



Prosecutions

Fine for Exposing Employees to Risks of Developing Severe Dermatitis

The Health and Safety Executive (HSE) is reminding companies of the importance of managing dermatitis risks, by effective risk assessments and taking adequate precautions to ensure that employees are not exposed to hazardous substances at work. The call comes after the sentencing of Prysmian Cables and Systems Limited, who were fined £27,500 and ordered to pay costs of £10,700.

Prysmian Cables and Systems Ltd pleaded guilty to three breaches of the Control of Substances Hazardous to Health Regulations (as amended) 2002, Regulation 6(1)(a) requiring risk assessment, Regulation 7(1) as qualified by Regulation 7(3) requiring effective control measures and Regulation 11(1), requiring suitable health surveillance. The incidents concerned took place between 3 January 2006 and 17 March 2008.

The investigation found that managers failed to control the risks of exposing employees to hazardous substances, including a known skin irritant, at the company's premises in Eastleigh. This resulted in one employee suffering from severe dermatitis, which had a huge impact on his life. He was required to take retirement on medical grounds and his future employment prospects are extremely limited. Yet this could have been avoided if relatively simple and low cost control measures had been put into place.

HSE Specialist Inspector in Occupational Health, Anne Bartlett, said:

"This case illustrates the need for employers to take dermatitis risks as seriously as any other risks to health and safety in the workplace. Dermatitis is not just a 'bit of a rash' which can be ignored but a painful, debilitating and as this case proves, a life changing condition which can be easily avoided."

Unlicensed Removal of Asbestos at Kelford School

The Health and Safety Executive (HSE) has successfully prosecuted three contractors who carried out unlicensed asbestos removal at Kelford School in Rotherham in 2006.

Mansell Build Ltd (previously Birse Build Ltd) of Cheadle Hulme, Cheshire, was fined £12,500 and ordered to pay £12,500 costs. Andrew Brightmore, a former manager of ARB Agriplant Ltd was fined £2,500 and ordered to pay £500 costs and Gary Cusack was fined £500 and ordered to pay £250 costs. All were prosecuted for health and safety breaches.

Mansell Build Ltd, the principal contractor, was employed to carry out work to remove asbestos insulating board ceilings at the school. The work should have been carried out by a contractor licensed by the HSE, but the company contracted to carry out the work, ARB Agriplant Ltd, did not have a licence.

Now in administration, ARB Agriplant Ltd then subcontracted the work to Gary Cusack, another unlicensed contractor.

All contractors failed to implement basic requirements to prevent the spread and exposure to asbestos to both those removing the materials and to others working at the school at the time.

After the removal work had been completed, Mansell Build Ltd allowed other contractors to work in those areas without verifying which areas were free from asbestos. It was then found that these areas were contaminated with asbestos.

Following the incident ARB Agriplant Ltd provided a forged asbestos licence and a falsified clearance certificate to Mansell Build Ltd, claiming that the work had been undertaken by a licensed contractor and that the area was free from asbestos.



Firm Fined After Pupil Injured on Work Experience

The Health and Safety Executive (HSE) has advised schools to make sure that full health and safety checks are carried out before pupils head out on work experience, following the prosecution of Making Learning Work Ltd, a Stafford company.

Deansfield High School in Wolverhampton employed Making Learning Work Ltd of Brewood, Stafford in 2005 to locate extended work experience placements for 32 pupils at a cost of £650 each. Following an injury to a pupil on a placement in January 2006, the company pleaded guilty to breaching section 3(1) of the Health & Safety at Work etc. Act 1974, was given one year's conditional discharge and ordered to pay costs of £22,000.

The court heard that a 14-year-old student was placed at R&B Motor Services, a garage owned by Harjinder Kumar. The school was led to believe that Making Learning Work Ltd would carry out a full health and safety audit and risk assessment prior to the pupil starting work at the garage. However, the checks failed to take place and the teenager was almost exclusively supervised by one employee who spoke very little English. During a petrol draining operation the teenager sustained a burn injury to his left hand.

At a previous hearing Mr Kumar had pleaded guilty to a health and safety offence and was fined £3,500 and ordered to pay costs.

HSE inspector John Healy said:

"Making Learning Work Ltd failed in its duty by exposing this pupil to health and safety risks. Had they carried out a risk assessment, it would have soon been obvious that the garage was unsuitable."

News

First Aid at Work Training Changes

The new training regime for first aiders in the workplace will be implemented from 1 October 2009. In preparation for this, the HSE guidance, 'First-aid training and qualifications for the purposes of the Health and Safety (First-Aid) Regulations 1981: a guide for training organisations' is available from Salus.

The guidance aims to help training providers develop and maintain appropriate standards of first-aid training, ultimately ensuring that first aiders in the workplace are competent to perform their role.

The guidance provides:

- an overview of relevant changes
- details of HSE's procedures for gaining and maintaining approval to run first aid at work courses
- content of a First Aid at Work (FAW) course
- content of an Emergency FAW course (EFAW) course
- content of an annual refresher course.

Professional Lorry Driving Qualification Raises Standards

A new qualification for all lorry drivers, the Driver Certificate of Professional Competence (CPC), was launched on 10 September by the Driving Standards Agency. New drivers entering the industry will need to pass the Driver CPC initial qualification exams as well as still needing to hold the relevant vocational driving licence.

The Driver CPC is being introduced across the European Union and already came into force for bus and coach drivers last September.

The exams for the new Driver CPC initial qualification include:

- a new theory test involving case studies that check and enhance drivers' understanding
- a practical test which requires candidates to demonstrate their knowledge of vehicle safety and security.

In addition, all drivers, both new and existing, will need to complete 35 hours of 'periodic training' every five years in order to maintain their Driver CPC status and continue driving professionally.

Those who hold a full licence to drive a lorry before 10 September will not be required to take the initial qualification examinations. However, they will need to complete 35 hours of periodic training by 2014 and every five years thereafter if they wish to continue driving professionally.

Guidance

Whole-Body Vibration in Agriculture

The Health and Safety Executive (HSE) has published an agriculture information sheet (AIS) 20, that explains the risks of developing back pain from whole-body vibration (WBV) and how to reduce such exposure. WBV is caused by the vibration and shock transmitted to the human body when travelling over rough ground in agricultural machinery and when working near to powerful machines. The precautionary measures necessary to control WBV are risk-based and range from keeping exposure as low as reasonably practicable, making changes to working practices to reduce exposure, plus consideration of the need to modify or replace unsuitable machinery. Where such actions do not significantly reduce the likelihood of high risk activities causing WBV then tasks must be time limited.

Background

The Control of Vibration at Work Regulations 2005 (the Vibration Regulations) requires the risks from WBV and shock to be controlled. This involves:

- identifying sources of exposure and possible exposure controls
- minimising exposure by maintaining or modifying machinery and following good practice measures to control exposure
- training operators to ensure controls are effective.

Vibration Action and Limit Values

Vibration exposure is measured in $m/s^2 A(8)$. The Vibration Regulations set an exposure action value (EAV) of $0.5 m/s^2 A(8)$ which is the amount of daily exposure to WBV above which action is required to reduce risk. An exposure limit value (ELV) that should not be exceeded also applies. The action required in the agricultural sector depends on the degree of risk and agriculture tasks are grouped according to likely exposure to WBV:



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- group 1 – WBV unlikely to be a risk. It would be unusual for agricultural work activities to fall into this category
- group 2 – activities such as combining, hedging and ditching where exposures are likely to exceed the ELV on occasions; the risk from WBV is expected to be low but must nevertheless be managed
- group 3 – activities such as baling, drilling, foraging and spraying where WBV is likely to lead to back pain
- group 4 - eg, primary cultivation (in excess of 5½ hours) where, despite remedial action being taken, exposures are still likely to exceed the ELV (1.15 m/s² A(8)) as a result of which the time spent doing such tasks must be limited.

A transitional period permits older agricultural machinery to continue in use until 2014 with operators exposed in excess of the ELV, so long as exposure is reduced so far as is reasonably practicable.

Controlling the Risk of WBV

Reducing the risk of WBV may necessitate changes to working practices (both engineering and management controls) so as to reduce levels of vibration and shock. Control measures include:

- establishing who is responsible for managing the control of risk from exposure to WBV or shock
- effectively constructing and maintaining farm tracks
- maintaining machinery suspensions
- maintaining and adjusting seats on machines, as necessary
- replacing seats (as required) during the life of a machine
- modifying or replacing unsuitable machinery
- recognising the very high risks of WBV associated with the use of all-terrain vehicles (quad bikes)
- recognising that the highest exposure to vibration and shock occurs during field working at headlands
- introducing limits on the time spent driving agricultural machinery on roads, as well as specifying on-road speed limits
- providing information and training for workers
- encouraging workers to recognise WBV and report symptoms
- implementing exposure management controls and monitoring performance
- reducing the length of time machines are used, if necessary
- determining vibration information when purchasing or hiring machinery
- evaluating the potential for use of unmanned machinery, in appropriate farming situations.