

# KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

APRIL 2017



## HEALTH & SAFETY SEMINAR



5th JULY 2017  
BELTON WOODS HOTEL, GRANTHAM



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**British Frozen Food Federation**

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## FOREWORD

### Welcome to the April edition of Keep It Safe

It has been a busy start to the year with the reviewing of the BFFF's Health & Safety Pledge in line with HSE's new strategy, continuing work on the Working at Height on Refrigerated Vehicles guidance, collating and benchmarking our members' accident statistics and the development of our health and safety seminar.

Our annual Health & Safety Seminar, on the 5th July 2017, has now been launched and is packed with relevant industry case studies and legislative updates. We are also thrilled to announce that this year we will have two keynote speakers, the inspirational GB Paralympian Kelda Wood and the motivational and behavioural speaker Jason Anker. This is an excellent networking opportunity to meet likeminded professionals from our industry and now in our 8th year we are hoping for another sell out event, so we look forward to seeing you there. See page 4 for more information and how to book your place.

Over the last 8 years we have provided members with the ability to benchmark their health and safety accidents for both 'all accidents' and 'all RIDDOR reportable accidents'. This service has proved popular with over 70 members sharing their data with us for 2015.

We have started to collate the information for 2016 and we have already received information from members across the sector, so thank you to all of you that have taken part. We hope to collate and present the data during May and we would like to encourage as many members as possible to take part.

Work on 'Preventing Falls whilst working at height on mobile refrigerated vehicles' guidance has continued this year and the latest version is now with HSE for their review. This latest version has been agreed by BFFF, the FSDf and both of our Primary Authorities. As such we are looking forward to hearing HSE's views and will report back as soon as we have any updates. Please feel free to contact Joanna Hancock on [joannahancock@bfff.co.uk](mailto:joannahancock@bfff.co.uk) for more information.

Also, don't forget that all of BFFF's guidance is available on our website here: <http://bfff.co.uk/health-safety/guidance/> along with case studies here: <http://bfff.co.uk/health-safety/hs-case-studies/>

In the meantime we hope that you enjoy this latest edition.

Please contact BFFF if you would like to receive additional / back copies of this newsletter

**We do hope that you find Keep It Safe a valuable read.**



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# BFFF HEALTH AND SAFETY INITIATIVES

## HEALTH & SAFETY SEMINAR 2017

Bookings are now being taken for BFFF's Annual Health & Safety Seminar.

Now in its eight successful year, join leading industry experts to discuss a wealth of topics affecting our industry.

This event is designed to provide members with guidance on a multitude of topical health and safety matters delivered by short sharp presentations and case studies.

We are delighted that this has been a sell-out event for the past few years so book now to avoid disappointment.

Topics for the day so far include:

- HSE Priorities 2017/18
- BFFF Industry Updates & Objectives
- Fire Safety Case Study
- Behavioural Safety
- CDM and Composite Panel Inspections
- Leadership Case Study
- Roll Cage Incident Case Study
- RAPP Tool and Manual Handling Guidance
- Occupational Health Management
- Manual Handling Case Study

This year we are thrilled to announce that we will have two keynote speakers; the inspirational GB Paralympian Kelda Wood and motivational and behavioural speaker Jason Anker.

Kelda has battled against the odds after a horse-riding accident, embracing a new sport – para-canoeing, and establishing Climbing Out, a charity to help disabled youngsters achieve high. From a very young age competing in the Olympics was all Kelda thought about. However, an accident causing Kelda and her horse to be hit by a lorry left her with injuries that threatened her dreams of competing. She believes in believing in your journey and that the things that happen to us are all part of our journey, she is passionate about helping young people follow their journey as Climbing Out continues to grow and grow.

Having been in a major accident many years ago on a building site, Jason speaks on the emotional perspective of why Health and Safety is not just about ticking boxes. His unique story has a powerful impact and grabs the attention of those listening. He is willing to talk openly about all of his experiences and audiences walk away from his talk engaged with the process of health and safety because they have witnessed first-hand the effect of getting it wrong. Jason works with many major companies who have seen the benefit of not just telling staff and contractors what to do, but showing them what the personal effect could be by ignoring Health and Safety guidelines.



The booking for is available here: <http://tinyurl.com/hz32ddl> or email [crystalholmes@bfff.co.uk](mailto:crystalholmes@bfff.co.uk) with any queries. Price per member delegate is £145 plus VAT and £175 plus VAT per non-member delegate.

Rooms are available to book at Belton Woods for £85 B&B. Please call 0845 0740 060 and quote 'BFFF' and the date of the event to receive this price. Belton Woods are also offering a special offer to attendees of this event: 9 holes of Golf at Twilight for £10. This can be pre-booked by calling 01476 514332.

The logo for SEVEN TELEMATICS features a stylized yellow and white lightning bolt icon to the left of the company name. 'SEVEN' is in a smaller, bold, blue font, and 'TELEMATICS' is in a larger, bold, blue font.

We are proud to be sponsoring this year's  
BFFF Health & Safety Seminar.

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## HEALTH & SAFETY STATISTICS – LAST CHANCE TO TAKE PART

BFFF's statistics provide a valuable confidential management tool to enable all members to benchmark their performance against other companies within the sector. With even more participation in last year, the resulting statistics provide an even more comprehensive management tool representative of our sector.

We are delighted that participation in this service continues to grow and we would like to thank all members that have submitted their results so far. We are currently gathering the final data submissions for 2016's statistics and will be collating this information very shortly. If you haven't already done so, and wish to take part, please contact [crystalholmes@bfff.co.uk](mailto:crystalholmes@bfff.co.uk)

## HSE MSD RESEARCH PROJECT

HSE is undertaking a research project on understanding how psycho-social / cultural factors influence the management of musculo skeletal disorders (MSDs) in the food and drink manufacturing sector.

The research team are seeking the cooperation of food and drink manufacturing companies to help progress the research by volunteering to host further intervention studies. As an example, a recently completed study involved two teams in a production environment; one team was given regular reminders about MSD prevention and working safely by their supervisors, the other team did not get reminders.

Feedback from the dayshift team leaders involved in the daily briefings indicates that the team are now starting to ask questions and pre-empt possible problems and are starting to offer up solutions before something happens. The studies will be designed to be very low cost and will impact minimally in terms of the organisational resources required.

BFFF's members have already hosted an intervention study for the research. To find out more about how you company could get involved in this innovative research, please contact Amy Jones (01298 218359 email [amy.jones@hsl.gov.gsi.uk](mailto:amy.jones@hsl.gov.gsi.uk)) or David Fox (01298 218725 email [david.fox@hsl.gov.gsi.uk](mailto:david.fox@hsl.gov.gsi.uk))

## IOSH HEALTH & SAFETY AWARDS 2017

The Institution for Occupational Health and Safety's (IOSH's) 2017 awards are now open, and this year the awards have gone international.

Entry is free and open to anyone working in the food and drink manufacturing industry anywhere in the world, including occupational safety and health experts, engineers, process operators, managers and workers' safety representatives.

Entering the awards is a great way to celebrate your success in tackling an occupational safety and health issue at your workplace. And, if you're selected as a winner or runner-up, you can share your success with colleagues in the wider industry.

The awards will be presented at the dinner on the first evening of the national food and drink manufacturing health and safety conference on 10–11 October 2017 at The Oxford Belfry. The winners and runners up will also have the opportunity to give a brief presentation on their project at the start of day two of the conference.

To enter, download the entry form from the IOSH website here: <http://tinyurl.com/jc4fb5d> The closing date is Friday 03 July 2017. If you have any questions, contact [julie.littlejohns@iosh.co.uk](mailto:julie.littlejohns@iosh.co.uk)



# FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE



## BRITISH STANDARD 5839 – 1 2017

A consultation on proposed changes to BS 5839-1 has just closed. It was previously updated with amendment A1 in 2004 and with A2 in 2008 and then a new amendment released as BS 5839 – 1:2013 rather than A3. This is down to BSI internal rules which do not allow for more than two amendments to a standard. Despite appearances BS5839 – 1:2017 is not a completely new standard but an amendment to the 2013 edition. It is likely to be published sometime around October 2017. The majority of the Standard remains unchanged however; there are a number of technical changes which may impact on member's premises.

In the first instance it should be noted that the title has changed to reflect that it only applies to non-domestic buildings. This is to distinguish it from BS 5839 – 6 which covers domestic buildings. The new standard is now titled: BS 5839-1:2017 Fire detection and fire alarm systems for buildings - Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises.

The majority of changes result from the findings of the Rose Park care home enquiry, so relate to fire detection in premises providing sleeping accommodation or where occupants will need assistance from staff to evacuate and will not be relevant to members. Other drivers for change are the results of experiments done on the mounting heights of optical beam smoke detectors and aspirating smoke detectors; and the publication of BS EN 54-23:2010. These may have an impact on some of your premises so I will precis the changes in more detail:

### Zone Plans

The new standard covers in greater detail the requirement for a zone plan which should be located in close proximity to control and indicating equipment. It now says that responsibility for supplying the zone plan should be 'defined at an early stage of the planning of an installation'. It recommends that the installer consults with the designer, the user or purchaser, the supplier of the system and consultants. During these consultations responsibility for providing the zone plan should be settled. Obviously this is for new installations. On existing installations it will be the responsibility of the occupier to ensure that a zone plan is provided. You may need to do this in conjunction with your maintenance contractor. It further recommends that when a maintenance organization takes over a maintenance contract that the absence of a zone plan should be reported to the user along with any other non-conformity.



### Optical Beam & Aspirating Smoke Detection

Tests carried out using Optical Beam Smoke Detectors (OBSD) and Aspiration Smoke Detectors (ASD) in tall spaces has resulted in the section on ceiling heights being changed. Normal sensitivity OBSD and ASD can be used up to a general ceiling height of 25m and 15m respectively; more sensitive variants can be used up to 40m. The standard says that in both cases it should be assumed that stratification will occur in spaces more than 25m high unless there is reason to believe otherwise and additional low level detection would be required: angled beams or low-level (supplementary) detection in the case of OBSD and drop pipes in the case of ASD.

The FIA has a Code of Practice for the Design, Commissioning and Maintenance of Aspirating Smoke Detector (ASD) Systems which is referenced in the new standard and the FIA is currently working on new guidance for angled beams.

Some other changes relating to ASD are:

- Sample points may now be flush with the underside of a ceiling
- ASD should be used in racked storage over 8m
- Where ASD is used in dusty or dirty environments they must be fitted with a filter and provided with appropriate maintenance for those filters to prevent false alarms

### Visual Alarm Devices

Where previously selecting Visual Alarm Devices (VADs) was a bit of a guessing game, it is now more of a science. The standard still says 'the intensity of output of visual alarm devices should be sufficient to attract attention, but not so high as to cause difficulty with vision due to glare'. Previously the system designer would have made a judgement as to the number and type of visual alarms required. However; a new note has been added along with a whole new annex. This change was triggered by the publication of BS EN 54-23:2010 'Fire detection and fire alarm systems, Fire alarm devices & Visual alarm devices'. This specifies the requirements, test methods and performance criteria for VADs used in fire alarm system. The new edition of BS 5839-1 calls for VADs to comply with this new standard which requires the manufacturer to provide data on the product which the designer can use to determine the type and location of the VADs. The new standard also calls for the designer to use the methodology in the joint LPCB/FIA document Code of Practice (CoP) 0001, 'Code of Practice for visual alarm devices used for fire warning'. At first view CoP 0001 looks rather daunting but the process for the selecting VADs is fairly simple.

### Call Points

The mounting height of call points was 1.4m above finished floor level (AFFL) +/- 200mm, giving you a range of 1.2 to 1.6m AFFL. However, accepted practice in buildings used by wheelchair users was that the mounting height of switches and the like was no greater than 1.2m AFFL. With millimetre accuracy you could just satisfy both requirements. However; the standard has been amended to give a range of +/-300mm so the mounting height can be between 1.1m and 1.7m AFFL.

### Responsible Persons

The term 'Responsible Person' is no longer used. It was considered that the reader may be confused with the term used in English and Welsh fire legislation (Regulatory Reform (Fire Safety) Order 2005) and which has a radically different meaning. A broader term 'Premises Management' is now used but someone still needs to be made responsible for the fire detection and fire alarm system so the duties remain largely unchanged.

A tiny change in the definition of a Competent Person (designers, installers, maintenance technicians and commissioning technicians) has been introduced. Changing 'necessary training' to 'relevant current training' serves to underline the need for update and refresher training.



# SAFETY FOCUS

## SENTENCING GUIDELINES – ONE YEAR ON

It has been over a year since the latest H&S, Food Safety and Corporate Manslaughter Sentencing Guidelines for English and Welsh Courts came into force. At the time they were described as a “sea change” for H&S sentencing but has that been the case in practice?

Initial indications are that the Guidelines have indeed had a significant impact on Health and Safety prosecutions because of two main factors: the move to risk-based sentencing and ultimately bigger fines handed down in Court.

### Fines

The latest HSE statistics for 2015-16 show that there was actually a slight decrease in the number of cases brought and convictions obtained against the previous period:

2014/15	2015/16
728 cases brought 682 convictions	696 cases brought 660 convictions

However the fines handed out actually doubled over the same period: £38.3m in 2015/16 vs. £18.1m in 2014/15. HSE states that this is due to the resolution of a number of “high-profile and long-running” cases, nevertheless it does include 8+ months of cases tried using Guidelines.

Furthermore, IOSH recently made a Freedom of Information Act (FOIA) request to explore the impact of the changes. In 2016, there were 19 fines of £1 million or more — the largest being £5 million — compared with just three fines of £1 million or more in 2015 and none in 2014.

The largest 20 fines imposed for health and safety offences last year cost the businesses involved a total of £38.6 million. In comparison, the largest 20 fines in 2015 and 2014 cost £13.5 million and £4.3 million respectively.

### Risk-based sentencing

Another less obvious but possibly more impactful change was a move to risk-based sentencing. This requires the Court to consider the level of risk associated with the case rather than the actual harm that occurred. Simply put this means that there does not have to be a fatal accident for a large fine to be imposed by the Court.

By way of example, Merlin Entertainments was ordered to pay £5 million after five people were seriously hurt in a rollercoaster crash at its Alton Towers theme park. Another example was the broken leg and dislocated ankle suffered by actor Harrison Ford while filming Star Wars: The Force Awakens, resulting in a £1.6 million fine for Foodles Production.

In deciding the level of fine the Courts consider numerous factors, including:

- Culpability – ‘how much to blame’ the organisation is
- Harm – the risk of harm, not the actual harm that occurred
- Aggravating factors, which mean that the Court may adjust the fine to the higher ranges. Examples include prior convictions, poor H&S record and obstruction of justice
- Mitigating factors, which allow the court to reduce the level of fine based on the organisation’s positive actions such as having no prior convictions, co-operations with the authorities and acceptance of responsibility.

The profitability of an organisation is also relevant. If an organisation has a small profit margin relative to its turnover, downward adjustment to the level of fine may be made by the Court. If it has a large profit margin, upward adjustment may be needed.

An interesting point is that any “quantifiable economic benefit” derived from the offence, including through avoided costs or operating savings, will be added to the fine. This alone helps to prove that the Courts will not allow cost-cutting at the expense of Health and Safety.

All told this approach gives the Courts more opportunity to effectively punish organisations who have broken the law.

## **Sentencing case studies**

### *Working dangerously at height*

Walltopia, a Bulgarian construction company, was fined £500,000 for a breach of the Work at Height Regulations 2005 after a member of the public reported unsafe working practices at height.

The member of the public observed work at height being carried out from a pallet on the forks of a telehandler at a construction site in Derby. A Bulgarian construction company was constructing an adventure course at Markeaton Park. The HSE investigation found that work was being carried out on a roof 11 metres from the ground without the use of any means to prevent falls from open edges. Workers were accessing the roof by climbing from the basket of a cherry picker.

An HSE inspector commented that using a pallet on a telehandler for work at height is an unacceptable means of access. The company had failed to put control measures in place after being alerted to this. This case is notable for the fact that no worker had been killed or suffered injuries, indicating the seriousness with which the courts consider dangerous working at height, given the shocking statistics for the number of injuries suffered in falls.

### *Nearly £2 million for machinery safety*

Tata Steel was fined £1.98 million under s.2 of HSWA for safety failings. A worker lost two-thirds of his left hand and two fingers as he was clearing a blockage on a steel tube manufacturing line which was not adequately guarded.

Five months later, another worker suffered the loss of part of a finger when his left hand was caught in an inadequately guarded machine as he was being given refresher training.

The HSE investigation found that there had been a failure to appropriately guard and manage the risks arising from dangerous parts of machinery.

An HSE inspector commented after the hearing that the guarding of dangerous parts of machinery is a fundamental of ensuring the safety of workers. The HSE would not hesitate to hold those accountable who did not fulfil their legal obligations, especially if that results in someone receiving life-changing injuries.

### *Use of access tower*

Valero Energy UK Ltd, a refinery company, was fined £400,000 under s.2 of HSWA, following an incident in which a worker suffered serious injuries.

In March 2012, David Thomas, an employee of Valero, was working on an access tower walkway which provided access to a tanker vessel. The walkway dropped 3.5 metres. Thomas was trapped by a slack wire rope and suffered fractures and lacerations to both legs.

The company had failed to carry out a sufficient risk assessment of the use and operation of the access tower. It had failed to provide adequate information, instruction and training as to its safe use and operation. The company had also failed to act on the recommendations of its inspection contractor and its warning that there was a potential fatal accident waiting to happen.

# LEGISLATIVE UPDATE

## HSA PLANS 11,000 WORKPLACE INSPECTIONS FOR 2017

Ireland's Health and Safety Authority (HSA) has scheduled 8,650 inspections under OSH regulation this year, according to its Programme of Work for 2017.

The full total of 11,220 inspections proposed by the agency for 2017 also includes more than 1,400 to check compliance with chemicals regulations.

The agenda – which provides details of planned actions, priorities and inspection objectives for the year – says 4,000 construction site inspections will take place. The HSA says it will pay particular attention to small construction companies, self-employed workers, one-off builds and smaller sites through the development of initiatives to further raise safety and health awareness.

The authority says it plans 600 inspections across the manufacturing industry, with findings from inspections of the major asphalt plants and block making facilities published online. And it has scheduled 400 checks in wholesale and retail premises, with a focus on management systems compliance; storage, racking and forklift use; and the supply of second-hand farm machinery.

A key theme of the programme is new and returning workers, in industries such as accommodation and retail. The HSA has pledged to address training, induction and supervision for new hires during its inspections, after a 2015 study by the Economic and Social Research Institute found this group of workers were four times more likely to be injured at work than those with a tenure of over five years.

There will also be an emphasis on work-related health activities, including the promotion of positive mental health and reduction of workplace stress, it said.

Minister for employment and small business Pat Breen TD, whose brief includes workplace safety and health, said: "Thankfully we saw a reduction in fatal accidents last year, with 44 reported, the second lowest number on record. Now it is important to build on any success achieved and focus on areas of concern, such as the continued high rate of injury on farms.

"I also find it alarming that so many serious and fatal injuries, regardless of sector, involve the self-employed. They, along with new and returning workers, are what I would call 'vulnerable groups' and there is a strong focus in the authority's work programme on those that are at risk."

The programme of work is part of the HSA's Strategy Statement 2016-18, which sets out its priorities for the upcoming three years. The Strategy Statement can be found here: <http://tinyurl.com/zrluhzk>



## PROPOSED NEW RESPIRATORY STANDARD

Currently in the draft stages, ISO 16975 proposes to provide advice on use, maintenance and selection of respiratory protective devices (RPDs). It is hoped that the standard will be published in early 2018.

The new standard would contain reference to guidance for organisations on establishing and implementing a RPD programme. This would include information on the knowledge and skills which are necessary for a fit-test operator.

IOSH Chartered Fellow, Charles Tracey, is the convenor of the technical committee, which is responsible for drafting the standard. He said: "This proposed standard, ISO 16975 part three, will provide organisations with guidance on face fit-testing procedures.

"The introduction of this standard will mean that organisations can ensure the fit-testing of devices is competently delivered so they can perform their protective function. Once a competent person has been trained, they won't have to rely on continued support from outside organisations."

Unfortunately, employees around the world and across industries are exposed to substances which are harmful to their health on daily basis, including respirable crystalline silica. It is essential that the 'hierarchy of control' is applied, with a focus on preventing exposure at source before further measures including RPDs are considered.

## HEAVIER PENALTIES FOR DRIVERS USING MOBILE PHONES

Since 1 March drivers caught using their mobile while driving will face heavier penalties.

The Department of Transport had originally sought feedback on proposed changes to penalties for the offence of using a hand-held mobile phone while driving, between January and March 2016. Following analysis of the consultation responses, the department decided to proceed with the following:

- Raise the fixed penalty points issued under a fixed penalty notice for this offence from 3 to 6 for all drivers.
- Raise the fixed penalty notice fine from £100 to £200 for all motor vehicles.

According to research by the RAC, an estimated 11 million motorists had admitted to making or receiving a phone call in the 12 months prior to their report being published with a further five million taking photos or videos while driving.

In a speech to Roads Police Officers at their National Roads Policing Conference on 26 January, Roads Minister Andrew Jones outlined three areas which cause the most accidents: drinks, drugs and mobile phones. Talking about mobile phone use and driving, he said: "Most of you would never think of using your mobile whilst driving. Talking. Texting. Checking updates. You know that it's a serious crime which destroys lives. But for those motorists who don't understand this, we're increasing the penalties.

"From March [2017], it'll cost 6 points on your licence. And the fixed penalty fine – doubled. So our message to anyone thinking about using their mobile whilst driving is simple. Don't do it."

The new rules apply in England, Scotland and Wales.



## TRANSPORT FOR LONDON CONSULTATION: ROAD USER SAFETY

Transport for London is currently holding a consultation, which is the first of a series of consultations, on proposals to implement a Direct Vision Standard (DVS) for Heavy Goods Vehicles.

The DVS aims to address the issue of HGV and vulnerable road user safety in London. The DVS uses a zero to five 'star rating' system to categorise HGVs based on how much a driver can see directly from the cab without using cameras or mirrors.

Under the proposal 'zero star rated' HGVs would be banned or restricted from London's roads by 2020, and HGVs rated three stars and above only would be allowed from 2024.

For full details and to share your views, please visit the consultation portal, here: <https://consultations.tfl.gov.uk/roads/direct-vision-standard-phase-1/?cid=vision-standard-phase-one> This consultation closes on Tuesday 18 April.



## TOUGHER SPEEDING PENALTY INTRODUCED

Motorists found guilty of the most serious speeding offences are to face higher penalties.

Set by the Sentencing Council, new guidelines for magistrates in England and Wales are intended to take into account the increase in potential harm that can result as speed increases above the relevant speed limit. The Council has therefore increased the penalty for the top band of the most serious offences to ensure that there is clear increase in fine level as the level of offending increases.

As of 24th April 2017, fines for such offenders will have a starting point of 150% of weekly income rather than the existing level of 100%.

The main aim of the new guidelines is to help magistrates sentence fairly and proportionately. That is being achieved, the Sentencing Council argues, by providing them with a clear, up-to-date set of guidelines that follow the same approach.

Although the new guidelines are not intended to result in significant differences to current sentencing practice, they will see changes to sentencing for specific offences.

In addition to speeding, a number of other offences under the Road Traffic Act 1988 are among those affected by the new sentencing guidelines, including: driving while disqualified, driving without due care and attention, and driving without insurance.

Magistrates' Court Sentencing Guidelines are available at [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk).

They apply to all offenders aged 18 and older who are sentenced on or after 24 April 2017, regardless of the date of the offence.

## Q&A'S

### FIRE WARDEN PROVISION

**Q.** As part of our fire safety arrangements, we appoint fire wardens to assist in fire evacuation procedures. How do I ensure that we have sufficient staff to undertake this role and what should that role entail?

**A.** Under UK fire safety legislation, the responsible person has to establish procedures that will keep people safe from a fire.

Article 15 of the Regulatory Reform (Fire Safety) Order 2005 requires the responsible person to nominate a sufficient number of competent persons to implement the procedures for serious and imminent danger in so far as they relate to the evacuation of relevant persons from the premises. These persons are often referred to as fire wardens.

The recently reviewed BS 9999:2017 Fire Safety in the Design, Management and Use of Buildings. Code of Practice states that “the appropriate staffing level (for fire safety purposes) for a particular building is influenced by the use of the building and fire growth characteristics; the types of occupant; the fire safety systems in place; and the roles and levels of the staff concerned in ensuring the fire safety of the occupants”. The fire risk assessment should be identifying the above, along with other factors such as the fire evacuation strategy (e.g. simultaneous, phased, delayed/on-site filtering, stay put) and the means of evacuation (e.g. presence or otherwise of mechanical means such as evacuation lifts).

This will enable decisions to be made as to the requirements for the implementation of the procedures for serious or imminent danger, including the number of persons required and the functions they will need to fulfil. There is some guidance on staffing levels, for example the Confederation of Fire Protection Associations in Europe publication Recommended Numbers of Fire Protection Trained Staff provides ratios, based upon the type of premise involved.

Having determined the level of staffing and functions, the responsible person will then need to ensure the following:

- The functions are roll-mapped and form part of the fire emergency plan.
- There are processes in place to ensure competent persons are nominated and actually appointed and how this is to be achieved (eg volunteers or part of contract of employment).
- The necessary tools and equipment required to fulfil the roles have been identified and are provided.
- The relevant information, instruction and training required to fulfil the role/s are identified against the role mapping.
- The necessary learning and development opportunities have been organised to provide initial and on-going training to ensure competence.



## COMMUNICATING RISK ASSESSMENT OUTCOMES

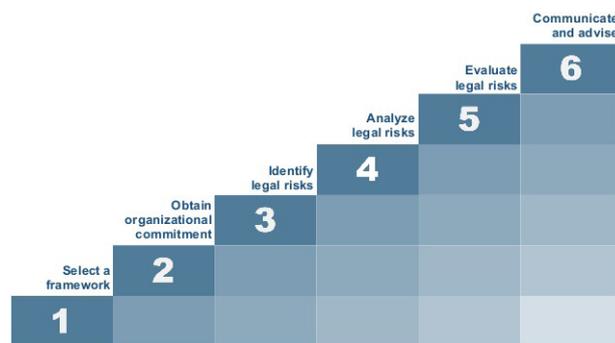
**Q.** My organisation produces various risk assessments. I am aware that we must inform employees of the outcomes of these assessments but how can we do that effectively?

**A.** Regulation 10 of the Management of Health and Safety at Work Regulations 1992 requires employers to provide employees with “comprehensible and relevant information on the risks to their health and safety identified by the assessment” as well as the preventive and protective measures to be adopted to eliminate/control the risks.

Developing and implementing effective communication processes that tell employees what they need to know about risks and the risk control measures needs to be given some thought.

The fundamental goal of “risk communication” is to provide meaningful, relevant and accurate information, in clear and understandable terms. This in turn can:

- promote awareness and understanding of the specific risks faced by employees;
- provide a sound basis for understanding the risk control measures adopted; and
- foster trust and confidence among employees in the health and safety management system.



When determining the most appropriate means of providing the relevant information, a number of factors will need to be considered not least the nature of the risks, the type/s of risk control measures, the number of employees involved, their location, work patterns, language issues, etc.

Certainly, initial health and safety induction training may be a good starting point for providing the necessary information. However, the risk profile can change and employees will need refresher training and also regular reminders of the risks.

No one method of communication works effectively and typically a number of methods of communication can be used to provide the information. Developments in technology have increased the range of communication options with intranet and email-based communications now prominent.

As well as provision of training to provide information, other methods can include the use of notice or bulletin boards, posters, newsletters/house magazines, emails and intranet messages. Presentations at team meetings, staff forums and one-to-ones can also help to get the message across.

When planning how best to provide the information, consideration will need to be given to the potential barriers. This will include the potential for varying risk perceptions of individuals, receptiveness towards the message about the risks and control measures, as well as the credibility of the message source.

It is therefore essential to monitor how effective the processes are at providing the appropriate information. This could be by, for example, training feedback, the use of feedback monitoring and the completion of more comprehensive audits.

## GUIDANCE

### COST RECOVERY DISPUTE PROCESS TO BECOME FULLY INDEPENDENT

The HSE has announced that it is to consult on proposals to make its cost recovery scheme dispute process fully independent.

The Fee for Intervention (FFI) scheme was introduced in October 2012, with the aim being “to shift the cost of regulating workplace health and safety from the public purse to businesses which break the law”.

In terms of the FFI scheme, if an inspector identifies serious health and safety failings in the workplace about which they need to write to the dutyholder, then that dutyholder has to pay the costs of the HSE visit.

The HSE has emphasised that costs will be recovered where there has been a material breach of health and safety law. A material breach is where a business or organisation has broken the law and the inspector considers it serious enough to notify them in writing.

If the inspector simply issues verbal advice, there is no charge. If there is disagreement on the HSE’s decision, the dutyholder can dispute it.

Until now, disputes were considered by a panel which consisted of two members from the HSE and one independent person. However, after reviewing the current process, the HSE says it will consult with relevant stakeholders with a view to making the process fully independent.

In May 2017, the dispute process of the FFI scheme will be the subject of a full judicial review hearing in the High Court. The review is being brought by a company in connection with a notification of contravention served by the HSE regarding its management of Hand-Arm Vibration Syndrome (HAVS).

Commenting on the changes, a spokesperson for the HSE said, “HSE has always kept the dispute process under review and following a recent application for a judicial review we believe the time is right to move to a dispute process which is completely independent of HSE.”

### PM’S MENTAL HEALTH PLEDGE ‘STEP IN THE RIGHT DIRECTION’

Prime Minister Theresa May’s pledge to improve mental health services in UK workplaces is “a step in the right direction”, according to IOSH.

The PM has announced plans to overhaul mental health care in the UK saying “there’s not enough help to hand” for anyone experiencing problems.

During a speech in January, May introduced a review into improving support in workplaces and providing employers with additional training to support staff who need to take time off – headed by mental health campaigner Lord Stevenson and Paul Farmer, chief executive of the mental health charity Mind.

IOSH recognises that businesses need to ensure that they are taking positive steps to manage mental health in the workplace. Following May’s speech, Shelley Frost, executive director of policy at IOSH, said: “We believe this announcement by the Prime Minister on increased employer support for mental health is a step in the right direction. We’re delighted that messages from our Westminster awareness-raising event ‘Promoting mental health at work’ have registered with Government.”

IOSH is currently funding research which will include looking at the effectiveness of mental health training and the processes and barriers associated with returning to work after mental illness. They also have other documents available, to provide support, including its Occupational Health Management in the Workplace guide, which is available here: <https://www.iosh.co.uk/Books-and-resources/Occupational-health-management-in-the-workplace.aspx>

## METHOD STATEMENTS VS RISK ASSESSMENTS

The Health and Safety Executive (HSE) is encouraging organisations to rely more on documents such as method statements instead of duplicating content in overly detailed risk assessment documents.

According to HSE, a method statement “describes in a logical sequence exactly how a job is to be carried out in a safe manner and without risks to health. It includes all the risks identified in the risk assessment and the measures needed to control those risks.”

But a method statement is different from a safe system of work (SSoW). A method statement for changing a lightbulb could explain how to transport and check the ladder and its set-up, how to isolate the power, how to carry the bulb up the ladder, and what to do with the old one. The method statement’s effectiveness depends on adequate procurement processes for the ladder, the light fittings and the lightbulbs, inspections of the ladder and fixed wiring, and training for the lightbulb changer.

The method statement for changing the lightbulb is just one part of the total SSoW. S 2(2) of the Health and Safety at Work Act summarises some of the requirements for a SSoW (without using that term) and includes plant and systems, arrangements for maintenance and appropriate information, instruction and supervision.

A complete SSoW should also include emergency procedures and arrangements for monitoring and audit. A method statement that included this much information would be unwieldy and unhelpful for the person asked to carry out a single task.

Case law has made it clear that it is not enough for employers to assume that an experienced employee will work out what to do to stay safe even if the risk in the activity they are carrying out is clear. As early as 1953 in *General Cleaning Contractors v Christmas*, the House of Lords concluded that the employer was at fault for failing to provide a safe working method for a window cleaner. The employer had argued that an employee should have known to wedge open a sash window, since holding onto the edge of the window was the employee’s only means of preventing a fall. But the law lords ruled: “It is the duty of an employer to give such general safety instructions as a reasonably careful employer who has considered the problem presented by the work would give to his workmen.”

The level of differentiation needed in method statements will always be a matter of judgement, but such cases suggest that, if a method that is safe for one activity is unsafe or insufficiently detailed for another, a different method statement is required.

Method statements are often divided into multiple sections: equipment; method; safety issues; personal protective equipment and so on. Risk assessments and method statements commonly provided by contractors separate the former from the latter. These portioned approaches separate the steps required to maintain safety from the steps required to do the job, so that while following the task instructions the user needs to refer elsewhere for safety measures.

To avoid human error, the safety measures should be included within the method statement – for example, ensure the instruction “check the ladder is stable before climbing” is on p 1, rather than on p 3 in the “safety issues” section, where it will probably remain unread.

More information of risk management is available from the HSE here: <http://www.hse.gov.uk/risk/faq.htm>



## RESEARCH INTO FORKLIFT TRUCK REVERSING SENSORS

HSE have recently produced a Research Report 'Forklift truck reverse sensor systems assessment' (available here: <http://tinyurl.com/jnqfk35>), which had three main objectives:

1. To undertake analysis of FLT-related RIDDOR reports to identify risks factors related to reversing or 'tail swing'
2. Identify, document and assess ultrasonic and radar systems
3. Develop and apply evaluation methodology for sensor systems in open and confined environments.

HSE broadly concluded that ultrasonic and radar systems "provide a useful function in ensuring site safety where assessment of risks identifies hazards with FLT's operating in close quarters with personnel, other vehicles, or vulnerable infrastructure" when well-positioned on the truck.

It was noted that certain configurations produced blind spots in the detection zones that could allow a pedestrian to approach the truck without being detected. As such it is important to mount sensors to create a suitable detection zone while avoiding false detections.

Environmental factors were also identified that could affect the effectiveness of the systems, including engine and background noise that could potentially 'drown out' the on-board alarm, and adverse environmental conditions such as dust and water and oil contamination that could damage or inhibit the sensors. Again it is essential to identify such issues when assessing risks in order to select the most appropriate system for the site conditions.

Overall, the research concluded that ultrasonic and radar detection systems can provide a useful function in ensuring site safety where the assessment of risks has identified particular hazards with FLT's operating in close quarters with personnel, other vehicles, or vulnerable infrastructure.

Finally HSE conclude that detection systems may not be suitable for all applications and companies should still consider whether other means of risk mitigation may be more practicable.

## CHANGES TO PROTECTIVE GLOVES STANDARD

A supplier of safety equipment has published a summary of recent changes to the glove standard EN 388: Protective Gloves Against Mechanical Risks. The summary, produced by the company Arco, focuses on the new glove standard which was published on 2 November 2016 and supersedes the previous standard from 2003.

Specifically, EN 388 is the standard that determines a glove's performance against mechanical hazards. The standard specifies the testing and marking required for protective gloves. It also states the performance levels for gloves protecting against mechanical risks such as abrasion, a blade cut, a tear, puncture and where relevant, impact.

In the new version of the standard, some tests remain unchanged and other test procedures have been improved.

The most notable change is said to be in relation to a glove's cut protection where a new category of protection has been introduced.

Overall, the main changes to EN 388 pertain to:

- abrasion testing, where new abrasive test paper will be used
- cut protection testing, where the existing cut test (i.e. the coupe test) will be supplemented with an additional test method in certain circumstances
- impact protection testing (where relevant)
- marking of gloves

A summary of the changes can be accessed on Arco's website, here: <http://tinyurl.com/gsqqs7eo>

## MYTHS ABOUT DISABILITY AT WORK — SICKNESS ABSENCE AND SAFETY ISSUES

Acas, the government-funded conciliation service, has highlighted five key myths about disability in the workplace, emphasising studies which prove that disabled employees who are in work tend to have better attendance records, stay with employers longer and have fewer accidents at work.

Acas points out that the Equality Act 2010 makes it unlawful to discriminate against employees because of a mental or physical disability.

Despite this, Acas warns that stereotypical attitudes towards disability in the workplace, including specific myths about disability at work, can create barriers for disabled workers as follows:

1. A sizeable 42% of disabled people seeking work have found that misconceptions around what they can do are the biggest barrier to getting hired.
2. The average cost of making reasonable adjustments for a disabled employee is just £184, despite the myth that such adjustments are expensive. Furthermore, often the reasonable adjustments cost nothing or very little.
3. There is also a myth that to be disabled, a worker has to be blind or in a wheelchair for example, but this is not the case. The Equality Act 2010 covers a very wide range of conditions, not all of which are obvious. Many, such as epilepsy or some mental health conditions, are “invisible”.
4. Another misconception is that a job applicant has to tell an employer if he or she is disabled but in fact this is not true. A disabled person can keep a disability confidential.
5. Finally, some people wrongly believe that a disabled employee will be off sick a lot. However, studies show that disabled people in work tend to have better attendance records, stay with employers long and have fewer accidents at work.

Further information about disability at work can be accessed on the Acas website: <http://www.acas.org.uk/>

## MEDICAL REPORTS FOR EMPLOYEES — CONFIDENTIALITY

The Faculty of Occupational Medicine (FOM) has welcomed new guidance published by the General Medical Council (GMC) on issues pertaining to patient confidentiality, which the Faculty says will be helpful in the context of medical reports related to employment, and will also complement detailed guidance produced by FOM regarding confidentiality and other ethical issues for medical professionals working in the field of occupational health.

The new guidance from the GMC notes that patients must be able to trust doctors with their lives and health. Furthermore, the GMC warns that trust is an essential part of the doctor-patient relationship and confidentiality is central to this.

Therefore, patients may avoid seeking medical help, or may under-report symptoms, if they think their personal information will be disclosed by doctors without consent, or without the chance to have some control over the timing or amount of information shared.

The President of FOM, Dr Richard Heron, recently welcomed the new updated guidance on confidentiality from the GMC, saying, “The Faculty of Occupational Medicine welcomes updated GMC guidance on confidentiality, which is helpful in referring to the issues involved in providing medical reports related to employment.”

He added, “Occupational health plays an important role in supporting workers with illness and disability, and clarity regarding medical confidentiality is important in ensuring ethical practice to support patients appropriately. The updated guidance complements a detailed ethical guidance document produced by FOM to advise doctors and other multidisciplinary health professionals working in the field of occupational health regarding confidentiality and other ethical issues.”

The GMC guidance entitled Confidentiality: Good Practice in Handling Patient Information can be accessed on the GMC website, here: <http://tinyurl.com/j7uc84v>

The detailed ethical guidance document produced by FOM can be accessed on the FOM website, here: <http://tinyurl.com/z4hl9gq>

## TACKLING WORK-RELATED STRESS GUIDE

The TUC and Health and Safety Executive (HSE) have jointly published a new guide to help trade union health and safety representatives tackle workplace stress.

The guide was produced in response to a recent TUC survey in which 7 in 10 of more than 1000 health and safety representatives identified stress as the top concern in their workplace.

The guide is based on the HSE Management Standards in handling stress and breaks down the causes of work-related stress into six key areas:

1. Demands: issues like workload, work pattern and environment.
2. Control: how much say someone has over the way in which he or she works.
3. Support: available resources, line management and colleagues.
4. Relationships: dealing with unacceptable behaviour and promoting positive working.
5. Role: whether the person understands his or her role at work and does not have conflicting roles.
6. Change: how organisational change — large or small — is communicated.

The handbook proposes that a group — made up of representatives from across every level of the organisation — gathers information on the current situation in the workplace and carries out a risk assessment based on the HSE standards.

The group can then identify practical proposals for change that could make a real difference, such as tackling a long-hours working culture, improving workplace practices or increasing staffing levels.

Commenting on the issue of work-related stress, TUC General Secretary Frances O'Grady said, "Union representatives have a key role to play in working with employers to tackle this problem once and for all. Stress is preventable if workers have reasonable workloads, supportive managers and a workplace free from violence, bullying and harassment."

The new guide, entitled Tackling Workplace Stress Using the HSE Stress Management Standards, can be accessed on the TUC website, here: <http://tinyurl.com/jz8q4wc>

## COMAH STRATEGIC FORUM COMMUNITY WEBSITE

The COMAH Strategic Forum (CSF) has developed an external web community (CSFweb) to provide information, news, guidance and reports on the work of the forum and allied groups such as the Chemical and Downstream Oil Industries Forum (CDOIF). Please note that the CDOIF material previously located on the HSE website has been copied across to CSFweb and visitors to the CDOIF site will in future be transferred automatically to the CDOIF pages of the CSFweb.

CSFweb is fully open – registration is not required – but you can sign up to receive automatic updates on news and new items by subscribing to the CSF Bulletin.

CSF is a joint industry and regulator forum working to improve major accident hazard management and raise standards across industry. Industry members are: Chemical Business Association (CBA); Chemical Industries Association (CIA); Tank Storage Association (TSA); UKLPG; UK Petroleum Industry Association Ltd (UKPIA). Unite is also represented, along with the COMAH Competent Authority partners: Scottish Environment Protection Agency (SEPA), Natural Resources Wales (NRW), Environment Agency (EA), Health and Safety Executive (HSE) and Office for Nuclear Regulation (ONR).

The community's primary audience will be those who operate establishments covered by the Control of Major Accident Hazards Regulations 2015 (COMAH), but the information and guidance in CSFweb will be of interest and use to all those involved in the processing and storage of chemicals.

Check out the current working groups and resources produced or in progress by visiting CSFweb, here: <http://tinyurl.com/hfq6xql>

# ENFORCEMENT

## FOOD PACKAGING FIRM FINED £70,000

A food packaging business has been fined after a worker's thumb was severed having gained access to dangerous parts of a machine.

After an investigation by the HSE, the Cheshire-based company was found guilty at Liverpool Crown Court of breaching Section 2 (1) of the Health and Safety at work etc. Act 1974 and was fined £70,000 with £53,509 costs.

The worker had reached through an unguarded area of one of the printing machines, using a rag to clean ink from a roller. The rag got caught in a mechanism, causing the worker's hand to be pulled into rotating cogs resulting in his left thumb being severed. He received skin grafts in hospital and was subsequently unable to work for 15 weeks.

The HSE found that although the company had partially guarded the moving parts of the machine with an interlocked guard, they had failed to prevent access to all dangerous parts of machinery.

Furthermore the investigation discovered that the company's risk assessment had been written nine years earlier by an employee with no training in risk assessment. The assessment did not identify risks related to unguarded machinery or any control measures.

The company had also previously been served with several HSE Improvement Notices highlighting machinery guarding issues, something considered an 'aggravating factor' under the latest Sentencing Guidelines.

Adam McMahon, an HSE inspector, said after the hearing: "The employee's life changing injuries could have been prevented if a suitable and sufficient risk assessment had been completed and the correct control measures implemented.

"The day after the accident the company carried out a new risk assessment of the machine guarded the area in which the employee reached through with a clear plastic screen. The company followed this up with a written safe system of work relating to cleaning the rollers."

## RECYCLING COMPANY FINED AFTER WORKER CRUSHED BY ROLLER DOOR

A recycling firm has been fined after a worker suffered crush injuries from a roller shutter door.

Newport Magistrates' Court heard how an employee was injured when the door's roller barrel fell on him resulting in three cracked ribs and a damaged spleen, causing him to miss eight weeks of work.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred on the 17 April 2015, found that none of the electronically operated roller shutter doors at the company's site had been adequately maintained to keep the equipment safe.

The firm have pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and have been fined £50,000 and ordered to pay costs of £9944.

Speaking after the case HSE inspector Lee Schilling said "This case highlights the importance of regular proactive maintenance and inspection of work equipment, including roller shutter doors, to ensure equipment does not deteriorate to the extent that it puts people at risk.

"In this case [the company] failed to effectively maintain their equipment and it could have easily resulted in a fatal injury."

## LOGISTICS COMPANY FINED AFTER 2 ACCIDENTS IN 2 DAYS

A Logistics company based in Staffordshire has been fined after two employees were injured in two days.

Oxford Crown Court heard how a 39 year old male employee sustained crush injuries to his left foot when he was hit by a forklift truck at the Oxford Mini plant on 6 October 2014. The court also heard that the following day a 55 year old Operations Manager sustained severe injuries including internal bleeding, a fractured pelvis and punctured lungs after a large metal box became unstable and fell from the forks of a truck striking and pinning him underneath. He was walking along a marked pedestrian walkway at the time of the incident.

A Health and Safety Executive (HSE) investigation found that FLT operators and their supervisors were not properly trained and the risk assessments in place were poor. The investigation also found that there was inadequate segregation of pedestrians and vehicles.

After the hearing, HSE inspector Kelly Nichols said: "It is vital that drivers are competent and have received appropriate information, instruction and training. Sites should be well-designed and maintained with suitable segregation of vehicles and people in order to minimise the risk of workplace transport accidents.

"The risks from workplace transport in warehouses and the required control measures to manage those risks are well known and publicised in HSE publications. It is really disappointing to find [this company] failing to manage and control the risks associated with the lifting and movement of vehicles and goods in a busy workplace.

"Sadly, in this case, the prosecution shows that [the company's] management of FLT driving operations and risk control measures failed which exposed employees to danger from falling loads and from being struck by a vehicle. These serious injuries were preventable."

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and was fined £265,000 and ordered to pay full costs of £14,943.30.

National bread makers Warburtons has been fined £2million after a worker was hospitalised following a fall.

## WARBURTONS FINED £2MILLION AFTER WORKER FALL

Wolverhampton Crown Court heard how on 11 November 2013 the employee was cleaning one of the mixing machines at their Wednesbury bakery, a routine job he carried out every few weeks, when he lost his footing and fell nearly two-meters.

The father-of-one, who had worked at the factory since 2007, was hospitalised with a compression fracture in his spine. He was not able to return to work until December 2014 but was unable to continue in his old role and was dismissed in December 2015 after another long period of sick leave.

The Health and Safety Investigation found that Warburtons Limited routinely expected their workers to access the top of the mixers to clean them. The workers were often unbalanced and would brace themselves to stop from falling. The workers were not adequately supervised and there had been no training on how the mixer needed to be cleaned at height. The company failed to control the risk of falls from height when carrying out this routine cleaning activity.

Warburtons Limited, Hereford Street, Bolton, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulation 2005 and was fined £2million and ordered to pay costs of £19,609.28.

HSE inspector Mahesh Mahey said "This case highlights how important it is for companies to fully assess the risks from work activities at height and to take appropriate action to prevent injury in the workplace. This should have been prevented, falls from height is one of the biggest killers in the workplace and even falls from fairly low levels can be extremely dangerous.

"[The employee's] life has been changed forever but he his injuries could have been more severe."

## OXFORDSHIRE COMPANY FINED FOR SEVERE CASE OF HAVS

An Oxfordshire based, engineering company has been fined after a worker contracted severe hand-arm vibration syndrome (HAVS).

Cheltenham Magistrates' Court heard how an employee, who was working at the company's earth retaining division, was eventually diagnosed as suffering from HAVS after repeatedly flagging his symptoms to the company for over five years.

Symptoms of HAVS can include tingling, numbness and pain in the hands. This affects sleep when it occurs at night and sufferers have difficulties in gripping and holding things, particularly small items such as screws, doing up buttons, writing and driving.

An investigation by the Health and Safety Executive (HSE) found the company did not have the right system in place to manage the workers' health as it did not have a suitable health surveillance programme in place to monitor for the early onset of HAVS and to prevent the irreversible condition from developing.

The company pled guilty to breaching Regulation 7(1) of the Control of Vibration at Work Regulations 2005 and were fined £6,000 and ordered to pay costs of £2,263.45.

Speaking after the hearing HSE inspector Mehtaab Hamid said: "This was a case of the company completely failing to grasp the importance of HAVS health surveillance. If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor worker's health and the employee's condition would not have been allowed to develop to a severe and life altering stage".

## PRISON FOR COMPANY DIRECTOR FOR RIDDOR OFFENCE

David Gordon Stead of Beddau has been given a prison sentence after pleading guilty at Cardiff Crown Court to breaching s.4(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) after failing to report or administer first aid after a worker suffered serious burns.

The court heard how a worker was instructed to stand on top of a skip and pour a drum of flammable thinners onto the burning waste to help it to burn. The fireball that resulted when the thinners ignited caused the worker to be blown from the skip and he suffered substantial burns to his arms and legs.

An investigation by the HSE found that the director of DS Quality Construction Services Ltd did not ensure the burning of the waste material was being carried out in a safe or appropriate manner. He failed to administer any first aid to the young injured worker and did not send him to hospital, the most appropriate response given the severity of the injuries suffered. He failed to inform HSE of the incident, a legal requirement, and the incident was only reported sometime later by a third party.

Stead has been sentenced to 16 weeks in prison with a further 16 weeks on release under licence. He has also been disqualified from being a company director for seven years.

Speaking after the case, HSE Inspector Adele Davies said: "We hope this sentence sends out a message that directors of businesses must take their health and safety responsibilities seriously."



For further information or to download a copy of this newsletter, please visit [www.bfff.co.uk](http://www.bfff.co.uk).



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