



Health and Safety Newsletter Update October 2007

Welcome to our latest Newsletter Update. In this edition, we discuss:

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Contact us

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

Health and Safety News

Spending on H&S linked to success

A positive approach to health and safety helps businesses attract quality employees, and boost sales and workforce commitment, according to a study published recently.

A telephone-based survey of 3000 UK businesses by the Institute for Employment Studies and the Work Foundation, and carried out on behalf of the HSE, looked into UK business attitudes, intentions, performance, and health and safety strategies. It found that health and safety was generally seen as either “important” or “very important”, although smaller firms were less likely to have a positive attitude towards it.

Most interesting for is the information on actual health and safety expenditure in relation to business performance. A link was found between higher expenditure and three key areas: a greater capacity to attract quality employees, higher employee commitment, and faster sales growth.

In no cases was spending more on health and safety associated with a worsening of performance. The same was true for the health and safety strategy index developed in the study. Higher strategic index scores were associated with helping businesses create a workforce whose skills base was above the benchmark for their industry.

The full research report can be downloaded from the HSE website from the link below.

<http://www.hse.gov.uk/research/rrhtm/rr589.htm>



Firms fail to tackle drink and drug misuse

Despite the fact that many employers believe alcohol and drug misuse among workers has a big impact on absenteeism and productivity, few have effective policies and procedures in place to deal with it.

This is according to the Chartered Institute of Personnel and Development (CIPD), and People Management magazine, which surveyed 500 UK organisations. The resulting report, 'Managing drug and alcohol misuse at work', reveals that while four out of ten employers believe alcohol misuse is a significant cause of employee absence and lost productivity, and a third report that drug misuse has a similarly negative effect, only a minority of employers actively communicate their policies on drugs and alcohol to staff.

Other findings include:

- 22 per cent of employers currently carry out testing for alcohol or drug misuse, while 9 per cent plan to introduce some form of testing;
- 33 per cent of employers train managers in how to manage drug and alcohol misuse at work, while 22 per cent train employees generally in organisational procedures to tackle these issues;
- 31 per cent of firms have dismissed employees in the last two years because of alcohol problems;
- 15 per cent have dismissed members of staff for drugs-related reasons;
- 12 per cent of respondent organisations have referred employees with drugs problems to specialist treatment and rehabilitation in the last two years.

Where organisations did refer employees for specialist treatment – or offered them rehabilitative support – more than 60 per cent remained working for the organisation, having successfully managed their problem.

To download a copy of 'Managing drug and alcohol misuse at work', click on the link below.

http://www.cipd.co.uk/subjects/health/drugs/_drgalcsrvy.htm?IsSrchRes=1

HSE says 'Don't set yourself up for a fall'

The transport industry continues to have one of the worst records for major injuries due to falls from vehicles during the loading and unloading of goods. Figures released by the Health and Safety Executive (HSE) in 2004/05 showed that transport accounted for 31% of all workplace fatalities.

With an estimated three million people in Great Britain working with vehicles as part of their normal job, HSE's ongoing workplace transport campaign warns workers to take sensible precautions to minimise risks in all vehicle related work. The latest focus is to ensure they do not set themselves up for a fall.

The awareness campaign aims to help those who are responsible for buying and managing workplace vehicles with simple steps that can be taken to improve the safety of vehicles:

- Vehicles should be well maintained and checked regularly
- Procedures for loading and unloading should avoid the need to work at height where possible
- Floor surfaces should be anti slip when possible, or, slip-resistant footwear provided
- If work at height is unavoidable steps, platforms and other safety equipment should be provided

Health and Safety Guidance

New guidance on directors' duties launched

The emphasis is firmly on leadership in new guidance for company directors and board members from the HSC and the Institute of Directors (IoD).

Leading health and safety at work will be officially launched on 29 October, but a preview copy has confirmed that it is aimed at the director/senior manager role, and is presented and worded in a way that makes it more accessible to a wider range of duty-holders.

Keeping you up to date

The guidance contains four action points, which are underpinned by the principles of strong and active leadership from the top, worker involvement and engagement, and regular assessment and review of risks and how they are being addressed.

The final document does not differ greatly from the consultation version tabled earlier this year. Competence is particularly highlighted, appearing twice in the 'health and safety leadership checklist', and in the form of a case study, which illustrates the perils for companies of ignoring good health and safety advice.

Patricia Peter, of the IoD, explained that this new guidance differs from the original produced in 2001 in that it is less company-driven and more about the leadership role. She said: "We wanted to make it clear that it applies to all types of boards, whatever the size and type of organisation, and we tried to make the language the focus. It is more user-friendly and accessible by non-safety experts, enabling board members to ask the appropriate questions."

The guidance, which will be disseminated widely, including via a dedicated page on the HSE's website (www.hse.gov.uk/leadership) is not obligatory, much to the disappointment of some stakeholders, including trades unions, pressure groups, and IOSH, who had been pressing for specific health and safety duties in law for company directors. Various attempts in recent years to bring these on to the statute book have ended in failure.

The HSC has said it will return to this issue "once wider developments, notably on corporate manslaughter, penalties, and directors' duties under company law are clearer, and the implications for director responsibility better understood".

In relation to the new Corporate Manslaughter and Corporate Homicide Act, which comes into force next April, the new guidance could be a relevant consideration for a jury "depending on the circumstances of the particular case".

Health and Safety Court Round Up

HSE warns employers to ensure they manage asbestos properly

The HSE is warning employers to ensure they take proper precautions over the management of asbestos in their buildings. This follows HSE's prosecution of a South London NHS Trust.

St George's Healthcare NHS Trust, Tooting, Wandsworth was fined £5,000 and ordered to pay costs of £6,432 at the City of London Magistrates' Court, after it pleaded guilty of breaching Regulation 4 of the Control of Asbestos at Work Regulations 2002.

An HSE investigation found that the Trust did not have an effective system to manage asbestos materials at The Groves residential block nor did it control the risk of exposure to asbestos fibre in the building, despite being repeatedly made aware of its presence over a number of years. Asbestos containing materials were present in the building and were regularly damaged by workmen and cleaned up or repaired by Trust employees.

Hazel McCallum, HSE Inspector, said: "It is disappointing when large organisations such as the Trust put people at risk by not taking a responsible approach. The risks associated with exposure to airborne asbestos fibres are well known and the measures required to control it are easily achievable". The magistrate commented "that this was a serious offence. There was a lack of communication and a lack of action by the defendant. However, credit was given for the early guilty plea and this was the reason for not committing the case to the Crown Court"



Employee fined

The HSE) has reminded employees of their duty towards fellow colleagues. The warning follows an HSE prosecution where an employee was fined for endangering a colleague.

Richard Lenton, age 42, of Coventry was (on Monday 1 October) fined £800 and ordered to pay costs of £100 at Coventry Magistrate's Court after pleading guilty to breaching Section 7 of the Health and safety at Work etc Act 1974. The case followed an incident that left David Griffiths with spinal and pelvic injuries after he was crushed between two parts of a machine when Lenton set a 1,500 tonne transfer power press into motion.

Mr Griffiths, age 45, of Birmingham, was seriously injured on 15 January 2007 when he was setting up the steel press for a diecast change on a power press in Covpress Ltd of Coventry.

Mr Griffiths was adjusting the suction cups of a steel carrier (manipulator) whilst located in an interlocked, guarded area housing the power press. The interlocked gates were open to prevent the machine from operating. Lenton, the press setter, needed to adjust the machine to change the height of the blank sheets feeding the press. He closed the interlocked gates with Mr Griffiths still in the guarded area. Shortly afterwards, Lenton pressed a control button to return the manipulator to automatic mode. The manipulator, carrying a blank steel sheet, moved to a central position trapping Mr Griffiths against the conveyor feeding the blanks into the power press.

Guarding and fencing of automated machinery is a basic requirement and the standards are well known. Simple checks should be carried out not only to ensure workers are protected from dangerous machinery and that safety features fitted are in good order but also that employees operate equipment safely without endangering others."

Warning for HGV Operators

The HSE has brought the safe operation of heavy goods vehicles into sharp focus following a successful prosecution brought against Tow Law-based W. E. & I. Wright Limited.

The prosecution followed an investigation into an accident to an employee, who was seriously injured after being trapped and crushed between two heavy goods vehicles as one reversed past the other. The investigation by the HSE showed a number of deficiencies in the company's arrangements to ensure safety during reversing operations. These deficiencies were identified as putting employees at serious risk of injury from being struck by a reversing vehicle.

As a result of the prosecution, W. E. & I. Wright Ltd was fined £4,000 at Durham Magistrates Court on 29 August 2007 after admitting it had breached section 2(1) of the Health and Safety at Work etc Act 1974. The company was also ordered to pay £2,500 in costs.

HM Inspector of Health and Safety Richard Bishop told the court that his investigation found that the company had been alerted to the risks less than a year before the accident, when it commissioned the Road Haulage Association (RHA) to carry out risk assessments at its premises. However, the precautions identified by the risk assessments were not implemented, meaning that the company had almost no physical or organisational measures in place to control workplace transport risks.

Speaking after the case, Mr Bishop said: "Vehicles are a part of everyday life, and as a result their dangers are often overlooked – complacency can be a real problem. But workplace transport continues to be the second biggest cause of fatal accidents at work. In 2004/05 there were 70 deaths and over 2,000 major injuries involving vehicles at work. Reversing alone caused about a quarter of the fatal accidents.

"An employer's first consideration should always be to try and eliminate reversing at their premises. But where reversing cannot be avoided, there is clear guidance that spells out how to plan for safety, which should involve taking sensible, cost-effective measures to ensure a safe site, safe vehicles and safe drivers."



Building company, director and foreman prosecuted by police and HSE following death of worker

Following the death of a worker, on August 31st 2005, the Crown Prosecution Service pursued a manslaughter charge against an employee of A&A Building Services Ltd while HSE and Staffordshire Police also served summonses for alleged breaches of health and safety at work legislation.

Legal proceedings were brought after Mr Alexander Hayden (28) was killed when a 9-tonne dumper truck, that he was driving, overran the edge of an embankment. In trying to jump clear Mr Hayden sustained extensive injuries when he was crushed by the toppled truck and was pronounced dead at the scene, in Fenton, Stoke-on-Trent.

The court heard that Mr Hayden had only been driving the 9-tonne truck for two months, during which time he had been involved in two other accidents and had not received the required training.

At Stafford Crown Court (on Friday 21st September) Mr Paul Nolan, site foreman and employee of A&A Building Services Ltd, was found not guilty of the CPS manslaughter charge but guilty of a charge under the Health & Safety at Work Act 1974. He was fined £5,000 to be paid within 28 days or face 3 months imprisonment. Setting the fine the Judge addressed Nolan saying that: "you were responsible for the day-to-day running of the site and showed a complete disregard for the safety of the workers working under you; you thought you knew best... but you didn't. You were failed by your employers but you failed Alex Hayden."

Mr Darren Barrie Atkins, a director of A&A Building Services Ltd, was found guilty of the HSE charge of breaching health and safety legislation, by failing to ensure the safety of employees, he was fined £15,000, to be paid within three months or face nine months imprisonment.

To Atkins the Judge said: " You were the director responsible for health and safety but you did next to nothing about health and safety, ignored clear warning bells, fell very short of what was expected and there was a high degree of neglect."

The company had already pleaded guilty, at an earlier hearing, to the health & safety breaches therefore A&A Building Services Ltd of was fined £55,000, to be paid at the rate of £1,500 per month.

Of the company the judge said: "There was a disregard to Health & Safety, it fell so very far short..... in the culture of a growing business the ethos didn't change and slack or absent procedures stayed within the company."

In setting the fines the judge said he had: "Paid regard to the financial position of the company but aggravating features of the case had set the high fines imposed ... to send a message."

Additionally, costs were set at £1,000 Nolan, £7,700 Atkins and £6,000 to be paid by the company.

The judge's opening remarks best summarised the case when he said: "This Case shows why it is necessary to have proper rules and procedure on construction sites – the accident was wholly avoidable."

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Keeping you up to date