

INSIDE QUARTER 4 NEWSLETTER:

- > Safety Alert – Road Surface Cutting Machines
- > Changes to First Aid Training
- > Future Legislation
- > Corporate Manslaughter case – update
- > Man Dies in Scaffold Accident on Death Trap Construction Site
- > Inquiry calls for new LPG regime
- > New and Expectant Mothers in the Workplace
- > HSE Myth of the Month
- > Dates for your Diary
- > **WHAT COULD GO WRONG?**

SAFETY ALERT – ROAD SURFACE CUTTING MACHINES

A safety alert warning has been issued by the HSE to highlight the dangers of using top cutting machines in trench preparation without appropriate safety devices.

It comes after an accident whereby a worker was fatally injured when he became entrapped between the cutting drum and housing. During the HSE's ongoing investigation, it came to their attention that a number of safety devices used on the machine to prevent access to the moving drum may not have been working in the manner intended by the manufacturer. A deactivation device which "shall stop machine travel and attachment movement when the operator leaves the operator's station" (generally linked to the driver's seat) is required by the EN Standard EN474-10.

The Provision and Use of Work Equipment Regulations 1998 (PUWER) place a legal duty on employers to ensure that work equipment is maintained in an efficient state, which includes all safety devices attached.

Construction and utilities companies are urged to check safety devices on their top cutting machines to prevent similar incidents occurring.

CHANGES TO FIRST AID TRAINING

The changes to training for first aiders in the workplace came into force on 01 October 2009, the first major change to first aid training requirements in 25 years.

In brief, the changes comprise the following:

- > The current 4 day initial First Aid at Work course has been shortened to 3 days;
- > A 3-hour refresher course is "strongly recommended" on an annual basis;
- > A new 1 day "Emergency First Aid at Work" course has been created which covers the most common risks.

The First Aid at Work Requalification course remains unchanged at 2 days.

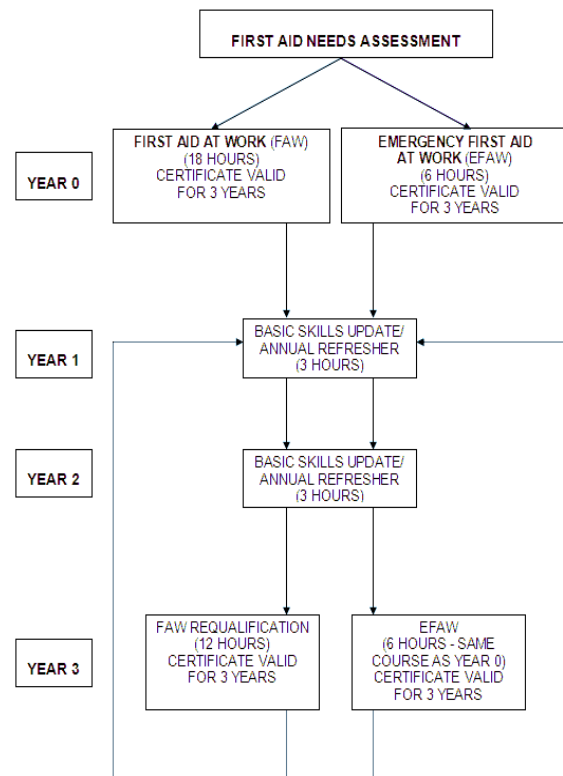
The HSE have issued new guidance regarding the number and type of first aiders required in the workplace in the form of INDG214 and the Health and Safety (First Aid) Regulations 1981 Approved Code of Practice L74. These documents are available to download free of charge from the HSE website at <http://www.hse.gov.uk/firstaid/guidance.htm>

Employers should now review their first aid arrangements, taking the following into consideration:

- > Workplace hazards and risks;
- > Size of the organisation;
- > Nature and distribution of the workforce;
- > Remoteness of the site from emergency medical services;
- > Needs of travelling, remote and lone workers;
- > Employees working on shared/multi-occupied sites;
- > Annual leave/other absences of First Aiders and Emergency First Aiders.

All current first aid certificates are still valid until their expiry date, and therefore employers are not required to retrain all their first aiders immediately. Upon expiry of the current certification, delegates will undergo the new scheme.

An outline of the new system is given below.



Source: <http://www.hse.gov.uk/firstaid/review/nov07.htm>

All courses booked through CQMS Ltd conform to the new scheme and details of location, availability and cost will be provided upon request.

FUTURE LEGISLATION

Below are details of the proposed changes which are expected to come into force on the next key commencement date of 06 April 2010:

Notification of Conventional Tower Cranes Regulations

These regulations will require certain information about conventional tower cranes (i.e. those which are

assembled on site from components) to be notified to the HSE following their installation or reinstallation on site.

A consultation (CD221) into the proposals closes on 09 October 2009.

Control of Artificial Optical Radiation Regulations 2010

This proposal aims to protect workers from the risks associated with exposure to artificial optical radiation in the workplace (lasers, UV light, etc), and will implement an EC Directive.

A consultation will be undertaken.

Docks (Amendment) Regulations 2010

This is a proposal to remove the requirement in Regulation 8(2)(f) of the Docks Regulations 1988 for a certificate confirming the safety of a vessel used to transport a person at work in dock operations to or from any working place in dock premises. It does not include vessels such as tags and pilot boats.

A consultation will be undertaken.

There are two key commencement dates for new legislation in the United Kingdom; April and October, however it is occasionally not possible to align new regulations with these commencement dates particularly those arising from Europe.

CORPORATE MANSLAUGHTER CASE - UPDATE

Mr. Peter Eaton, Director of Cotswold Geotechnical Holdings, is charged with the unlawful killing of a young geologist by gross negligence and was due to enter his plea at Bristol Crown Court on 19 August 2009 however the case was adjourned after an application for more time by his legal counsel.

A plea hearing will now occur in October, with the trial due to commence on 23 February 2010.

Mr. Eaton and his company also each face a charge of breaching health and safety regulations in connection with the incident.

MAN DIES IN SCAFFOLD ACCIDENT ON DEATH TRAP CONSTRUCTION SITE

A 63 year old man was killed when he fell from scaffolding at an Aberdeen site on 01 September 2009.

Mr. Malcolm Doughty was working at the former Grampian Hotel when the incident occurred at around 8am. He was taken to Aberdeen Royal Infirmary, where he was pronounced dead.

The HSE and Grampian Police have launched a joint investigation into the incident which will be submitted to the Procurator Fiscal, the Scottish prosecuting lawyers who investigate sudden deaths and conduct fatal accident enquiries.

The HSE have confirmed that they had issued Prohibition Notices in July 2007 relating to poor site order and risk of falls from height, and further notice stopping all work in October 2008 for a breach of the Work at Height Regulations 2005 relating to falls liable to cause injury from stairwells, edges of lift shaft and dry riser and no competent site manager in place. The HSE stressed, however, that the notices were served against Inveresk Developments, which had since sold the site to a new developer and a spokesman insisted that the notices

only applied to Inveresk and not the new company on site.

Ironically, the HSE had issued a statement on 01 September calling for safe working at height following the death of a 31 year old man in the Hastings area on 10 August, who also fell from scaffolding.

Accident statistics show that almost half (32) of all deaths (72) in the construction industry in 2007/8 were due to falls from height.

ENQUIRY CALLS FOR NEW LPG REGIME

Lord Gill's report into the explosion at ICL Plastics factory in Glasgow five years ago has made recommendations to prevent another disaster of a similar nature.

The blast, which resulted in the deaths of nine workers and injured 33, was caused when leaking gas was ignited from a corroded underground pipe passing through a wall into the basement of the four storey Victorian factory. Lord Gill's report described the incident as "an avoidable tragedy", and went on to criticize the HSE for showing no sense of urgency in coming up with an action plan to deal with the risks associated with underground LPG pipes and to prevent another disaster.

The main recommendations made in the report are:

- > Identification of sites with underground metallic pipework carrying LPG, and a duty on users to replace the metallic pipes with polyethylene pipes.
- > New safety regime, including compulsory LPG storage installation records, installation registration, regular independent inspections and the prohibition of supply to unverified installations.
- > Inspection of all sites with an LPG supply to identify risks from the building and installation's design.

NEW AND EXPECTANT MOTHERS IN THE WORKPLACE

In today's society, continuing to work well into pregnancy and returning to work whilst still breastfeeding is normal for many women, and employers have a duty of care and legal obligations to ensure they are protected.

Some aspects of pregnancy may be made worse by conditions in the workplace or the tasks undertaken at work or lead to increased risks, for example:

ASPECT OF PREGNANCY	FACTOR IN WORKPLACE
Morning sickness	Early shift work, Strong smells.
Backache	Manual handling, Prolonged standing.
Comfort	Problems associated with working in closely fitting uniforms and/or PPE.

The HSE identify four key areas which may pose a potential risk to expectant and breastfeeding mothers:

- 1. Physical hazards;
- > Awkward spaces and workstations, Manual handling operations, Vibration, Noise, Radiation

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SOURCES: HSE WEBSITE, EA WEBSITE, CONSTRUCTION NEWS WEBSITE, ROSPA PUBLICATION (SAFETY EXPRESS), VARIOUS TRADE PUBLICATIONS. ALL INFORMATION DETAILED IS TO PROVIDE INFORMATION AND GUIDANCE ONLY.

2. Chemical hazards;
 - > Handling chemicals (e.g. lead, pesticides, mercury, etc)
3. Working conditions;
 - > Poor welfare facilities (including rest rooms, drinking water, etc), Shift work, Low, or high, temperatures, Excessive stress, Travelling, Lone working
4. Biological agents (particularly relevant for healthcare, agricultural and laboratory workers);
 - > Bacteria, Viruses, Other micro organisms.

The Management of Health and Safety at Work Regulations 1999 require risk assessments to take account of the potential risks to women of child-bearing age, due to a pregnancy generally going undetected for the first few weeks, so to protect all female employees of child bearing age not just those who know they are pregnant. On receipt of written notification of pregnancy, birth, or breastfeeding, the employer must arrange for a specific risk assessment to be completed by a competent person with the findings brought to the employee's attention. It is important to remember that laws relating to pregnant women in the workplace can only be applied once an employer has been formally notified of the pregnancy in writing.

Where risks cannot be eliminated or reduced to an acceptable level, consideration must be given to adjusting the employee's conditions/hours of work. If this is not feasible or would not reduce the risks, the next consideration is whether she can be given alternative suitable work. Again, if this is not possible then she should be suspended from work on full pay for as long as necessary in order to protect her health and safety and/or that of her child.

Regular reviews of the risk assessment will need to be undertaken throughout the pregnancy to ensure it remains suitable and sufficient, taking into account the changes in body size, shape and/or strength. Personal protective equipment (clothing) may not fit correctly towards the end of the pregnancy and therefore may be unsuitable, and lone working is undesirable particularly in the latter stages of pregnancy.

The Workplace (Health, Safety and Welfare) Regulations 1992 require employers to provide suitable rest facilities for pregnant and nursing mothers, which should, where necessary, include somewhere to lie down. Furthermore, the HSE recommends that it is good practice for employers to provide a private, healthy and safe environment for nursing mothers to express and store milk however this is not a legal requirement.

The employee's health care professional (doctor, midwife) may be able to assist and provide advice with regards to the development of suitable control measures if necessary. **Finally**, It is important to recognise the importance of regular consultation and communication with the employee to ensure that hazards are identified as the pregnancy progresses and the control measures are implemented to ensure the woman and child are protected.

HSE MYTH OF THE MONTH

MYTH: Graduates are banned from throwing mortar boards



THE REALITY: Health and safety law doesn't stop graduates having fun and celebrating their success in the time-honoured fashion!

The chance of being injured by a flying mortar board is incredibly small, and **when the concern is actually about hats being returned in good condition, it's time to stop blaming health and safety.**

DATES FOR YOUR DIARY

CQMS are pleased to announce the following forthcoming training dates:

BRITISH SAFETY COUNCIL LEVEL 1 CERTIFICATE (1 DAY)

When?

Monday 16 November 2009
 Tuesday 17 November 2009
 Wednesday 18 November 2009
 10:00 – 17:00

Where?

CQMS Ltd offices, Grantham.

Who should attend?

The course is open to all levels of employee and does not require any prior knowledge.

What is the cost?

Only £50.00 +VAT per person.

To **book your place** on the above training course, please contact CQMS' offices by either

- > telephoning 01476 566665 or
- > emailing training-events@cqms-ltd.com

Hurry, book early to avoid disappointment!

CQMS Ltd can provide a range of training courses, and should you require any other training please contact our offices for a specific quotation.

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WHAT COULD GO WRONG?

It is paramount to ensure your Health and Safety procedures in place are robust enough to protect you, your business and your workforce from accidents occurring, particularly in the current harsh economic climate. CQMS Ltd urges all employers to review their arrangements and procedures, supervision and competency of employees to ensure they are doing all they reasonably can to prevent workplace injuries and dangerous occurrences.

The cases outlined below provide a stark reminder of what can happen when those arrangements are inadequate.

The following articles have been taken from the press and are provided as an example of recent prosecutions made under failings in health and safety legislation.

GAS FITTER JAILED FOR MANSLAUGHTER

A gas fitter has been jailed for three years for manslaughter following the death of two pensioners from carbon monoxide poisoning. He was also found guilty of six charges under the Health and Safety at Work etc Act 1974.

Mr. Peter Tongue had carried out work on the central heating system in the home of Mrs. Powell twelve days before she and Mr. Morgan were found dead, however his CORGI accreditation to work on the type of boiler in the house had lapsed three years previously and he had no up to date knowledge of the system. Consequently, he left the system in an unsafe condition with soot which caused carbon monoxide to be emitted into the house.

POOR TRAFFIC MANAGEMENT LEADS TO CRUSHING DEATH

John Stacey & Sons Ltd have been fined £60,000 plus full costs of £29,061 following the death of an employee at their waste transfer station in June 2007.

Mr. Frederick Aubrey, 78, was sorting demolition waste to segregate landfill from recyclable materials by hand with two colleagues whilst a fourth worker, Mr. Paul Kissock, was using a shovel loader and was about to tip waste from a recently delivered skip. He warned his colleagues that he was about to move the vehicle however as he began reversing, Mr. Aubrey moved behind the loader and was crushed beneath the wheels. Mr. Kissock only realised he had struck Mr. Aubrey when the colleagues shouted to stop the vehicle.

Mr. Aubrey suffered severe crushing to the chest and legs, and died five days later in hospital. John Stacey & Sons Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999.

COMPANY FINED AFTER EMPLOYEE DIES FROM SERIOUS HEAD INJURIES AT WORK

The Health and Safety Executive (HSE) is urging companies to implement and maintain safe systems of

work and to offer full training to staff to ensure that the health and safety of employees is not put at risk.

This follows the sentencing on Friday (25 September 09) of Delico Ltd at Aylesbury Crown Court. The company was prosecuted after a cleaner was fatally injured while cleaning a blending machine at its meat processing plant in Milton Keynes.

Delico Ltd based in Hull, was fined £160,000 and ordered to pay costs of £40,452. The company had pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc Act 1974 at a hearing in Milton Keynes Magistrates' Court on 10 July 2009.

HSE investigated the incident at Delico's meat processing plant in Snelshall West, Milton Keynes on 19 May 2007. An employee was cleaning one of the blending machines when a powered door on the machine closed unexpectedly and the employee suffered severe head injuries. She died at the scene.

HSE Inspector Karl Howes said:

"Employers must ensure that they implement safe systems of work for staff using machinery. They must make certain that safety features on machines, such as guards are not overridden." "All areas of risk need to be assessed, including cleaning and maintenance tasks, to make sure that tragic incidents like this do not happen."

UNSAFE SYSTEM OF WORK LEADS TO 10m FALL

Mr. Roger Thompson, employee of Hansen Transmissions Ltd (HTL) was one of a team of four men who were replacing a faulty gearbox of a condenser unit at Veolia Environmental Services in 2007. Within the condenser was a fan set 10m above the ground which had to be dropped in order to reach the gearbox.

The method of work utilised by HTL was for the four men to stand on the blades of the fan and rock them up and down, which was clearly unsafe. When the fan came loose Mr. Thompson overbalanced and fell through a mesh floor onto the floor below, a distance of over 10m. He suffered a collapsed lung, broken ribs and a severe hernia, and has not been able to return to work since.

HTL should have specified the use of hydraulic equipment to reach the fan, and use of harnesses for operatives. Veolia failed to monitor or manage the work undertaken by HTL; they were expecting the use of scaffolding and harnesses however did not check the adequacy of HTL's arrangements.

HTL pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and were fined £70,000 plus costs of £22,000.

Veolia were fined £100,000 and ordered to pay costs of £22,000 for breaching Section 3(1) of the same Act.

FORKLIFT TRUCK CRUSH PROVES FATAL

Mr. Shaun Porter, 31 year old employee of Trackline (International) Ltd died after his forklift truck fell on top of him, crushing his internal organs.

Mr. Porter was using a forklift truck to move large steel assembly around the Company's warehouse in Bourne, Lincolnshire when he noticed a vehicle frame protruding into an unmarked gangway. He raised the forks over the obstruction to allow room for his vehicle to proceed,

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however his load struck the frame causing the truck to spin and overturn. Mr. Porter tried to jump out of the truck but it caught him as he fell and landed on top of him, causing instant fatality.

The HSE found there to be a lack of marked out access ways and gangways and no way of assessing size of weight of loads. Employees were also found to be moving around in unofficial routes with no official gangway.

Trackline (International) Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 in failing to provide a safe system of work, including factory organisation and load handling arrangements for the operation of forklift trucks.

MISUSE OF FORKS LEADS TO FALLING LOAD

A prosecution of Birmingham company, Secure IT Disposals Ltd following an incident in which a worker was seriously injured, has lead the HSE to issue a warning to companies of the importance of implementing safe systems of work for lifting loads and of the selection of suitable lifting equipment for the job.

A mobile shredding machine weighing approximately one ton was being raised for maintenance by a forklift truck. It subsequently fell off the forks hitting an employee who was working underneath, Mr. Kevin Kelly.

Mr. Kelly required immediate surgery after suffering serious back injuries and has been unable to work since the incident.

HSE Inspector, Paul Smith, said:

“Even non-routine work, such as in this case, still requires proper consideration and risk assessment where there are significant risks. For an object of this size and weight to fall off the forks and hit someone, shows how serious people can be injured for the sake of taking a few minutes to consider how to do something safely even when time is short.”

HAZARDOUS WASTE FINE

Chemical manufacturer Wm Blythe have been fined £5,000 after 160 metal drums containing waste which they sent for disposal did not have the correct accompanying paperwork stating the contents were hazardous.

The receiving waste disposal business, UK Resource Management (UKRM) were also fined £15,000 for crushing the drums without correctly washing them first, a contravention of their waste management license which could have caught fire as they were crushed. UKRM had previously been convicted of five environmental offences.

33kV ELECTRIC SHOCK FROM OVERHEAD CABLES

Fallows Recycling Services pleaded guilty to breaching Regulation 14 of the Electricity at Work Regulations 1989 and have been fined £1,600 plus costs of £2,214 after a man suffered serious burns when he was hit by an electrical charge.

Mr. Andrew Perry was visiting a waste site in Cheadle, Staffordshire, and was tipping waste materials using a

control lever to move the extending arm of his truck when it came into contact with a set of 33,000 volt overhead electric cables. The electricity passed through his vehicle and body, throwing him from the truck. He was left with burns to his arms and feet.

There were no barriers or warnings to prevent drivers from tipping beneath the overhead power cables. HSE Inspector, Lynne Boulton, said: *“Mr. Perry was very lucky not to have lost his life. Around 60 per cent of electrical fatalities at work are caused by inadvertent contact with overhead power lines. It’s important to remember that machinery and equipment do not need to touch power lines for electricity to be transmitted because it can arc or jump across gaps.”*

FINE FOLLOWING INJURY DUE TO LACK OF RISK ASSESSMENT

Hotchkiss Ltd, a ducting manufacturing company, have been fined £14,000 plus costs of £5,718 after an incident in which a forming head fell on to an employee, leaving him with serious foot injuries.

The Company had failed to undertake a suitable and sufficient risk assessment of the forming machine which should have identified the requirement for lifting equipment to be used when changing forming heads. The employee suffered a severed toe and broken and dislocated bones in his foot.

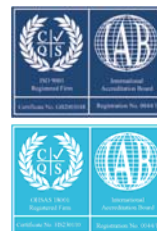
Investigating Inspector, Wayne Owen, said:

“It was clear the Company had failed to ensure that the risk to those people who used the two flat oval machines at the premises were sufficiently assessed and that the risk were then properly controlled. This incident is the culmination of these failures.”

CQMS Ltd have been providing Health and Safety Support Services nationally to a wide range of industries since 1994.



CQMS Ltd are currently Corporate Members of the Association of Project Safety, the British Safety Council and ROSPA.



CQMS Ltd also hold international ISO 9001 Award signifying Quality Products and Services and also OHSAS 18001, the international occupational health and safety management system specification.

If you have any questions regarding the content of this newsletter or require any additional information please contact us by telephone on 01476 566665 or via email enquiries@cqms-ltd.com

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