

Prosecutions

Worker Fatality leads to £400k Fine

An automotive-parts manufacturer has been fined £400,000 after an employee was killed during what was supposed to be his last day with the company.

Darren Small, 35, was working as a distribution clerk at Calsonic Kansei UK Ltd's factory in Llanelli, Wales, when the incident took place, on 17 March 2008. This was meant to be his last day at the company before he took voluntary redundancy. He had gone on to the factory floor to give an instruction to the driver of a reach truck. When the conversation ended the truck driver reversed and accidentally struck Mr Small, knocking him to the ground. He suffered serious head injuries and died in hospital three days later.

HSE inspector Stephen Jones revealed that the company had reported a similar incident in 2006, when a forklift truck ran over a worker's ankle. Following that incident, the HSE wrote to Calsonic Kansei UK, urging it to review its safe system of work for moving vehicles at the site.

Swansea Crown Court heard that the truck drivers at the factory were employed by David European Transport, trading as FT Logistics, which is based in Calcea, Italy. The company went into liquidation shortly after the incident and the HSE didn't think it was worthwhile pursuing charges against it.

Calsonic Kansei UK Ltd appeared at Swansea Crown Court on 18 March and pleaded guilty to breaching s2(1) of the HSWA 1974 and was fined £334,000. It also pleaded guilty to breaching s3(1) of the same Act, for putting FT Logistics staff at risk, and was fined £66,000. The company was also ordered to pay £44,790 in costs.

In mitigation, Calsonic said it has implemented a number of changes following Mr Small's death, which include creating a new policy to prohibit workers from being within one metre of a moving vehicle. It has also invested a lot of money in replacing many of the reach trucks with tow tugs, which are automated guidance vehicles with sensors that isolate the tug if people approach while it is moving.

£13k Fine for Asbestos Exposure

A construction company has been fined for its role in exposing workers to asbestos in Derby.

Quarnmill Construction Ltd was preparing the former Allens Printers building in Webster Street for demolition in October 2009 and had employed a contractor to remove asbestos-containing materials.

The company provided the contractor with a survey detailing the work to be done, but did not check his suitability to carry out the work, or that he held a licence to remove asbestos, as required by law.

Once work was underway, Quarnmill informed the Health and Safety Executive (HSE) that they thought the site had become contaminated with asbestos as a result of the work the contractor had carried out.

Quarnmill Construction Ltd, of Derby Road, Aston on Trent, pleaded guilty to breaching regulation 4(1)(a) of the Construction (Design and Management) Regulations 2007 for allowing such failings at a site it controlled. The company was fined £13,000 and ordered to pay costs of £2,700 by Derby magistrates.



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Untrained Teenager in Forklift Accident

A Nuneaton recycling company has been prosecuted by the Health and Safety Executive (HSE) after an 18-year-old employee was pinned to the ground by a forklift truck.

The employee, who asked not to be identified, was using the forklift to unload a vehicle for Intelligent Recycling Ltd, on St George's Way, when it overturned and landed on top of him.

He broke his left lower leg, dislocated his left ankle and his left elbow was broken, crushed and dislocated as a result of the incident on 1 March 2010. He was in hospital for nearly a month, has had at least five operations on his left arm and is no longer able to straighten this arm fully.

Nuneaton Magistrates' Court heard recently that the teenager, who had been working for the company for three weeks in his first proper job since leaving education, had received no formal training on operating a forklift truck and no induction training.

An HSE investigation found that other employees also operated forklift trucks without formal training and the yard area was unsupervised.

Also, the only supply of drinking water on site was from a blue hose lying on the floor behind a portable building.

Intelligent Recycling was found guilty of breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Regulation 22 of the Workplace (Health, Safety and Welfare) Regulations 1992. The company was fined £4,000 and ordered to pay £2,832 costs.

News

Health & Safety Reform – Next Steps

Health and safety regulation will focus on high hazard sites and tackling rogue employers and consultants, not tying up the vast majority of Britain's businesses in unnecessary red tape and regulations. That was the message from Government last week as a package of changes to Britain's health and safety system were announced by Employment Minister Chris Grayling.

Under the proposals, there will be an end to automatic inspections in medium and low risk industries, reducing HSE inspections by a third (around 11,000 inspections per year). Claiming that unqualified 'cowboy' health and safety consultants are responsible for an over-regulated system, Mr Grayling said that health and safety legislation will concentrate on high-risk facilities (such as nuclear sites) as well as employers who deliberately risk the safety of employees.

Businesses found in serious breach of health and safety laws should also bear the related costs incurred by the regulator in helping them put things right, under the plans.

"Of course it is right to protect employees in the workplace, but Britain's health and safety culture is also stifling business and holding back economic growth," Mr Grayling said. "The purpose of health and safety regulation is to protect people at work and rightly so. But we need common sense at the heart of the system, and these measures will help root out the needless burden of bureaucracy."

The plans also include a review of all existing health and safety law, with a view to scrapping measures that are not needed and put an unnecessary burden on business. The review will be chaired by a leading risk management specialist, Professor Ragnar E Lofstedt, of King's College London and will publish its findings in the autumn.

Health and Safety Body Welcomes Government's 'New Start'

The Institution of Occupational Safety and Health (IOSH) has welcomed the Government plans, announced by Minister of Employment Rt Hon Chris Grayling MP last week (21 March), as marking "a new start for health and safety regulation for Britain's businesses."

However, after attending a meeting with the Department of Work and Pensions (DWP), IOSH said it believed there was still much work to be done in improving understanding and restoring the good name of health and safety in Britain. It also raised concerns about inspection cuts and the harmful effect of these in the more hazardous industries.

Following on from 'Common Sense, Common Safety', Mr Grayling MP is now steering the next steps in Government health and safety reform, detailed in the DWP paper, 'Good Health and Safety, Good for Everyone'.

Speaking on the latest proposals, IOSH Policy and Technical Director Richard Jones, said: "We welcome the positives in the Government announcement, as well as the opportunity to continue to be part of the solution. It's great that the Government recognises the value of good health and safety advice for productive workforces and economic prosperity."

Mr Jones also commented on the suggestion that businesses in serious breach of health and safety law should bear the financial brunt – rather than the taxpayer.

He said: "We're pleased to see new guidance for 'lower risk' employers and moves to recoup investigation and enforcement costs from serious non-compliers. We believe this will help level the playing field between the good guys and the bad, and also help preserve valuable Health and Safety Executive (HSE) resources."

"We've been calling for Government support to drive out any rogues from health and safety consultancy for some years, and have been pleased to be involved in the development of the Occupational Safety and Health Consultants' Register (OSHCR), which went live yesterday."

Assessing the impact of inspection cuts, he concluded: "We're concerned that inspections are to be cut, because enforcement is an important motivator for companies to provide essential worker and public protection. We'd like reassurance that the more hazardous industries like construction, agriculture and manufacturing, will receive advice and enforcement levels proportionate to the risk and work-related deaths, injuries and illnesses that they suffer."

Concern over Mountsorrel Quarry Dust

Dust from a Leicestershire granite quarry is to be tackled after a study found it to be above national limits. The site, off Wood Lane in Mountsorrel, was the focus of tests by Charnwood Borough Council after concerns were raised by some nearby residents.

Officials have said they want to work with owners and residents to monitor and reduce dust levels. Owner Lafarge said it took its responsibilities seriously and action had already been taken.

The council has recently set up an Air Quality Management Area (AQMA) following an investigation by environmental health officers.

Complaints, they said, focused on dust getting on cars, washing and other property.

Alan Twells, the council's head of environmental health, said: "We monitored the site from January 2009 until March 2010 and found that emission standards were being breached.

"The council began talks with relevant businesses, including the quarry company, Lafarge, who immediately reviewed their practices and responded very positively."

A spokesman for Lafarge accepted dust levels were higher than was desirable in some areas.

They added: "While we are not the only source of dust in the area, we are the largest operator and we take our responsibility for controlling dust seriously.

"We have already done a lot of work to address the matter, including refurbishing the truck wheel wash to improve performance and reduce drag out on to local roads; increasing road sprays on site; recladding buildings to prevent dust escaping; erecting fencing and installing continuous monitoring systems."

A consultation has begun for residents and businesses to give their views.

Reports

Burden of Disease due to Chemicals

Continuous exposure to many chemicals, including through air, water, food, or other media and products results in health impacts which have been well assessed. However, little is known about the total disease burden related to chemicals. This article points out that this is important to know for overall policy actions and priorities. In this article the known burden related to selected chemicals or their mixtures, main data gaps, and the link to public health policy are reviewed.

A systematic review of the literature for the global burden of disease estimates from chemicals was conducted. Global disease due to chemicals was estimated using standard methodology of the Global Burden of Disease.

In total, 4.9 million deaths (8.3% of total) and 86 million Disability-Adjusted Life Years (DALYs) (5.7% of total) were attributable to environmental exposure and management of selected chemicals in 2004. The largest contributors include indoor smoke from solid fuel use, outdoor air pollution and second-hand smoke, with 2.0, 1.2 and 0.6 million deaths annually. These are followed by occupational particulates, chemicals involved in acute poisonings, and pesticides involved in self-poisonings, with 375,000, 240,000 and 186,000 annual deaths, respectively.

The article concludes that the known burden due to chemicals is considerable. This information supports decision-making in programmes having a role to play in reducing human exposure to toxic chemicals. These figures present only a number of chemicals for which data are available, therefore, they are more likely an underestimate of the actual burden. Chemicals with known health effects, such as dioxins, cadmium, mercury or chronic exposure to pesticides could not be included in this article due to incomplete data and information. Effective public health interventions are known to manage chemicals and limit their public health impacts and should be implemented at national and international levels.

Guidance

Safe Maintenance of Portable Tools in Construction

Poorly maintained portable tools used at construction sites present significant health and safety risks to workers. Each year about half of all finger amputations are caused by accidents involving powered tools. Constant care and adequate maintenance and storage are essential for their safe use.

This E-Fact provides occupational health and safety information and advice on maintenance activities as well as identifying risks that maintenance workers face.

Background

Portable tools can be divided into:

- non-powered portable (hand) tools, such as saws, hammers, screwdrivers, pliers, axes and spanners
- powered portable tools, such as electric power operated tools (circular saws, drill machines), pneumatic power tools (hammers, chippers, compressed air guns), liquid fuel (gas) powered tools (saws) and hydraulic power tools (jacks).

Hazards

Poor or inadequate maintenance can cause:

- mechanical failure or loss of control, eg hammers with loose or damaged heads, screwdrivers with broken handles or blunt edges
- malfunctioning of safety devices such as the emergency button, protective covers, guards
- risks of electrocution, shock or burns due to electrical malfunctions, torn cables and lack of insulation or earthing emissions of chemical substances such as toxic fumes or dust
- noise and vibration emitted by almost all portable tools that can lead to hearing loss and hand– arm vibration syndrome.

Maintenance

To prevent hazards, check:

- each tool for damage before use
- that the guards are present and secure
- wheels and blades for cracks
- electrical cords, connections, earthing. Many electrical accidents are caused by faulty flexible cables, extension leads, plugs and sockets
- damaged tools are removed from use and labelled 'Do Not Use'
- tools are sharp and clean
- badly worn, cracked or out-of-round wheels, worn and cracked blades are replaced
- all frayed and/or damaged extension cords, damaged connections are replaced
- the extent of vibration
- hydraulic systems are properly maintained.

Risks for workers

Maintenance of portable tools bears specific risks such as:

- shocks, burns, and electrocution if tools are not disconnected before servicing or maintenance
- injury by moving parts of the tool during inspection, due to accidental release of hydraulic/pneumatic/mechanical energy

- injury by non-secured parts or tools falling
- injury by high-pressure fluid from hydraulic tools
- burns from hot oil in hydraulic tools
- fire or explosion of flammable materials in the working equipment.

Management responsibility

Employers must carry out a workplace risk assessment to identify hazards related to the use and maintenance of portable tools and take preventive measures to eliminate or minimise the risks. They must draw up and put in place a maintenance and inspection programme, ensuring:

- the safety of personal protective equipment
- that workers involved in maintenance are properly trained and informed about the task.

Mental Health in the Workplace

The Federation of Small Businesses (FSB), together with the charity Mind, has published guidance to help small firms manage mental health and wellbeing in the workplace and support their staff.

Conditions such as anxiety, depression and unmanageable stress affect one in six British workers each year, and can cost businesses up to £26 billion annually. However, Mind says that simple steps can help to manage mental health issues in the workplace and promote the wellbeing of staff, and that these could save firms up to one-third of these costs.

The FSB worked with Mind to adapt its existing guide, 'Taking care of Business'. The guidance includes recommendations, such as:

- talking to the employee to see what adjustments they might need to their working environment
- promoting a supportive working environment with regular catch-ups or peer support
- considering an informal mentoring scheme where suitable to help members of staff understand the business faster and support them in their role
- flexible working and involving the employee in the planning of their workload where possible.

An open environment at work should be encouraged and promoted. Employees need to feel confident and supported if they choose to be open about their mental health issues. And remember, it is their choice whether to disclose and sensitive personal information should remain confidential.