

Prosecutions

£250,000 in Fines for Firms in Legionella Incident

Fines and costs totalling nearly £250,000 have been imposed on two firms after workers and members of the public were put at risk of exposure to the potentially fatal waterborne Legionella bacteria.

The Health and Safety Executive (HSE) prosecuted multinational automotive parts manufacturer Eaton Ltd and water treatment services provider, Aegis Ltd of Felspar Road, Amington Industrial Estates, Tamworth, Staffordshire after an investigation in 2006.

Wolverhampton Crown Court heard HSE inspectors found Eaton Ltd had failed to properly manage the water cooling systems used in manufacturing processes at its plant in Thorns Road, Brierley Hill.

Aegis Ltd, which had been contracted to provide water treatment services (now trading from its Tamworth address as Aegis Water Treatment Ltd), was also found to have failed significantly in its duties.

There was no comprehensive and up-to-date risk assessment in place and neither company had taken reasonable steps to control the potential spread of Legionella by assessing the risk or properly cleaning and maintaining the water cooling system. Employees had not been properly supervised. The management failings by both companies were present over a prolonged period of time.

Eaton Ltd, whose head office is based in Fareham, Hampshire, pleaded guilty and was fined £80,000 for breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Section 3(1) of the Act and ordered to pay £45,000 costs.

Aegis Ltd was found guilty at a trial in May and today was fined £40,000 for breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and ordered to pay £80,000 costs.

After the hearing HSE Principal Inspector Paul Billinger said:

"It is vital that companies who use water cooling treatment as part of their manufacturing processes have plans in place to make sure the level of Legionella bacteria in their systems does not become unsafe.

"Legionnaires' disease is a potentially fatal form of pneumonia, which can affect anyone coming into contact with it.

"Neither Eaton Ltd nor Aegis Ltd, which was specifically contracted to manage the water system, took the Legionella risk seriously. They failed to deal with their own risk assessment and service agreement in respect of cleaning the system.

"These were persistent and systemic failures, which put people's health at risk."

Legionnaires' disease is caused by bacteria found naturally in rivers, lakes and reservoirs, but which can multiply and become dangerous in some purpose-built water systems.

Care Home Fined

The owners of a Preston care home have been fined £65,000 following the death of a 40-year-old mother-of-one, who became trapped between a mattress and a bed rail.

Charlotte Young, who suffered from Huntingdon's disease, was found unconscious on 3 June 2008 at the Sue Ryder Care Home in Cuerden Hall, Bamber Bridge, and died later that morning in hospital.

Sue Ryder Care, which is one of the largest providers of palliative care in the UK, appeared in court after an investigation by the Health and Safety Executive (HSE) found the home failed to manage the risks associated with the equipment used on Mrs Young's bed.

As her condition made her prone to involuntary movements, a specialist cushioning system was used along with the bed rails. However, Preston Crown Court heard the equipment was not used correctly by staff, creating a risk.

The HSE investigation found Mrs Young was able to knock her bed rail out of position because it was not the right size for her bed. This created a gap between her bed rail and mattress in which she became trapped and was unable to breathe.

Speaking after the hearing, HSE Principal Inspector David Shorrocks said:

"A mother has lost her life because of a systemic failure on the part of Sue Ryder Care at Cuerden Hall.

"Because the home was oblivious to the risks associated with this kind of equipment, they had no proper risk assessments in place. The maintenance of the equipment was also poor and staff were not trained to spot any problems which could have arisen in Mrs Young's case.

"I would urge care providers to carry out regular risk assessments on all their equipment to make sure the way it is being used is fit for purpose and continues to meet the needs of residents."

Sue Ryder Care, of King Street in Sudbury, Suffolk, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 after it failed to manage the risks associated with the use of bedrails. It was ordered to pay £35,000 towards the cost of the prosecution in addition to the fine on 27 June 2011.

News

The Red Tape Challenge

The Red Tape Challenge is an opportunity for people to directly influence the future of health and safety regulations to help simplify health and safety and support business growth in Great Britain.

The regulations have been divided into four different categories to enable people to comment on those most relevant to them or their area of work.

Health and safety should be proportionate to risk and the regulations should reflect that. The government has already started reforms to health and safety and the Red Tape Challenge will enable everyone to have their say on the regulations underpinning Great Britain's health and safety culture, whether they work in the field of health and safety or have experience of the regulation as an employee, business owner or member of the public.

How it works

- **publish:** every few weeks the HSE publish all the regulations affecting one specific sector or industry
- **respond:** participants are invited to tell the HSE what is working and what's not, what can be simplified and what can be scrapped
- **act:** based on this feedback, the HSE will start getting rid of unnecessary red tape.

Every few weeks regulations affecting one specific sector or industry – from retail to hospitality to construction – will be published. Throughout the process the general regulations that cut across all sectors will be published – from rules on equality to those on employment. All these regulations will be open for comments.

What's coming up

- 30 June Health and Safety
- 21 July Manufacturing
- 11 Aug Media and creative services
- 1 Sep Environment
- 15 Sep Employment Related Law
- 29 Sep Children's services
- 13 Oct Rail and Merchant Shipping
- 27 Oct Utilities and energy.

A three-week focus on health and safety will get underway on 30 June with the future of around 200 regulations under debate.

The regulations subject to public scrutiny fall under four themes:

- general health and safety
- major hazard industries
- higher risk workplaces
- dealing with hazardous chemicals and materials.

Once comments have been received, ministers will have three months to work out which regulations they want to keep and why. The default presumption will be that burdensome regulations will go. If Ministers want to keep them, they will have to make a very good case for them to stay.

Increase in Worker Fatalities

New official statistics have been showing that the number of workers killed in Britain last year has increased.

The Health and Safety Executive (HSE) has released provisional data for the year April 2010 to March 2011, which shows the number of workers killed was 171, an increase on the previous year, when 147 died - the lowest number on record.

The rate of fatal injury is now 0.6 per 100,000 workers, up from 0.5 per 100,000 workers the previous year.

Judith Hackitt, the HSE Chair, said

"The increase in the number of deaths in the last year is disappointing, after an all time low last year. However, we must remember that we still have one of the lowest rates of fatal injury anywhere in Europe.

"The fact that 171 people failed to come home from work to their loved ones last year reminds us all of what we are here to do. It is a stark reminder of the need to ensure that health and safety remains focused on the real risks, which exist in workplaces not on trivia and pointless paperwork.

"We all have a role to play - employers, employees and regulators - and leadership is fundamental to maintaining and improving our performance even further. In a world of work which is constantly changing we must all continue to review what we do and how we do it and strive to become even more effective at managing risks which cost lives."

Based on available data (2007), Britain continues to have the lowest rate of fatal injuries to workers among the five leading industrial nations in Europe - Germany, France, Spain and Italy - for a six year period.

The figures also show the rate of fatal injuries in several of the key industrial sectors:

- 50 fatal injuries to construction workers were recorded - a rate of 2.4 deaths per 100,000 workers, compared to an average of 61 deaths in the past five years and an increase from the 41 deaths (and rate of 1.9) recorded in 2009/10
- 34 fatal injuries to agricultural workers were recorded - a rate of 8.0 deaths per 100,000 workers, compared to an average of 35 deaths in the past five years and a fall from the 39 deaths (and rate of 10.4) recorded in 2009/10
- nine fatal injuries to waste and recycling workers were recorded - a rate of 8.7 deaths per 100,000 workers, compared to an average of 8 deaths in the past five years and an increase from the 3 deaths (and rate of 2.8) recorded in 2009/10.

Businesses at Risk due to Fire Safety Cuts

UK employers are potentially putting their employees' lives at risk by cutting back on fire safety in the current economic climate, according to a survey recently conducted by the Fire Industry Association (FIA).

Almost a fifth of bosses admitted to revising fire safety procedures in the current economic climate, through actions such as delaying maintenance checks of fire safety equipment, reducing staff training or delaying updating their fire risk assessments. This is despite the fact that 20% of them also admitted to already having had a fire in their premises.

16% admitted to not having an up-to-date fire risk assessment and a quarter don't even know who does their fire risk assessment. In addition, 8% of employers confessed that procuring services at the lowest price was most important to them when it came to fire safety.

The survey found that a third of staff don't know what to do in the event of a fire. Over half of the staff surveyed said they don't know how to use a fire extinguisher or fire alarm and a quarter of workers don't know where their nearest fire exit is, whilst a third don't know where their fire assembly point is.

The poorest-performing industries from a fire safety point of view were found to be the arts and culture and travel and transport sectors. In arts and culture businesses, over a quarter said they don't have fire drills, fire safety training or a person responsible for fire safety and 39% of employees in this industry don't think their company has any fire safety precautions.

Of those in the travel and transport sector, 40% said they don't have regular fire drills and over a third don't have an up-to-date fire risk assessment.

In addition, 30% of employees in the building and architectural industry said they don't think their company has any fire safety precautions, despite 53% of those surveyed having already had a fire in their workplace.

Graham Ellicott, CEO of the Fire Industry Association, said: "The figures are very worrying; 82% of employees would like more training on fire safety and 14% don't believe their company has any fire protection. We would like to remind all businesses across the country to review their fire risk assessments, making sure they are up to date, and to continue the maintenance schedule for all their fire safety equipment.

"It may seem like a good opportunity to save money but it is actually about saving lives; you have a legal duty with regard to fire safety and could face a large fine or imprisonment if you are found to be putting people's lives in danger by failing to comply with the law, although 55% of those responsible for fire safety admitted to not fully understanding these penalties.

"But it doesn't stop there as 80% of businesses that have a serious fire don't reopen and thus jobs are lost which impacts directly on the wider community."

Guidance

LEV: General principles of system design

This Information Sheet is one of a series produced by the HSE's Woodworking National Interest Group. The advice given is directed at woodworking machine designers and the designers, installers and users of local exhaust ventilation systems (LEV).

When considering methods of control, it is important to consider the nature of the dust and the forces that influence its movement. Woodworking produces large quantities of both fine, respirable dust and non-respirable particles.

The information sheet covers the following areas:

- nature of the problem
- principles of design
- air movers and collection units
- commissioning, inspection and maintenance.

Reports

Health and Safety in HSE 2010/11

In 2009, the HSE produced a three-year framework setting out key themes for development to achieve a positive health and safety culture.

This report covers the second year of that framework, providing an overview of the annual plan, identifying priorities and demonstrating progress made to further improve the HSE's health and safety performance.

Key activities for the year include streamlining the health and safety management structure, appointing a new TU vice chair and reviewing and revising internal health and safety policies.

Other aspects covered by the report include:

- health and safety advice: this resource is provided by the Corporate Health and Safety Advisors Team. The Team advises and provides support on all aspects of health and safety at work for staff based in HSE offices throughout the UK
- training: health and safety training is organised by the Human Resources Directorate (HRD). Courses are provided by an external provider on a need basis
- corporate health and safety committee: this is the principal consultation forum on health and safety within the organisation. The committee meets three times per year and is chaired by the Director of Hazardous Installations. Any changes to policies and plans or health and safety decisions are discussed, circulated to a wider audience for consultation (if applicable) and agreed by the committee prior to implementation. Examples of the principal issues dealt with by the committee during 2010/11 include: streamlining the structure of [HSE's] health and safety committees; revising health and safety policy statement and arrangements; providing revised internal guidance for DSE administration and assessment
- enforcement agencies: the Basingstoke office received a visit from the local Environmental Health Officer (EHO) following a number of RIDDOR reports submitted for DSE related ill health. No enforcement action is planned; however a small internal investigation team has been formed to investigate the issues raised.