



Prosecutions

HSE Warns Chemical Industry over Health and Safety Management

The Health and Safety Executive (HSE) has issued a warning to the chemical industry, emphasising the crucial importance of managing health and safety at its sites. The warning follows the recent prosecution of a company for an incident in which a cloud of toxic and corrosive vapour was allowed to escape.

At Grimsby Magistrates' Court, Millennium Inorganic Chemicals Ltd, pleaded guilty to a breach of section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £40,000 and ordered to pay £25,000 costs.

The company manufactures titanium dioxide for use in plastic bags, the aerospace industry, paper coating, polymers and pigmentation for white paint. Titanium tetrachloride (TiCl₄) is an intermediate in this process.

On 29 October 2006, approximately 82 litres of TiCl₄ were released into the atmosphere in the process of draining a vessel – a routine operation. As a consequence of the release, the TiCl₄ became exposed to moisture in the air, forming a vapour cloud that was both toxic and corrosive. The potentially serious situation was only prevented from deteriorating further by the prompt action of an operator who shut a valve, stemming the flow of the liquid.

Mike Nind, the HSE Inspector who led the investigation, pointed out that the incident had the potential to endanger the health and safety of members of the public for some distance away from the site. He added that the HSE's investigation revealed a 'catalogue of errors and omissions' on behalf of the company, including failure to adequately assess the risk to health and safety, design issues, poor safety management and inadequate supervision. He said the incident could easily have been avoided with better planning.

Reversing Waste Lorry Kills Waste Collector

East Dunbartonshire Council has been fined £13,500 following the death of a waste collector. The Council pleaded guilty to a charge under Section 2(1) of the Health and Safety at Work etc. Act 1974.

Stephen Welsh, an East Dunbartonshire Council employee, was struck and fatally injured by a reversing waste recycling lorry on 23 January 2007 in Smeaton Terrace, Torrance.

Following this tragic incident the Health and Safety Executive (HSE) is warning employers of waste collectors to ensure that kerbside workers are fully trained to safely assist drivers to reverse and avoid collision with pedestrians. It advises that a safe system of work should be drawn up setting out how communication and control between kerbside collectors and the driver can be reliably achieved.

Guidance

Emergency Use of Lifts/Escalators for Evacuation and Fire and Rescue

The tragic events in the World Trade Centre in 2001, among other things, has led to the reassessment on the use of lifts and escalators as a means of evacuation from buildings. The investigation into the World Trade Centre's collapse found that in the 16 minutes before the second plane's impact 27% of those who evacuated tower 2 used the lifts for part of their escape, and that the flow rate was twice that of evacuation in tower 1, where no lifts were available and only stairs were used.

Further to a major study carried out on its behalf, the Department for Communities and Local Government has published guidance on the emergency use of lifts or escalators for evacuation and fire and rescue service operations.

Lifts, escalators and stairs can be used to provide a potential means for increasing the flow and rate of evacuation



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in various emergency situations in multi-storey buildings. The extent to which escalators and lifts are useful, however, depends on a number of factors, including the building type and design, the technical specification and protection of the escalator/lifts, the characteristics of the occupants, the fire safety management strategy and the specific type of emergency situation that is occurring.

The guidance document incorporates six chapters. Chapters one and two provide the scope and background to the study, detailing statistics such as those of the World Trade Centre scenario, to set the scene for the guidance. Chapter three looks at general considerations for the wider use of lifts or escalators for emergency evacuation.

Some of the advantages of the use of lifts/escalators over stairs include:

- lifts may be the only option available for the evacuation of elderly/disabled occupants
- occupants will be typically using the same exit as the way they came in, therefore it is more familiar to them
- less physical effort is required
- congestion on stairways is reduced
- evacuation time is decreased.

Despite these advantages, certain issues must be considered:

- may need to overcome current fire practice and training not to use general lifts or escalators for escape from fire
- consistency of approach between buildings
- extent of passive protection and compartmentalisation
- potential exposure to fire gases or other harmful substances while waiting for the lift
- availability, reliability and failure modes of lifts/escalator
- human factors, such as exit choice behaviour.

Also discussed is a range of factors that may affect the benefits and ease of implementation of lifts/escalators for evacuation and whether simultaneous or phased evacuation is advisable for the type of building concerned. Chapter four is concerned with the procedure for the actual design phase of looking at the suitability of a building to incorporate lifts/escalators for emergency evacuation scenarios. It stresses that a number of people need to be involved at the design stage and that BS 7974(9) Qualitative Design Review (QDR) procedures should be adopted. A number of issues relating to the management of fire safety are also discussed for consideration, as are relevant human factors, for example, the likelihood of people's willingness to wait for a lift as a means of escape in an emergency situation.

Chapter five looks at quantitative analysis and comparison with acceptance criteria. It stresses that quantification should be undertaken irrespective of the size of the development. The quantitative analysis and comparison with acceptance criteria may be as simple or as complex as required, but should follow the procedures set out in BS 7974(9) and the data and methods set out in PD 7974 Part 6[8] (and Annexes B and C of this guidance). Chapter six details the references used in the preparation of the guidance.



News

More Could be Done to Cut Workplace Accidents

Recent statistics from the Health and Safety Executive (HSE) reveal that more could be done to reduce the number of workplace accidents. The statistics, which cover 2008/09 year to date figures, show that major injuries are down only 1.1% compared with the same period last year.

The HSE figures highlight that over the period the number of major injuries rose by 9.5% in public services compared with last year, but fell by 8-10% in food, drink and tobacco manufacturing, the rest of manufacturing and construction sectors.

However, the statistics for quarter two to three show:

- food, drink and tobacco major injuries rose by 18.2%
- retail, wholesale and hospitality major injuries rose by 7.7%
- construction major injuries fell by 10.7%.

Commenting on the results, Roger Maddocks, a partner and work accident expert at Irwin Mitchell, said:

"There has been a major downward trend since 2005, but it is worrying that certain sectors are seeing a rise in the number of injuries at work in quarter three. The evidence suggests that the rate of accidents is starting to fall much slower than in previous years, and in some sectors is starting to rise."

BERR Offers Real Help with Disputes at Work

The Department for Business, Enterprise and Regulatory Reform (BERR) has launched a new process for resolving disciplinary and grievance issues.

The process aims to reduce the number of people going to employment tribunals and simplify the system for dealing with workplace disputes.

Tribunals can be expensive, time-consuming and ultimately draining for both people and businesses and BERR have amended the system so that both employers and employees are able to deal with grievances and disciplinary issues at the earliest opportunity.

Acas' helpline and conciliation services have been expanded to provide advice on the options for early resolution. There will also be a free early conciliation service for some cases, thereby reducing the need for some people to enter into full tribunal procedures.

The old system which required a three step approach to resolving disputes will be dismantled. Acas has developed a statutory code of practice which provides employers with best practice guidelines.

Bridget Prentice, Justice Minister said: "We welcome these new changes and will be monitoring their impact on the Employment Tribunal system closely. The aim is that, where possible, it will be easier - and quicker - for both employees and employers to resolve their disputes in the workplace, without needing to escalate them to the Employment Tribunal. However, even where this is not possible it will still mean a quicker and more streamlined approach for those claims that do end up at the tribunal."

Acas' helpline number, 08457 47 47 47 is open 08:00 – 20:00 hrs Monday to Friday and 09:00 – 13:00 on Saturdays. Their early conciliation service can be accessed by calling the helpline.



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A Common Sense Approach to Health and Safety – HSE Comment

In response to the BBC Panorama programme aired on 20 April, the Health and Safety Executive (HSE) agrees that when it comes to protecting people's health and safety common sense must rule.

A constant frustration to the HSE is that health and safety is sometimes used as an excuse to save money or justify unpopular decisions – from banning hanging baskets to Christmas lights. As Quentin Letts discovered during the programme, many of these decisions have little to do with real health and safety regulations.

HSE is primarily concerned with working with employers to reduce the numbers of families devastated through injury or death of employees.