

Prosecutions

Supermarket Fined over £70k

Tesco has been fined £48,000 over health and safety charges after four employees were injured at work.

Tesco pleaded guilty at Bracknell Magistrates Court last Wednesday (30 March 2011) to all four charges, three of which relate to accidents at its store in County Lane, Warfield, in Berkshire, and one to its store at The Meadows, Sandhurst, also Berkshire.

The court heard that Tesco had:

- failed to properly implement safe loading procedures at its Warfield store between 27 May 2009 and 4 June 2009
- failed to properly report accidents at both stores that happened between 28 May 2009 and 26 March 2010
- left four staff with injuries including a fractured ankle, fractured toe, fractured wrist and cut to the hand.

The company will also pay £25,000 costs to Bracknell Forest Council and a victim surcharge of £15.

Magistrates ordered Tesco to pay the total of £73,015 within 21 days.

Lorry Driver Killed by Steel Gates

A lorry driver was killed when he was hit by steel gates falling off his vehicle as it was unloaded by a forklift truck.

Andrew Brown was hit by two gates, weighing 153kgs or about 24 stone, at Simpsons Garden Centre in Inverness.

The Health and Safety Executive (HSE) investigation found that the 58-year-old had been able to gain access to an area close to the side of his lorry while the gates were being unloaded.

Inverness Sheriff Court was told that Mr Brown had picked up 20 steel safety gates from Mackay Steelwork and Cladding Ltd's yard in Delny, near Invergordon, on 27 August 2008. He then drove them to the garden centre where they were to be unloaded by workers from MacKays using a forklift truck.

Mr Brown removed the securing straps from his load, and assisted the forklift truck driver during the unloading by ensuring the forks were positioned correctly before moving from his position behind his lorry. Four of the gates fell off the lorry as they were being unloaded, with two of them hitting him.

Paramedics were called but could not revive Mr Brown, and he was taken to Raigmore Hospital where he was pronounced dead. He had suffered a serious neck injury.

Mr Brown's employers, James Paterson Haulage Ltd, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £13,300.

Mackay Steelwork and Cladding Ltd, of Longman Drive in Inverness, pleaded guilty to breaching Section 3(1) of the same Act. The company was fined £40,000.

Both companies admitted failing to adequately liaise with each other or obtain enough information to ensure a safe system of work was in place, particularly in relation to the role Mr Brown would play in unloading the gates.



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Mackay Steelwork and Cladding Ltd also admitted it had failed to make cones and tape available to create a safe place of work around the lorry during the unloading operation.

Fall Incident 'Entirely Avoidable'

A construction company from Cambridgeshire has been fined after one of its employees suffered severe head injuries which blinded him in one eye.

On 3 March 2010, builder and fitter John Ingram was working outside on a project to refurbish an agricultural building in Newgate Street, Hertfordshire. He was using a tower scaffold erected on top of a freight container and fell to the ground while trying to climb down.

Mr Ingram, 55, of Lode in Cambridgeshire suffered facial fractures, cuts and bruising and was in a coma for several days. He was unable to work for eight months after the incident and has since only returned to work on a part-time basis.

His employer Balsham (Buildings) Ltd, structural steel fabricators and cladding contractors, of High Street, Balsham, Cambridge, appeared at Watford Magistrates' court and admitted to two breaches of health and safety legislation:

Section 3(1) of the Health and Safety at Work etc Act 1974 for which it was fined £7,000
Work at Height Regulations 2005 - Regulation 4(1) for which it was fined £7,000
Magistrates also ordered the company to pay £8832.30 in costs.

While investigating Mr Ingram's fall, Health and Safety Executive (HSE) inspectors found that the internal works on the project had been planned and undertaken safely, with a scissor lift provided to enable employees to work at height - the same had not been provided for the external works.

HSE Inspector John Berezansky said:

"Incidents like Mr Ingram's fall are entirely avoidable. Falling from height is one of the most obvious and well-known dangers on a construction site.

"Unfortunately, Mr Ingram is not alone. More than 4,000 British employees suffered serious injury after falling from height in 2008/09.

"A lax attitude to health and safety in one of the more dangerous industries is not acceptable, especially when so many incidents are completely avoidable by taking commonsense actions and precautions. As always, HSE will not hesitate to take action if we find poor practice that is putting lives at risk."

Long-term and Systemic Failure

An international packing company put the lives of its workers at risk over several years at its West Yorkshire site, a court has been told.

The Health and Safety Executive (HSE) uncovered a long-term and systemic failure to ensure the safety of employees during the construction of wooden packing crates at the Holmfirth base of Neal Brothers Ltd, when it launched an investigation last year.

It resulted from a visit by an HSE Inspector to the site in Bent Ley Road, Meltham, Holmfirth. During the visit, he saw an employee working on the top of a large wooden crate, more than four metres high, with no safety measures to prevent falls.

Huddersfield Magistrates' Court heard that the company had been served with an enforcement notice back in 2004 demanding safety improvements for activities that required working at heights over two metres.

The firm had then introduced harnesses for employees when at high levels but the investigation showed their use had been short lived and the firm reverted to previous unsafe practices.

The HSE Inspector served a further enforcement notice on the company repeating the requirement to improve its system of working at height and began inquiries into its apparent history of safety failings. His evidence, gathered from staff and witnesses, showed harnesses had not been used since at least 2006.

Neal Brothers (Leicester) Ltd of Hastings Road, Leicester, admitted a charge of failing to ensure the safety of employees at its site in Holmfirth, over a four year period from April 2006. The company was fined £9,000 and ordered to pay £3,289.20 in costs.

Scaffolder Ignored Order

A Plymouth man who erected scaffolding and left it in a dangerous condition had ignored an order to undertake safety training, city magistrates' heard.

A Health and Safety Executive (HSE) inspector visited a residential property in Alma Road, Plymouth on 16 March 2009 and found several basic safety failings in scaffolding erected by Arthur John Tucker for roofing work.

Plymouth Magistrates Court heard only one guard rail was found on the working platform that required two, no safety harnesses were used to erect the scaffold and an unsecured scaffold pole was resting on a broken concrete block wall.

HSE served a prohibition notice ordering work to stop and Mr Tucker was also served with an improvement notice to undertake training in scaffolding safety, which he had not previously done.

Despite these orders inspectors returning to the site found Mr Tucker had failed to carry out the training under and were forced to prosecute.

Mr Tucker, of Skylark Rise, Woolwell, Plymouth pleaded guilty to contravening the requirements of an Improvement Notice to provide sufficient training for himself and his employee under Section 33 (1) (g) of the Health and Safety at Work Act 1974. He was given a conditional discharge and ordered to pay £2,108 in costs. The magistrates also ordered Mr Tucker to complete the additional training for himself and his employees within 18 months of the hearing.

News

Work-Related Deaths reported to HSE and Local Authorities

These statistics, issued by the HSE, cover notifications made to HSE and local authorities for the period 1 April - 30 September 2010. The work-related fatalities covered are those that are reportable under RIDDOR, and are updated on a quarterly basis.

These statistics are released on a provisional basis and may be subject to revision as more accurate information becomes available.

Some deaths are excluded from these statistics as they are reportable under other legislation. The main exclusions are as follows:

- fatal accidents involving workers travelling on a public highway (a 'road traffic accident'). Such incidents are enforced by the police and reported to the Department for Transport. Those killed whilst commuting (travelling from home to work, and vice versa) are also excluded
- fatal accidents involving workers travelling by air or sea. These incidents are the responsibility of the Air Accident Investigation Branch and Marine Accident investigation Branch, and reported accordingly
- fatal injuries at work due to 'natural causes', usually heart attacks or strokes, unless brought on by trauma due to the accident
- accidents to members of the armed forces.

The statistics are as follows:

Number of workplace fatal injuries - first six months of 2010/11p

Standard Industrial Classification (SIC)

Employment Status	Agriculture, hunting, forestry and fishing	Extractive and utility supply	Manufacturing	Construction	Services ¹	Total
Employees	7	1	14	17	20	59
Self-employed	12	-	-	8	2	22
Workers*	19	1	14	25	22	81
Members of the public	7	-	1	1	33	42
Total fatalities	26	1	15	26	55	123

Notes:

p Provisional

* The term Workers includes employees and the self-employed combined.

¹ These "in-year" figures for services exclude railway incidents reported to the Office of Rail Regulation (ORR).

Source: The Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995 (RIDDOR)



Seven Substances Proposed for REACH Candidate List

The European Chemicals Agency (ECHA), together with EU Member States, have proposed to identify another seven chemicals as Substances of Very High Concern (SVHC) to be included on the so called Candidate List within REACH.

These seven substances are all listed on the SIN List, and are all potentially harmful to human health as either being carcinogenic or toxic for reproduction.

Belgium, Austria, Poland, Denmark, France and ECHA stands behind this initiative putting forward the following substances to be regulated within the EU:

- 2-ethoxyethyl acetate
- Strontium chromate
- 1,2-Benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters
- Hydrazine
- 1-methyl-2-pyrrolidone
- 1,2,3-trichloropropane
- 1,2-Benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7-rich.

This proposal was open for public consultation until 7 April 2011. After that EU Member States then decide on whether these substances will be added to the currently 46 substances on the Candidate List.

There is also an additional proposal to identify Cobalt dichloride, which was included on the Candidate List in October 2008 due to its carcinogenic properties, also to be identified as toxic for reproduction.

EU Prior Informed Consent (PIC) Regulation Proposal

The Health and Safety Executive is seeking views on a proposal from the European Commission to amend the Annexes of the Export and Import of Dangerous Chemicals Regulation (EC) 689/2008, which is commonly known as the EU Prior Informed Consent (PIC) Regulation.

The proposal adds six substances 1,3-dichloropropene, Ethalfluralin, Guazatine, Indolyacetic acid and Thiobencarb to Parts 1 and/or 2 of Annex 1 of the Regulation. This means that the Health and Safety Executive, as the Designated National Authority, must be notified of the first export of these substances each calendar year and that explicit consent will be required before they can be exported outside the EU.

The proposal also removes one substance, Haloxyfop-R, from Part 1 of Annex 1. This means it is no longer subject to the export notification requirements of Regulation 689/2008. The general export requirements, which apply to exports of all chemicals, will continue to apply.

To establish the UK's response to the proposal, it is important for us to understand as fully as possible the impact that it might have on UK industry.



Guidance

Asbestos Training

This advice has been issued by the HSE. It notes that the use of all asbestos containing materials was not banned until 1999. This means any building built or refurbished before the year 2000 could contain asbestos.

Any worker liable to disturb asbestos while performing their normal everyday work is required to be trained. Every employer must ensure that adequate information, instruction and training is given to those employees who are liable to be exposed to asbestos during the course of their work.

Type of training?

All workers who are liable to disturb asbestos during their normal work should be trained so that they can recognise asbestos containing materials and know what to do if they come across them. The training needs to be appropriate for the work and the roles undertaken by individuals. There are three types of asbestos training:

- awareness training
- training for work with asbestos that does not require a licence from HSE
- training for asbestos work that does require a licence from HSE.

Awareness training

This training is for those persons who are liable to disturb asbestos while carrying out their normal everyday work, or who may influence how work is carried out, such as:

General maintenance workers Electricians Plumbers Joiners	Painters and decorators Plasterers Construction workers Roofers Shop fitters	Gas fitters Heating and ventilation engineers
Demolition workers	Telecommunication engineers Fire/burglar alarm installers Computer installers	Architects Building surveyors etc

The advice stresses – awareness training is not enough if you plan to carry out any work with asbestos containing materials.

Non-licensable asbestos work

This training is for those workers who plan to carry out any work with asbestos that does not require a licence and who may knowingly disturb lower risk asbestos containing materials. It should be provided in addition to asbestos awareness training and should be job specific. Typically, workers who may need this training include those listed under asbestos awareness training and who carry out such tasks as:

- drilling holes in asbestos materials (including for sampling and analysis purposes)
- laying cables in areas containing undamaged asbestos materials.

Topics covered by this type of training include:



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- how to make suitable and sufficient assessments about the risk of exposure to asbestos
- safe work practices and control measures, including an explanation on the correct use of control measures, protective equipment and work methods.

The advice stresses – this form of training on its own is not sufficient for carrying out licensed work.

Licensed asbestos work

Most work with higher risk asbestos containing materials must be carried out by licensed contractors. Only suitably trained workers, using appropriate respiratory protective equipment and who are under suitable medical surveillance can undertake licensed asbestos work. This type of training is therefore required for Operatives, Supervisors and Managers working for a licensed contractor. What are my responsibilities as an employer?

Employer responsibilities

As an employer you must ensure that:

- your employees have the training, knowledge, experience and ability to carry out the work without risk to themselves or others
- supervisors and managers are also trained and aware of their responsibilities
- the training provider is competent and aware of the tasks that are likely to be carried out by employees.

The advice stresses – competent training providers should have adequate practical experience in the asbestos sector and a theoretical knowledge of all relevant aspects of the work being carried out by the employer. It is the responsibility of the employer to determine whether a training provider is suitable or not.

Psychosocial Risks at Work

This Publicly Available Specification (PAS) 1010, from BSI, offers guidance and good practice on assessing and managing psychosocial risks at work.

Stress is one of the most common problems of the modern workplace, affecting the mental and physical well-being of over 40 million workers in the European Union each year and resulting in an estimated cost of around 20 million Euros.

There is currently no recognized standard or official benchmark for good practice for psychosocial risk assessment and management so this new BSI standard will help assessors address this area of workplace health.

PAS 1010 will help human resources managers and specialists, occupational health and safety managers and specialists, managers and owners of small and medium-sized enterprises (SMEs), and employee representatives.

This PAS is most likely to be used by an organization that wishes to:

- establish a strategy and process of psychosocial risk management in order to eliminate or minimize risks to personnel and other interested parties who could be exposed to psychosocial hazards associated with its activities
- implement, maintain and continually improve the psychosocial risk management process and related practices
- assure itself of its conformity with its stated occupational health and safety (OH&S) and psychosocial risk policy.

Psychosocial risk management (the management of risks associated with work organization and the social context of work which have the potential for causing psychological or physical ill health) forms part of the European



Council Directive 89/391/EEC, which stipulates the assessment and management of all types of risks to workers' health as employers' responsibility.

The standard, and accompanying training courses to be developed by Nottingham University, will be of major benefit to HR managers, occupational health and safety managers, therapists, and managers of small and medium sized enterprises.

Ergonomic considerations for designing and selecting conveyor belt systems

This guidance, produced by the HSE, contains information on how to design and assess conveyor belt workstations for seated and standing operators.

Conveyor belts are used to transport materials and using them in the workplace can reduce the risks of musculoskeletal disorders (MSDs) by avoiding the need for repetitive lifting and carrying. However, conveyor belt workstations must be properly designed to ensure that operators do not excessively lean, stoop, twist, or over-reach, since these repetitive movements can themselves lead to MSD.

Work surface height

To comfortably work whilst standing, without holding the arms raised, the preferred work surface height for most tasks is set below elbow height. A height of 1,075mm is generally suitable for tasks where the arms need to move freely, such as in belt picking or for light assembly tasks.

Platforms of up to 265mm high to stand on can achieve a comfortable working posture.

For seated workstations, a work surface height of up to 780mm is generally suitable for light belt picking and assembly tasks.

Reach distance

Zones of repetitive reaching on the conveyor should lie within 450mm of the front of the operator's body taking into account sills, chutes, goods trays, and other features of the workstation.

Where operators work on both sides of the conveyor, as in belt picking operations, the width of the belt should be no greater than 900mm.

Foot and leg clearance

Adequate clearance at the base of the conveyor for the operator's feet allows them to stand closer, preventing strain on the muscles of the back and neck and from holding a stooping posture whilst working.

Adjustable footstools up to 165mm high may be necessary to provide adequate support for the feet where operators need to raise their seat to achieve a comfortable working surface height at the conveyor.

Organisational factors

Struggling to keep up with the pace of work can increase the risk of MSD through fatigue. Conveyor speeds greater than 10 metres per minute can lead to motion sickness-like symptoms in operators working perpendicular to the belt.

Breakdowns further up the conveyor may result in the workstation filling up with material. A conveyor accessible from both sides allows extra operators to help clear a build-up.

Conveyor work can place a heavy demand on one side of the body. Periodically working on the other side of the conveyor helps to balance the workload between the two arms. Job rotation can also help operators to use different groups of muscles; resting others.

Designing and operating MRFs safely

There has been an increase in the use of material recycling facilities (MRFs) in the UK and this guide highlights the major health and safety issues to be addressed when designing, installing, making alterations to, or operating a MRF. It is intended for designers/manufacturers, installers and users involved in developing and operating MRFs and was written in consultation with the Waste Industry Safety and Health Forum.

Risk assessment

Employers have a duty under health and safety law to carry out a risk assessment to identify any measures needed to:

- eliminate the main risks identified
- assess the risks if they cannot be eliminated
- reduce the risks that remain by implementing risk-reducing techniques
- monitor work at appropriate intervals to identify potential flaws in systems.

Transport

To reduce the risks from moving plant and vehicles the following hierarchy should be used:

- design and layout the site safely to ensure pedestrian/traffic segregation
- select the correct vehicle for the task incorporating the desired features, safety-related devices (eg mirrors, CCTV, reversing radars, reversing alarms, beacons) and maintain the vehicle
- the use of safe working systems to minimise the potential for vehicle/plant and pedestrian interaction
- the selection, training and competence of staff and monitoring systems.

Machinery

Work equipment should be suitable for its intended purpose with:

- guards to prevent access to dangerous parts
- adequate emergency stop arrangements for conveyors and other moving machinery
- good access to maintenance points to ensure that service points can be reached from the ground or secure working platform rather than a ladder. Working platforms should have adequate side protection and no open edges at platform level
- permit to work systems and effective isolation for cleaning or maintenance and repair.

Ergonomics

- picking conveyors should be designed so that the belt height and width do not require excessive reaching or bending.
- the speed of the belt should not be too fast to avoid operator stress
- transfer points should not require operators to bend or twist excessively when taking items from the belt and placing it in the transfer chute.
- consider the types of materials operators are expected to throw – light materials can require a lot of effort, heavy materials can be tiring.



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- avoid standing on cold/hard floors for long periods. Consider providing seats, foot bars and anti-fatigue insulated matting.
- ensure adequate lighting of picking lines
- do not expose sorters or operators to excessive vibration.

Dust and noise

Dust prevention options include the provision of: a suitably ventilated picking cabin; local exhaust ventilation and ventilation/air filtration fitted vehicles (particularly in the tipping area).

Items of machinery and operations which produce noise should be located and operated away from where people are working.

Welfare

- a 'reasonable' working temperature of 16°C should be provided at workstations; where work involves physical effort then the temperature should be at least 13°C
- adequate lighting should be provided
- floor materials should be suitable and fit for purpose
- toilet and washing facilities should be designed to be easily cleaned because of the amount of waste, dust and other residues that will be deposited
- education and training on the importance of hygiene should be provided.

Reports

Occupational Safety and Health in the Transport Sector

The European Agency for Safety and Health at Work has issued this report, reviewing the Occupational Safety and Health (OSH) risks of a wide variety of transport occupations, by analysing statistics and studies, and through selected case examples of prevention. The report has a broad scope: it covers all transport subsectors (rail, water, air and road) and is intended for both those working in the sector and policymakers.

While trying to give an overview and highlight the main issues for policy and prevention, the study covers a wide variety of jobs and tasks and a very diverse working population. To cover at the same time the common trends and explain the problems specific to certain jobs is a challenging task. There are many common issues, such as the increasing number of immigrant workers in transport jobs, or the combination of ergonomic and psychosocial stressors, but they are expressed differently in the different subsectors and need to be tackled differently. That is why the report addresses many transport occupations with specific case studies describing the OSH problems and giving advice on how they were prevented effectively. A more in-depth insight into workplace prevention measures for road transport, haulage, taxi drivers and courier services is also provided by other Agency publications.

Observations made and discussed by the report include:

- the transport workforce is ageing at a greater rate than the general working population
- an increasing proportion of part-timers, but still less than in other sectors
- a high proportion of migrant workers
- transport workers have multiple exposures to physical risks
- more exposed to vibrations, noise and physically strenuous work
- exposure to dangerous substances is more frequent than usually assumed, and not only for dangerous goods transport
- risks from exposure to biological agents remain largely un-assessed
- violence is an increasing risk in the transport sector.