



Prosecutions

Chemical Company Fined £20,000

A subsidiary of a global chemical company has been fined £20,000 after a welder suffered serious burns in a dust explosion at one of its plants in Cumbria.

David Lightfoot, 58, was undertaking welding on a large container at Indorama Polymers (Workington) Ltd's site in Siddick. The container housed 380 tonnes of the explosive powder, Terephthalic acid.

The company was prosecuted by the Health and Safety Executive (HSE) following an investigation into the cause of the explosion. Workington Magistrates' Court heard that, on 29 October 2008, Mr Lightfoot was welding a metal component around a two and a half inch diameter hole that had been sealed with a temporary bung, when he was suddenly engulfed by a fireball.

Mr Lightfoot, from Cockermouth, had been welding for around 20 seconds before finding himself surrounded by flames that forced him down to his hands and knees. He and another worker jumped ten feet to the ground to escape the flames but Mr Lightfoot was left with severe burns to his head, face, arms and hands.

The HSE investigation concluded the bung had fallen out, allowing around 15 grams of the explosive powder to escape, which was then ignited by the welding flame, creating the fireball.

The grandfather spent three days in intensive care with breathing difficulties, caused by swelling and blistering to his tongue and throat. He is still being treated for the scarring to his face more than two years after the incident.

Mr Lightfoot, who lives with his son, daughter-in-law, and three grandsons, said:

"I think my family were quite shocked when they first saw me but I'm just thankful it wasn't a lot worse, and no one else was injured.

"I had to take a year off work to recover, and I still have injections in my forehead and face to try to reduce the scarring. I'll probably be scarred for the rest of my life though.

"I was told that it would be safe to carry out welding work on the vessel but it wasn't. You trust people to get it right and check things out for you but you can't take anything for granted. I just hope this case helps prevent the same thing happening to someone else."

Michael Griffiths, the investigating inspector at HSE, said:

"This was an entirely preventable incident which caused serious burns to a man's hands and face, and has left him with significant scarring.

"Indorama Polymers should have planned the work properly in advance. Either the welding should have been carried out before the hole was drilled into the vessel, or the explosive powder in that part of the vessel should have been removed before the welding started.

"It is extremely important that chemical companies treat health and safety as their top priority, to avoid terrible injuries like this occurring again in the future."

Indorama Polymers Workington Ltd pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974 by putting people not in their employment at risk. The company was ordered to pay costs of £14,941 in addition to the fine on 11 November.



Poundstretcher Fined for Fire Safety Breaches

Poundstretcher has been fined £51,500 at Leeds Crown Court for seven offences under the Regulatory Reform (Fire Safety) Order 2005.

The offences at Poundstretcher's Castleford **store in West Yorkshire included a failure to take adequate fire precautions for employees and people using the shop, a failure to review fire risk assessment, blocked emergency and exit routes, as well as not giving staff adequate training.**

The retailer also was ordered to pay £3,450 in costs.

Only one out of six fire exits could be used in their shop in Castleford, Leeds Crown Court was told. The consequences of a fire could have been 'frankly appalling', Judge Jonathan Rose said. The store would have been a 'death trap.'

The firm had previously pleaded guilty to the charges at Pontefract magistrates' court.

Craig McIntosh, West Yorkshire Fire and Rescue Service's director of fire safety, said the prosecution followed breaches of fire safety legislation at other Poundstretcher locations. "This is the third time a prosecution has been brought in West Yorkshire."

Solihull Construction Firm Fined for Worker's Burns

A Solihull construction firm has been fined after one of its workers suffered burns when his drill hit a power cable.

The worker, who asked not to be named, was using a pneumatic drill to dig a trench at the Taylor Wimpey housing development at Westminster Place in Rushall, Walsall, when he struck an 11kv cable under the pavement on 13 August 2009.

He suffered severe burns from the resulting flash and was airlifted to Selly Oak Hospital in Birmingham for emergency treatment.

A Health and Safety Executive (HSE) investigation found that Pacestone Construction Ltd had failed to take sufficient steps to protect its employees from the risk presented by underground cables. The worker was unaware of where they were located on the site.

Pacestone Construction Limited, of Freda House, Oak Farm, Catherine De Barnes, pleaded guilty to breaching Regulation 34(3) of the Construction (Design and Management) Regulations 2007. It was fined £13,000 and ordered to pay £3,870 costs by Walsall Magistrates' Court.

HSE inspector David Price said:

"This incident was entirely preventable had the company taken sensible precautions. Using a cable detector, marking the location of cables and only allowing workers to use hand tools when digging in the proximity of live services would have avoided the risk of hitting cables".

"Serious injury or even death can result from contact with electricity. It's essential that employers have safe working procedures for any work involving electrical plant, cabling or equipment."



Construction Companies fined after Worker Crushed

Two Black Country construction firms have been fined after a worker was severely injured by falling timber. Neil Anson, a 44 year old self-employed plasterer from Wolverhampton was struck by timber roof trusses being unloaded by a mobile crane from a lorry trailer at a construction site at Foster Avenue, Bilston last year.

The Health and Safety Executive (HSE) prosecuted Kent Road Construction Limited and Mr S K Sharma, trading as Fortmere Construction, both firms of Brierley Hill, following an investigation into the incident.

Wolverhampton Magistrates' Court heard that on 10 June 2009, Mr Anson was getting off the trailer when several packs of the roof trusses fell onto him, severely fracturing his right leg, elbow, hand and thumb.

A dozen of the large wooden structures, together weighing some 400kg, pinned Mr Anson to the floor and another, larger, heavier pack also fell towards the stricken man but fortunately the pack hit a road sign that stopped it landing on him.

Kent Road Construction Limited of 76 High Street, Brierley Hill, admitted breaching Regulation 8(1) of the Lifting Operations and Lifting Equipment Regulation 1998.

Mr Shiv Sharma, trading as Fortmere Construction, of Hagley Court North, Waterfront East, Brierley Hill admitted breaching Regulation 14(1) of the Construction (Design and Management) Regulation 2007.

Kent Road Construction Ltd was fined £6,000 and ordered to pay £4,496 costs while Mr Shiv Sharma, trading as Fortmere Construction, was fined £4,000 and ordered to pay £899 costs.

HSE inspector Martin Overstall said:

"Mr Anson received very serious injuries as a result of this incident and had the falling timber hit his head, he would almost certainly have died.

"This case should remind companies managing construction sites and directing cranes to ensure all operators are properly trained and competent to do so. The law also requires companies that hire contractors to make reasonable checks that they are competent to carry out work on a construction site".

"In this case, the contractor failed to plan, supervise and carry out a safe lifting operation. The client company had not appointed a co-ordinator, one of whose roles would have been to advise the client on the competence of the contractor."



News

Waste and Recycling Industry Four times more Dangerous than other Industries

The combined fatal and major injury rate in waste and recycling is more than four times the average across all industries. 416 employees per 100,000 suffer a major injury or are killed at work compared with the all industry average rate of 102 per 100,000, according to the latest statistics released by the Health and Safety Executive (HSE).

A total of 530 major injuries to employees in waste and recycling were reported in 2009/10 - a fall of 10 per cent on the previous year when 590 major injuries were reported. Major injuries, such as amputations and broken limbs account for around one in four injuries in the sector.

Provisional fatality figures for 2009/10 also show that four employees were killed as a result of working in waste and recycling between April 2009 and March 2010 - three fewer than in 2008/09. Three members of the public also died in relation to work activities in the waste and recycling sector during 2009/10.

There was little discernable improvement in injuries that kept people away from work for three days or more, with 2,151 reported in 2009/10 compared with 2,225 in 2008/09 - a fall of only one per cent.

Geoff Cox, HSE's Head of Manufacturing, including waste and recycling said:

"We are encouraged that there have been fewer deaths and injuries in waste and recycling, but the injury rate, which is stubbornly consistent with that of the previous year, paints a stark picture of how much more needs to be done. We also cannot view fewer deaths this year being any indication of a downward trend. The industry cannot afford to be complacent.

"HSE will continue to work with industry through the Waste Industry Safety and Health (WISH) forum to look at ways to prevent people being killed or injured needlessly."

Across all industries in 2009/10, 152 workers were fatally injured in Britain - down from 179 the previous year. This is the lowest level on record, with 0.5 deaths per 100,000 workers.

GPs still Unsure about Fit Notes

New research from insurer, Aviva, has found that 65% of GPs feel ill-equipped to provide Fit Notes. This is a 1% increase on 2009 figures, before the scheme went live.

Fit notes were introduced in April 2010 to replace traditional sick notes. Their aim is to reduce absence in the workplace by removing the barriers preventing an employee's return to work.

A Fit Note, or Statement of Fitness for Work, provides for two outcomes: a patient could be declared 'unfit for work', or 'may be fit for work'. GPs can then advise employers on ways in which employees could be helped - by a reduction in hours for example, changes to duties, or an adaptation to the working environment.

Aviva's Health of the Workplace 2010 study, which canvassed 1,000 employees, 500 employers and 200 GPs, also found that 68% of the GPs surveyed felt that Fit Notes will not cut absence levels in the workplace. This compares to 54% last year, before fit notes were introduced.

68% of employers said they had little information about the change in Fit Note policy and 95% of the employers questioned thought that Fit Notes will not be effective.

Over half of employees surveyed (57%) said their GP was not in a position to say whether or not they could return to work.



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The report concludes that, although "significant process changes take time to embed, there's clearly room for improvement in the system before we see a positive impact on absence rates."

It finds that "GPs need to make detailed comments on their patients' impairments, and employers need to demonstrate flexibility by taking on board the recommendations made."

Safety Drive across West Yorkshire Businesses Bring Dangers to Light

More than 70 firms across West Yorkshire have been informed to make safety improvements to protect their workers after an intensive two-week inspection initiative.

Flammable liquids not being stored properly, missing or inadequate guards around machines and uncontrolled exposure to fumes from welding, were some of the hazards identified by the Health and Safety Executive (HSE) and local authority officers who visited nearly 450 companies across Bradford, Calderdale, Kirklees and Wakefield.

Eight of the visits resulted in Prohibition Notices being served - meaning dangerous activities had to be stopped and action taken before work was allowed to continue.

In addition 63 premises were served with Improvement Notices that require businesses to correct or improve failings within a given timescale or risk further enforcement action.

One firm in Kirklees is under further investigation and could be prosecuted as a result of the serious dangers uncovered by Inspectors.

HSE Principal Inspector David Green said:

"It's encouraging that the majority of businesses we visited did appear to be doing all the right things to protect their workers. However, despite making companies in the target areas aware, in advance, that we were carrying out inspections we did still find a significant number of unsafe working practices that put employees at risk of illness or injury.

"We always prefer to offer guidance and advice to business to help them operate within the law but we will take enforcement action when we find the health and safety of employees are being put at risk."

Margaret Durkin, of Kirklees Council's Public Protection Services, said: "We recognize that most businesses visited by inspectors were generally compliant with the legislation and welcomed advice and guidance on offer. It was also useful to forge closer links with colleagues in HSE and I'm sure those will come in very useful in future."

Inspection results were:

Region	Visits	Improvement Notices	Prohibition Notices
Bradford	142	26	1
Calderdale	100	13	4
Kirklees	94	15	1
Wakefield	106	9	2

There were 2,635 major workplace injuries recorded in the region last year, compared to 2,863 in 2008/9, and 23 deaths - one fewer than the previous year. The estimated number of people suffering from work-related illnesses rose by 18,000 from 104,000 in 2008/09 to 122,000 last year.



Guidance

Guidelines on Managing Safety and Health in Post-Primary Schools

This guidance document and toolkit is a resource to assist schools in managing safety, health and welfare for staff, pupils and visitors. It has been produced by a Steering Group of representatives from the Health and Safety Authority, the State Claims Agency, the Department of Education and Skills and the School Development Planning Initiative.

The two-part guidelines should be read by boards of management/vocational education committees (VECs), school managers, principals, deputy principals, relevant post holders, teaching and non-teaching staff, although all in the school community should have access.

The guidelines aim to:

- assist schools in planning, organising and managing safety and health effectively
- help schools benchmark current policies and practices against current legislative requirements and best practice
- help schools meet their legal obligation under the Safety, Health and Welfare at Work Act 2005
- reduce the administrative burden on schools
- assist schools in writing or updating their safety statements and risk assessments and facilitate implementation and reviewing of
- best practice in safety and health.

Part 1

Schools are a unique environment as the workplace is shared with more non-workers than workers (pupils). Hazards and risks are present in schools, as in any other workplace.

Many accidents and cases of occupational ill-health at work are due to a failure to manage safety properly.

A proactive safety and health management system promotes a safer working environment and results in the avoidance of accidents and incidents. In addition to reducing costs, an effective safety and health management system ensures that:

- staff absences due to injuries or occupational ill-health are reduced
- the number of accidents and associated costs are reduced
- morale is improved in the school for pupils, staff and parents/guardians
- the number and cost of compensation claims are reduced.

Safety and health management systems (SMSs)

A SMS is an on-going process which aims to promote continuous improvement in the way a school manages safety. Typically it includes the school structure, planning activities, practices, procedures, and resources for developing, implementing, reviewing and maintaining safety, health and welfare. The SMS sets out issues to be addressed and is a tool to develop improvement programmes and self-audits or assessments. There are five key steps to achieving a successful SMS:



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- policy and commitment
- planning
- implementation
- measuring performance
- audit and review.

Part 2

Contains all the tools needed to get a SMS up and running including:

- planning templates
- sample safety and health policy
- management organisation charts
- training and monitoring tools.

The guidelines do not place any additional responsibility on schools that does not already exist in legislation.

Information Sheet: Health and Safety Management in Healthcare

Published by the Health and Safety Authority (HSA) this information sheet provides guidance on the key elements of health and safety management in healthcare. It is intended for small employers, such as residential care providers and healthcare practices.

Background

The Safety, Health and Welfare at Work Act 2005 sets out the main legal provisions for securing and improving the safety, health and welfare of people at work. It emphasises the need for employers to prevent workplace injuries and ill health.

Initially a review of the arrangements in place to secure safety, health and welfare is required. This includes developing a policy which confirms the employer and management's commitment to ensuring a healthy and safe place to work. It involves identifying standards, how they will be achieved and monitoring and reviewing performance.

Information sheet

The document covers:

- the safety statement which must specify how the safety, health and welfare of employees will be secured and managed
- a three-step risk management process; hazard identification, risk assessment, controls
- duties of employers to those not in their employment
- consultation with employees
- instruction, training and supervision
- reporting and investigating incidents.