

Prosecutions

Shell Fined £1,000,000 plus £240,000 costs

Shell UK has been fined £1,000,000 plus £240,000 costs after an explosion at a gas terminal in Norfolk in 2008.

The company admitted seven safety and pollution offences following the explosion and fire at the Bacton terminal.

Ipswich Crown Court heard the company ignored warnings from staff before the explosion. The prosecution was brought by the Environment Agency and the Health and Safety Executive.

Shell admitted breaching two Health and Safety Regulations and five areas of environmental legislation, including pollution prevention and control. The blast in February 2008 could have killed 10 people, according to prosecutor Andrew Marshall.

The only reason there were no fatalities was because staff were changing shifts at the time, he added.

Judge Martin Binning heard Shell managers had been warned several times by workers over the presence of high levels of North Sea condensate, a highly-flammable hydro-carbon.

Shell UK had previously admitted not taking sufficient steps to protect staff and the public.

Mr Marshall said: "Management were sleepwalking into danger, no matter what was brought to their attention.

"What is not in doubt is that what took place could have been fatal for those in the vicinity of this lethal blast.

"The Crown estimates that 10 people could have been killed and that is not taking into account the injuries, serious injuries and further issues that can follow from such a situation."

Company Fined after Explosion Kills Worker

An Edgware gas company has been fined after an explosion killed a worker and severely injured a member of the public.

The Health and Safety Executive (HSE) prosecuted Oak Farm Gas Company Ltd, (trading as Mr Fizz), after the incident at a site in New Denham, Buckinghamshire.

The gas firm specialises in the supply of high-pressure carbon dioxide, nitrogen and gas mixtures for licensed trade drink dispensers.

Uxbridge Magistrates' Court heard that Kerry Daly, 21, of Uxbridge in Hillingdon, was employed at Mr Fizz solely to fill empty gas cylinders with various types of pure and mixed gas. The high-pressure cylinders were normally brought to the workshop from customers' premises.

On the 19 June 2009, Maurice Kelly, a 45 year-old driver from Ealing brought a gas cylinder to Mr Daly from a pub in East London.

As the valve fittings on the cylinder did not match those on the high pressure filling station, Mr Daly, who was working alone in the workshop, phoned a colleague to ask his advice. Though Mr Daly was advised not to fill the cylinder he still attempted to do so and the cylinder exploded. Mr Daly was severely injured and died later that evening from his injuries. Mr Kelly had his leg amputated below the knee and suffered injuries resulting in him losing some function in both hands.

The HSE investigation showed the equipment at Mr Fizz's workshop was totally unsuitable for filling a low pressure gas cylinder. Mr Daly's training consisted solely of verbal instruction and there was no documentation of this, nor any written risk assessments.

HSE's Inspector Will Pascoe said:

"This incident was completely preventable. If sufficient training and instruction had been given then Kerry Daly's death would not have happened and Maurice Kelly would not have suffered life-changing injuries.

"Anyone who examines, refurbishes, fills or uses a gas cylinder should be suitably trained and have the necessary skills to carry out their job safely. Employees should understand the risks associated with the energy stored in high pressure gas cylinders and this incident should serve as a reminder of the dangers that this may pose."

Oak Farm Gas Company Ltd, trading as Mr Fizz, of Trinominis House, 125 -129 High Street, Edgware, Harrow pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc Act 1974 and regulations 4(3) and 8(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £90,000 and ordered to pay costs of £50,000.

Demolition Company Fined

A demolition company has been fined following a dangerous occurrence involving the release of over half a tonne of gas. It also carried out work while electricity supplies to the buildings undergoing demolition remained live.

Kane Haulage Ltd of St Albans in Hertfordshire, was contracted to carry out demolition work at Oldfield Trading Estate in Sutton in preparation for the construction of a new self storage facility on the site. Although some work had been undertaken by the utility companies EDF Energy (EDF) and Scotia Gas Networks (SGN) to disconnect the electricity and gas supplies at the site, neither had completed the process. Meters had been removed from various building units on the estate but the electricity and gas supplies up to the meters remained live.

City of London Magistrates' Court heard that EDF engineers were called to the site on a number of occasions between May and July 2009 as a result of damage to live cables, EDF had warned Kane Haulage not to continue with work until all the electricity supplies had been disconnected. Despite this warning, demolition work continued and EDF made a complaint to the Health and Safety Executive (HSE) when it was again called to the site on 15 September 2009.

Prior to this on the 13 September 2009 a resident of Oldfield Road reported the smell of gas in his garden and garage to SGN. The source of the gas smell was traced to the demolition site where up to 20 severed live gas pipes were found. The polyethylene pipes had been bent over and tied with wire or duct tape, releasing gas at full pressure when they were untied. Steel pipes had been filled with mud which had dried out and cracked allowing gas to escape.

Kane Haulage Ltd of St Albans, Hertfordshire pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. It was fined a total of £11,700 and ordered to pay costs of £6,936.50

Speaking after the prosecution, HSE Inspector Loraine Charles said:

"It is almost miraculous that there were no injuries, given the level of risk generated by the unsafe way in which Kane Haulage Ltd carried out this demolition in relation to the live electricity and gas services.

"Despite repeated warnings that both gas and electricity supplies to and through the site remained live, Kane Haulage proceeded with demolition works, thus exposing workers on the site, residents of the surrounding properties and users of the busy A217 dual carriageway bordering the site to very serious risks."

Bin Man Wins £8,000 Payout after Noise of Job Damaged his Hearing

A veteran bin man who has to wear hearing aids in both ears after a council failed to provide him with protective equipment has been paid more than £8,000 in compensation.

Graham Wild, 50, of Aspinall Street, Middleton, spent 30 years working alongside loud bin lorries and recycling machinery without ear protectors.

Throughout his career Mr Wild was subjected to noise levels of 90dB, exceeding the 85dB levels that would have been recognised as dangerous during the late 1980s, according to a recent court ruling.

Now Mr Wild has received an out-of-court settlement of £8,250 from his employers, Rochdale council.

Mr Wild, who still works as a bin man, said he had never been offered hearing protection and the issue of noise was never mentioned.

He became aware of the effects on his health after a free hearing test revealed mild noise-induced hearing loss and moderate tinnitus - a constant high-pitched ringing in the ear – symptoms normally associated with much older people.

Now he has to wear hearing aids on both ears and complains the ringing stops him sleeping.

He said: "I was furious when I found out. The council never told us about the dangers or I would have bought something to protect myself.

"Now it is permanent and I will have to keep going to the deaf clinic all my life. It's so frustrating."

Natalie Howarth, litigation executive for WE solicitors, who handled the case, said her firm were investigating several more complaints from Mr Wild's colleagues.

She said: "Historically, excessive noise and hearing loss was perceived to be confined to heavy industry.

"But we are now seeing occurrences more often in lighter industries, such as refuse collection."

Audrey Silver, corporate safety adviser at Rochdale council, said: "Standards have changed over the years as studies have shown hearing loss can be impaired even at the previous national legal limits.

"We have recently been testing new state-of-the-art protective equipment and will be implementing improved standards of hearing protection for employees."

Reports

Construction Safety Partnership Programme of Work 2011

Ireland's Construction Safety Partnership (CSP) has published its intended programme of works for the year 2011. This publication is made despite the significant downturn in construction in Ireland, as part of the overall economic downturn the country is facing.

Despite the new and emerging challenges for contractors and workers on construction sites the CSP work programme for 2011 concentrates on reflecting the industry profile of smaller projects, small contractors/subcontractors and the self employed. Five key objectives have been identified as the focus for the 2011 work programme.

Objective 1 – to improve safety and health issues associated with the design and procurement of construction projects. More specifically this involves:-

- rolling out the new CSP Pre Qualification Safety and Health Questionnaire with Public Sector Clients
- producing CSP online guidance and charts on Safety and Health Standards and requirements in Procurement
- increasing awareness of the Client duties including the timely appointment of the Project Supervisor Design Process (PSDP), the PSDP role and the Preliminary Safety Plan
- develop resources to be used in conjunction with the Local Authority planning process; and
- consider Safety and Health issues relating to vacated/abandoned sites and future start ups.

Objective 2 – to improve safety issues relating to plant and equipment on construction sites.

- examine the issues relating to Training and Certification
- straightforward guidance should be produced on Maintenance, Inspection, Tests and Certification of Plant and Equipment
- investigate the possibility of e-learning material for the purposes of updating knowledge and awareness
- review/evaluate the FAS Construction Skills Certification Scheme (CSCS) for Plant and Scaffolding.

Objective 3 – Initiatives to assist small constructors'/subcontractors.

- to continue the development, promotion, training and support of the Safety Management Pack (SMP20) for small contractors and subcontractors
- to introduce, monitor and review the new e-learning course on SMP20
- to investigate options for increasing awareness of Construction Safety issues and best practice for domestic clients.

Objective 4 – Improve Worker Engagement and the Facilitation of Safety Representatives

- the CSP already has a programme in place for improving the involvement of workers in their safety and health at work, termed the Safety Representative Facilitation Project – work in this will continue in 2011
- to develop and introduce "tool box" refresher safety talks on key site hazards
- follow up on musculoskeletal disorder (MSD) and Manual Handling issues previously identified and target practical initiatives and demonstration projects in selected activities.

Objective 5 – Provide Benchmarking and Continual Improvement online tools

- to continue to develop and promote the CSP Benchmarking System
- to produce data on safety performance levels and comparisons with construction industries in other countries
- to highlight key incident areas for attention and improvement.

Campaign for Improved Prevention of Occupational Skin Diseases in Europe

Occupational skin diseases account for more than a quarter of occupational illnesses in Europe, and are estimated to cost more than five billion euros per annum in terms of medical treatment, sick leave and loss of productivity. It is mostly the small and medium-sized enterprises who are hit hardest by occupational skin diseases, and also for the individual concerned there can often be detrimental socioeconomic and psychological consequences as well as job loss and long term unemployment.

Occupational skin diseases do not discriminate by the age or gender of an individual and they are a risk for a number of different occupations. Industries most at risk include healthcare, hairdressing/beauticians, metal work, construction, manufacturing, food production, agriculture, printing and janitorial services. It is mostly the hands that are affected, with contact dermatitis and allergic contact dermatitis common.

The European Academy of Dermatology and Venereology (EADV) is a non-profit organisation whose aim is to advance excellence in clinical care, research, education and training in dermatology and venereology. EADV has recognised the importance of the issue of occupational skin diseases and in 2009 launched a Europe-wide campaign [healthyskin@work](#), which is aimed at sharing experiences and recent achievements in dermatological prevention with all EU citizens, to raise awareness, both public and political to the issue of occupational skin diseases and how they may be prevented.

Part of the campaign has served to identify a network of experts in occupational skin diseases throughout EU Member States. This was one of the objectives of EPOS (European Initiative for the Prevention of Occupational Skin Diseases), and to date 79 leading experts from 24 European countries are members of the network.

There is no doubt that prevention of occupational skin diseases is far better than the cure and as such, ten strategies for workers' education in occupational skin diseases have been devised.

- instil awareness of occupational health hazards and thus avoid complacency in the workplace
- identify particularly hazardous work activities
- work together with employees to develop protective strategies to avoid the hazards
- allow dermatological pre-employment counselling to identify persons at risk, and provide them with specifically tailored instructions and teaching offers
- ensure teaching on occupational skin disease at the start of job training, then at regular intervals thereafter
- explain the reasons for occupational skin disease and give practical and specific advice to best practice skin protection policy, including the use of gloves, moisture-absorbing cotton linings, protective creams and after work emollients
- raise workers' motivation to use protection and include clues to laymen's recognition of early symptoms of occupational skin disease
- utilise multi-disciplinary approaches combining dermatologist's and educationalist's knowledge
- enlist the assistance of social partners, such as employers' and workers' associations and social insurance bodies when implementing prevention programmes

Health and Safety in the Road Transport Sector

The European Agency for Safety and Health at Work (EU-OSHA) has recognised that the road transport sector is an area of work with a high accident rate, which statistics throughout the EU has shown. As such the Agency has produced a report outlining its findings on a study they undertook which looked into examples of good practice in campaigning and awareness-raising of health and safety issues in the road transport sector. Examples are given from a wide variety of countries across the EU Member States. This report is one of a series being published into occupational health and safety in the road transport sector.

As with getting the health and safety message across in all industries, the road transport sector is no different. This sector, however, does pose more challenges in terms of information dissemination, namely in terms of the independent nature of the work, as well as due to the highly competitive nature of the road transport sector meaning drivers trust their own judgement before that of occupational health personnel.

In summarising the approaches taken across the study examples it was found that 44 cases used an individual approach, aimed at modifying knowledge or attitudes. 12 cases used a collective approach, looking at making structural and/or cultural changes, and 4 cases involved a concerted approach, combining both collective and individual approach. The report on the study outlines a number of examples of good practice that has been effective in scenarios across Europe.

The main conclusion of the study was that no single technique is effective in disseminating information within the road transport sector. Each technique has its own merits and effectiveness depends on the individuals concerned (the target audience) and also the nature and complexity of the information to be disseminated. From the examples studied, it appeared that interventions involving direct contact with employers and drivers was the most effective means of communication in small and medium sized businesses. This is especially the case if offering a service or resource.

The highest rate of driver commitment was shown in case studies with one-to-one campaigns with drivers. Joint working between government agencies, intermediaries and private industry is useful in developing knowledge transfer networks. Whatever mode of communication is chosen, a crucial factor to take account of is the realities of the sector and the direct experiences of employers and drivers.

Finally, the report outlines suggestions for improving campaigns, based on findings from the study:-

- effective partnerships between those involved in promoting road safety, those involved in promoting occupational safety and health, and stakeholders from the road transport sector
- ongoing exchange and sharing of existing experiences
- further investigation to explore the problems and success factors in promoting occupational safety and health among both employers and drivers.