



### News

#### Trio Fined After Man Electrocuted with Scaffolding

Three fines totalling £24,000 have been handed out after a man suffered 52% burns when a metal tube he was carrying came into contact with power lines.

The injured man had to have his heart re-started after the incident at Redditch in 2007. He was removing a six-metre guard rail from scaffolding when it made contact with a 66,000-volt overhead cable.

The worker was removed from the scaffold platform by firemen and flown to hospital where he was treated for serious burns and other injuries. The electricity cable was charred at the point of contact, while the galvanised steel tube also had drips of zinc along its length where it had melted.

Three separate charges were laid in relation to the incident.

Manor Homes (Midlands) Ltd pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £11,985 and ordered to pay £3,000 costs in Redditch Magistrates Court.

G. Wright Scaffolding Ltd was fined £5,985 and ordered to pay £1,500 costs after pleading guilty to breaching section 2(1) of the Health and Safety at Work etc. Act. The Director of the company, Gary Wright, was also fined and ordered to pay the same amount in costs.

HSE inspector Tariq Khan said: "Mr Maxwell is very lucky to be alive. He was let down by a system of work that failed to take account of the danger posed by the live overhead cables. Work close to overhead cables should be avoided but where this is unavoidable then a suitable and sufficient assessment of the risks needs to be carried out and a safe system of work devised with the assistance of the owners of the electricity cables.

"Electricity can also arc or 'flash-over' small distances, so direct contact with electricity cables is not always necessary to result in an incident."

#### Salus Be Wise

Electricity poses a threat to life. Burns arise by direct heating of the body tissues, leading to a very serious injury that takes a long time to heal. Overhead power cables also poses a threat by flash or arc radiation, caused by high temperatures near the body due to flash-over and arcing or by electric shock when the body becomes part of the electric circuit. It should also be noted that low voltage does not imply low hazard.

Overhead power cables cause a hazard where there are:

- power distribution lines
- overhead supplies for railway systems
- overhead cranes powered from un-insulated conductors.

The most common operations leading to contact with overhead line are:

- handling long scaffold tubes
- handling long metal sheets
- handling long ladders
- operating cranes and other lifting plant
- raising the body or inclined container of tipper lorries
- using MEWPs and other access equipment.



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No plant or equipment should approach cables suspended from steel towers closer than 15m measured horizontally from the line of the cables, or 9m in the case of wooden pylons.

Where there are live overhead cables near a work activity, the supplier authority should be informed and the system should be made dead wherever possible. If this is not practicable, suitable provisions should be made to ensure safety (permits to work, fences, barriers, supervision).

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

Legislation (Health and Safety at Work etc. Act 1974)

Guidance (HSE Guidance GS6 on working with overhead power lines)

Additional learning aids (Toolbox Talks)

Caselaw (Regina v Hatton Traffic Management Ltd)

### 10-Foot Fall Ends in 10K Fine

A worker's fall of just ten feet has resulted in a £10k fine for a breach of health and safety regulations.

Tipton-based firm West Midlands Installations was also ordered to pay £7,500 in costs for a worker's fall at a **warehouse**.

One of its employees injured his head and ribs when he fell from a racking storage unit that he was assembling.

It pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

The employee was assembling a racking storage unit at Toolbank Specialist Services in Halesowen when he fell approximately three metres. There was no edge protection to prevent a fall.

HSE inspector Tariq Khan said: "While the injuries suffered were serious, they could have been much worse. A fall from this kind of height can be fatal.

"Whenever anyone is working at height, their employers need to ensure there is protection around the edges to warn of the dangers and prevent falls. It is something that can be easily implemented and could ultimately save lives and money."



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### Reports

#### **BS 5306-3:2009: Commissioning and Maintenance of Portable Fire Extinguishers – What the Changes Mean**

BSI has published its revisions to BS 5306-3:2009. The key issue, however, is besides the obvious change to the title (it now reads 'Part 3: Commissioning and maintenance of portable fire extinguishers – Code of practice' as opposed to 'Code of Practice for the Inspection and Maintenance of Portable Fire Extinguishers'), is what do the changes actually mean in practice.

##### **Coverage**

The new version of BS 5306-3 replaces BS 5306:2003, which is now withdrawn. The standard is intended for use by fire brigades, regulators, certification bodies and companies involved in servicing fire extinguishers.

Briefly, it provides recommendations covering the initial commissioning of portable fire extinguishers, as well as setting out schedules for their subsequent service and maintenance. Advice is also given on how to handle certain extinguishers which are now obsolete and for which no maintenance schedules are provided.

##### **The principal changes**

The main revisions to the standard and their practical implications are outlined below.

The alteration to the title is intended to reflect the fact that inspection is now part of the commissioning process. The new version of the standard also recognises the requirement that the extinguishers should be properly maintained and be fit for purpose.

##### *The Responsible Person*

Previous versions of the standard referred to the Responsible Person as the 'user'. However, this person is now defined as the person or persons responsible for, or having effective control over... the fire safety provisions adopted for the premises/building/risk where an extinguisher is installed.

This person now has a number of duties under the Regulatory Reform Fire Safety Order (FSO) including:

- ensuring that a 'Competent Person' is employed to carry out extinguisher installation and maintenance work
- checking for missing parts and recording the results
- making the Competent Person aware of any changes likely to affect the extinguisher cover.

The Responsible Person is also required to consult the Competent Person at any time if in doubt. The standard sets out the requirements for the latter person's competency, in respect of qualifications, training, experience and tools, etc.

##### *Service and maintenance requirements*

The basic yearly service interval has been altered to allow a greater degree of latitude in terms of the timing of the appointment, namely one month either side. This service also now incorporates a weight-checking requirement for all extinguishers.

As far as the extended service is concerned, the intervals have been altered to 5 years from the date of commissioning or 6 years from the date of manufacture for water, water-based or powder extinguishers, whichever is the sooner. Likewise, for extinguishers of the primary sealed powder type, this service may be undertaken 10 years after commissioning or 11 years after manufacture.



The new standard also sets out to address the issue of ageing plastic head caps, by both including a definition of a plastic head cap and a recommendation that these be replaced at the conclusion of an extended service, prior to the extinguisher being re-assembled. If a cap displays any evidence of degradation, it should be replaced before a test discharge is carried out.

### *Labelling and record keeping*

The new standard contains guidance on labelling and marking. This covers such items as making sure that the marking requirements of EN 3 (the European Standard for portable extinguishers) are not obscured by distributor and service labels, and a requirement for maintenance labels to display the service provider's contact details.

It is now a requirement that the Certificate of Inspection display the full contact details of the service company, the date of inspection, the service technician's ID, and details of the extinguishers serviced and those that failed to conform to the requirements. It should also bear the Responsible Person's signature and include a statement to the effect that the service was undertaken in accordance with BS 5306-3.

### *Old extinguishers*

Provision is now made for extinguishers manufactured before 2002. Unless they have been refurbished, they should be condemned if they do not bear a CE mark as required under UK law. Extinguishers manufactured to standards that pre date EN 3 are acceptable provided they have been marked with a fire rating and remain in a serviceable condition.

### **Salus Be Wise**

Companies are advised to seek confirmation from their fire extinguisher servicing company as to the impact of the new standards on their premises.

Fire extinguishers don't have to be replaced if they are pre-2002 in age as long as they remain in a serviceable condition – ask for confirmation from the fire extinguisher servicing company before being charged for needless replacements!

## Guidance

### Requirements for Slip-Resistant Floor Finishes

The Health and Safety Executive has issued this circular for the purpose of advising both its own and local authority inspectors on the application of regulations 12(1), (2) and (3) of the Workplace (Health, Safety and Welfare) Regulations 1992 to preventing slipping and tripping accidents through the provision of slip-resistant floor finishes.

Briefly, regulation 12 requires that:

- workplace floor surfaces (including traffic routes) be suitable for the purpose for which they are used
- workplace floor surfaces (including traffic routes) present no risk to a person's health or safety, as a result of holes, slopes, or uneven or slippery surfaces. Where necessary, every such floor must also have effective means of drainage
- workplace floor surfaces and traffic routes be kept free of obstructions and or substances that could cause a slip, trip or fall.

Basically, regulation 12(1) is a general duty involving strict liability, covering the suitable construction of a workplace floor for use, while regulation 12(3) is a specific duty, directed at obstructions and substances which might cause slips, trips or falls.

#### **Application of regulation 12**

There are so many variables that the circular recognises that it is not wise to be too prescriptive about what is required to ensure a slip-resistant floor finish under the regulation 12(1) obligation. The circular quotes a legal case concerning a care home in which corridor floor surfaces were frequently found to be wet due to the incontinence of some of the inhabitants.



The frequency and regularity of the wetting events were held to be the key factors in determining whether or not the floor was unsuitable for use under regulation 12(1), which is intended to cover permanent features of the floor and frequently occurring hazardous conditions, or regulation 12(3) which caters for transitory conditions occurring less frequently. In the case in question, the conditions were such that they were held to be subject to the absolute obligation specified under regulation 12(1).

Paragraph 93 of the Approved Code of Practice (L24) states that surfaces that are likely to get wet or be subject to spillages should be of a type that they do not become unduly slippery under such conditions. Where necessary, a slip-resistant coating should be applied.

However, the fact that an infrequent spillage, eg of a drink in a corridor, can be foreseen may not be sufficient to transform a duty holder's obligation to prevent or manage spillages under regulation 12(3) into a strict liability obligation to provide a slip-resistant finish on a suitably constructed floor surface under regulation 12(1).

The other point stressed, is that the duties in regulation 12(1) and (3) do not necessarily have to be regarded as alternatives – it is possible for an employer to be charged with offences under both.

### **Diversity considerations**

Inspectors should be aware of the target group in the sector they are dealing with. Consideration should be given to any issues associated with the group in question, such as disability, gender, literacy, nationality (eg the ability to understand English), etc

## **Code of Practice for the Provision of Lone Worker Device Services BS 8484:2009**

This Code of Practice (CoP) for the provision of services based on lone worker devices (LWD) is published by the British Standards Institution (BSI) and came into effect on 30 September 2009. It applies to suppliers of LWD services, either for their own operations or to customers. The principles and operational procedures to be implemented by alarm receiving centres (ARCs) are provided so that controllers can verify activation messages received from LWDs and assist response services when reacting to requests for assistance from lone workers. This standard is intended to minimize the number of false alarms received by response services.

### **Background**

Increasing numbers of people in the UK work alone: either away from their organisation's base, at home or during abnormal hours. Employers have an obligation to ensure the health and safety of their workforce whether they are in an office or working at home. However, working alone can create additional health and safety risks and LWD, electronic devices able to transmit location, identity and voice to a monitoring centre and request assistance, offer additional personal security. ARCs manage these requests to establish the severity of the lone worker's situation and pass on relevant information to the appropriate response services.

The BS 8484 CoP has been developed in response to a demand from the security industry to promote best practice when providing a LWD service to customers, and to create a benchmark against which LWD services can be measured.

### **Technical guidance**

The CoP recommends the minimum essential LWD functionality including:

- communications to transmit position information and LWD identity
- audio facility to aid the controller when determining the nature of the lone worker's situation
- capability to communicate a pre-activation and activation message
- capability to be remotely accessed by a controller
- battery life to meet the customer's requirements, sufficient to allow for one activation of 15 minutes and a minimum of seven pre-activations of two minutes, working in an ambient temperature of -5 °C to +40 °C



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- the means to minimize accidental activation.

The following should be considered when selecting a LWD:

- capability to be discreetly activated so that there are no obvious signs of activation to an aggressor
- quality of the audio facility to meet the customer's needs
- initiation by the LWD of a timer in the ARC on specific occasions where restrictions on position or the communications network are expected, or times when the lone worker is unable to activate the LWD.

Recommendations for the service provided by the ARC should conform to BS 5979:2007 and include:

- operating 24 hours a day, every day of the year
- having a full business continuity plan to enable continued monitoring of activation messages from alternative premises within 120 minutes.

In addition, the supplier should ensure that the stated response requirements are consistent with the policies of the response services (eg emergency services).