



Prosecutions

Ship Repair Company Fined £85,000 for Crane Platform Crush Fatality

The Health and Safety Executive (HSE) highlighted the importance of having sufficient information, training and supervision for lifting operations, following a successful prosecution of a Cornwall ship repair company.

A & P Falmouth Limited, c/o A & P Tyne Limited, Wagonway Road, Heburn, Tyne & Wear, was charged with health and safety breaches following the death of an employee on 8 August 2006 from crush injuries sustained during lifting operations at Falmouth Docks, Cornwall.

The company was charged with breaches under Section 2 (1) of the Health and Safety at Work (HSWA) etc. Act 1974 and regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998. The company was fined £85,000 for the Section 2 charge with no separate penalty for the regulation charge and ordered to pay costs of £21,500.

The fatal incident occurred when Mr John Datson, who was a painter, was engaged in moving a mobile elevated work platform by crane towards a ship. The platform was suspended by chains from a crane, the victim and colleagues were on the dockside helping the crane driver to guide the platform towards the ship. The platform got stuck on the base of the crane and Mr Datson and a colleague had to free the platform. Tragically, the platform then swung back, striking Mr Datson who was standing between the platform and the base of the crane. He died of his injuries on site.

A+P Falmouth Limited pleaded guilty to failing to introduce a safe system of work, especially with regard to the provision of sufficient information, instruction, training and supervision for employees using lifting equipment.

Salus Be Wise

The Government continues to advocate the use of lifting equipment, where possible, as an alternative to manual handling, in order to safeguard worker health. However, in recognition that equipment used at work to lift or lower loads can generate its own safety risks, the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 were introduced. These regulations place emphasis on the effective management of lifting equipment, and their implementation has improved control over the risks associated with the use of such equipment.

Any equipment used at work that lifts or lowers a load is regulated by LOLER. The Regulations apply to employers and the self-employed, but not to suppliers of lifting equipment. Lifting equipment is defined as: 'work equipment for lifting or lowering loads and includes its attachments used for anchoring, fixing or supporting it'.

Among the requirements that employers should ensure are complied with are that:

Lifting equipment must be positioned/installed so as to minimise the risk of the equipment/load striking a person or of the load drifting, falling freely, or being released unintentionally. There must also be suitable devices for preventing persons falling down shafts/hoistways all lifting operations involving lifting equipment are properly planned, supervised and undertaken in a safe manner.

The above incident could have been prevented through many means, including:

- legislation (LOLER 1998)
- guidance (Simple guide to LOLER 1998, HSE)
- model policies (Lifting Equipment and Lifting Operations)
- approved code of practice (Safe Use of Lifting Equipment).



Fatal Collapse at Heathrow Terminal 5

Two construction companies have been fined £105,000 after one man died and another was seriously injured when a concrete slab collapsed at Heathrow Airport in 2005.

The Health and Safety Executive (HSE) prosecuted the principal contractor, Laing O'Rourke Infrastructure Limited and SGB Services Limited, a supplier of construction equipment over the incident. Both companies pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 and SGB Services Ltd also pleaded guilty to breaching section 6(1) (c) of the Act.

Both men were part of a team building a multi-storey car park at Heathrow Airport's Terminal 5 construction site. On 3 August 2005, the two men were standing on a concrete slab that collapsed and fell 17 metres.

The HSE's investigation found that the collapse was due to the catastrophic failure of two Threaded Shoring Adaptors (TSAs) used to secure parts of the temporary works structure. The failed TSAs were part of a sub-standard batch manufactured for SGB Services Ltd two years previously. The company resupplied the same faulty TSAs to construction sites in 2005, despite implementing a recall programme to remove all defective TSAs from circulation.

Laing O'Rourke Infrastructure Limited was fined £75,000 and ordered to pay £75,000 in costs. SGB Services Ltd was fined £30,000 and ordered to pay £30,000 in costs.

News

Compliance Not Getting Easier for Businesses

A recent survey of businesses by the National Audit Office (NAO) found that, whilst businesses are reporting that individual aspects of complying with regulation have become less burdensome over the last year, and there has been some improvement in overall business perceptions of regulation since, very few regard complying with regulation as getting any easier or less time-consuming. Around a third said that it had become worse.

The survey found improvements since 2007 in businesses' perceptions of individual aspects of complying with regulation. For example, 65% of businesses said they find completing the relevant paperwork a burden, compared with 74% in 2007. Similarly, 64% of businesses said that finding guidance and advice about the regulations was a burden, a reduction of 7% from 2007 responses.

However, over 60% of businesses surveyed said that the administration needed to show compliance with regulations is an obstacle and only 1% of businesses felt that complying with regulations had become less time-consuming in the last year. In addition, fewer than a third of businesses said that government understood business well enough to regulate it.

The NAO survey found that businesses' perceptions of regulations are influenced by concerns about the introduction of new regulations or continuing changes to existing regulations – 95% of businesses reported that having to keep up to date with changes in existing regulations had not got any easier or had become more time-consuming in the past year.

Salus Be Wise

In response, Salus are able to provide all companies with the appropriate and relevant service to ensure they are kept up to date with changes in legislation.

'Let Salus take the Complexity out of Compliance'.

Contact Salus on 01978 664904 for further information.



Three-Quarters of Firms are Breaking VDU Regulations

Nearly three quarters (73%) of companies do not comply with VDU regulations because they only fund either eye tests or the cost of any glasses required, but not both, as they should.

The findings, reported in the publication Human Resources, come from eye care specialist Specsavers, which polled 187 companies representing nearly half a million employees. It finds this is the case despite 62% of firms saying they offer eye care specifically to comply with VDU legislation.

The survey found:

- 53% of companies only make a contribution to eye tests and glasses
- 13% fully funded eye tests but not glasses needs
- 2% funded the costs of glasses, but not the eye test.

The survey also revealed employers perceive eye tests to cost much more than they really do. More than 70% thought they cost £50 or more. Only 13% correctly believed eye tests cost typically £20 or below.

First Aid at Work: Mutual Recognition Arrangement

A mutual recognition agreement on first aid at work has been made between the Health and Safety Executive for Great Britain (HSE) and the Health and Safety Executive for Northern Ireland (HSENI).

HSE and HSENI have signed a Memorandum of Understanding (MoU) to allow mutual recognition of first aid at work certificates issued by organisations approved for this purpose by the HSE (pursuant to the Health and Safety (First-Aid) Regulations 1981) or HSENI (pursuant to the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982).

The MoU has been made on the basis that similar arrangements are in place in both Great Britain and Northern Ireland which ensure proper and comprehensive training of first-aiders in the workplace.

From 7 October 2009, individuals in possession of a valid first aid at work certificate awarded by an organisation approved by either HSE or HSENI will be able to act as first-aiders within workplaces in either jurisdiction.

This arrangement is for first aid at work certificates and does not include emergency first aid at work certificates

Guidance

Assessing Risk Guidance from the HSE

The Health and Safety Executive (HSE) has produced a template and example risk assessments to be used by businesses in order to meet health and safety duties. A new health and safety policy template has also been published.

Background

All employers must conduct a risk assessment and those with five or more employees should have a written health and safety policy and record the significant findings of their risk assessment.

Risk management involves looking at the risks that arise in the workplace and then putting in place sensible health and safety measures to control them. However, risk assessment is only effective if management and staff act on it. It is important that any required actions are followed through and are reviewed on a regular basis.

The templates on risk assessments and health and safety policy can be used as tools to promote a sensible and proportionate approach to meeting basic health and safety duties. The templates bring together the risk assessment, health and safety policy and record of health and safety arrangements into one document.



A risk assessment should assess the risks in the workplace and:

- identify the hazards
- decide who might be harmed and how
- evaluate the risks
- record findings and further action to be reviewed.

Signage on Decontamination Unit Doors

The Health and Safety Executive (HSE) has published this draft paper, which was prepared by the Asbestos Removal Contractors Association (ARCA) for consideration at an Asbestos Liaison Group (ALG) meeting scheduled to take place early this month. The subject of the paper is signage on decontamination unit (DCU) doors.

A brief outline of the key points is given below:

DCUs

DCUs used for asbestos removal works constitute a potentially contaminated facility. They should be air tested prior to removal from a site where they have been used in this manner. Despite this precaution, a residual risk may remain and, in such cases, it is therefore essential that employees and others are informed of any further measures needed. Safety signs can help reduce this risk.

DCUs have four doors. These are frequently described as follows:

- external clean end door
- clean end to shower door
- shower to dirty end door
- external dirty end door.

Signage

It is expected that the external doors of the DCU will display signs signifying the fact that the door is situated at either the 'CLEAN' or 'DIRTY' end of the unit. Furthermore, access to the DCU should be restricted to authorised persons only and it is essential that both external doors also display signage to this effect.

The key point here is that it is imperative that the clean end of the unit be kept free of contamination.

In some instances, however, DCUs are supplied with signage which, according to HSE guidance, is less than appropriate, in as much as it merely means 'No access to pedestrians'. Given the importance of this issue, it is vital that the doors of the DCU display the following mandatory signs:

External 'Dirty End' door (outside)

'DIRTY END'

- 'no access for unauthorised persons'
- 'respiratory equipment must be worn'
- 'safety overalls must be worn'.

External 'Clean End' door (outside)



'CLEAN END'

- 'no access for unauthorised persons'.

'Clean End to Shower' door (clean side)

- 'respiratory equipment must be worn'
- 'safety overalls must be worn'.

Additional signage may be displayed, such as that prohibiting smoking, eating and drinking in the DCU, as well as signs to the effect that towels should not be taken beyond the 'clean end to shower' door. However, the signage outlined above should be regarded as the minimum requirement for all DCUs.

Tackle Work-Related Stress: Employers' Guide

The Health and Safety Executive (HSE) has published this leaflet, in conjunction with the International Stress Management Association. It provides information for employers on how to deal with the problem of work-related stress. The need for such information is illustrated by the fact that, in 2007/08, work-related stress was responsible for the loss of 13.5 million working days. The cost of this stress-induced sickness absence has been estimated at £4 billion per year.

In order to assist employers in managing the causes of such stress, the HSE has developed the Management Standards approach. The approach is based on the familiar 'Five Steps to Risk Assessment' model, which requires management and staff to co-operate in addressing the problem. The standards refer to six areas of work where stress can occur if not properly managed.

The key points are outlined below.

Preparation

Before introducing the Management Standards approach, it is important to plan ahead and prepare the ground. Consideration should be given to securing the commitment of management and employees. Establishing a steering group to oversee the work is considered good practice.

Step 1: Identify the Risks

It is important that the Management Standards approach be explained so that everybody understands it. Some organisations make reference to these standards in their stress policy documentation and this can be useful in explaining the reasons for adopting this particular approach. People also need to be aware of the risks. The standards outline six areas of work which can adversely affect employee health if not managed properly, namely:

- demands – covers workload, the working environment and working patterns
- control – refers to how much say an employee has in the way he or she works
- support – covers the encouragement and sponsorship provided by the organisation, management and colleagues
- role – refers to whether or not people understand their role within the organisation and whether or not this appears to conflict with the role of others
- change – refers to the way in which organisational change is managed
- relationships – covers promotion of 'positive working' to eliminate conflict and deal with any unacceptable behaviour.



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Step 2: Determine Who Might be Harmed and How

This step involves gathering data so that areas of good and poor practice can be identified. Preferably, a variety of data sources should be used in order to gain a more accurate feeling for the current state of the organisation. Data sources include: surveys, sickness absence records, staff turnover rates, exit interviews, occupational health referrals and staff forums.

The HSE Management Standards Indicator Tool (a questionnaire available on the HSE stress website: www.hse.gov.uk/stress) can be used to obtain employees' views. Organisations that make use of this tool can then begin to evaluate the data by using the free analysis tool available on the same website. This can act as a useful starting point in working with employees to improve health, well-being and performance.

Step 3: Assess the Risks

The results from step two should be applied in conjunction with the management standards to help highlight priority areas for action. Once these have been identified, employees should be consulted on the best means of addressing the gaps between the desired and current levels of performance. Focus groups represent a good way of doing this. The outcome of these discussions should be a set of actions intended to address specific issues.

Step 4: Record the Findings

When documenting the findings and compiling the action plan, it is important to decide how each action should be evaluated and how its success (or otherwise) is to be determined. A good question to ask is 'How will we know if this is working and what measures can we use?' The action plan should be communicated to employees once it has been completed. Examples of popular actions are giving specific groups of employees greater control over various aspects of their work and improving communication within the organisation.

Step 5: Monitor and Review Performance

The actions in the plan should be monitored to ascertain that they are having the intended effect within the timescales envisaged. At this stage, it can be well worth considering what can be done in the future to prevent the problems that have been identified from occurring again.

Line Managers

Line managers have an important role to play in identifying and managing stress within the organisation. The HSE's stress website provides a self-assessment survey for managers who wish to see if they have the necessary skills and abilities.

Reports

Workforce Diversity and Risk Assessment: Ensuring Everyone is Covered

Published by the European Agency for Safety and Health at Work (EU-OSHA) this report highlights the need to carry out inclusive risk assessment taking into account the diversity of the workforce when assessing and managing risks. The report is aimed at those involved or responsible for carrying out risk assessments and seeks to increase awareness among those responsible for and affected by health and safety at work – employers, employees, safety reps and OSH practitioners – about the importance of assessing the risks of all workers.

Background

The EU Framework Directive (89/391/EEC) introduced risk assessment as a foundation for a prevention programme of technical and/or organisational measures to combat risk. Risk assessment enables employers to understand the action that they need to take to improve workplace health and safety, as well as productivity.

This report is part of the Healthy Workplaces Campaign, a two-year EU-OSHA campaign which aims to promote an integrated management approach to risk assessment.



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The main issues are presented regarding the occupational safety and health of six categories of workers considered to be at increased risk: migrant workers, disabled workers, young and old workers, women (gender issues) and temporary workers. It focuses on the prevention of risks faced by the different groups providing descriptions of practical actions at workplace level and ways of identifying and assessing results, side effects, success factors and problems.

Examples of measures taken by companies or initiatives at national/sector level to integrate all types of workers into risk assessment and to prevent risks at the workplace level are also described.

Conclusions

Successful risk prevention actions include:

- adequate risk assessment
- use/development of risk assessment tools allowing the adaptation of the work to the worker
- worker involvement and communication
- training and information to each target group
- successful partnership
- a combination of various actions.

Other issues for comprehensive risk assessment for workforce diversity are:

- taking diversity issues seriously and having a positive commitment
- avoiding prior assumptions about what the hazards are and who is at risk
- valuing the diverse workforce as an asset (and not as a problem)
- preventing ill health and promoting wellbeing at work
- considering the entire workforce, including cleaners, receptionists, maintenance workers
- considering the needs of the diverse workforce at the design and planning stage
- improving the occupational safety and health of vulnerable groups
- linking occupational safety and health into any workplace equality actions, including equality plans, non-discrimination policies
- comprehensive equality training, covering diversity throughout all policies and practices
- providing relevant training and information on diversity issues regarding safety and health risks to risk assessors, managers and supervisors, safety representatives, etc
- providing adequate OSH training to each worker
- taking a participatory approach, involving the workers concerned and based on an examination of real work situations
- good practice examples featuring a mixture of preventive measures, such as adapting the work to the individual, adapting to technical progress, giving appropriate instructions to workers and providing specific training.

Whenever an organisation makes changes to the physical environment of the workplace, or buys new equipment, it is important to ensure that those changes or purchases are also suitable for the diversity of the workforce.

Good practice examples show that for any preventive action to be effective it must involve everyone directly concerned: workers and workers' representatives, work councils, management, OSH experts, contractors or subcontractors and public institutions.