



Prosecutions

£100,000 Fine for Traffic Management Company

A Newport traffic management company has been sentenced after an employee was struck and killed by a vehicle when working on the M4 near Cardiff.

Sean Luke Hale, 30, from Cwmbran, **was hit by a car while crossing the carriageway to collect traffic cones from the central reservation during road resurfacing of the busy motorway** in 2006.

A Health and Safety Executive (HSE) investigation found Mr Hale's employers, R P Traffic Management Ltd, **failed to ensure that a safe system of work was in place that included the use of appropriate signs to warn drivers that workmen were on the carriageway at the time.**

Cardiff Magistrates Court heard Mr Hale was working with a colleague at around 9.30pm on 8 September 2006 when the incident happened.

As trainees, both men were being supervised at the time but the quality of supervision was called into question. The court heard both men were observed crossing the carriageway in a dangerous manner on a number of occasions on the same night.

R P Traffic Management Ltd, of Factory Road, Newport pleaded guilty to failing to ensure the safety of two trainee traffic management operatives under Section 2(1) of the Health & Safety at Work Act 1974. It was fined £100,000 and ordered to pay £22,000 costs.

The firm install and remove signage, cones and other materials to manage the flow and speed of traffic when construction works and other activities take place on roads.

HSE inspector Wayne Williams said:

"On the night in question, the gang of three workers consisted of one foreman and two trainees. This was not adequate supervision in what is a high risk working environment".

"Trainee roadworkers should always be under a high level of supervision when undertaking this kind of work as part of an overall safe system of work on the job.

"Everyone involved in work on high speed roads should learn from this tragedy and consider whether they are doing enough to prevent needless deaths and injuries. Motorway works can be very dangerous places unless a high degree of control is maintained.

"Advanced warning signs should always be used when people are working on motorway roadworks to alert drivers that people may be in the road and exercise caution as they approach."



News

Third-party Violence and Harassment at Work

EU-level employers' and trade unions' organisations have signed guidelines to help tackle third-party violence and harassment at work. The guidelines were signed by the EU-level social partners in the healthcare, education, local and regional government, commerce and private security sectors.

The guidelines aim to cut, prevent, reduce and mitigate violence by setting out practical measures such as:

- increasing awareness and understanding of the issue among employers, workers and public authorities (such as health and safety agencies, the police)
- properly assessing the risks posed by third party violence in different workplaces and job functions
- training managers and workers in how to prevent or, if necessary, manage the problem
- setting up policies and systems for monitoring, reporting and investigating incidents and providing support to victims.

Occupational Safety Consultants Register

A new national register of occupational safety consultants will be set up to help employers access good quality, proportionate advice, the Health and Safety Executive (HSE) has confirmed.

The Occupational Safety Consultants Register (OSCR) will go live in January 2011. It will provide firms with details of consultants who have met the highest qualification standard of recognised professional bodies and who are bound by a code of conduct that requires them to only give advice which is sensible and proportionate.

The register has been developed by HSE and a network of professional bodies representing safety consultants across Britain. Employers will visit a single website that help them to find local advisers with experience relevant to their sector.

Judith Hackitt, the HSE chair, said:

"Lord Young quite rightly recognised that businesses find it difficult to know when they need expert safety advice and where to go to get it. The Occupational Safety Consultants Register will make it easier to identify consultants who meet the highest standards within their professional bodies.

"There are already many very good safety consultants who give sensible advice to employers - the register will help recognise their professional skills and also encourages those who do not yet meet these standards to do so. It will help to raise the standard of advice available to employers and increase their confidence in the advice they receive."

To be eligible to join the register, individual consultants will need to be either Chartered members of the safety bodies IOSH, CIEH or REHIS or a Fellow of the IIRSM.

Membership will mean they have a commitment to continuous professional development, a degree equivalent qualification, two years' experience, professional indemnity insurance and are bound by a code of conduct to only provide sensible and proportionate advice.

The scheme will be managed by the professional bodies themselves through a not-for-profit company, with HSE providing support.



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Membership of OSCR will be voluntary. There will be an annual administration fee to be paid, although the level has yet to be set. A further announcement on the detail of the scheme will be made later in the year.

NOTE: Salus Consulting as a company have endorsed this proposal and will be on The Occupational Safety Consultants Register as soon as it goes live in January 2011 as a commitment to providing a professional service to the highest of standards.

First Aid a 'CSR Responsibility'

Employers are being urged to recognise first aid as part of their corporate social responsibility (CSR), not just as a legal requirement.

Research from St John Ambulance, using death registration data from the Office of National Statistics, found that each year up to 150,000 people die in situations where first aid could have given them a chance to live.

In response, St John Ambulance is urging UK businesses to take action by providing first aid training to as many employees as possible as part of their corporate and social responsibilities or as an employee benefit.

St John Ambulance CEO, Sue Killen, said: "Many organisations have CSR policies or community initiatives that tackle problems we face as a society, such as making their practices more sustainable. It's encouraging that businesses want to prevent long-term effects on our environment but by also training more people in first aid they can give staff the ability to make an immediate difference between a life saved and a life lost.

"Companies are already required to train a minimum number of staff in first aid. We are asking them to go further and train as many employees as possible or at least help spread basic first aid knowledge within the workplace. We can reduce the number of people dying needlessly while employees feel empowered, cared for and recognise the positive contribution their employer is making. Many businesses offer employees gym memberships or language lessons, but what could be more important than equipping your workforce with the skills to save a life?"

Research by St John Ambulance found that nearly two-thirds (59%) of people would like first aid training at work.

Reports

Responses to the Lord Young Report

The Lord Young Report was published on 15 October 2010. The 58 page report reviews the operation of health and safety laws and the growth of the compensation culture, and puts together a summary of recommendations touching on many areas within health and safety, including

- low hazard workplaces
- local authorities: the banning of events based on health and safety grounds
- health and safety legislation
- amendments to RIDDOR.

Below is a round-up of responses to the Report, from some of the industry's key bodies.

HSE

The Health and Safety Executive (HSE) welcomed the publication of Lord Young's report. HSE has already been working with others to develop responses to two of the recommendations:

- a 20-minute online risk assessment for offices, with other web tools for similarly low-risk workplaces to follow
- a new Occupational Safety Consultants Register (OSCR), which will be set up in January 2011.

TUC

The TUC expressed disappointment at the outcome of Lord Young's review of health and safety. Commenting on the report, TUC General Secretary Brendan Barber said: "The review's recommendations are predictable but a grave disappointment all the same.

"The report contains not a single proposal that will reduce the high levels of workplace death, injuries and illness. Every year in the UK over 20,000 people die prematurely as a result of their work and at any one time over two million people are suffering ill-health because of their jobs."

RoSPA

The Royal Society for the Prevention of Accidents is urging the Government to stay focused on tackling injuries and ill health given the burden that these place on individuals, their employers, the insurance industry and, most of all, the state.

RoSPA agrees with Lord Young's overriding message that staying safe should be made as simple as possible, and is pleased that the report does not recommend a wholesale rewriting of health and safety law, and focuses, rather, on how the law should be applied and communicated.

IOSH

The review could mark a 'turning point' for health and safety in the UK, said IOSH.

The body broadly welcomed Lord Young's recommendations, which include a clampdown on 'absurd' applications of health and safety legislation and measures to make it easier for teachers to organise school trips.

UCATT

Construction union UCATT have warned that the Young Review must not act as a forerunner to further Government attacks on safety legislation.

Alan Ritchie, General Secretary of UCATT, said: "This report was a waste of time and money. Lord Young has failed to grasp why safety legislation is so vital in dangerous industries such as construction. If he had he would be demanding greater resources to protect workers and to tighten existing legislation."



IOD

Commenting on Lord Young of Graffham's report into health and safety law, Alexander Ehmann, Head of Regulatory Affairs at the Institute of Directors, said:

"Lord Young's sensible recommendations are long overdue. Low risk businesses have been over-regulated on health and safety for too long. Today's proposals go a long way to lightening the load on offices and businesses across the country.

"The IoD is encouraged by Lord Young's approach and calls on the Government to look at deregulation in that other critical area of over-regulation – general employment law."

British Safety Industry Federation

The British Safety Industry Federation (BSIF) welcomes the Lord Young review of health and safety.

BSIF Chief Executive David Lummis said: "The BSIF is very supportive of this report and its common sense approach will help to overcome some of the problems currently in the marketplace. We note there is reference to the consolidation of health and safety regulations which we fully support as long as it leads to the strengthening of existing legislation and does not in any way weaken it."

Exposure to Occupational Noise and Cardiovascular Disease

A persistently noisy workplace more than doubles an employee's risk of serious heart disease, according to research in Occupational and Environmental Medicine. It concludes, according to this study, excess noise exposure in the workplace is an important occupational health issue and deserves special attention.

A nationally representative US sample was used to examine associations of self-reported exposure to occupational noise with CHD and hypertension.

This cross-sectional study included 6,307 participants of the National Health and Nutrition Examination Survey 1999-2004, aged 20 years and upwards and employed at the time of interview. Noise exposure assessment was based on self-reported exposure to loud noise in the workplace.

Compared with never exposed participants, subjects chronically exposed to occupational noise had a 2-3-fold increased prevalence of angina pectoris, myocardial infarction, CHD and isolated diastolic hypertension.

There were clear exposure/response relationships for the observed associations. Associations of noise exposure with angina pectoris, myocardial infarction and CHD were particularly strong for participants aged under 50 years, men and current smokers. There was no significant increase in levels of cardiovascular biomarkers including blood lipids and circulating inflammatory mediators associated with noise exposure.

Guidance

Safe Maintenance – Round-up of Information

European Safety Week this year focuses on Safe Maintenance; it starts on 25 October. The European Agency for Safety and Health at Work has put together a raft of information on the subject, some of which has been summarised below.

According to the Agency, around 15-20% (depending on country) of all accidents and 10-15% of all fatal accidents are related to maintenance operations. And HSE figures suggest that around 25% of all electrical injury accidents are caused by portable electrical equipment. Faulty leads to equipment cause around 2,000 fires each year. A major cause of such accidents and fires is the failure to carry out inspections and maintenance.

Regular maintenance has an important role in eliminating workplace hazards and providing safer and healthier working conditions. Lack of maintenance or inadequate maintenance can cause serious and deadly accidents or health problems. For example:

- accidents can happen due to faulty electrical installations (cables, plugs, equipment): shock and burns, fires, ignition of potentially flammable or explosive atmospheres
- accidents happen because lifting equipment is not inspected and not maintained regularly: lifting chains are dirty/corroded and fail, causing a heavy load to fall
- accidents happen as a result of lack of maintenance of working and walking surfaces and traffic routes: uneven, potholed, sloped or slippery surfaces cause fork-lift truck accidents, slips and trips
- dust poses a potential health risk to workers in the woodworking industry and quarries; maintenance of dust control equipment is crucial in all dust producing processes to prevent exposure of workers to dust: ventilation ducts must be kept free from blockages and repaired if damaged; filter units need to be maintained regularly according to manufacturer's recommendations.

The specific details of maintenance vary between industry sectors and depend on tasks. However, there are some common principles:

- integration of OSH management into maintenance management
- structured approach based on risk assessment
- clear roles and responsibilities
- safe systems of work and clear guidelines to follow
- adequate training and competence
- involvement of workers in the risk assessment and maintenance management process
- effective communication.

Five basic rules for safe maintenance are suggested as:

- planning
- making the work area safe
- using the appropriate equipment
- working as planned
- final checks.



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Guidance on Health Surveillance

Good management is the key to good health and safety, and health surveillance can be an integral part of health risk management. Where there is a risk of ill-health arising from workplace exposures, appropriate and well managed health surveillance can identify cases of disease at an early stage and improve the long term outcome for the individual. Equally importantly, the early detection of exposure related health effects indicates a need to review existing approaches to risk management and control, to avoid others being affected and to ensure compliance with the law.

Guidance on health surveillance prepared by the Energy Institute's Health Technical Committee demonstrates commitment to addressing risks to health from the workplace that the current HSE strategy calls for from stakeholders in the health and safety system.

This publication aims to provide occupational health professionals with an approach to health surveillance in order to maintain the health of personnel, and in doing so to meet legal and other requirements.

A health surveillance programme comprises a systematic set of procedures designed to detect the early signs of work-related health changes that could indicate permanent damage to the individual's wellbeing. This programme may include specific medical surveillance by health professionals, which in itself may include clinical examinations or biological monitoring to measure and assess uptake or the effects of exposure to certain environments.