there are arrangements for training new employees but also providing regular refresher training.**



### News

#### **Agriculture still 'Britain's most Dangerous Industry'**

The HSE has released new figures which show that in Britain between April 2009 and March 2010 the number of reported major injuries (broken bones, amputations etc) rose to 640, up from 599 the previous year. This statistic shows a 40% increase over the last three years.

38 fatalities were also announced, as a result of work on farms last year. Again this figure is a rise from the 25 seen a year ago. This worrying statistic underlines the fact that agriculture remains Britain's most dangerous industry.

Sandy Blair, HSE's Board champion for agriculture, said:

"The agricultural community has responded magnificently to our Make the Promise campaign to improve safety in farming, and we've seen everyone from industry leaders like the National Farmers Unions for England, Scotland and Wales to individual farmers getting behind the initiative.

"But these figures show the reality of what we are dealing with - deaths have returned to previous levels and serious injuries are still steadily increasing.

"This is not about statistics - it is about the farming community itself being able to take action to prevent these serious, life-changing or life-ending injuries. If we're going to see sustainable change, it needs to be led from within farming itself.

#### **Businesses Should Boost Their Commitment to Health and Safety**

Rather than just waiting around for inspections, businesses in the UK should take action to boost their commitments to health and safety now, it has been suggested, which may interest those aiming to enhance their management skills.

According to Dr Luise Vassie, head of research and technical services at the Institution of Occupational Safety and Health, both staff members and managers have a role to play when addressing the topic of health and safety.

She stated: "We would urge businesses - managers and employees together - to take a proactive and proportionate approach to managing the health, safety and wellbeing of everyone in the organisation."

The agricultural and construction sectors are two areas that might need to be focused on by the nation's health and safety inspectors, Dr Vassie went on to say.

Health and safety inspections have not ever been carried out on 49 per cent of the nation's workplaces, figures published by the Trades Union Congress recently suggested.



## Guidance

### Interim Guidance on Collective Fall Prevention Systems in Scaffolding

The National Access and Scaffolding Association (NASC) has published interim guidance on collective fall prevention systems in the scaffolding industry which looks at new and developing technology and work methods available in scaffolding. This guidance emphasises the need for a balanced view of all collective fall prevention methods before reliance is placed on personal fall arrest methods, as priority is always given to fall prevention before fall mitigation.

#### Background

This guidance is only interim as the NASC plans to release a fully revised version of its guidance in 2010, as a result of the Health and Safety Executive's (HSE's) decision that sections on "traversing" or "tunnelling" contained therein, are no longer valid.

The HSE's accident and incident statistics indicate that between 2001 and 2007 the number of falls from scaffolds and working platforms fell by 40%, from 27 to 17 respectively. There were no fatal accidents during this period. These figures are particularly gratifying given that the number of NASC members working in this field increased by 17.5%.

#### Guidance content

The guidance considers the Work at Height Regulations 2005 and the hierarchy of controls that apply in relation to fall prevention and reduction of risk. This hierarchy works on the basis that the next level of precautions down can only be considered if the precautions specified in the level above are not reasonably practical. In essence this means that those in control of organising work must:

1. take steps to avoid the need to work at height, wherever possible
2. endeavour to prevent falls by the use of work equipment, or other measures, if working at height cannot be avoided
3. mitigate the distances and consequences of a fall, if the risk of a fall can't be eliminated by the use of appropriate work equipment or other measures.

The document then describes some of the current progressive collective fall prevention methods along with new/developing methods. These are as follows:

- mobile elevated work platforms - powered access systems to facilitate the erection of scaffolding
- advance guardrails - external and internal edge protection to scaffold platforms that are put in place before scaffolders progress to the next level. Their use may require the sequence of work to be changed to ensure their assembly isn't compromised
- advance guardrails (horizontal application) - these fit horizontally along the scaffolding platform. They provide external and internal edge protection and their installation precedes a scaffolder's vertical progress up an installation
- step-up device - designed to give scaffolders fall protection from the ledger above their place of work while installing the handrail for the next lift
- scaffolders working platform – boarded and having a minimum of one guard rail.

For each of the specified fall prevention methods, the guidance explains in what situations they should be used and also, where their use might be inappropriate. The control measures necessary to ensure their safe deployment are also discussed.

### Collective fall prevention system use

The guidance concludes that in order for any collective fall prevention system to be effective, it is critical that:

- the sequence of work is properly planned, for example erection is in accordance with the manufacturer's guidance
- the equipment selected is appropriate for the task
- employees are fully trained in the art of collective fall prevention methods and systems
- employees undertake the requisite refresher training
- safe systems of work at height are properly monitored and appropriate action taken in the event of non-compliance.

## Engaging Effectively With Your Employer

As part of the, 'Do Your Bit' campaign, the Health and Safety Executive (HSE) has published guidance for employees on how they can cooperate effectively with their employer on health and safety matters when they take on the role of employee representative in the workplace.

This five-page information booklet explains the role, rights and responsibilities of the employee representative. It also describes what such representatives should be consulted about, how that consultation process should work and the support available to employees taking on a consultation role.

### Responsibilities

This guidance explains that if employees are trade union-appointed safety representatives then their functions are clearly set out in the Safety Representatives and Safety Committees Regulations 1977. Representatives elected by colleagues in a non-unionised workplace as a representative of employee safety, have their functions set out in the Health and Safety (Consultation with Employees) Regulations 1996.

### Resources

Employee representatives can expect:

- a reasonable amount of paid time off to attend training
- to be able to perform their functions during paid time
- access to reasonable facilities and assistance to enable them to carry out their role (access to a telephone, notice board and time with their employer to discuss health and safety matters)

### The consultation process

Employee representatives must be consulted by management on any new issue that could affect their colleagues' health and safety. Consequently, they should be consulted when:

- new equipment or ways of working are proposed
- new procedures are planned
- new information on work risks becomes available
- measures are proposed to reduce or negate risks at work



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- workers need to be informed of the action to take when exposed to risk
- emergency procedures are discussed
- health and safety training is planned or organised.

Consultation can take the form of regular scheduled meetings, toolbox talks, face-to-face discussions, walkabouts in the workplace and/or group meetings to deal with specific issues.

### Top tips

The guidance offers six 'top tips' for effectively performing the representative role:

1. determine exactly what functions the post holder is expected to perform (employers often allocate the same responsibilities to the role irrespective of whether the position is a union appointment)
2. talk to the employer about signing up for the new HSE subsidised health and safety training to help perform the role
3. discuss with the employer the resources needed to do the job as soon as possible after training
4. if attending training, keep in contact with the people on the course so as to offer support and share best practice in the future
5. refer to the HSE's website for helpful information/resource materials
6. peruse the HSE's new web tool and case studies which are designed to showcase ideas and good practice for improving workplace involvement.

### Conclusion

This guidance will help facilitate effective cooperation between an employer and their workers on health and safety matters by increasing the effectiveness of the individual(s) nominated to act as point of liaison between the two parties. This will increase the chances of safety improvements being delivered in the workplace.