



Prosecutions

Risk Assessment Omission a 'Catastrophic Management Failure'

The country's largest newsagent chain has pleaded guilty to failing to ensure the health and safety of staff at one of its shops in Winsford.

Martin McColl, which has 1,250 stores nationally, was fined £5,000 and ordered to pay £5,000 in costs by Magistrates at Northwich, after admitting to the charge brought under the Health and Safety at Work Act 1974.

Cheshire West and Chester's Regulatory Services launched an investigation following an early-morning robbery at the Martin McColl store in Willow Square, Winsford, in November 2008, during which an employee was seriously assaulted.

Branch Manager, Christine Rowe, was knocked unconscious and suffered injuries to the face and eye which needed hospital treatment.

The Council's Health and Safety Enforcement Team found that the company had failed to ensure that a risk assessment was in place to protect employees against violence and aggression. It contended that the level of risk was foreseeable. The shop had a history of problems and had had a robbery in the past where both tills were seized.

Prosecuting on behalf of the Council, Ian Moore told the court that, prior to this incident, a robbery had already taken place at the store but the company had failed to assess the risks specifically associated with the shop, an omission that, he said, amounted to a "catastrophic management failure".

Since the incident McColl's had carried out a proper risk assessment and introduced security measures which gave staff added protection from such incidents.

Councillor Lynn Riley, Executive Member for Community and Environment, said: "This is the first prosecution of its type for this authority and I am reassured with the outcome. It is unacceptable for any company to leave its staff open to violent and aggressive attacks.

"Advice and support on health and safety issues is available to all businesses from the local authority - there really is no excuse to fail store employees in such a way."

The HSE defines work-related violence as "any incident in which a person is abused, threatened or assaulted in circumstances relating to their work" which includes:

- physical violence - including kicking, spitting, hitting or pushing, as well as more extreme violence with weapons
- verbal abuse - including shouting, swearing or insults, racial or sexual abuse
- threats and intimidation.



£30,000 Fine Issued Following Death of Salford Worker

Fines totalling £30,000 have been issued following the death of a Salford worker, who was struck by the excavator bucket on a digger.

John Cain, 36, was working on a project to demolish the Albert Park Inn on Great Clowes Street in Salford on 22 November 2004 when he was hit by the bucket on a digger. He died from his injuries later that day.

The Health and Safety Executive (HSE) prosecuted two individuals and one company for health and safety offences, following an investigation into his death. They were sentenced at Manchester Crown Court on 10 September - the day Mr Cain would have celebrated his 42nd birthday.

Business partners Barry Godliman and Robert Watson were the principal contractors on the site, and Windmill Demolition Company Ltd was a specialist subcontractor hired to carry out the demolition work.

Karen Doran, John Cain's ex-partner and the mother of his three young daughters, said:

"It's been very hard for the children coping with what happened as they're still very young. It's been like an open wound.

"Hopefully, now that those responsible for health and safety on the site have been punished, we'll be able to put this behind us and get on with our lives.

"I just hope the prosecution will send a message out to companies that they cannot get away with ruining people's lives."

HSE Inspector Stuart Kitchingman added:

"This case demonstrates how important it is for contractors to be aware of their health and safety duties, especially when there are several companies working on a project.

"Barry Godliman and Robert Watson were the principal contractors on the site and so should have made sure all work was carried out safely. Windmill Demolition had been hired to oversee and carry out the demolition work, and so had responsibilities for managing safety as well.

"I hope this case will encourage construction companies to do more to manage health and safety on sites effectively."

Barry Godliman and Robert Watson pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 by failing to ensure the safety of workers on the site.

Barry Godliman, of Exford Drive in Broughton, Bolton, was fined £7,500 and ordered to pay £2,000 towards the cost of the prosecution. Robert Watson, of Perrywood in Prestwich, was also fined £7,500 with costs of £2,000.

Windmill Demolition, of Windmill Lane in Denton, was found guilty of the same offence following a trial at Manchester Crown Court in July. The company was fined £15,000 with no costs.



Glass Company Fined £10,000 for Putting Worker's Lives at Risk

A glass company has been prosecuted for health and safety offences after putting workers' lives at risk at a site in Bradford.

Workers at Intercity Glazing Systems Ltd, based in Drighlington, had been made to work at height without a safe system in place, leaving them at risk of falling up to six metres.

During work at a building in Carlisle Road, Bradford, in May 2009, the Health and Safety Executive (HSE) found that the company did not properly supervise or manage staff working at height.

Some equipment, including tower scaffolding, was not being used safely, and guardrails were also missing from some parts of the working area. The system of work used by the company to install glass above the ground floor was so unsafe that the work was stopped when HSE served Prohibition Notices on the company.

Intercity Glazing Systems pleaded guilty at Bradford Magistrates' Court to breaching the Work at Height Regulations 2005. The company was fined £10,000 and ordered to pay costs of £2,538.

HSE inspector, David Welsh, said:

"In the construction industry falls from height are a serious risk and a major cause of death and life-changing injuries.

"A significant proportion of the falls from height that occur on sites every year result from work where the risks are not being dealt with adequately by proper supervision and control.

"When a business expects work at height to be done using particular work equipment it has a duty to ensure that workers use that equipment safely."

When the vessel arrived at Fawley oil terminal, it was visited by Port State Control officers from the Maritime and Coastguard Agency, who detained the vessel with a number of defects.



News

Airport X-Ray Scanners

Radiation from x-ray security scanners being used at some UK airports should not be a barrier to air travel, according to Health Protection Agency (HPA) scientists.

Earlier this year the Government announced it wanted to see wider use of the devices at UK airports, in the wake of an attempted terror strike in the USA.

At present all travellers pass through a metal detector arch as part of routine checks - some passengers using airports in London and Manchester are also being selected for further security scanning. Because some of these new devices deliver a dose of ionising radiation some concerns have been raised that travellers are being exposed to radiation.

Axel Macdonald, of the HPA's Centre for Radiation, Chemicals and Environmental Hazards, said: "Since the start of the year a huge amount of attention has been paid to the use of x-ray security scanners in UK airports.

"Some people have been concerned about the privacy issues while others have raised fears about their health from further radiation exposure.

"What has not been widely reported in the coverage of this issue is that radiation doses from this technology are very small, especially when compared to those that air travellers receive from cosmic rays when flying.

"If Government opts to roll out this technology to all UK airports our advice to the travelling public would be - do not see this technology as a barrier to air travel."

The HPA is the Government's official adviser on the health effects of radiation and the Agency has worked with the Department for Transport (DfT) on the use of this technology at airports for many years.

But in January, and in the wake of the incident in America, scientists from the HPA were commissioned to prepare a formal assessment of ionising radiation doses from x-ray backscatter security scanners to members of the public.

Ionising radiation doses are usually measured in millisieverts (mSv) and each year, on average, a person living in the UK receives a dose of about 2.7 mSv from naturally occurring, and medical, radiation.

The HPA assessment for the DfT measured doses from backscatter systems and estimates that travellers going through one of the machines receive a dose of 0.000020 mSv per scan.

"When the doses from this technology are put into context people can see just how small this dose is," said Axel.

"A person going through a backscatter system is exposed to approximately 20 nanosieverts of radiation per scan. One million nanosieverts make up one millisievert.

"The body scan dose from a single scan gives travellers about the same amount of radiation as you get in 15 seconds from cosmic rays while flying at 35,000ft."



Supermarket Ignored Planning Advice

The HSE has issued a case study to illustrate the importance of complying with health and safety legislation.

A major supermarket was fined after ignoring advice about fitting a particular type of floor tiles in food preparation areas of one of its new stores - despite them being a known slip hazard in other outlets.

Workers reported being more prone to slip on the tiles when food or drink was spilled on them. The local council advised the supermarket to use alternatives during the planning phase, but the advice was ignored - making the retailer guilty of failing to ensure that the surfaces were fit for purpose.

This case illustrates that the type of floor surface is a key control measure in reducing the number of slips in the workplace. It shows the importance of employers taking seriously their duties under the Construction (Design and Management) Regulations 2007 and Workplace Regulations, designing out known health and safety risks at a early stage of any planned new build or refurbishment. The supermarket has now corrected the situation and all their new builds now have appropriate flooring installed.

Road Safety Messages on the Move

A joint venture between the Government's THINK! campaign and one of the country's largest lorry fleets is taking safety messages to the roads.

Stobart Group and Tesco have provided space on the backs of 200 trucks to carry adverts reminding drivers to take regular breaks and not to use mobiles while driving.

Road Safety Minister, Mike Penning, visited The Stobart Group in Widnes to mark this important partnership and see the campaign in action. He commented:

"The THINK! truck backs campaign is a fantastic example of the public and private sector working together to get across important road safety messages to drivers while they are on the road.

"By working together Eddie Stobart, Tesco and THINK! have developed a campaign which combines advertising creativity with value for money for the taxpayer.

"I am very grateful to both companies for their generosity in allowing us to use this space and I hope that other similar initiatives will follow in the future."

Andrew Tinkler Stobart Group CEO said:

"With one of the largest fleets on the UK's roads, and a specialist Eddie Stobart driver training school that all our drivers have to pass through, regardless of experience, road safety is of absolute paramount importance to the Stobart Group.

"It is said that when driving on major UK roads, an Eddie Stobart truck is seen every 4 to 5 minutes, which clearly lends itself very well to promotion and raising public awareness. So we were only too happy to support the DfT with the idea of including the THINK! campaign posters on some of our truck-backs – especially as we so fully endorse the campaign's messages."

The trucks carry one of two adverts: one on the dangers of fatigue, prompting drivers to turn off the road if they are feeling tired; the other reminding drivers that using a mobile phone at the wheel could cost them 3 points on their licence and up to £1,000 in court fines.



Guidance

Remote and Mobile Workers: Director's Briefing

There are one million remote and mobile workers (RMWs) in the UK and Ireland. A RMW is defined as an individual who spends less than four hours at a home or office base per week with the majority of their working time being on the road or with clients. RMW are those:

- travelling
- with clients in their offices or at neutral locations
- away from the office at conferences
- on assignment
- working at home.

'Working Alone' or 'Lone Working' means working in an area, or in circumstances, where there are no other workers present. In the event of an emergency there is no one to give assistance, or summon help. Most RMWs are lone workers including; sales staff, service engineers, healthcare workers, probation officers and those who work outside normal office hours – security staff, cleaners and maintenance staff.

It is estimated that the mobile workforce will grow by 20% in the next three years.

Health and well being of RMWs

The risks to physical safety faced by RMWs; particularly verbal and physical assaults in the case of public-facing roles; have long been recognised. Almost two-thirds of RMWs report psychological distress; neck, shoulder, lower back pain and poor mental health linked to:

- longer working hours
- higher customer numbers
- high psychological demands
- low decision authority
- lack of role clarity
- role conflicts.

Driving (both high mileage and long hours) is linked to lower back, neck and shoulder symptoms. An adjustable lumbar support and adjustable steering wheel can reduce sickness absences due to musculoskeletal pain.

Just under half of RMWs suffer road rage at least once a year and 11% are assaulted.

Actions to protect RMWs

- plan journeys to minimise the miles driven
- build in time for rest breaks; every two to three hours of driving time
- ensure decision-making levels of authority are clear
- foster a supportive management style
- encourage physical fitness to help reduce chronic fatigue
- ensure drivers use hands-free mobile phone equipment.



HEALTH & SAFETY NEWS

Issue	1
Date:	20/09/10
Page:	7 of 11

Case Law

In 2004, a Scottish gamekeeper died after crashing his quad bike; however, it took 52 hours for anyone to notice he was missing. Trustees admitted failing to provide a means of communication or carrying out a risk assessment for a lone worker to report in at the end of a shift. Also he was not provided with a mobile phone to call for help. The estate he worked for was fined £3,000.

Estate agent Suzy Lamplugh disappeared in 1986 after she went to meet a client at an empty house. Her parents were keen that lessons should be learnt from the case to make it less likely that others would lose family members through poor management of lone working, setting up the Suzy Lamplugh Trust (<http://www.suzylamplugh.org>) to highlight the risks people face and to offer advice, action and support to minimise those risks.

Legal duties

The main areas of health and safety law relevant to RMWs are:

- The Health and Safety at Work etc Act 1974 (HSWA)
- Management of Health and Safety at Work Regulations (MHSWR) 1999
- Display Screen Equipment Regulations 1992 (as amended)
- Manual Handling Operations Regulations 1992
- Provision and Use of Work Equipment Regulations (PUWER) 1998
- Control of Substances Hazardous to Health Regulations (COSHH) 2002 as amended.

Recommendations for employers:

- conduct risk assessments for those activities that involve remote or mobile working
- design and implement policies and procedures to protect those who work alone
- monitor working procedures to ensure safety
- consult with employees and/or their representatives about policy
- compile and maintain a database of locations/persons that should not be visited by just one worker
- provide information, instruction, training and supervision for workers
- issue workers with necessary communication equipment (eg, personal alarms, mobile phones, walkie-talkies, personal GPS) and ensure that appropriate training is given in their use
- record the location of workers, via a diary, white board or personal GPS
- require workers to regularly report to their office base or to a co-worker
- provide workers with appropriate training, eg, aggression management, assertiveness and negotiation
- ascertain the medical history/fitness of potential workers if activities are likely to impose extra demands on physical or mental stamina
- eliminate cash handling as far as is reasonably practicable
- ensure the workplace and workstations are suitable (sufficient lighting, ventilation and heating, means of access and egress, fire precautions).



Remote and Mobile Workers: Factsheet for Employees

Even if most of the time you work in a busy office or factory, you may be a remote and mobile worker (RMW) at some time. Working late, travelling for work or working at home can all constitute remote working.

'Working Alone' or 'Lone Working' means working in an area, or in circumstances, where there are no other workers present. In the event of an emergency there is no one to give assistance, or summon help.

Are you a RMW? Do you work...?

- alone in premises, eg in small workshops, petrol stations, kiosks or shops
- from home
- separately from others, eg in factories, warehouses, some research and training establishments, leisure centres or fairgrounds
- outside normal hours, eg cleaners and security, production, maintenance or repair staff
- in construction, plant installation, maintenance and cleaning work, electrical repairs, lift repairs, painting and decorating or vehicle recovery
- in agriculture and forestry
- in the public sector, eg rent collectors, postal staff, social workers, home helps, doctors, district nurses, pest control workers, drivers, engineers, architects, estate agents, sales representatives and similar professionals visiting domestic and commercial premises.

Did you know?

Fact 1: 64% of RMWs report mental ill health above the level defined as 'psychological distress'. Stress is also linked with driving high mileages.

Fact 2: Just under half of RMWs had suffered road rage at least once in the past year and 11% had been assaulted.

Fact 3: Advancements in technology now enable RMWs to work from practically anywhere in the world. **'Communicate, communicate, communicate,** to avoid the risk of becoming isolated and losing motivation'

Working from home - key issues:

The use of VDUs at home is covered by the Health and Safety (Display Screen Equipment) Regulations 1992. Research shows that home-based users are especially likely to suffer musculoskeletal problems (back-pain, elbow pain etc) due to misuse of lap-top computers. Therefore:

- consider whether there is enough space at home for a permanent desk
- ensure that equipment is at the right height
- assess how home-working might affect children or adult dependents
- address safety issues of lone working
- keep up with current workplace information, especially in relation to health-and-safety procedures
- avoid overworking as a result of guilt about not being 'at work'
- be honest about your level of motivation and self-discipline when working remotely.



HEALTH & SAFETY NEWS

Issue	1
Date:	20/09/10
Page:	9 of 11

Driving – key issues:

- high mileage and long hours are associated with lower back, neck and shoulder symptoms
- vehicle ergonomics should be assessed; adjustable lumbar support and an adjustable steering wheel can reduce musculoskeletal pain
- lack of contact with colleagues is associated with an increase in depression.

Employees' legal duties:

The Health and Safety at Work etc Act 1974 (HSWA):

- to take reasonable care of themselves and of anyone else who might be affected by their acts or omissions and also co-operate with employers regarding health and safety issues
- to use the equipment provided for their health and safety and comply with any information and instruction given to them
- to report any hazards not addressed by procedures or risk assessment.

Hazards for RMWs:

- manual handling
- violence against the person
- breaking down in a vehicle
- accidents
- working too long.

Control for hazards:

- a system for raising alarm
- provision of lifting and handling aids
- training in diffusing confrontation, negotiation etc
- reducing cash handling
- varying the routes for vehicles carrying cash
- provision of personal alarms and effective means of two-way communication
- panic buttons in confidential interview rooms
- supply of PPE
- use of a reliable and well maintained vehicle
- membership of a road-side rescue organisation.

Do you know...?

- where to obtain information and guidance
- how to seek help and support?



EU Chemicals Reminder to Employers

Issued by the European Agency for Safety and Health at Work, this is a call to action by all workers' reps in companies manufacturing, using or placing chemicals on the market.

It reiterates the recently introduced major changes to EU chemicals legislation, namely the REACH regulation in 2007 and the CLP regulation last year:

- REACH requires the registration of all chemical substances that are manufactured or imported into the EU in quantities of 1 tonne or more per year. If data on hazardous properties is lacking, such data should be generated and safety data sheets updated
- CLP introduces new, globally harmonised rules on how to classify, label and package chemical substances and mixtures which are hazardous to health and to the environment.

What is important in 2010?

If a company is manufacturing, importing or placing chemicals on the market, it may need to:

- register high production volume and the most hazardous chemicals with the European Chemicals Agency
- reclassify, label and package chemical substances that it places on the market according to the new rules
- notify the European Chemicals Agency of the classification and labelling of all hazardous chemicals placed on the market regardless of their production volumes
- provide an updated safety data sheet to customers.

Deadlines to note are:

- 30 November 2010 – REACH Registration
- 1 December 2010 – CLP Reclassification
- 3 January 2011 – CLP Notification.



HEALTH & SAFETY NEWS

Issue	1
Date:	20/09/10
Page:	11 of 11

Advice for Landlords

Advice issued by the HSE for landlords stresses that gas appliances and flues must be maintained in a safe condition and that regular gas safety checks are completed. The requirement for landlords to provide domestic gas maintenance is distinct from the requirement for keeping gas safety records.

According to the guidance, any gas appliance or flue installed in the premises needs to be maintained. This includes any appliances or flues serving the premises (such as central heating boilers not installed in tenants' accommodation but used to heat them).

Not covered are appliances owned by the tenant; flues or chimneys solely connected to an appliance owned by the tenant.

Contracts made with tenants should allow for access for any maintenance or safety check work that needs to be done. Forced entry to a property should never be used.

A landlord has to show that they took all reasonable steps to comply with the law. HSE recommends the following best practice in these circumstances and strongly advises that a record be kept of all correspondence with the tenants:

- leave the tenant a notice stating that an attempt was made to complete the gas safety check and provide contact details
- write to the tenant explaining that a safety check is a legal requirement and that it is for the tenants own safety; give the tenant the opportunity to arrange their own appointment
- HSE inspectors will look for repeated attempts to complete the gas safety check, including the above suggestions; however the approach will need to be appropriate to each circumstance. It would ultimately be for a court to decide if the action taken was reasonable depending upon the individual circumstances.

Gas appliances and flues should be serviced in accordance with the manufacturer's instructions. If these are not available, it is recommended that they are serviced annually, unless advised otherwise by a Gas Safe registered engineer.

Before re-letting a property, landlords need to ensure that all appliances and flues are safe and have an up-to-date gas safety check record. When tenants vacate a premises, it is good practice to ask an engineer to inspect and test the pipework. All maintenance checks and repairs must be done by a Gas Safe registered engineer.

In terms of keeping records, there are no formal requirements however landlords need to be able to show, if asked, that they have regularly maintained the flues and appliances and completed required repairs. Records do not need to be provided for tenants.

Landlords are responsible for repairs required as a result of general wear and tear. The tenancy agreement should make it clear who is responsible for repairs if a tenant causes damage to appliances or flues.