

INSIDE ON CQMS' QUARTER 3 NEWSLETTER:

- > Smoking ban now in force
- > HSE trips and falls in construction campaign
- > Asbestos 'Duty to Manage' Inspections
- > Autumn HSE 'Falls from Vehicles' Campaign
- > Reactive learning from Accident Investigation
- > HSE Myth of the Month
- > Recent prosecutions
- > CQMS News
- > Dates for your diary

- > Remove any existing indoor smoke rooms,
- > Display 'no smoking' signs in smokefree premises and vehicles,
- > Take reasonable steps to ensure that employees, customers and visitors are aware that premises and vehicles are legally required to be smokefree,
- > Ensure that no-one smokes in smokefree premises and vehicles.

The new smokefree law will help improve health in many ways. It will reduce people's exposure to secondhand smoke, which is known to cause cancer and aggravate asthma, as well as many other serious health problems.

SMOKING BAN NOW IN FORCE



As of 1st July 2007, almost all public places and workplaces in England became smokefree in accordance with part 1 of the Health Act 2006 and associated regulations.

The new law applies to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both permanent structures and temporary ones. Indoor smoking rooms, therefore, will no longer be allowed.

The law will also require vehicles to be smokefree at all times if they are used:

- > To transport members of the public,
- > In the course of voluntary or paid work by more than one person (regardless of whether they are in the vehicle at the same time).

The no-smoking legislation is a public health issue for which the Department of Health has the lead in England, with local authority enforcement officers responsible for enforcing the law.

Failure to comply:

Individuals can be issued a fixed penalty notice of £50 for smoking in a smokefree premises (or £30 if paid within 15 days). They could also be prosecuted and face a fine of up to £200 and a criminal record.

The management or person in control of a no-smoking premises could be issued a fixed penalty notice of £200 (or £150 if paid within 15 days) for failing to display warning notices. They could also be prosecuted and face a fine of up to £1,000. If the management or person in control of any no-smoking premises fails to prevent smoking, they could be prosecuted and face a fine up to £2,500.

Employers, managers and those in charge of smokefree premises and vehicles will need to ensure they:

HSE TRIPS AND FALLS IN CONSTRUCTION CAMPAIGN

The HSE has announced that over 1000 nationwide inspections will take place on construction sites throughout July 2007.

This is in a bid to reduce the number of deaths and injuries caused by falls and trips, and is a priority for the HSE to help the construction industry meet its target by 2010.

Last year 24 of the 59 worker deaths in construction were caused by a fall from height. A further 4000 major injuries such as broken bones or fractured skulls were reported by the construction industry, half of which involved a fall from below head height or tripping over materials on walkways.

HSE Chief Inspector of Construction, Stephen Williams, said:

"The figures speak for themselves and we are going to tackle the issue head on with enforcement led inspections."

"It is unacceptable that so many lives are being lost by falls and trips, especially when simple precautions can significantly reduce the risk. Employers must ensure that workers are competent and have access to the right equipment. Sensible measures like keeping walkways on site clear must be taken to see an improvement in safety."

Pro-active measures to be implemented include:

- > Planning and organizing work properly,
- > Ensuring that people involved in work at height are competent,
- > Selecting and using the correct equipment,
- > Ensuring walkways on site are kept clear of obstructions.

Last year 1379 contractors were visited during a similar HSE initiative, the 'Fit Out Campaign'. Inspectors found that work at height was a significant problem and as a result took action against 170 firms, and again a further 29 firms due to a lack of good order on site.

Call 01476 566665 / 564242.

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

ASBESTOS 'DUTY TO MANAGE' INSPECTIONS

Local Authority health and safety enforcement officers will be pro-actively engaging with duty holders in asbestos management issues.

This work will contribute directly to the cancer element of the HSE's Disease Reduction Programme, and is a direct continuation of the work undertaken in 2006/7 but with greater emphasis on enforcement activity.

The person in control of the premises (usually the occupier/employer) has a duty under Regulation 4 of the Control of Asbestos Regulations 2006 to manage asbestos in non-domestic properties.

This includes:

- > Survey buildings for any asbestos containing materials and record its location, condition and amount.
- > Presume unknown material is asbestos unless there is strong evidence to prove otherwise.
- > Keep an up-to-date record of all surveyed components and assess the risk from the asbestos occurrences.
- > Produce and implement a plan to manage the asbestos risk: i.e. decide whether the material needs monitoring, repairing or removing.
- > Review and monitor the plan over time.
- > Making the location and condition of any asbestos containing materials known to all those who need the information.

Visiting officers will follow up in all cases of inadequate compliance and consider whether enforcement action in the form of notices or prosecution is appropriate.

AUTUMN HSE 'FALLS FROM VEHICLES' CAMPAIGN

Autumn 2007 will see the introduction of the HSE campaign which will aim to raise the awareness of the risk of falling that workers are exposed to when accessing and/or working at height on vehicles, and the actions that should be taken to minimise these risks.

The HSE estimate that approximately 2000 workers are seriously injured every year as a result of falling from a vehicle with an average of 5 being killed. 90% of the falls are below head height and the estimated economic and human cost is estimated at £36.7 million.

The message which the HSE will be that falls from vehicles can cause serious injuries, and there are simple, cost effective solutions that can be fitted to new and existing equipment.

Measures which companies should put into place include, but are not limited to:

- > Always use equipment provided to avoid work at height.

- > If work at height is unavoidable, use fall arrest systems if possible.
- > Don't jump from the lorry or loads.
- > Immediately report loose, damaged or inadequate steps and handholds.
- > Report broken or damaged sheets and slippery surfaces.
- > Ensure good housekeeping measures are in place to avoid trip hazards.
- > Use edge protection on tail-lifts, where it is fitted.
- > Do not walk backwards near the rear or side of the vehicle bed.
- > Ensure all equipment is well maintained and in a good state of repair.
- > Ensure all employees are trained and kept up to date with best practice and any changes in procedures.

REACTIVE LEARNING FROM ACCIDENT INVESTIGATION

Thoroughly investigating accidents, incidents, dangerous occurrences and near misses can help companies to learn vital lessons to prevent future occurrences and improve the overall management of health and safety.

WHY INVESTIGATE ACCIDENTS?

- > To prevent further accidents.
- > To determine the root causes and change procedures or behaviour to prevent recurrence.
- > Economic and legal reasons.
- > To provide evidence in the event of a claim.
- > Maintain employee confidence and productivity.

WHY DO ACCIDENTS GO UNREPORTED?

Studies have shown that many accidents, incidents and dangerous occurrences are not reported, possibly due to:

- > Fear of punishment.
- > Concern about personal reputation.
- > Concern about the company record and/or bonus schemes.
- > Desire to prevent work interruptions.
- > Lack of understanding of the importance.

PROMOTING REPORTING OF ACCIDENTS

Management principles:

- > Develop a safety culture within the organisation.
- > Develop a positive reaction to all reports.
- > Respond promptly to accidents and implement appropriate measures to prevent recurrence.
- > Lead by example.

Call 01476 566665 / 564242.

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

TAKING ACTION

The conclusions drawn from the accident investigation may require the company to:

- > Implement changes to working procedures to include safer methods.
- > Re-train staff involved in the accident.
- > Monitor the implementation of the new procedures, and amend if necessary.
- > Include managers and supervisors in the implementation of new measures.
- > Apply the company disciplinary policy where necessary.

Near misses should be reported to senior management and monitored to track emerging patterns, even though they may not be reportable under the RIDDOR Regulations 1995. There are approximately 600 near misses for each serious or disabling injury, therefore it is vital to identify recurring patterns and take early action to prevent more serious incidents.

HSE MYTH OF THE MONTH

This month's myth: "All office equipment must be tested by a qualified electrician every year"



The reality:

No. The law requires employers to assess risks and take appropriate action.

HSE's advice is that for most office electrical equipment, visual checks for obvious signs of damage and perhaps simple tests by a competent member of staff are quite sufficient.

RECENT PROSECUTIONS



£75K FINE FOLLOWING FATALITY

Dawson Wam Ltd was fined £75,000 plus costs of £34,425 at Chester Crown Court for failing to ensure the health and safety of their employees, section 2(1) of the Health and Safety at Work etc Act 1974.

The company was constructing 7,500 piles as part of the foundations on the site of a glass bottle manufacturing facility. The process involved drilling a hole into the ground with an auger of a piling rig,

pumping concrete into the hole as the auger was withdrawn and finally inserting reinforcing bars.

On the day of the accident there was a delay in the delivery of concrete to Mr. Robert's piling rig and concrete which remained in the flexible hose began to harden which led to a blockage.

Following unsuccessful attempts to clear the blockage, it was decided to use compressed air. The flexible hose was broken up into sections and at least two of these were blown out without their ends being restrained. During the unblocking of the last section, the end of the hose whipped upwards and struck Mr. Roberts on the head, causing fatal injuries.

The company had failed to ensure the provision and maintenance of systems of work which were safe and without risk to employees during the cleaning and unblocking of the piling rig and associated equipment.

The HSE argued that, despite the company being aware that this was a high risk operation, they had failed to carry out a formal risk assessment which meant that there was no safe system of work.

HSE inspector Robert Hodgkinson said: "I recommend that all piling companies and others who use concrete pumps and associated equipment reassess their cleaning and unblocking operations to ensure that they have a safe systems of work in place, and that employees carrying out such activities have received clear instruction and training."

TWO FIRMS FINED FOR STEEL BEAM FATALITY

Steel fabrication firm McDonald and Ross, and road haulage sole trader Ron Boyd Trading, were fined a total of £37,500 after a man was crushed to death by a steel beam.

The driver died when a steel beam weighing almost 1000kg fell from a vehicle that was being unloaded in October 2005.

HSE inspector Isabelle Martin said: "It is entirely foreseeable that a load on a vehicle will move during transit on the road. It is therefore important that the load is placed onto the vehicle in its most stable orientation and that appropriate measures are taken to ensure that it cannot fall from the vehicle at any time. It is also important that the stability of the load is assessed prior to beginning to unload it... "This incident could, therefore, easily have been prevented."

£100K FINE FOR ELECTRICIAN DEATH

An electrical contractor, CFR Group, has been fined £100,000 and costs of £33,000 at the Old Bailey after an over-worked employee was electrocuted whilst fitting wiring during a building society refurbishment.

The employee had been working for more than 66 hours per week over 11 weeks on the job in central London. He suffered a fatal shock to the head when a colleague mistakenly turned on the power while he was still working.

Call 01476 566665 / 564242.

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

APPRENTICE FALL LEADS TO COMPANY FINE

K and M Joinery were fined £2,600 with £1,395 costs after an employee fell through an unprotected stairwell on a building site.

The apprentice, 19, suffered spinal injuries. He has, however, made a full recovery.

HSE inspector David Charnock said: "The injuries were serious but the consequences of this accident could have been far worse. Falls from height remain the most common kind of accident causing fatal injuries.

"Companies involved in building, refurbishment or maintenance should ensure that the work is planned properly and sensible measures taken so that workers are not exposed to risk."

UNGUARDED STAIRWELL FALL LEADS TO PROSECUTION

Three contractors involved in the construction of timberframe dwellings in Cambridge were prosecuted by the HSE.

This follows an incident when a workman fell into an unguarded stairwell. The risk had been identified but the three companies involved failed to communicate and coordinate their activities effectively.

HSE Inspector Sheena Mackinnon said: "A great number of the incidents investigated by the HSE show that where multiple contractors are involved it is a failure to properly manage and coordinate their actions, which underpin them."

CJ Murfitt Ltd was fined £14,000; Potton Ltd £7,000; and Shenley Construction Contractors Ltd £4,000. They also had to pay a total of £8,588 in costs between them.

FAILURE TO COMPLY WITH IMPROVEMENT NOTICES LEADS TO PROSECUTION

Following a routine inspection of a housing construction site on 27th February 2006, two improvement notices were issued to Dunelm Property Services after building materials were found strewn across the site and on scaffolding platforms, and no proper segregation of vehicles and pedestrians was in place.

A return visit on 27th March found conditions to be very similar to those highlighted the previous month. Inspectors told Dunelm's Directors, who were on site during the return visit, that all work had to stop until conditions were raised to acceptable standards.

Another further inspection on 20th April found that conditions had dramatically improved; walkways were clear of materials and building materials were stored correctly.

Dunelm Property Services was fined £28,000 for failure to comply with the Improvement Notices, and £16,000 for related offences.

CQMS NEWS

We would like to thank all those clients who have participated in our recent survey.

We are pleased to advise that CQMS was rated overall as providing a good service, with 66% rating CQMS as 'excellent'. Nominated safety advisers were also rated very highly: good (27%) or excellent (73%). We are also very happy to confirm that we did not receive any negative comments from any of the 85 clients who surveyed.

All clients reported that they had read their documentation and found it to be user friendly.

Overall suggestions were made which we have acted upon including:

- > ensuring Policy Guidelines are included in all newly distributed documentation;
- > providing a copy of your documentation (if applicable) on CD.

We welcome comments and suggestions on the documentation we receive and any additional comments can be emailed to eleonor@cqms-ltd.com. Likewise any clients who have not yet had the opportunity to participate, and would like to do so, please contact CQMS' offices.

DATES FOR YOUR DIARY

CQMS are continuing the series of ½ day training Seminars to ensure you are aware of, and meeting your obligations under, Health & Safety Legislation.

Free* training seminars:

25 July	Health and Safety Responsibilities of Directors and Senior Management
23 August	Health and Safety Responsibilities of Directors and Senior Management
25 September	Manual Handling Awareness
24 October	Construction (Design & Management) Regulations 2007

** for CQMS clients*

To book your place on the any of the above seminars please contact CQMS' offices on either:

- > Tel: 01476 566665 / 564 242
- > Email: training-events@cqms-ltd.com

Call 01476 566665 / 564242.

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