

Observation Note

- The UK Government has again fought off pressure from the European Union to revise its opt-out from the Working Time Directive.
- The UK has proposed a gradual end to the opt-out and a cap of 60 working hours within a single week (reduced from the present 72 hours)
- UK unions have expressed some disappointment that opt-outs will not be tightened up, the unions are concerned that there is still widespread lack of awareness of the working time rights, with employers abusing the opt-out with very little enforcement of the working time rules.
- One issue that still has to be settled is the way on-call time is recorded the European court of justice recently found that time spent on call by doctors, nurses and firefighters must be included in calculations for working time

Training

Contact us to discuss your training needs.

We are able to offer courses in **Manual Handling awareness, Risk Assessment and Workplace Health Safety and Welfare**

We can also prepare bespoke courses to meet your needs.

We can also assist in the identification of suitable training providers

Eastwood and Partners Limited Insurance Brokers

REACH?

If you have chemical substances on your premises, you should have by now come across this new piece of legislation. Reach will impact most business in the UK in some way!

The HSE web site has very useful information on this piece of legislation

Under these regulations there are three types of duty holder

1, Registrant

These are businesses that *manufacture* or *import* more than 1 tonne of any given *substance* each year. They are responsible for registering a dossier of information about that substance with the EUROPEAN CHEMICALS AGENCY. As substances in articles also count, it is possible that some retailers will be registrants also, this would be due to there im-

porting articles containing chemicals that in total exceed the threshold.

The registrant is to direct *downstream* users in the appropriate risk management measures

2, Supply chain actors

Businesses that sell chemicals have specific duties to pass information down to their customers as well as passing information back to the supplier when asked to do so by their customers.

3, Downstream Users

This includes any business using chemicals this includes most businesses in some way. Companies that use chemicals have a duty to use them in a safe way. There is also an opportunity to pass information about use back to the registrants so that this can be taken into

account when the registrant undertakes a Chemical Safety Assessment (CSA) and Exposure Scenario (ES)

If the users prefers to keep the uses confidential, they can register a use independently, this may require downstream users to supply risk assessment and risk management measures to the European Chemicals Agency if they do not want their supplier to know about how they use the chemicals.

Lastly some users could import directly and so have a duty to register, to prepare for this users should seek to compile an inventory of every substance and preparation to determine quantities totaling over 1 tonne. For further information go to:-

WWW.HSE.GOV.UK

HSE Announcement

The health and safety executive (HSE) has warned companies to ensure employees are properly trained and that suitable precautions are taken when working at height.

This warning comes after a worker died following a fall through a fragile roof on a farm in West Wales.

The dead persons employer pleaded guilty to breaching Regulation 3(1) and 7 (1) of the Management of Health & Safety at Work Regulations 1999 and was fined £20,000 and ordered to pay costs of £8,000.

Raymond Bros was found guilty of breaching Section 2(1) of the Health & Safety at Work Act 1974, in relation to risks to safety of their employees, and was fined £10,000 and ordered to pay costs of

£15,000.

The deceased man was employed to help install a new grain drying system at Mr Raymond's farm when the incident took place and died after falling around eight metres onto the concrete floor below.

The HSE inspector Mr Wayne Williams is quoted as saying " Working at height is extremely dangerous, as this case has so tragically demonstrated, and it is imperative that employers carry out proper risk assessments, and ensure their staff are adequately trained to work at height."

"Unfortunately, this remains something that too many employers fail to take into consideration, and I hope that the fines in this case will serve as a warning to employers to put into place proper systems and safeguards to prevent death or injury to their workers.

Latest figures show that 46 people died from a fall from height at work in 2005/6 while 3351 were injured

Section 2(1) states "it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees."

Regulation 3(1) states "that every employer shall make a suitable and sufficient assessment of:

The risks to the health and safety of his employees to which they are exposed whilst they are at work.

The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.

For further information about working at heights visit : www.hse.gov.uk/falls

POINTS OF INTEREST

Emergency Lighting

This is an area where small companies often payout quite large sums of money for what is often over and above what they need.

Many small companies occupy low level risk premises in that there are only a small number of persons present on site between 5–10 persons.

Where they occupy older premises the need for emergency lighting is often not fully considered, or they do not consider it their concern as the property is rented and is part of a unit which has been sublet and the landlord deals with the fire alarm and other such issues.

Where there is emergency lighting provided in a multi occupancy building it may often be the responsibility of the landlord to deal with such

issues, however where there is no emergency lighting the duty falls on the occupier also to ensure that the risks are suitably assessed and the appropriate measures are put into place.

These measures can be fully automated lighting systems with battery back up to provide lighting in an emergency.

However there are alternatives that can be considered, for example a torch can be used.

New systems allow for rechargeable lamps that can be connected to the mains supply the latest versions can be set to automatically come on in the advent of a mains failure as well as still being controlled manually.

Before spending excess amounts of money see what is on the market and see if this will meet your needs and identified risks.

Recent cases

A Cheltenham based firm has been fined £100,000 and costs of £33,000 after being found guilty of health and safety breaches following the electrocution of an employee. The employee was working on a leaking water heater in the kitchen of the staff canteen and had isolated the supply, an “inexperienced colleague” mistakenly turned on the power.

The company failed to ensure power switches were padlocked closed so they could not be switched on by accident.

Contractors on the site were working excessive hours to get the job finished, the deceased had been working 66 hours per week over 11 weeks the firm was fined £750 for breaking working time regulations.

Company fined for not complying with an improvement notice

A double glazing company was fined £9000 by Hertford magistrates for flouting a notice that required it to improve the maintenance of its electrical system.

The notice had been served in May 2006 and the company had still not complied by November 2006 the company also failed to carry out remedial works to its electrical system.

The HSE said that it is important that companies comply with improvement notices, failure to comply continues to put workers and others at risk. The company was charged under section 21 of the Health and Safety at Work act 1974

A Norfolk company and its managing director was fined £20,000 when a worker fell three metres from incomplete scaffolding.

The hse inspector stated that the scaffolding was rubbish, there were no toe boards, it was not firmly erected and it was possible to cross over from completed parts to incomplete parts of the structure.

The HSE inspector went on to say that “work at heights is a high cause of accidents in construction and a fair proportion are caused by working platforms not being properly inspected or maintained.

Untrained operator is paralysed during forklift operation

A heavy bin toppled from the forks of a forklift truck, crushing its untrained driver and paralyzing him from the waist down.

The operator had been asked to drive the forklift truck even though he had not been trained to do so.

When he had moved the bin the operator tried to open the slide at the bottom of the bin, which was stuck shut to empty it. As he did so the bin dropped off the forks on top of him. He has sustained major crush injuries which have left him paralysed for the rest of his life.

News

Bill Callaghan awarded a Knighthood

Her Majesty the Queen has announced her intention to confer a knighthood on him for his services to health and safety.

Mr Callaghan has championed the sensible risk message and has steered the organisation closer to realising a long term vision of health and safety as a cornerstone of a civilised society and with that, to achieve a record of workplace health and safety that leads the world.

Mr Callaghan acknowledged the enormous contribution of the staff of the HSE and Local Authorities, fellow Commissioners and all those involved in managing health and safety in the workplace

RoSPA has launched a new handbook to help volunteer drivers avoid accidents and injuries to themselves, their passengers, and other road users.

The Volunteers Driver's handbook offers advice and reassurance to community spirited people. The handbook has sections covering: journey planning, fitness to drive, safe speed, seat belts, distraction, vehicle safety and emergency procedures. It is designed to be interactive, and small enough to be carried in glove compartments.

Downloadable free from www.rospa.com/roadsfety/info/volunteer_drivers.pdf

Blind Spot Mirrors

The European Parliament has approved a draft directive to extend the requirement for heavy goods vehicles (HGVs) to be fitted with “Blind Spot” mirrors to cover older vehicles.

The mirrors have been mandatory for new HGVs since January this year and the new directive will mean they must be retrofitted to any HGV registered since the start of 2000