



### Prosecutions

#### East Ayrshire Council Fined £56,000 Following Death of Worker

An electrician employed by East Ayrshire Council died because of failings of his employer, a court heard.

At a hearing at Kilmarnock Sheriff Court, on 16 June 2010, East Ayrshire Council pled guilty to a charge under section 2 of the Health and Safety at Work etc Act 1974 and were fined £56,000 the following day.

The Court heard how Robert McGill, 35, suffered fatal injuries when he fell from a mobile elevated work platform, known as an airlift, that he and a colleague had been using in the gym of Kilmarnock Academy, Elmbank Drive, Kilmarnock to fix overhead lights on 6 April 2009.

The platform had been fully extended and Mr McGill had been in the basket at the top of the airlift when it was moved around the gym. The airlift became unstable and he fell to the ground and later died from his injuries.

Mr McGill and his work colleague had not received any training on how to use the airlift. In particular they had not been told it should never be moved when there is a person working in it, and that stabilisers should be properly attached to it when in use.

Speaking after the court hearing, HSE Inspector Barry Baker said:

"This was a tragic incident which highlights once again the very real risks of working at height and the consequences of failing to take reasonable safety precautions. More than 4, 000 employees suffered a major injury as a result of a fall from height in 2008/09 showing that it should be properly planned and assessed, adequately supervised and employees given enough training to allow them to work safely. The consequences of failing to do this are frequently serious and in this case, sadly, were fatal."

#### £39,960 in Fines Following Serious Roof Fall

Two Gloucestershire companies have been fined after a roofing contractor fell through a skylight and suffered serious head injuries.

Woodgate Sawmills Limited, and Stanley John Frederick Stephens of The Longhope Welding Company (a partnership) were prosecuted by the Health and Safety Executive (HSE) after Robert Stephens fell through a fragile skylight while working on the roof of a sawmill building at Mile End, Coleford, Gloucestershire.

On 1 June 2007 Mr Stephens, 40, from Longhope, was working for his father, Stanley, alongside fellow Longhope Welding Company employees to raise the roof line of the Woodgate Sawmill building at Mile End, Coleford, when he fell five metres and landed on the concrete floor below, sustaining serious head injuries.

At a hearing before Gloucester Magistrates, Woodgate Sawmills Ltd of Hill Street, Lydney, Gloucestershire pleaded guilty to four breaches of the Construction (Design and Management) Regulations 1994 and 2007 and was fined a total of £13,320 and ordered to pay costs of £14,443.

Stanley Stephens of Church Road, Longhope, Gloucestershire pleaded guilty to breaching section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. He was fined a total of £26,660 and ordered to pay costs of £14,443.

Speaking after the hearing, HSE inspector, Annette Walker, said:

"This incident highlights the extremely serious risks posed by working at height if adequate safety protection measures are not in place.

"The investigation revealed significant failures in the safe systems of work for the removal of the roof sheets and also significant failure to control risks of working at height during all of the stages of the sawmill refurbishment.



Robert Stephens was supervising two other employees who were also at risk, one of whom was only 17 at the time of this incident.

"The sawmill remained open during all of the works and employees working below were also at risk from persons or objects falling on them. Robert's fall could easily have proved fatal."

### **Recycling Firm Fined £10,000 after Worker Lost Leg**

A Cheshire recycling company has been fined £10,000 after a worker lost part of his leg when he was crushed by an 18-tonne truck.

The Health and Safety Executive (HSE) prosecuted WSR Recycling Ltd after the incident, which led to the worker's left leg being amputated below the knee.

The 46-year-old man, who has asked not to be named, was working in a tipping bay at the company's Ditton Road site in Widnes on 14 September 2009 when he was struck by a Volvo L110E articulated shovel loader.

WSR Recycling admitted it did not ensure pedestrians and vehicles could move around the bay safely when it appeared before Halton Magistrates' Court in Runcorn on 21 June 2010.

Chris Goddard, the investigating inspector for HSE, said: "This worker has suffered a life-long injury as a result of a tragic incident and was very fortunate not to have been killed. He was run over by a very heavy vehicle, so his injuries could easily have been much worse.

"It was foreseeable that pedestrians would be working in the same area as trucks, and so measures should have been taken to manage the risks. The site should have been properly supervised so that workers were kept away from moving vehicles.

"Waste companies cannot afford to relax about safety, and risk developing bad habits as a result."

WSR Recycling pleaded guilty to breaching Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992. The company was ordered to pay £6,338 towards the cost of the prosecution in addition to the fine.

## **News**

### **Rules on Working Time must apply to Self-Employed, confirm MEPs**

Self-employed bus and lorry drivers must be brought under the same rules on working hours as drivers who work for companies. That was the decision of the European Parliament earlier this month, confirming a previous vote by the Employment and Social Affairs Committee.

A majority of MEPs voted to reject the Commission's proposal that self-employed drivers continue to be exempted from the 2002 Working Time Directive on the road transport industry.

With 368 votes in favour, 301 against and 8 abstentions, Parliament's plenary confirmed the Employment Committee's vote of 28 April against any further exemption. The committee had cited health and safety and road safety concerns plus the need for fair competition in the industry. After the Commission told the House it "would study the different options, including withdrawal of the proposal", Parliament confirmed its position with a further vote on a legislative resolution, which was adopted by 383 votes to 263 with 23 abstentions.



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### Background

Self-employed drivers were temporarily exempted from the rules of the existing EU directive on drivers' working hours but were due to come under those rules by 23 March 2009, unless the European Commission proposed legislation to the contrary. The Commission did just that in October 2008, seeking to exempt them permanently. Parliament has now rejected the Commission's proposal.

Self-employed drivers will also remain subject to the same rules as employed drivers on loading and unloading, assistance to passengers, cleaning and maintenance, and police and customs formalities. Current EU law on employed drivers lays down an average limit of 48 hours a week, which can rise to 60 hours a week provided it does not exceed the average of 48 hours a week over a four-month period.

### Next steps

With the rejection of the Commission's proposal, the Directive 2002/15/CE remains into force. This Directive foresees the inclusion of self-employed in the legislation from 23 March 2009.

### Health Impact of the Oil Spill

Public health officials do not have enough information about the impact oil exposure has on human health and are becoming increasingly concerned about the safety of 'vulnerable populations' in the Gulf of Mexico region impacted by the BP spill.

The lack of knowledge puts public health 'at a disadvantage' according to Lisa Kaplowitz, deputy assistant secretary for policy at the Department of Health and Human Services.

Testifying at a congressional hearing on the issue, Dr Kaplowitz said health officials had difficulty countering claims by other interests – including those with environmental concerns – as decisions were made on how to handle the spill and clean-up.

Dr Kaplowitz's concern was echoed by John Howard, the director of the National Institute for Occupational Safety and Health, who said public health issues needed to be 'placed on the table' in broader discussions over the spill.

Dr Howard noted that he was 'not a fan of dispersant' used in the clean-up from a health and public safety viewpoint, and there was a correlation between its use and nine fishermen falling ill.

The lack of data is partly because the US government failed to keep good records on how other spills, including the Exxon Valdez spill in 1989, have affected the long-term health of workers or the general population. It also failed to collect data about workers at Ground Zero following the 2001 terror attacks.

Efforts to gather information now have been stymied in part by BP, according to Dr Howard. He said that BP had not responded to 'several' requests for a list of workers it had hired. The government is creating its own roster of clean-up workers – so far it has gathered 13,000 names – so that it can track future health issues. But it needs BP's co-operation to ensure that its list is complete.

BP did not return a call for comment. The company has also so far failed to give the government a sample of the dispersant that was sprayed over the affected regions of the Gulf and continues to be used on a more limited basis.



### Speak Up, Stay Safe - British Safety Council Campaign

A new campaign from the British Safety Council asks young people to take responsibility for their own health and safety.

Julie Nerney, British Safety Council chief executive says: "Every 40 minutes in the UK a young person is seriously injured in the workplace. We think this position is wholly unacceptable. By highlighting to young people that they need to be aware of their environment and speak up if they feel unsafe we hope to significantly reduce this number."

The campaign supports young people to feel confident talking to their work supervisor, parent, teacher or friends if they feel that they are in an unsafe situation. No young person should feel pressurised to work in an environment where there is a risk of injury or death.

Neal Stone, head of policy and public affairs for the British Safety Council says: "In 2009, 3,200 young people between the ages of 16-19 were seriously injured while in work. In the past 10 years, 66 young workers have been killed in the workplace. These numbers show how important this campaign is, not just for young workers but to those around them - their parents, family members, friends and teachers".

For employers, the campaign website offers the following advice:

- comply with the Health and Safety at Work Act and its relevant statutory provisions
- providing information, instruction, training and supervision is particularly important for new or temporary employees including young people
- assess the risks to which young people are exposed to at work and introduce and maintain appropriate measures to eliminate or control the risks
- risks to young workers must be assessed before they start work, and the parents/carers of any worker informed of the key findings of the risk assessment and control measures
- the risk assessment must take into account specific factors such as immaturity, inexperience and lack of awareness, and medical conditions, physical and learning disabilities of the student.

### US City to Publicise Phone Radiation Levels

San Francisco is set to be the first city in the US to require mobile phone retailers to post radiation levels next to handsets they sell. The board of supervisors, or council, voted 10-1 to approve the measure, with final approval expected.

"This is about helping people make informed choices," said the law's chief sponsor, Supervisor Sophie Maxwell.

The mobile phone industry said studies showed cell phone radiation was not harmful to people.

The Federal Communications Commission has adopted limits that set out safe exposure to these kinds of emissions.

The measurement defines the amount of radio waves that people can safely absorb into their bodies when talking on a mobile phone.

Some researchers have claimed such emissions can be linked to cancer and brain tumours but there remains little scientific consensus on the matter.

"This is not about discouraging people from using their cell phones," said Tony Winnicker, spokesman for San Francisco Mayor Gavin Newsom, who has said he will sign the legislation into law.

"This is a modest commonsense measure to provide greater transparency and information to consumers."



The mobile phone industry's body, the Cellular Telecommunications and Internet Association (CTIA), disagrees and has warned that posting radiation levels next to handsets could in fact cause more confusion.

"Rather than inform, the ordinance will potentially mislead consumers with point-of-sale requirements suggesting that some phones are 'safer' than others, based on radio frequency emissions," said John Walls, vice-president of public affairs for the CTIA.

The legislation would require all retailers to display details of the emissions alongside the phones and point consumers to where they can find out more information about the issue.

The San Francisco Chronicle reported that a similar right-to-know measure, proposed by state Senator Mark Leno, failed in the California senate earlier this month following heavy lobbying by the mobile phone industry

## Guidance

### International Travel and Health

This book, published by the World Health Organisation (WHO), aims to provide guidance on measures to prevent or reduce any adverse consequences for the health of travellers. It is addressed primarily to medical and public health professionals who provide health advice to travellers, but it is also intended to provide guidance to travel agents and organizers, airlines and shipping companies.

The book is intended to give guidance on the full range of significant health issues associated with travel. The roles of the medical profession, the travel industry and travellers themselves in avoiding health problems are recognized. The recommendations address the health risks associated with different types of travel and travellers.

While there is evidence that more traditional tourist and business travellers take appropriate prevention measures or receive proper treatment, recent immigrants who return to their home countries for the purpose of visiting friends and relatives deserve particular attention because they are at a higher risk of suffering certain health problems.

In this edition, information for the HIV/AIDS traveller has been added. The worldwide distribution of the major infectious diseases is shown in revised, more detailed and precise maps. Vaccine-preventable disease descriptions are combined with vaccine recommendations and schedules. Also, vaccine recommendations and schedules have been updated and chapters have been reviewed to reflect current prevention and treatment options.

In particular, adjustment has been made to the recommendations for polio vaccination for traveller. The main infectious diseases that pose potential health threats for travellers have been revised, as well as corresponding preventive measures and information on environmental factors that may have adverse effects on the health of travellers and well-being. The list of countries with risk of yellow fever transmission has been updated following the recommendations of a group of experts convened by WHO. The chapter on malaria provides updated information on malaria prophylaxis as well as treatment options for malaria in travellers. Information on mass gatherings has been expanded.

### Guide to Human Behaviour in the Shipping Industry

This guide is for everyone in the shipping industry. It explains the fundamental aspects of human behaviour, which together constitute what the commercial maritime sector calls 'the human element'. It makes clear that the human element is neither peripheral nor optional in the pursuit of a profitable and safe shipping industry.



The guide is aimed at:

- masters and crews
- owners and managers
- designers and buyers
- regulators and investigators.

It highlights that managing the human element must take place simultaneously at all levels of the industry – from within the engine rooms and decks of the smallest cargo ships to the conventions of the regulation makers and the boardrooms of the business strategists. It is the policies and strategies that shape and constrain the space in which ships and their crews operate.

The guide offers information and advice to help manage the human element more effectively.

### **Working in the Sun and Heat: Director's Briefing**

Sunburn can double an individual's risk of skin cancer. Those most at risk are people with fair skin, lots of freckles or moles, or a family history of skin cancer.

#### **Did you know?**

- skin cancer is one of the most common cancers in the UK and the incidence of the disease is rising
- overexposure to UV radiation is the major environmental cause of all types of skin cancer.

#### **Hazards of working in hot weather**

- sunburn: very common; painful with skin blisters and peeling
- prickly heat: groups of small itchy spots on the skin
- heat exhaustion: fainting, cramp and nausea.

#### **What is 'heat stress'?**

Heat stress occurs when the body's means of controlling its internal temperature starts to fail. As well as air temperature, factors such as work rate, humidity and clothing worn while working may lead to heat stress.

Typical symptoms are:

- an inability to concentrate
- muscle cramps
- heat rash
- severe thirst
- fainting
- heat exhaustion - fatigue, giddiness, nausea, headache, moist skin
- heat stroke - hot dry skin, confusion, convulsions and eventual loss of consciousness. This is a severe disorder and can result in death if not detected at an early stage.

A risk assessment must be carried out where there is a possibility of heat stress occurring in the workplace.



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### Hot weather driving

It is easy to lose concentration, especially over a long period. Ensure drivers:

- carry water and drinks
- stop periodically
- carry a first aid kit and moist wipes
- are provided with a mobile telephone.

### Legal duties

- The Health and Safety at Work etc. Act 1974: reasonable care must be taken to cope with weather conditions
- The Personal Protective Equipment at Work Regulations 1992: employers should select suitable PPE
- The Construction (Health, Safety and Welfare) Regulations 1996: the temperature inside the workplace must be 'reasonable' and rest areas and dry clothing should be provided
- The Management of Health and Work Regulations 1999: employers should conduct a suitable risk assessment of the dangers from UV radiation.

### Risk assessment

Factors to consider are:

- work rate - the harder someone works the greater the amount of body heat generated
- working climate - this includes air temperature, humidity, air movement
- worker clothing and respiratory protective equipment - may impair the efficiency of sweating and other means of temperature regulation
- worker's age, build and medical factors - may affect an individual's tolerance.

Reducing the risks:

- control the temperature using fans or air conditioning
- provide mechanical aids where possible to reduce the work rate
- limit exposure to cooler times of the day
- prevent dehydration
- provide personal protective equipment
- provide training
- identify employees who are at risk
- monitor the health of workers at risk.

Recommendations for employers:

- make provisions for workers to avoid sun exposure between 11am and 3pm when UV radiation is at its peak, even if it is overcast
- reserve indoor or sheltered jobs for peak UV radiation times
- rotate staff to limit each employee's midday sun exposure where possible
- provide shade (eg awnings, canopies) for workers to use, especially during breaks. If this is not feasible, encourage workers to find
- shade under trees, buildings and other temporary shelter
- encourage workers to cover up
- provide hats or appropriate headgear for workers to wear. Hats should ideally shade the face, neck, ears and head
- provide SPF 15+ sunscreen for outdoor workers to use.



### Working in the Sun and Heat: Factsheet for Employees

#### Did you know?

Fact 1: UV (ultraviolet) radiation from the sun is a major cause of skin cancer.

Fact 2: 40,000 people are diagnosed with skin cancer each year and 2,000 people die.

Fact 3: Employees working outside should consider exposure to UV radiation as an occupational health hazard.

Fact 4: Driving in hot weather can be draining; it is easy to lose concentration, especially if you are driving for long periods.

Outdoor workers can experience excessive exposure to the sun's UV radiation and are therefore more at risk from skin cancer.

#### Sun safety code

- take care not to burn; this can be in as little as 10 minutes
- cover up with loose clothing. Keep your clothing on so that you do not expose unprotected areas
- wear a wide brimmed hat or a safety helmet with a hanging flap which protects the back of the neck
- wash frequently to remove sweat
- seek shade during the hottest part of the day and take breaks in the shade
- drink plenty of water; in high heat drink 1 cup of water every 15 minutes
- apply high factor sunscreen generously and frequently to any parts of the body exposed to the sun; SPF 15 or above
- regularly check skin, look for any changed or newly formed moles or any skin discolouration, especially around the nose and eyes, or on the backs of hands. Consult a doctor if any moles grow, change or start to bleed.

#### Who has increased risks of skin damage?

- people with pale skin, fair hair, freckles or a large number of moles
- those with a family history of skin cancer or who have excessive exposure to sunlight, such as outdoor workers.

#### What is heat stress?

Heat stress occurs when the body is unable to cool itself by sweating. It can lead to heat exhaustion or heat stroke. Symptoms include:

- headache
- dizziness
- light-headedness
- fainting
- weakness
- moist skin
- mood changes; irritability, confusion
- nausea, vomiting.



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### **When driving in hot weather:**

- check the roadworthiness of the vehicle
- use air conditioning; an outside temperature of 28°C can quickly bring a car's interior to well over 60°C
- park in shaded areas, use a sun shield over the windscreen and cover the metal parts of seat restraints to keep them from becoming too hot
- keep a container of water take regular breaks, as concentration levels are likely to drop carry moist wipes
- have a mobile phone for emergency calls.

### **How to treat heat-related illness**

- seek immediate medical attention
- move to a cool shaded area
- loosen or remove heavy clothing
- drink water
- fan and mist with water.

### **Do you know...?**

- where to obtain information and guidance
- how to seek help and support?

Speak to your health and safety representative or manager.