



Prosecutions

£80,000 Fine Following Young Man's Crush Death

A Wales construction company has been fined after one of its employees had his head crushed at a site in Gloucestershire.

Macob Administration Limited, based in Bridgend, was charged by the Health and Safety Executive (HSE) after 23-year-old Lance Taylor from Thornbury, Bristol, was killed while working on a construction site at Chestnut Walk in Abbeymead, Gloucester on 11 February 2005

Mr Taylor was driving a mini digger - which he was not qualified to operate - and unintentionally hit a lever as he leaned out of the cab window. The digging arm of the vehicle was raised, crushing his head between the cab and the arm. He suffered fatal injuries and was pronounced dead on site.

Gloucester Crown Court heard Macob Administration Ltd pleaded guilty to breaches under Regulation 9(1) and 28(a) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £40,000 for each charge and ordered to pay costs of £29,798.14 today (15 January 2009).

Speaking after the hearing, HSE inspector, Martin Lee, said:

"This terrible incident highlights the extremely serious risks posed by equipment and vehicles on sites if the workers using them don't have adequate training or are not versed in safe working procedures.

"Mr Taylor and other site workers were not all properly trained to use the equipment they were handling and, just as seriously, vehicle keys were routinely left in the machines. As a result, the vehicles were accessible to anyone on site, regardless of their qualifications.

"It is imperative that on any construction site using plant and machinery there are systems in place to control access to the vehicles. Construction site managers need to know which workers on site are qualified to operate the machinery and that their control systems are working effectively."

Salus Be Wise

Anyone with responsibility - directly or indirectly - for work equipment and its use and those who hire work equipment have responsibilities under the Provision and Use of Work Equipment Regulations 1998 (PUWER 98). Regulations 4 to 10 of PUWER 98 place duties on employers relating to 'management', including training, information and instructions, selection of suitable equipment, maintenance and specific risks.

Regulation 9 of PUWER 98 for example states that: 'Every employer shall ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken'.

Other health and safety legislation contains general requirements relating to training such as the Health and Safety at Work etc Act 1974 and regulation 13 of the Management of Health and Safety at Work Regulations 1999 (Management Regulations), which requires employers to provide employees with general health and safety training. Regulation 9 of PUWER 98 is concerned more specifically with what such training should comprise, namely the precautions to be taken during the use of work equipment.

The above incident could have been prevented. The Salus service offers a range of tools that can help, including:

- legislation (Provision and Use of Work Equipment Regulations 1998)
- guidance (PUWER 98 ACOP – L22)
- Salus guide (Work Equipment)
- Model Policy (Work Equipment).

Leicester Company Fined for Huge Fire Risk

A Leicester haulage company has been prosecuted for creating a massive fire risk by illegally storing huge quantities of highly-flammable aerosols.

The Health and Safety Executive (HSE) found the firm had not properly managed the risks associated with storing large amounts of aerosol products at their Hilltop Industrial Estate site in Leicestershire.

A.M Widdowson & Son Ltd of Mill Lane Industrial Estate pleaded guilty to breaching Regulation 6(2) of the Control of Major Accident Hazards Regulations 1999 (COMAH) and Section 2(1) of the Health and Safety at Work etc Act 1974 at Coalville Magistrates Court.

The company was fined a total of £5,000 and ordered to pay costs of £4,900. The court heard that the company stored large amounts of LPG (liquefied petroleum gas) for around seven months. It failed to notify the authorities of its operations on site, did not complete a risk assessment and then failed to implement many good practices recognised by industry.

HSE Inspector, James Wright, said:

"The arrangements this company had in place for the storage of aerosol products fell well below what HSE would expect to find.

"On this occasion, with the amount of LPG being stored on site, there was a real risk of a major fire, which would have posed a threat to employees on site and those in the surrounding area.

"The company also failed to notify the HSE that they were operating a site which came under the COMAH Regulations.

"This case should serve as a reminder to all operators of sites warehousing aerosol products - where there are serious failures to implement suitable arrangements for managing the risks from LPG, HSE will not hesitate to prosecute."

News

Working Joints and Muscles - Toolkit

The Working Joints and Muscles Toolkit, produced by Business in the Community (BITC), provides guidance in promoting musculoskeletal health in companies. It forms part of an integrated health and wellbeing programme.

The Toolkit includes research, case studies and suggested actions which employers can take to promote musculoskeletal health in the workplace, including:

- enhancing individuals' capacity to manage their own musculoskeletal health
- health promotion programmes which increase awareness of musculoskeletal health and provide
- opportunities to minimise risk of musculoskeletal disorders (eg physical activity, increasing body awareness)
- facilitating rehabilitation and return to work of employees with musculoskeletal health disorders.

The Toolkit has been designed to be used in conjunction with the Towers Perrin Healthy Workplace Action Pack. It includes:

- the business case for promoting musculoskeletal health among employees
- examples of best practice and lessons learned from companies
- a 12-step model for planning, executing, reviewing and updating your own musculoskeletal health initiative.



Guidance

Line Management Behaviour and Stress at Work

The Chartered Institute of Personnel and Development (CIPD) have produced this updated advice on stress at work and the influence that management behaviour has on such matters. It is aimed at managers and human resources (HR) personnel.

The booklet addresses, inter alia, the following:

- what stress is
- why it needs to be tackled at work
- what is already being done about it
- the significance of line managers in the context of stress management.

A sample stress indicator framework is also provided, and this can be incorporated into a company's stress management processes.

The key points are outlined below:

What is stress?

The Health and Safety Executive (HSE) defines stress as an adverse reaction to excessive pressures or demands. The booklet makes a clear distinction between pressure, which can have a motivational effect, and stress, which is what tends to happen when that pressure becomes excessive.

The problem of stress at work

The following give an example of why work-related stress at work needs to be tackled:

- around one in six employees say they find their work very or extremely stressful
- over a third of all new ill-health incidents are reportedly due to work-related stress
- stress has been found to be the primary cause of long-term absence in non-manual workers
- 13.5 million working days were lost to stress, depression and anxiety in 2007-08.

What is being done?

The HSE has published national Management Standards for work-related stress. These give employers guidance on best practice, and have been designed to help simplify stress risk assessments, promote partnership working on stress-related issues and provide a basis by which organisations can assess their performance in addressing the causes of stress. They are also intended to contribute to a reduction in stress-related ill-health and sickness absence.

The significance of line management

Although the Management Standards are health and safety driven, it is line managers and HR professionals who are likely to be responsible for implementing them at work. To do this effectively, they will need to understand what stress is and what skills are needed to manage employees in a manner that keeps stress to a minimum.

The influence that managers can have on stress is well known. Indeed, a recent absence management survey carried out by the CIPD revealed that management style was one of the top three causes. Managers can contribute to stress in a number of ways, eg through unsuitable behaviour to employees, but they can also have a positive influence, namely by:



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- preventing working in hazardous conditions
- ensuring individuals are not subjected to excessive workloads
- identifying stress early when it occurs and taking steps to reduce it
- carrying out stress risk assessments.

What line managers need to do to prevent stress

A team of occupational therapists, with the support of the CIPD, HSE and Investors in People, undertook research into what types of behaviours managers need to be able to demonstrate in order to prevent and mitigate stress.

The findings of this research are incorporated into the document's stress indicator framework, but suffice to say that the following virtues were found to be important in minimising stress:

- integrity – treating team members with honesty and respect
- calmness – remaining calm and consistent under pressure
- consideration – avoiding unrealistic demands and unworkable deadlines, giving positive as well as negative feedback, and showing consideration for the work-life balance
- good communication – communicating job objectives clearly
- adopting a rational approach to problems, and dealing with them promptly
- the ability to encourage participation – giving employees the appropriate level of responsibility
- accessibility – being available to talk to when needed
- empathy – listening to employees and trying to understand their viewpoints.

Manager development

The booklet makes the point that many of the competencies listed in the stress indicator framework could be classed as general management skills but, even so, it is probable that they may not have been assessed and developed to management level within an organisation. The revised advice and indicator framework are intended as a tool for helping managers to become more effective stress managers.

The following are listed as being central to the development of an effective programme for managers in this respect:

- establishing a steering group to oversee the process
- integrating the process with existing initiatives and policies
- good communication
- obtaining senior management endorsement
- establishing a clear business case and link between positive management behaviour and positive outcomes.

A Guide to Landlords' Duties: Gas Safety (Installation and Use) Regulations 1998

Available on the Salus Service, this revised HSE leaflet is aimed at landlords who let properties with domestic gas appliances. It outlines landlords' duties and warns of the dangers of poor installation and servicing.

The leaflet describes signs that are indicative of a malfunctioning and therefore potentially dangerous appliance. It includes the details of the new gas installer registration scheme, the Gas Safe Register which replaces CORGI.

Duties under the Gas Safety (Installation and Use) Regulations 1998 generally apply to appliances and flues provided for tenants' use in 'relevant premises'; namely those occupied for residential purposes under either a licence, a tenancy agreement for a set term, or a lease as defined in the Regulations. Essentially any lease under seven years is covered.