



# QUARTER 3 Newsletter

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## CONTROL OF VIBRATION AT WORK REGULATIONS 2005

The Control of Vibration at Work Regulations came into force in the UK on the 6th July 2005.

The requirement of the Regulations will mean that employers must protect workers, and others who will be affected by the work, from the potential risks of damage by exposure to vibration, both hand-arm and whole-body, at work.

Employers are required to:

- Introduce 'action' values and 'limit' values for daily exposure to vibration.
- Undertake a risk assessment.
- Eliminate, or where elimination is not reasonably practicable, reduce exposure to vibration to as low a level as is reasonably practicable.
- Introduce a programme of measures to be taken at the action values to reduce exposure to vibration to as low a level as is reasonably practicable
- Take action at the 'limit' values and prohibition on exceeding the 'limit' values.
- Allow weekly averaging of exposure to vibration in specified circumstances.
- Implement health surveillance.
- Provide suitable and sufficient information, instruction and training.

The Health and Safety Executive (HSE) has produced a guidance publication which advises employers on their responsibilities in connection with these Regulations. It contains specific advice on the risk assessment process, particularly with regards to determining if exposure levels exceed the new 'action' or 'limit' values.

The guidance document, "Control the Risks from Hand-Arm Vibration – Advice for Employers on the Control of Vibration at Work Regulations 2005" can be downloaded from the HSE website at [www.hse.gov.uk/vibration/information.htm](http://www.hse.gov.uk/vibration/information.htm).

## CONTROL OF NOISE AT WORK REGULATIONS 2005

The Control of Noise at Work Regulations come into force on 6th April 2006, giving employers ample time to adjust to the new requirements.

The new Regulations replace the Control of Noise at Work Regulations 1989 and implement and introduce new exposure action values (EAVs) and exposure limit values (ELVs) for daily and weekly personal noise exposure, and new action and limit values for peak sound pressure.

Additionally, the new Regulations require:

- A risk assessment.
- The elimination or, where elimination is not reasonably practicable, reduction of exposure to noise to as low a level as is reasonably practicable.
- The provision of personal hearing protectors upon request at low exposure levels and compulsorily at upper exposure action levels.
- The designation in the workplace of "hearing protection zones" where an employee is likely to be exposed to noise above an upper exposure action value.
- The proper and full use and maintenance of equipment, including personal hearing equipment, must be ensured (employers and employees duties).
- Health surveillance.
- Information, instruction and training.

## CONSTRUCTION DEATH RATE DOWN IN 2004/5

The latest statistics released by the HSE show the fatal injury rate has fallen by 3% to 3.48 per 100,000 workers, continuing the downward trend of the past four years. This is the lowest level seen on record.

Rosi Edwards, acting Chief Inspector for Construction said:

"We can take some encouragement from the continuing decrease in the rate of fatalities, but the fact remains that 72 workers were killed in incidents, most of which could have been prevented with sensible risk control. This is unacceptably high, every fatality is one too many."

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"Falls from a height account for 28 of the 72 fatalities, a welcome reduction from last year. None of these falls need have happened, simple measures could have prevented them."

"HSE will continue to work with the industry to gain improvements in the management of health and safety in order to reduce deaths, injuries and ill-health caused by work. HSE will continue to support the Strategic Forum for Construction which is taking forward the actions agreed at the Construction Summit in February this year. It is only by the industry showing leadership, working in partnership and taking ownership of the management of risk that improvements will be made."

The industry set the following targets for improvement:

- Reduce the incidence rate of fatalities and major injuries by 40% by 2004/5 and 66% by 2009/10;
- Reduce the incidence rate of cases of work-related ill health by 20% by 2004/5 and 50% by 2009/10;
- Reduce the number of working days lost per 100,000 workers from work-related injury and ill health by 20% by 2004/5 and by 50% by 2009/10.

## **REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

The Regulatory Fire Report (Fire Safety) Order 2005 has been agreed by Parliament and comes into force in April 2006.

The Order will consist of five parts and five schedules and will apply to England and Wales only. Separate legislation is expected to be developed for Scotland and Northern Ireland some time in the future.

The Order will revoke or repeal a considerable number of pieces of fire-related legislation and reforms the law relating to non-domestic premises, replacing fire certification under the Fire Precautions Act 1971 with:

- A general duty to ensure, so far as is reasonably practicable, the safety of employees.
- A general duty, in relation to non-employees to take such fire precautions as may be reasonably required in the circumstances to ensure the premises are safe.
- A duty to carry out a risk assessment.
- A requirement to make and implement appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventative and protective measures.
- Elimination or reduction of the risks arising from dangerous substances in or on the premises.
- Provision of appropriate fire-fighting equipment, detectors and alarms, and that any non-automatic equipment provided is easily accessible, simple to use and indicated by signs. Facilities, equipment and devices must be maintained in an efficient state, working order and good repair.

- A duty to ensure employees are provided with adequate safety training at the time when they are first employed, and on their being exposed to new or increased risks.
- Employers from an outside undertaking who have employees working in or on the premises must ensure their employees are provided with comprehensive and relevant information on the risks.

## **HEALTHY HANDLING 2005 – RESULTS**

The HSE Construction Division carried out a Great Britain wide initiative entitled Healthy Handling. The initiative was intended to assist the industry in addressing these problems, and by issuing advice the HSE hoped to avoid enforcement action.

Health and Safety Executive (HSE) construction inspectors issued 214 enforcement notices across Great Britain during the blitz earlier this year.

Over 1170 construction projects of all sizes were visited during which inspectors targeted site order and organisation, risks from manual handling, the use of wet cement and hand held vibrating equipment and tools.

More than 1600 contractors were met at the sites visited, inspectors issued 214 enforcement notices, of which 112 were on the target topics. The other notices referred mostly to failures to control risks of falls from height.

Inspectors found sites using cement without proper facilities for washing, heavy loads being handled in an unsafe manner and vibrating tools being used when the user was unaware of the safe exposure period. Kevin Myers, HSE Chief Inspector for Construction said:

"Work related ill health affects a significant number of construction workers. Back problems, cement dermatitis and vibration white finger can ruin peoples' lives and force them out of the industry. "I am pleased to note that on many sites visited by inspectors during this initiative all parties involved in the project were working together to address these health risks. However there were still far too many sites where this was not the case; where the standards were such that the inspectors had to stop the work or issue enforcement notices to address the shortcomings found. There is clearly still much to be done by the industry to make the most basic precautions more commonplace.

## RECENT PROSECUTIONS

### COMPANY FINED FOLLOWING SITE FALL

A steel fabrication company has been fined £4000 plus £10,000 costs following an incident in which an employee suffered serious injuries in a fall.

Mr. Robert Totham was installing beams for the third floor of a new housing block. After the beams had been lowered into place by crane, the Mr. Totham accessed the third floor by ladder and began to work on one beam while perched on another. He then attempted to stand on the beam while steadying himself against a wall. The wall gave way as the brickwork had not set properly, and Mr. Totham fell onto the concrete floor below suffering a broken shoulder. He no longer has full use of his right arm.

His employer had failed to carry out an adequate risk assessment or method statement for the task of installing the beams. The company Health and Safety Policy banned employees from walking on steel beams at height, but the employees were not aware of this and no supervisor was present to direct them. Ladders were not a suitable means of access to the beams; scaffolding or work towers should have been used together with crash decking to break any fall.

### TWO COMPANIES FINED OVER VEHICLE INCIDENT DEATH

Two companies have been fined a total of £550,000 plus £44,000 costs following the death of an employee who was run over by a loading shovel.

Ms. Lorraine Waspé was walking across a warehouse when she was knocked down by the bucket of a moving loading shovel and run over, suffering fatal injuries.

The accident occurred due to the employer failing to ensure that moving vehicles and pedestrians were effectively segregated. The companies' risk assessments for work in the area also failed to adequately address workplace transport issues, the result being that while both firms believed that pedestrians had been excluded from the warehouse when loading shovels were being driven, no measures had been put into place to ensure this was the case.

### CONSTRUCTION COMPANY FINED FOR BREACH OF WORK AT HEIGHT REGULATIONS 2005

A Cambridge-based construction company has been fined £3000 plus £3517 costs as a result of a HSE investigation into a breach of the Work at Height Regulations 2005.

On 13 April 2005, seven days after the regulations came into force, three employees arrived at a site to salvage tiles from a building prior to demolition. The employees used an unsecured ladder to access a pitched roof and started to strip the roof.

No risk assessment had been undertaken and no provision had been made for them to work safely at height. No scaffold had been provided, roof ladders were not in use and the employees created holes in the close boarding to use as footholds.

HSE investigating inspector Stephen Hartley, said:

"Employers are expected to plan work at height carefully and take appropriate measures to prevent falls. Where standards are poor HSE will prosecute those responsible, even if there has been no injury as in this case."

### WASTE TRANSFER COMPANY FINED OVER DEATH

A London waste transfer company has been fined £100,000 following an investigation into the death of a worker in June last year.

Sam Boothman, a 32-year-old tipper-truck driver, was hit from behind by the bucket of a shovel truck driven by another employee.

### ROAD CONTRACTOR FINED

A West Sussex based road contractor has been fined £75,000 and ordered to pay £22,000 costs after a worker was burned to death while cleaning a tanker.

Mr. John Gilroy was cleaning the tanker in February 2003 with a mixture of kerosene, gas oil, and diesel, which ignited. He received 60% burns.

*Sources: HSE/HSC website, trade publications.  
All information detailed is to provide guidance only.*