



ENVIRONMENT AGENCY TO ISSUE FIXED PENALTY NOTICES FOR ENVIRONMENTAL CRIMES

As of 2nd April 2007, the Environment Agency (EA) is able to issue £300 fines to any businesses found to be illegally carrying waste.

Over the past two years, the EA have made significant progress in tackling waste crimes such as large-scale illegal dumping of waste. They are now tackling the general problem of smaller scale problems, such as fly tipping.

Liz Parks, Head of Waste at the EA, said: "Everyone has a duty to make sure their waste is properly disposed of legally, yet some people think they can get away with using rogue traders. We want to encourage businesses to comply with the law and stamp out the illegal businesses so that the only ones left are those that care about our environment."

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007 NOW IN FORCE

Following extensive consultation with the construction industry, the new Construction (Design and Management) Regulations 2007 came into force on 6th April 2007.

Through a focus of managing risks on site, reducing paperwork, encouraging team work and getting the right people for the right job at the right time, the implementation of these Regulations are expected to see a step change improvement in Health and Safety performance within the industry.

Construction remains one of the highest risk sectors in the UK, with over one fatality occurring each week despite the improvements made in recent years. The CDM Regulations aim to improve the level of Health and Safety performance in the industry by clarifying the responsibilities of each duty holder. The Approved Code of Practice to accompany the Regulations also contains details of the competency requirements for each duty holder.

The revised CDM Regulations introduce the following changes:

- Clarify construction client responsibilities,
- Replace the role of Planning Supervisor with a new role of CDM Coordinator. The coordinator will act as the client's key adviser on Health and Safety issues,
- Emphasise the importance of competence at **all** levels in securing Health and Safety benefits, whilst simplifying the assessment of competence.
- Drive out needless Health and Safety paperwork and bureaucracy. Paperwork should be project-specific, relevant, proportionate to the risk, and of real use in helping to manage the risk.

- Simplify when a project is notifiable, and formal plans and appointments are required.

The CDM 2007 Regulations have been developed in line with the Government's Better Regulations principles, and will consolidate and revise existing Health and Safety at work legislation, namely: the CDM 1994 Regulations and the Construction (Health, Safety and Welfare) Regulations 1996.

To arrange a CDM Awareness Seminar through CQMS please contact us at our offices.

THE WORK AT HEIGHT (AMENDMENT) REGULATIONS 2007

These Regulations amend the Work at Height Regulations 2005 (the principal Regulations) to include provisions to bring workers paid to lead or train others in climbing and caving activities in the adventure activity sector within their scope. This will complete implementation of the Work at Height Directive (2000/45/EC).

HSE MYTH OF THE MONTH

The HSE has launched a myth of the month series aimed at correcting common misconceptions about HSE. This month's myth is "HSE has banned stepladders".

The reality:

The HSE have not banned stepladders - nor have they banned ladders! For straightforward, short duration work stepladders and ladders can be a good option, but you wouldn't want to be wobbling about on them doing complex tasks for long periods.

REPORT ON CORPORATE MANSLAUGHTER BILL

The law firm, Thompsons Solicitors, has published a report on the Corporate Manslaughter and Corporate Homicide Bill which concludes that the legislation makes a "significant retreat" on the government's policy on the issue.

As it is drafted at present, the Bill abolishes the common law offence of corporate manslaughter and replaces it with a statutory offence, with sanctions being unlimited fines and remedial orders.

Thompsons Solicitors, however, point out that there is no individual liability for directors or senior managers under the Bill, so no person will be imprisoned under the legislation.

Bob Crow, the General Secretary of the union RMT, has forwarded the report to Labour MPs, urging them to support amendments that would prevent the Bill becoming "a wasted opportunity".

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

HSE STATISTICS 2005/06

ILL HEALTH

2.0 million people were suffering from an illness they believed was caused or made worse by their current or past work.

INJURIES

212 workers were killed at work (0.7 per 100,000 workers).

146,076 other injuries to employees were reported under RIDDOR (562.4 per 100,000 workers).

WORKING DAYS LOST

24 million due to work related ill health.

6 million due to workplace injury.

ENFORCEMENT

1012 offences were prosecuted by the HSE.

ACCIDENT CAUSATION AND PREVENTION

WHAT IS AN ACCIDENT?

An accident is an undesirable or unfortunate happening that occurs unintentionally and may or may not result in harm, injury, damage, or loss.

According to one theory by Frank Bird, for every 1 serious injury, there are 10 minor injuries, 30 cases of property damage and 600 near misses. This is illustrated on his 'accident triangle'.



CAUSES:

There are several factors which cause accidents, however these can be grouped into three heading; individual, job and organisation.

Individual

This includes their knowledge, skills, training, experience (i.e. their *competency*), personality, attitude and risk perception.

Job

This area looks at the task itself, the workload (rate of work), equipment to be used, controls in place, procedures and environment.

Organisation

This includes the culture within the organisation, leadership, resources available, work patterns imposed and communications.

This area is often underestimated as an accident causal factor.

PREVENTION:

Accident prevention is undertaken for moral, economic and legal reasons.

Moral

- To prevent suffering and maintain the quality of life of employees,
- No-one should be expected to risk their life for a contract of employment.

Economic

- To prevent the company incurring costs related with accidents.

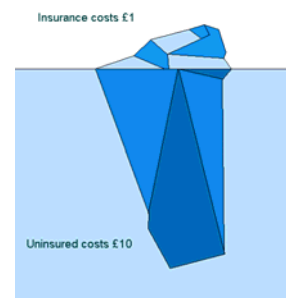
Legal

- Health and Safety legislation,
- Failures can lead to HSE Improvement/Prohibition Notices, Prosecutions and civil actions for compensation.

Control measures

- Safety procedures/work instructions,
- Adequate training,
- Effective communications,
- Good housekeeping,
- Provision of guards, safety devices, warning signs,
- Regular safety inspections,
- Risk assessments,
- Accident/incident/dangerous occurrence/near miss reporting.

Accidents result in costs to the company, and not all of these are insured. Uninsured costs include lost time, sick pay, extra wages/overtime payments, and investigation costs.



Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

RECENT PROSECUTIONS

BUILDER NARROWLY AVOIDED PRISON TERM

A builder was 'fortunate' to escape a custodial sentence when he breached a Prohibition Notice and caused the partial collapse of a building.

A HSE inspector visited the site in West Yorkshire where Mr. Naseem (trading as SH Builders) was working on a building refurbishment project. The inspector found several breaches of Health and Safety legislation; employees working without protective equipment, rubble being thrown out of a window, insufficient scaffolding boards and no netting around the property. A Prohibition Notice was served pending the appointment of a trained supervisor.

Mr. Naseem continued to work on the project despite having been issued with the Prohibition Notice, even though "he had neither the knowledge of health and safety legislation nor an adviser who was competent to provide him with information about health and safety issues", according to HSE inspector. The quality of work was said to be very poor and the roof was being held up by a peripheral scaffold. As contractors removed the scaffolding, the building began to creak violently. Workers and members of the public fled the scene shortly before parts of the building collapsed.

Mr. Naseem pleaded guilty to breaches of the Health and Safety at Work etc Act 1974, and was sentenced to 200 hours' community service and fined £7,500 with £7,190 costs.

£2,500 FINE AFTER GUILLOTINE ACCIDENT

Agrilek Ltd were fined £2,500 and ordered to pay £1,811.65 costs after pleading guilty to a breach of the Provision and Use of Work Equipment Regulations 1998 following an incident involving worker Douglas Moore in August 2006.

HSE inspector Mhairi Duffy said: "Mr. Moore lost the tip of his finger in the guillotine because his employers failed to prevent access to the dangerous parts of the machine. The consequences of this incident could have been far worse. This case graphically illustrates that companies should ensure all machinery is properly guarded for the safety of all employees."

SLURRY TANK DEATHS RESULT IN £92,500 FINES

A waste disposal firm, its director and a general manager have been fined a total of £92,500 plus £50,000 costs following the deaths of three workers who drowned in a tank of abattoir waste.

The company's work includes disposing of liquid waste from slaughterhouses. It was during this operation that one of their workers climbed up on top of a stationary tank and opened the hatchway to clear a build up of solid material using a high pressure water hose, which was standard practice. He lost his footing and fell into the tank.

The decomposing organic material in the tank produced a dangerous atmosphere, high in carbon dioxide and low in oxygen. HSE principal inspector Eddie Scoggins said: "The atmosphere at the top of the tank was unbreathable and [Bartram] was overcome by it."

Two further workers tried to rescue their colleague and were also overcome by fumes and drowned. A fourth man who attempted a rescue, entering the tank twice, survived.

The company, Enviro-Waste, should have taken steps to prevent access to the tank, and should also have put in place precautions to prevent workers falling from the top of the tank.

After the accident, the company has made various modifications to its tanks, adding grilles under the hatches and fitting automatic tank-washing mechanisms at the bottom.

UNDERLINE PREVENTION MESSAGE VIA PROSECUTION

In January 2007 Mr. Clark, a self employed builder, was prosecuted by the HSE for contravening the Work at Height Regulations 2005, despite the fact that neither he nor his colleagues were injured or involved in an accident.

HSE principal construction inspector, Andrew Kingscott, explained that the risks identified were considerable. Three men were constructing a roof but no steps had been taken to prevent them from falling from it even though this height would have resulted in significant injury or even death.

Andrew Kingscott also said: "What we are aiming to do is be proactive and prevent injuries before they happen.....We are not prepared to wait for an injury to occur before taking action.....I believe we will see more of this style of enforcement in the future."

DATES FOR YOUR DIARY

CQMS has arranged a series of ½ day training Seminars to ensure you are aware and meeting your obligations under Health & Safety Legislation.

April 25	Free* Training Seminar at CQMS offices
May 2	CDM 2007 Awareness Seminar at CQMS offices
May 24	Free* Training Seminar at CQMS offices
May 30	CDM 2007 Awareness Seminar at CQMS offices
June 26	Free* Training Seminar at CQMS offices
	* for CQMS clients

To arrange a book your place on a Seminar please contact us at our offices.

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH