



Prosecutions

Hotel Fined for Fire Safety Failures

A hotel and its general manager have been ordered to pay out more than £40,000 in fines and costs after a blaze led to the discovery of numerous fire safety failures at the premises. Park Hotel Limited and its manager, Ashwin Ratan, pleaded guilty to ten offences under the Regulatory Reform (Fire Safety) Order 2005, in a prosecution by Leicestershire Fire and Rescue Service.

The court heard that the problems at The Park Hotel – a bed and breakfast housed in a Victorian-styled building in Leicester city centre – came to light following a fire in August 2009. It was found that no one employed by the hotel initiated a formal evacuation procedure when the fire alarm sounded, but rather residents had to evacuate themselves informally. Given the extensive smoke logging, this could have been extremely serious and resulted in serious injury or death to a number of residents.

In addition, the fire alarm could not be heard in the basement area of the premises, where the on-site staff lived.

They were unaware of the fire until one of the residents went down to the basement to warn them. It was also established that, on the evening of the fire, the general manager had decided it was not necessary to have a night porter on duty between the hours of midnight and 7am – a decision that was taken in order to cut costs.

A post-fire inspection of the premises revealed other failures, including: the fire risk assessment was inadequate; none of the fire doors in the building were fitted with intumescent strips or cold smoke seals, and some were wedged open; and a number of the wooden steps to the rear fire escape were either loose or partially rotten in places.

Park Hotel Limited was fined £29,715 with £8,000 costs, while Mr Ratan was fined £2,985 with £380 costs.

Fall from Height Fine

A Stoke-on-Trent steeplejack firm has been fined £8,000 after one of its workers fell from scaffolding causing him injuries that left him in plaster for four months.

Rafferty Chimneys Engineering Ltd of Nash Peake Street, was working at a site in Tunstall when Kevin Ford fell one-and-a-half metres to the ground causing a serious injury to his heel.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. It was also ordered to pay £5,000 costs.

Newcastle-under-Lyme magistrates heard how on 4 March 2009 the company had been contracted to inspect four 20-metre tall steel chimneys at Churchill China (UK) Ltd pottery firm. A tower scaffold was used to access the eaves of the roof.

The Health and Safety Executive (HSE) investigation revealed that the tower's guard rail was too low, it did not use the right boards and no toe boards were in place.

Two workers walked across a fragile asbestos sheet roof using boards just 45cm wide with no safety measures in place. They carried equipment back and forth throughout the day despite the potential for falling nearly four metres into the workshop below.

Mr Ford fell when he was dismantling the tower scaffold at the end of the job. He had lowered a board down from the upper level when he slipped and fell suffering a serious fracture to the heel of his left foot. He needed pins inserted into the bone and spent 16 weeks in plaster.



HSE inspector Guy Dale said:

"Working at height is the most common cause of workplace injuries and this incident shows the very real dangers, no matter what the distance to the ground.

"With the right equipment and a proper risk assessment this could have been prevented. As it was, there were so many instances and potential for falls throughout the day leading up to this event that it was lucky both men weren't involved in serious injuries."

Falling from height remains one of the most common causes of workplace injuries in the UK. Last year there were 1,396 major injuries to workers, as well as 3,044 workers having to take in excess of three days off work.

Severe Injuries after Workers Falls

A construction worker from Carmarthen suffered life-changing injuries when he fell three metres from the roof of a farm building.

Gwyndaf Davies, who was 21 at the time of the incident, was helping to re-roof a building at Penwerddu Farm, Boncath on 29 April 2009. He fell through the roof to the concrete floor below suffering multiple facial fractures, a traumatic brain injury and multiple spine fractures.

The Health and Safety Executive (HSE) has prosecuted Mr Davies' employer, Delme L James Ltd, for failing to take steps to prevent workers falling from height. Mr Davies had worked for the company since leaving school.

HSE's investigation revealed that the company did not plan, supervise or carry out the work safely. There was only limited edge protection to prevent workers falling from the roof and no measures to prevent them falling into the building.

Delme L James Ltd of Pencaer Bryn Ewan, Cynwyl Elfed, Carmarthenshire, pleaded guilty to a breach of Regulation 4 of the Work at Height Regulations 2005 when they appeared before Haverfordwest magistrates. They were fined £8,000 and ordered to pay costs of £2,189.40.

Mr Davies spent nine months as an in-patient at Morriston hospital and has undergone significant facial reconstructive surgery and eye surgery.

The accident has left Gwyndaf with the lasting effects of a traumatic brain injury, blind in one eye and partially sighted in the other. He has limited speech and cannot walk without aid. Gwyndaf continues to receive intensive physiotherapy and speech therapy, and it is likely he will require significant care for the rest of his life.

HSE inspector, Anne Marie Orrells, said:

"Mr Davies is a young man who has suffered dreadful injuries as a result of this accident which could have resulted in his death. This situation could so easily have been prevented and Mr Davies and his family are still trying to come to terms with the lasting effects of what has happened.

"Falls from height are one of the major causes of death and serious injury in the construction industry. The regulations are clear and well established but HSE continues to see tragic cases such as this resulting from employers not fulfilling their duty to protect workers.

Figures released by HSE in June this year show that seven workers were killed at work in Wales between 1 April 2009 and 31 March 2010.



Guidance

Drivers not Addressing Tiredness

Drivers are being urged to wise up to the dangers of tired driving, as research carried out by Brake and Direct Line shows the vast majority admit driving while tired, and drivers don't know the difference between fact and fiction on tackling sleepiness at the wheel.

Brake and Direct Line's survey found that nearly three-quarters of drivers (74%) admit driving while tired in the past 12 months, with almost one in ten (9%) saying they did so at least once a week. This is a huge increase from six years ago, when 46% of drivers owned up to getting behind the wheel while tired.

An estimated one in five fatal crashes on trunk roads are caused by tired drivers – although the real figure could be higher, as it can be difficult to prove when a crash was caused by a driver falling asleep. They tend to be high-speed crashes, because drivers do not brake before crashing, so the risk of death or serious injury is greater.

Despite this, most drivers simply don't know how often they should take rest breaks to help prevent tiredness, and what to do if they get sleepy behind the wheel. The Government advises breaks every two hours on long journeys, yet Brake and Direct Line's survey found that almost three-quarters (73%) fail to follow this advice by driving for three hours or more at a time.

If drivers do feel tired behind the wheel, they are advised to pull over somewhere safe as soon as possible, drink caffeine, and then take a short power nap – or find somewhere to stay overnight and get a good night's sleep. All other methods of staying awake and alert at the wheel are unproven.

Yet of the 800 drivers surveyed a huge proportion are risking lives by driving on when tired and using unproven methods to stay awake:

- more drivers open a window while driving (70%) to stave off sleep than take regular rest breaks on long journeys (69%)
- more than half listen to the radio or a CD to keep them awake when driving (54%); that's more than have a nap or drink caffeine in rest breaks (21% and 43%)
- nearly twice as many drivers go for a short walk during rest breaks (39%) than have a short nap (21%)
- nearly one in three (29%) admit splashing water on their faces when taking a rest break in the hope that it will wake them up.

Driver Advice

Salus recommends that drivers get plenty of sleep before a journey, plan the journey to include time for adequate rest and don't set out if already tired. Rest breaks should be taken at least every two hours for a minimum of fifteen minutes. If feeling tired during driving, a break should be taken somewhere safe as soon as possible. Sleep ensues fast – trying to fight off sleep by opening the window or listening to the radio presents the risk of 'microsleeps', when you nod off for two to 30 seconds without remembering it. Microsleeps can be fatal: at 70mph a driver travels 200m in six seconds.

If feeling sleepy while driving:

- stop for a 15 minute break somewhere safe as soon as possible
- if you drink caffeine, drink two cups of coffee or a high-caffeine drink, such as an energy drink, then take a 10-15 minute rest or snooze
- by the time you wake up any caffeine will have kicked in and you may feel alert enough to continue your journey. If you still feel tired, or you still have a long way to go, you should stay put and try to find somewhere to get a good night's sleep. Caffeine is a temporary drug and its effects do not last long. Sleep is the only long-term cure to tiredness.



Action from the Government

Brake is calling on the Government to:

- run more education campaigns warning of the dangers of driving tired, and stating what drivers can do to prevent tired driving crashes
- make traffic policing a national policing priority, and ensure there are more patrols to spot and stop weaving vehicles driven by tired drivers
- introduce regular testing of drivers, particularly people who drive for work, for sleep apnoea, a medical condition that makes falling asleep at the wheel much more likely
- introduce better and longer safety barriers to minimise the consequences of crashes caused by tired drivers on motorway and trunk roads
- conduct an audit of rest areas on motorways and trunk roads, to ensure they provide adequate provision for our road network, enabling drivers to always find somewhere to stop and rest
- extend rules controlling hours that can be driven legally by large vehicle drivers to fleet drivers in vans and cars
- encourage companies to use trains more instead of cars for long distance journeys.

Woodworking Noise

Short exposure to high noise levels can cause temporary hearing loss, but longer exposures can result in permanent damage.

Sufferers often do not realise their hearing is being damaged, as hearing loss tends to be gradual. However, some effects such as tinnitus can develop more quickly. Tinnitus can be a permanent ringing or whooshing sound in the ears which can be very distressing, particularly when it's quiet.

Employers are required by law to control the risk of hearing damage at work. If noise cannot be eliminated, it must be reduced as low as possible at source. There are noise exposure limits that must not be exceeded.

Exposure limits

People working in most woodworking shops are likely to have a noise exposure of more than 85 dB. This means that hearing protection must be provided and worn, at least until other noise controls are put in place. Particularly noisy machines include:

vertical spindle moulders [around 100dB]; thicknessers [around 104dB]; multi-cutter mouldes [around 105 dB]. It is noted that, as decibels (dB) work on a logarithmic scale, a 3 dB increase will double the noise level.

There are several ways in which noise levels can be reduced in a workshop, such as:

- consider the positioning of sources of noise such as machines, the extraction unit, radio's etc
- provide enclosures around noisy machines
- ensure machines and the extraction is well maintained
- change to quieter tooling
- provide hearing protection.

If noise levels are still too high after you have done all you can to reduce the noise at source, you need to provide hearing protection and make sure operators use it. Hearing protection will only provide the right level of protection if it is worn properly and for the whole time that users are exposed to high noise levels.

Hearing protection should at least reduce the sound level reaching the ear to below 85 dB. However, you should not try to reduce the level at the ear to below 70 dB, as this can cause difficulties with communication and operators may not hear warning signals.



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In general, hearing protection should have a SNR (Single Number Rating) of around 20. SNR is the measure of protection that describes how many decibels of sound the hearing protection will stop.

Operators should be offered a choice of hearing protection. They are far more likely to use it if they are comfortable and can still communicate. Smaller woodworking shops are likely to have repeated and short-term noise exposures, but the workshop will be fairly quiet between these periods. Operators might then be tempted to remove hearing protection. In this case they may prefer earmuffs and semi-aural/semi-insert earplugs because they are quick and easy to fit and remove.

When deciding which hearing protectors to buy, ask yourself if cheap, basic earplugs will provide the most cost effective form of protection. If each employee is wearing several pairs per day, it may be more cost effective to invest in repeated use protection.

Think about hearing protection that offers additional benefits such as level-dependent protectors that allow easier communication during quieter intervals; custom moulded plugs that employees may find more comfortable and easier to fit.

Health surveillance (hearing checks) must be provided for all employees who are regularly exposed above the upper exposure action values (daily or weekly exposure of 85dB or peak sound pressure of 135dB) or are at risk, for example already suffer from hearing loss.