

Prosecutions

Thumb Severed by Unguarded Saw Blade

A Lincolnshire timber company has been fined after a worker suffered a severe and permanent hand injury while using a circular saw.

A 20-year-old production operative had part of his left thumb severed at Kestrel Timber Frame Ltd, Northfield Road, Market Deeping while cutting insulation foam.

The Health and Safety Executive (HSE), prosecuting, told Spalding Magistrates that the employee was using a table mounted circular saw when his hand was caught in the blade.

HSE told the court it had become standard practice by employees to remove the guard as the height adjustment mechanism on the saw was broken. In addition, the table saw was not big enough to adequately support the foam being cut, therefore it was necessary for him to support the foam with his hands rather than using a push-stick.

The employee was off work for seven weeks after the 11 May 2010 incident but has since returned to his job.

After today's hearing, HSE inspector Emma Madeley said:

"The company neglected its legal duty to take reasonably practicable steps to ensure the safety of their employees.

"The injured man's employers failed to provide equipment which would allow the job to be done safely and, as a result, a young employee suffered serious injury in a completely preventable incident."

Kestrel Timber Frame Ltd, of Bourne, Lincolnshire, pleaded guilty to breaching Section (2)1 of the Health and Safety at Work etc. Act 1974. The company was fined £6,700 and ordered to pay full costs of £4,117.

Skips Crush Worker

An Ayr recycling company was fined £80,000 after a worker was severely injured when he was crushed between two skips.

On 26 August 2009, Steven Graham was standing in between two skips at a recycling centre run by Lowmac Alloys Ltd when a shovel loader weighing more than 18 tonnes hit one of the skips, pushing it towards the other and crushing Mr Graham between them.

Mr Graham, 46, from Ayrshire, screamed for help but the driver of the shovel loader did not hear him at first and carried on driving. When he realised that Mr Graham was injured, the driver tried to lift one of the skips away from Mr Graham but it took two attempts before he managed to do so.

Mr Graham was taken to Ayr Hospital by ambulance. He was treated for a broken pelvis and other severe, life-changing injuries. He continues to have difficulty in walking.

A Health and Safety Executive (HSE) **investigation found that the company had not properly risk assessed traffic management at their site in Ayr and had not provided and maintained a safe system of work in that there were no barriers or road markings to separate pedestrian workers from the shovel loader or other vehicles on site. The investigation also found that the shovel loader was too big for the area where it was operating, and that the drivers had never been formally trained, were not supervised, and had been given no training at all on health and safety issues.**

The one portable toilet on site was found to be unhygienic with no running water. Several of the employees told HSE inspectors that the toilet was so filthy they preferred to urinate in the yard, and this was a practice accepted by management. It was this situation that led to Mr Graham being in between the skips.

HSE Inspector Aileen Jardine said:

"Mr Graham suffered horrendous injuries that will affect him for the rest of his life - but this incident was entirely avoidable.

"If Lowmac had taken simple steps to protect their staff, carrying out a proper risk assessment and taking measures to separate employees from the heavy vehicles that operated on site, this would not have happened.

"And if the company had shown basic consideration for the welfare of their employees by providing a toilet that was fit to use, Mr Graham would not have been left in such a vulnerable position."

At Ayr Sheriff Court, Lowmac Alloys Ltd, of Green Street Lane, Ayr, pled guilty to breaching Section 2 of the Health and Safety at Work etc. Act 1974. They were fined £80,000.

Safety Advice Ignored

A roofing firm has been prosecuted after it allowed two of its employees to work on a slippery roof in Wirral without anything in place to stop them falling.

The two workers from Rainsafe Protect Ltd were spotted pressure washing the sloping house roof on Spital Road in Bebington during a routine visit by an inspector from the Health and Safety Executive (HSE) on 26 March 2010.

Wirral Magistrates' Court heard **no safety barriers or scaffolding had been put up around the edge of the roof to stop the employees being seriously injured in a fall.**

The court was told that the company had received advice about working at height from HSE on four separate occasions during the previous month, but had still allowed the roof to be recoated without safety measures in place.

During February 2010, inspectors visited two Rainsafe sites and the company's head office in Liverpool, and managers from the firm also attended a safety awareness event organised by HSE.

Rainsafe Protect Ltd pleaded guilty to a breach of the Work at Height Regulations 2005 after it failed to make sure the work was planned and carried out safely at the house in Bebington. The company, of Stanley Street in Liverpool, was fined £2,000 and ordered to pay £2,069 in prosecution costs on 16 August 2011.

Speaking after the hearing, HSE Inspector Sandra Tomlinson said:

"It's extremely disappointing that, despite receiving advice from HSE on several occasions just a few weeks earlier, Rainsafe still allowed this work to go ahead without planning it properly and putting safety measures in place.

"When one of our inspectors visited the property in Bebington he was shocked to see the workers pressure washing the roof without safety barriers or scaffolding.

"This could easily have resulted in one or both of the employees being seriously injured or even killed if they had slipped and fallen to the ground below.

"Falls from height are a major cause of workplace deaths and injuries in the UK. We will therefore continue to take legal action in cases where lives are put at risk."

News

RIDDOR Reporting Period Extended

The reporting period for injuries sustained at work is to be extended from three to seven days, following analysis of responses to the consultation on RIDDOR carried out earlier this year.

At a meeting of the HSE Board last week, it was decided to recommend to the Work and Pensions Secretary that the proposed change to Reg.3(2) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 be carried into effect. The decision was based on 776 finalised responses to the consultation – held between February and May this year – among which there was a two-to-one majority in favour of the change.

According to the HSE, a majority of respondents felt the change would not have an adverse consequence on national statistics. Other positive key themes identified from the consultation were that admin burdens will be reduced; aligning the reporting period with that required under the new fit-note system will make sickness absence easier to manage; and the extended period will allow more time for employers to investigate the incident internally.

Concerns highlighted by those against the change included the likelihood of a negative impact on the health and safety culture of organisations, leading to a lowering of standards; less opportunity for duty-holders and regulators to spot trends and incidents that could have resulted in more serious injuries; and overall less compliance with RIDDOR – under which around half of all non-fatal workplace injuries currently go unreported.

Around 8% of respondents felt the change would have no advantage for either their organisation, or the national health and safety system. A number of others, including IOSH, the CBI and trades unions, while supporting the change, called for a fuller review of the Regulations. Head of policy and public affairs at IOSH, Richard Jones, said: "In our own survey on RIDDOR, members were two-to-one in favour of the change, but a significant number had concerns that this would lead to 'over three-day' accidents being trivialised. We also believe a wider review of RIDDOR is needed."

To this end, the HSE has signaled its intention to look at wider issues surrounding RIDDOR 12 months after the current amendment comes into effect, which is likely to be from 6 April next year.

Jason Cropper, a regulatory lawyer and director at DWF, said the move could mean that health and safety will no longer be at the forefront of duty-holders' minds.

Legislation Review – Implications for Height Work

Work at height continues to be the biggest cause of injury and accidents in the workplace and so the review of any health and safety legislation is of paramount interest to the Access Industry Forum (AIF).

AIF Chairman Peter Bennett and AIF Director Neil Tomlinson held an hour long meeting at Westminster with Professor Löfstedt in July to explain the position with regards to the primary legislation that affects the work at height industry.

Some time was spent discussing the Work at Height 2005 and the Construction Design & Management 2007 Regulations but the AIF spelt out that there is currently insufficient industry reporting from these two items of legislation to factually determine their effectiveness.

The biggest challenges since the introduction of these two pieces of legislation has been ensuring that duty holders are informed correctly to ensure accurate compliance.

The Professor was keen to see factual evidence to supplement his review and the AIF supplied a detailed submission on the activity of not only the AIF, but also its respective members with regards to the continuing relentless efforts made to reduce accidents and incidents when working at height.

Speaking after the meeting Neil Tomlinson commented:

"It was reassuring to know that this review will be based on factual information. The Professor was receptive and supportive to our views in a number of areas that were discussed, and was notably impressed by the level of activity undertaken by the AIF and its members."

The review is being carried out in consultation with 'professional health and safety bodies' and includes the Access Industry Forum whose membership consists of the nine leading trade bodies (accounting for over 900 specialist organisations and many thousands of trained operatives, in the UK) specialising in the work at height sector.

No holds barred' with H&S Review

In a speech [last week] following the riots earlier this month, Prime Minister David Cameron has pledged a 'no holds barred' review of what the Government is doing about what he called "the broken society."

He said the review would tackle specific issues such as security and policing, parenting and families, schools, human rights and health and safety.

On the latter, Cameron said:

"Let me be clear: in this country we are proud to stand up for human rights, at home and abroad. It is part of the British tradition," but added:

"The truth is, the interpretation of human rights legislation has exerted a chilling effect on public sector organisations, leading them to act in ways that fly in the face of common sense, offend our sense of right and wrong, and undermine responsibility.

"It is exactly the same with health and safety – where regulations have often been twisted out of all recognition into a culture where the words 'health and safety' are lazily trotted out to justify all sorts of actions and regulations that damage our social fabric.

"So I want to make something very clear: I get it. This stuff matters.

“And as we urgently review the work we are doing on the broken society, judging whether it is ambitious enough – I want to make it clear that there will be no holds barred – and that most definitely includes the human rights and health and safety culture.”

Protecting Workers during Civil Unrest

Following the recent disturbances earlier in the month, the British Safety Council is urging businesses across England to take sensible precautions to ensure that workers are kept safe and secure during any outbreak of public disorder.

Many business premises were attacked, looted and in some circumstances set on fire over several days and employers need to be mindful of their duty of care towards employees. Certain employees are particularly vulnerable during outbreaks of unrest or unexpected events such as those that have arisen in recent days.

“It is a wonder to me that no worker was seriously injured as shops, homes, vehicles, police stations and warehouses were attacked and in some cases set alight,” said Alex Botha, chief executive of the British Safety Council in a message issued to the organisation’s members. In the communication he extends his and the organisation’s support to those members affected by these troubled times.

He goes on to state: “Shift, lone, evening and night workers are of course of particular concern at times such as these but we need to consider the safety of all workers and risk can be mitigated by following sensible precautions.”

Contained in the message was a series of points to consider during the unrest to help employers and employees to deal with unforeseen circumstances. The message urges calm and factual communication to inform and avoid alarm, such as making evacuation procedures known; precautions to consider for lone and shift workers, like clearing external equipment, flammable liquids, rubble and debris; and what to do if the worst does happen and your business is attacked.

The Carphone Warehouse, which is a member of the British Safety Council, saw some of its outlets attacked. “We can confirm that a number of our stores have been damaged in the riots and whilst this is very frustrating, thankfully none of our team members were present and therefore not hurt,” said their CEO Andrew Harrison. “We have taken all appropriate measures to first and foremost protect the safety and well-being of our people and where possible safe-guard our stores and our ability to keep trading.”

“Our sympathies are with the small businesses and people whose homes and property have been badly damaged within the local communities,” he added.

Botha adds: “These points are not exhaustive, but at the very least, they should help employers and their workers deal with any unforeseen events if they occur over the coming days, although I know we all hope that it remains quiet and we can return to normal business.”

Guidance

Providing the Right Workplace Facilities

Employers are advised that they must protect the safety and health of everyone in the workplace, including people with disabilities, and provide welfare facilities for employees.

The basic things covered in this HSE advice that need to be considered are as follows:

Welfare facilities

For employee well-being the following must be provided:

- toilets and hand basins, with soap and towels or a hand-dryer
- drinking water
- a place to store clothing (and somewhere to change if special clothing is worn for work)
- somewhere to rest and eat meals.

Health issues

To have a healthy working environment, employers must make sure there is:

- good ventilation – a supply of fresh, clean air drawn from outside or a ventilation system
- a reasonable working temperature (usually at least 16°C, or 13°C for strenuous work, unless other laws require lower temperatures)
- lighting suitable for the work being carried out
- enough room space and suitable workstations and seating
- a clean workplace with appropriate waste containers.

Safety issues

To keep the workplace safe, employers must:

- properly maintain your premises and work equipment
- keep floors and traffic routes free from obstruction
- have windows that can be opened and also cleaned safely
- make sure that any transparent (eg glass) doors or walls are protected or made of safety material.

Check!

There are specific laws relating to some higher-risk workplaces, such as construction sites.