



Health and Safety Newsletter Update April 2005

Welcome to the April Newsletter Update. In this month's edition, we discuss:

Health and safety news

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- Building sites aren't playgrounds, warns HSE
- £42k to pay following scaffolding death fall

Contact us

If you would like further information or advice on any health and safety issue then please contact us.

Email: info@vehs.co.uk

Also, if you have any comments with regards to the content/layout of our Newsletter Update – please let us know.



Health and safety news

Work at Height Regulations

New regulations on work at height will come into force on 6 April 2005.

The Work at Height Regulations 2005 consolidate previous legislation on working at height and will implement European Council Directive 2001/45/EC concerning minimum safety and health requirements for the use of equipment for work at height (the Temporary Work at Height Directive or TWAHD).

The Regulations will apply to all work at height where there is a risk of a fall liable to cause personal injury. They place duties on employers, the self-employed, and any person that controls the work of others to the extent of their control (for example facilities managers or building owners who may contract others to work at height). The Regulations will not apply to the provision of instruction or leadership in caving or climbing by way of sport, recreation, team building or similar activities.

The Regulations will require duty holders to ensure:

- all work at height is properly planned and organised;
- those involved in work at height are competent;
- the risks from work at height are assessed and appropriate work equipment is selected and used;
- the risks from fragile surfaces are properly controlled; and
- equipment for work at height is properly inspected and maintained.

The Regulations include Schedules giving requirements for existing places of work and means of access for work at height, collective fall prevention (e.g. guardrails and working platforms), collective fall arrest (e.g. nets, airbags etc), personal fall protection (e.g. work restraints, fall arrest and rope access) and ladders.

In 2003/4 falls from height accounted for 67 fatal accidents at work and nearly 4,000 major injuries. They remain the single biggest cause of workplace deaths and one of the biggest causes of major injury.

These Regulations set out a simple hierarchy for managing and selecting equipment for work at height. Duty holders must:

- avoid work at height where they can;
- use work equipment or other measures to prevent falls where they cannot avoid working at height; and
- where they cannot eliminate the risk of a fall, use work equipment or other measures to minimise the distance and consequences of a fall should one occur.

The Regulations cover a wide range of industries and activities and the key messages from the HSE are:

- those following good practice for work at height now should already be doing enough to comply with these Regulations;
- follow the risk assessments you have carried out for work at height activities and make sure all work at height is planned, organised and carried out by competent persons;
- follow the hierarchy for managing risks from work at height - take steps to avoid, prevent or reduce risks; and
- choose the right work equipment and select collective measures to prevent falls (such as guardrails and working platforms) before other measures which may only mitigate the distance and consequences of a fall (such as nets or airbags) or which may only provide personal protection from a fall.

HSE will publish a simple guide to the Regulations. It will also promote the key messages with industry sectors and encourage them to review and develop their own specific guidance and advice for work at height.

The Work at Height Regulations 2005 (S.I.2005 No 735) will be accessible shortly via the HMSO website at: <http://www.hmso.gov.uk/si/si20050735.htm>



Printed copies are published by The Stationery Office Ltd (TSO). For further details, please contact TSO, tel: 0870 6005522; fax: 0870 600 5533; e-mail customer.services@tso.co.uk

Copies of HSE's simple guide to the Regulations will be available shortly and will be free to download at <http://www.hse.gov.uk> or from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA, tel: 01787 881165 or fax: 01787 313995.

HSE publishes research into factors motivating employers to comply with health and safety law

The HSE has published the results of a survey of over 1700 employers asking what factors motivated them to comply with health and safety law.

The results of the research will be used as part of an on-going process of prioritising where and how interventions by HSE and Local Authorities are most effectively employed as part of delivering the Health and Safety Commission's strategy to 2010.

The current strategy used by HSE and Local Authorities for improving health and safety relies upon a mix of 'levers' – for example encouragement, persuasion, assistance and enforcement. The research reported here sought to split organisations into discrete groups, and then map the degree of influence each lever might have.

In providing evidence that the influence of these levers for compliance varies between organisations, the research confirmed the value of regulators using a range of interventions.

There was also evidence of a link between current attitudes to workplace health and safety and the likely impact of new incentives for improvements, as well as support for the targeting of interventions and communications.

A major motivator for employers is securing the business benefits of good standards of workplace health and safety; for example 90 per cent of respondents agreed or strongly agreed that good health and safety is important for staff productivity and morale. Many also felt that their reputation is very important – 86 per cent agreed or strongly agreed that damage to their reputation could cause them to lose business, with 82 per cent feeling that they must comply with health and safety regulations to protect their reputation. No doubt this is why 80 per cent of respondents say they check their own health and safety standards if they hear about a notice or prosecution against a similar organisation. “

HSC undertakes review of riddor

The Health and Safety Commission (HSC) has published an online discussion document as part of its review of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

A key element is to ensure that any future reporting requirements are easy to understand and that businesses can achieve compliance without undue administrative costs. It is also essential that any reporting system is unbureaucratic and does not burden business unnecessarily.

This discussion document is an opportunity to consider the current reporting system and its direction in a fundamental way, looking at the whole reporting system and its principles.

Although the discussion document contains no formal proposals for changes to the Regulations, it discusses RIDDOR's key objectives and current issues and identifies proposals where changes might be made to benefit both HSE and local authorities as well as duty holders.

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The Review is above all a unique opportunity to go back to first principles to develop a reporting system to take us to 2010 and beyond.”

The full text of the discussion document can be viewed or downloaded from HSE's website. Comments on the proposals can be sent using the electronic comment form on the consultation webpage and returned by email to: riddor.dd@hse.gsi.gov.uk. Those wishing to make a hard copy return should refer to the annex at the end of the document and send their comments to: Maureen Disson, Health and Safety Executive, 9 th Floor South Wing, Rose Court, 2 Southwark Bridge, London, SE1 9HS. Hard copies of the discussion document are also available from this address. All comments should be received by Thursday 30 June 2005.

Health and Safety Guidance

New Approach to Good Practice and Exposure Limits for Chemicals

From 6 April, a new focus on good practice will help employers prevent their employees' health being harmed by the chemicals used in their workplace. Control of Substances Hazardous to Health Regulations (COSHH).

The existing requirements to follow good practice are being clarified and brought together by the introduction of eight principles in the Control of Substances Hazardous to Health (Amendment) Regulations 2004. Employers who do not follow these principles will not be properly protecting their employees.

Guidance on applying the principles will also be published on 6 April to help employers and in the coming months case studies illustrating good practice will be published on HSE's website.

In addition the regulations introduce a new, simpler occupational exposure limit system. Maximum Exposure Limits (MELs) and Occupational Exposure Standards (OESs) will be replaced with a single type of limit - the Workplace Exposure Limit (WEL). All the MELs, and most of the OESs, are being transferred into the new system as WELs and will retain their previous numerical values.

As the numerical values of the other limits being transferred to the new system are unchanged, suppliers may exhaust stocks of safety data sheets that refer to MELs and OESs before producing new ones that refer to WELs. Similarly, COSHH assessments can be updated as part of duty holders' periodic reviews.

Good practice advice on controlling chemicals is available at HSE's COSHH Essentials website <http://www.coshh-essentials.org.uk>.

New versions of the COSHH Approved Code of Practice; EH40 (the list of exposure limits); and the brief guide to COSHH leaflet will be available from HSE Books (<http://www.hsebooks.co.uk/>) or telephone 01787 881 165, fax 01787 313995

Health and safety court round up

Waste management companies fined £140,000 following workplace fatality

Two waste management companies were today fined a total of £140,000 at the Old Bailey. The fine followed a prosecution brought by the HSE after an investigation into an incident where an employee was crushed to death under a telescopic reach truck.

The incident took place at a tyre recycling site in Edmonton, London on 1 July 2001, where two companies operated a tyre shredding business. It was during this operation, whilst the employee was driving a telescopic

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reach truck using it to push tyres towards the shredder (to be placed in the shredder by a crane) that it toppled over crushing him between the side of the truck and the ground.

The investigation found that both companies failed to take adequate measures to prevent or control risks arising from the use of the truck by untrained operators.

The first company pleaded guilty on 11 November 2004 at City of London Magistrates' Court to a charge under section 2(1) of the Health and Safety at Work Act etc 1974 (HSWA) in that it failed to take reasonably practicable precautions to ensure the safety at work of its employees. The company today received a fine of £70,000.

The second company pleaded guilty on 11 November 2004 at City of London Magistrates' Court to a charge of breaching section 2(1) of the HSWA in that it failed to take reasonably practicable precautions to ensure the safety at work of their employees, and a charge of breaching section 3(1) of HSWA in that it failed to ensure that persons not in their employment including the other company's employee were not exposed to risks to their health and safety. The company today received a fine of £70,000.

The companies were also ordered to pay HSE's costs of £29,982.

Building sites aren't playgrounds, warns HSE

The HSE has repeated its warning that children must not play on building sites.

The warning came after a property developer and builder were fined a total of £29,000 at Northampton Crown Court on Friday (18 March).

The prosecution, brought by the HSE and the Crown Prosecution Service, came after an investigation into the death of a two year old boy on a building site.

The boy was playing with friends on a patch of grass near a site in Leicester, when several of the 300kg concrete retaining wall slabs he was playing on, which were to be used for wall units, fell on top him.

At earlier hearings the builder was found guilty of breaching Regulation 8(5) of the Construction (Health, Safety and Welfare) Regulations 1996, in that he failed to store materials and equipment in such a way as to prevent danger to any person arising from the collapse, overturning or unintentional movement of such materials or equipment.

The developer admitted breaching the Regulations 8(5) and 12 of the Construction (Health, Safety and Welfare) Regulations 1996. Regulation 12 requires that excavations made as part of building work should not be allowed to collapse. They also admitted ignoring a prohibition notice served by HSE on 10 July 2003, which required that no construction work should take place at the site without competent supervision.

The developer was fined:

- £10,000 for breaching Regulation 8(5) of the Construction (Health, Safety and Welfare) Regulations 1996
- £7,500 for breaching Regulation 12 of the Construction (Health, Safety and Welfare) Regulations 1996
- £7,500 for ignoring the prohibition notice.

and was ordered to pay £3000 costs.

The builder was fined £4,000 for breaching Regulation 8(5) of the Construction (Health, Safety and Welfare) Regulations 1996. The charge of breaching Regulation 12 of the Construction (Health, Safety and Welfare) Regulations 1996 was left to lie on file, and no costs were awarded against him.

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£42k to pay following scaffolding death fall

Two employees of a scaffolding firm fell 60 feet from the top of a five-storey building on to the street below, killing one of them instantly.

The Central Criminal Court, sitting on 24 February, heard that the building, in Ebury Street, London, was being redecorated and its windows repainted. A contractor had arranged with a fabrications company to provide a roof rig – an unusual type of scaffold consisting of a grid of poles that sits on top of a building and does not touch the ground, enabling painters to winch themselves up and down to reach the windows.

On 12 July 2002 the rig was being dismantled following completion of the painting job. Two employees were on the roof, while another man worked at ground level. The men had started dismantling the front of the rig when it came away and fell into the street below, across the pavement and half the road.

The prosecution was taken because there wasn't a site-specific method statement to ensure that the scaffold remained stable during the dismantling process. The design of the rig had not been double-checked to make sure it was as robust as possible, and there were no suitable measures in place to prevent falls from height.

The company, which had pleaded guilty at an earlier hearing, was fined £15,000 for breaching s2(1) of HSWA 1974 in not ensuring the safety of its employees, and a further £15,000 for a breach of reg. 10(1) of the Construction (Health, Safety and Welfare) Regulations 1996 in failing to take suitable steps to ensure the safe demolition of a structure. The firm was ordered to pay costs of £12,000 – around half the amount asked for by the HSE.

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