



### Prosecutions

#### **Firm Fined £150,000 after Worker's arm crushed in roller**

The Health and Safety Executive (HSE) issued a warning today about the risks of operating machinery with inadequate guarding, of poor management of machinery safety and of an over-reliance on training.

The warning comes after chewing gum manufacturer, The Wrigley Company Limited, of Plymbridge Road, Estover, Plymouth, Devon, pleaded guilty to breaching both Section 2 (1) of the Health and Safety at Work etc. Act 1974 and Regulation 11 (1) of the Provision and Use of Work Equipment Regulations 1998.

The company was fined £75,000 for the first charge and £75,000 for the second and ordered to pay costs of £21,000 at Plymouth Crown Court today (10 July 2009).

HSE prosecuted the company following an incident on 3 January 2007 in which company employee, Philip Poyntz (29 at the time) was seriously injured at the Estover plant in Plymouth while attempting to clean the trim return conveyor belt on one of the site's gum sheeting machines.

Speaking after the hearing, HSE Inspector, David Cory, said: "This incident was entirely preventable and happened because the moving conveyor belt was unguarded. This meant that Mr Poyntz's arm could be drawn into the machinery and caught in the conveyor's tail drum, resulting in very serious injuries from which he is still suffering today. He has not been able to return to his previous work since the incident and remains signed off from the company.

"The obvious health and safety hazard caused by the lack of guarding should have been addressed immediately. Two previous safety consultant reports commissioned by the company in 2002 and 2006 had highlighted such guarding deficiencies but their action to address the issues at the site was incomplete and they did not improve the guarding on the tail drum of the conveyor involved in the incident.

"Instead, the company incorrectly relied upon training and the expectation that staff would always follow isolation procedures during the cleaning of the conveyor.

"As this case proved, staff training on its own is no substitute for adequate machinery guarding. Appropriate guarding or other protective devices should always be considered and provided first, before and in addition to staff training as required by legislation.

"Our investigation also found poor guarding on other conveyors and gum-making machinery, even several months after this particular incident, and most of these had been raised already in the consultants' previous reports.

"The outcome of this case has helped to highlight HSE's safety messages to all companies operating machinery, especially the importance of fitting guarding which meets the required legal safety standards. All employers have a duty of care towards their employees. Those who fail to take this responsibility seriously could face severe repercussions."

In the food industry, flat belt conveyors account for around 30% of all machinery incidents and 90% of conveyor incidents involve in-running nips, often associated with normal cleaning activities or similar routine procedures (as was the case in this incident). HSE has long-standing published guidance on the issue of conveyor safeguarding for food or drink companies.



### **Construction Company fined £150,000 after worker dies and another is seriously injured at Wembley stadium**

The Health and Safety Executive (HSE) today warned employers to ensure proper procedures are in place to keep staff safe when working on construction sites.

The warning follows the prosecution of PC Harrington Contractors Ltd today at the Old Bailey, after an employee died and another was seriously injured during construction works carried out at Wembley Stadium.

PC Harrington Contractors Ltd, based in Grays Inn Road, London, pleaded guilty to a breach of Section 2 (1) of the Health and Safety at Work etc Act 1974. The court fined the company £150,000 and ordered them to pay full costs of £25,203.

The investigation followed an incident on 15 January 2004, when a platform became dislodged during a lifting operation, causing it to fall and hit two workers. This resulted in the death of one worker, Patrick O' Sullivan and seriously injured another. Both men were working on the building of the concrete superstructure of the stadium at the time.

Giles Meredith, HSE Inspector, said: "There were many thousands of crane movements at Wembley. This incident demonstrates that when things do go wrong during lifting operations, the outcome is often very serious. Our thoughts remain with the family of Patrick O' Sullivan who live with the consequences of this tragic event."

### **Illegal Gas Fitter Prosecuted**

Homeowners in Lancashire are being warned they risk putting their lives in danger if they employ gas fitters who are not qualified.

The Health and Safety Executive has issued the warning after successfully prosecuting Peter Welke, who is also known as Peter McKay, for carrying out illegal gas-fitting work in Lytham St Annes. He pleaded guilty to two offences at Blackpool Magistrates Court on Wednesday 8 July 2009.

Peter Welke, formerly of Edelston Road in Blackpool, was charged with contravening Regulations 3(3) and 4 of the Gas Safety (Installation and Use) Regulations 1998 by carrying out gas-fitting work without being registered, and by subcontracting work to a gas fitter who was not registered. He was fined £700 and ordered to pay costs of £2,800.

HSE investigated after Peter Welke carried out work at two properties on Cheviot Avenue and East Cliffe in Lytham St Annes during June and July 2007.

HSE Inspector Ian Philips said: "Peter Welke was putting lives at risk because he didn't have the training he needed to work with gas. Gas fitters must be registered by law and have the correct qualifications for the type of work they are doing.

"Every year, 20 people die in the UK from carbon monoxide poisoning caused by gas appliances and flues that have not been properly installed. Qualified gas fitters know how to install boilers properly so that air circulates around them, preventing carbon monoxide from building up. People should therefore always check gas fitters' ID before allowing work to go ahead."

From 1 April this year, the Gas Safe Register replaced CORGI as the official gas safety registration scheme in Great Britain. All gas fitters need to be signed up to the new register.



### News

#### **Emergency Plans Hope to Extend Sick Day Time for Swine Flu Patients**

The Chartered Institute of Personnel and Development (CIPD) is trying to reassure employers after the announcement of a plan which would extend self certified 'sicknotes' from seven to fourteen days.

The plans to allow people with suspected swine flu to extend the amount of time they can take off work without a doctor's note from seven to 14 days, are currently under review by the Cabinet Office and would be enacted for a limited period of time if the number of cases in the UK rose considerably.

Plans are under ongoing examination by the Government's Civil Contingency Committee, with draft regulations ready to lay before Parliament. The proposed Regulation would have a 'sunset clause' meaning that they would only remain effective for 6 months unless it was deemed necessary for them to be extended.

Ben Willmott, CIPD Senior Public Policy Adviser, commented: "The proposal to change the self-certification rules in the event of a serious flu pandemic is a pragmatic and temporary measure to reduce the burden on healthcare professionals and help prevent the spread of infection. Employers that manage absence and performance effectively and consistently have nothing to fear. The vast majority of absence is genuine and only a very small proportion of employees will seek to use this change in the self-certification rules to 'pull a sickie'."

A spokesperson for the Department for Work and Pensions, said:

"We don't want people to feel obliged to leave the home or return to work when they are still unwell or put an unnecessary burden on GPs in a pandemic."

### Guidance

#### **Following Fire Tragedies – What can We do to improve Fire Safety ?**

Fires in houses in buildings in multiple occupancy have repercussions far beyond the obvious. They affect Local authorities, emergency services, landlords and tenants.

Guidance from LACORS gives help and advice to those concerned about fire safety in dwellings of this type.

The guidance has been developed by LACORS in conjunction with the Chartered Institute of Environmental Health (CIEH) and the Chief Fire Officers Association (CFOA). Officials in Communities and Local Government (CLG) have also provided considerable technical support and the guidance contains a foreword from the Fire and Housing Ministers in CLG.

This guidance applies nationally and covers certain existing residential accommodation including single family dwellings, shared houses, bedsits and flats. It is not aimed at new housing built to modern Building Regulations.

The guidance also advises landlords on fire risk assessment under the Regulatory Reform (Fire Safety) Order 2005 and takes an approach that satisfies the Housing Act 2004.

The guidance underwent extensive consultation and aims to provide an approach to enforcement which is compliant with all the legislation yet appropriate to risk; moving away from the prescriptive approach sometimes taken in the past.

It underpins the Fire Safety Protocol which was issued jointly by LACORS, CFOA, CIEH, National Landlords Association and the National HMO Network in May 2007, which provides a framework for partnership working between councils and fire and rescue authorities.



### Consultations

- Consultation on Proposals for new Regulations on Tower Cranes

#### **Consultation on Proposals for new Regulations on Tower Cranes**

In recent years there have been a number of well-publicised incidents and at least eight deaths involving the use of tower cranes. As a result of public pressure and concern surrounding this, the Work and Pensions Select Committee called on the Health and Safety Executive (HSE) to bring forward earlier proposals for a national register of tower cranes. The intention is that such a register would be part of a raft of measures involving joint working between the HSE and the construction industry to continue to work together to improve safety in the use of tower cranes, at all stages from the design to the installation and operator stage.

The new measures would be enshrined in new regulations which will impose specific requirements in relation to tower cranes. It is intended that the proposed regulations will require that anyone utilising conventional tower cranes (that is, those that are assembled on site) on construction sites will be required to provide certain information to the HSE, and that the HSE will formulate a national register of such tower cranes to be made publicly available and keep this register up to date.

The HSE is now running a consultation on aspects of the proposed new tower crane regulations and it seeks views of interested stakeholders on a number of points:

- what type of cranes should be covered by the regulations, for example, cranes on construction sites and/or those in stockyards, factories etc
- what information should the national register contain
- how should information for the register be submitted
- how should the information on the register be accessed by interested parties.

The consultation also includes a partial impact assessment and cost/benefit exercise - views are also sought on these.

**The consultation runs until 9 October 2009.**

### Reports

#### **Inquiry into the Underlying Causes of Construction Fatal Accidents**

Following significant concerns in relation to the number of deaths as a result of accidents on construction sites the Secretary of State for Work and Pensions commissioned a formal Inquiry to look at the underlying causes of fatal accidents in the construction industry. The Inquiry was chaired by Rita Donaghy and its scope was to look at what more could be done to tackle the underlying causes of fatal construction accidents.

The Inquiry involved a widespread consultation exercise of relevant stakeholders as well as a phased programme of supporting work.

Phase 1 reviewed work already done in this field by the Health and Safety Executive (HSE) looking at existing knowledge of causal factors in construction site accidents based on HSE internal and externally commissioned work over the past decade.

Phase 2 involved an external study conducted by Loughborough University which covered evidence gathered from a wide variety of relevant sources (industry, international, insurer, company and trade union sources) about the



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root causes of construction accidents, and the routes available within and beyond the current health and safety systems which could be engaged to make further improvements.

Phase 2 also looked at twenty eight case studies that were investigated by the HSE, focusing particularly on the underlying cause of the accidents. These studies had independent direction from the Chair of the Inquiry, as well as from the appointed Peer Reviewers of the Inquiry.

### **Restructuring within Companies and Links to Ill Health**

Restructuring within companies has been brought under the spotlight in a new Health in Restructuring Report.

The union Unison is urging employers to carry out suitable and sufficient risk assessments if restructuring, as the report suggests it can seriously harm worker's health.

The report, supported by the EU commission and aided by Unison, is reminding organisations of their five points plan:

1. employers must be open about any proposed restructuring and consult properly
2. workers should have access to counseling
3. all workers should be treated fairly, the process should be transparent and workers who lose their jobs should be properly compensated
4. restructuring should take into account all the possible negative side effects
5. lifelong learning should be made available to help workers find other jobs more easily.

The research suggests that workers affected by restructuring are 2.5% more likely to get ill (this includes people who lose or maintain their positions).

Efficiency within organisations is also likely to suffer as absence increases, as a rise in injury and accident rates and a variety of depressive disorders may be seen. This may result in a vicious cycle of stress-related illnesses and work-related ill health.

Greg Thomson, UNISON's National Development Manager said:

'Restructuring is common during a recession and workers need to be treated as fairly as possible. Restructuring can also have an impact on the family and friends of those affected, as it may involve relocation as the only option to retaining the post. This can be expensive, lonely and disruptive for the family as a whole. We are urging employers to follow our five-point plan to prevent health and safety issues.'