



**EASTWOOD
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INSURANCE BROKERS

Health & Safety Bulletin

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HSE Launch Manual Handling Website

Musculoskeletal Disorders (MSDs) are the most common cause of occupational ill health in Great Britain, currently affecting 1.0 million people a year and costing society £5.7 billion. MSDs affect the muscles, joints, tendons and other parts of the musculoskeletal system.

Under the Manual Handling Operations Regulations 1992 employers are required to undertake manual handling assessments in order to reduce these risks and provide training where necessary.

The HSE have launched a website (address below) to help employers meet these requirements which contains educational videos and tools to help assess manual handling tasks.

www.hse.gov.uk/msd/mac

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Corporate Manslaughter Sentencing



Draft guidelines on sentencing for the new offence of corporate manslaughter have been published by the Sentencing Guidelines Council (SGC).

Fines for organisations found guilty of the offence will NOT be linked to profit or turnover as originally expected but nevertheless should "seldom" be below half a million pounds.

The original proposal by the SGC was for fines to be between 2.5% and 10% of the offender's annual turnover but this has now been deemed as unworkable.

Instead the Council is now proposing a level which the fine "would not normally fall under" of £500,000 and "may be measured in millions of pounds".

Courts will also be able to require the offending organisation to advertise the fact of its conviction, failure to comply with which will result in a further, unlimited fine.

The guidelines also cover work-related health and safety offences that result in a death under the Health and Safety at Work Act 1974 stating that fines in cases where a causal link has been established between what happened and the death that occurred "should seldom be less than £100,000 and may be measured in hundreds of thousands of pounds".

Council member and vice-president of the Court of Appeal (Criminal Division) Lord Justice Anthony Hughes said "Fines cannot and do not attempt to value a human life — compensation will be payable separately in these cases. The fine is designed to punish".

The minimum level of fines proposed by the Council have been 'broadly welcomed' by safety organisations such as The Institute of Occupational Safety and Health which sees the main aims of sentencing as "raising health and safety standards, ensuring remedial action and as a deterrent to show society's disapproval of serious corporate failures".

Responses to the consultation document are due to be discussed later this year.

Employees' Duties

A recent case has highlighted the fact that employees as well as the employer have duties under health and safety legislation.

The Court accepted that the employer had behaved correctly in requesting and accepting what appeared to be 'appropriate proof of competence' from a young worker who had in fact provided false details of his training and experience.

The young forklift driver had provided false documentation and was then involved in an incident in which a colleague suffered a broken back and ankle.

The HSE found that the 19 year old had been at fault and had caused the accident.

He was fined £500 after admitting breaches under Section 7 of the Health and Safety at Work Act which requires employees to take reasonable care of themselves and others and to co-operate with employers in protecting people at work.

The HSE acknowledged the difficulties employers face in cases like this but urged firms to check new workers' qualifications and competence carefully—perhaps through a follow up phone call to a previous employer.



Training



Health and Safety legislation places a duty on the employer to ensure that staff have adequate training in order to carry out their duties.

Here at Eastwood and Partners we are able to offer Chartered Institute of Environmental Health courses in Manual Handling awareness, Risk Assessment Level 2 and 3 as well as Workplace Health Safety and Welfare level 1, 2 and 3.

Bespoke courses can also be prepared to your individual needs. All courses can be delivered in house or at our own training facilities.

All our trainers are certified CIEH Professional Trainers. Please contact Kevin or Mario for details on 01484 820000.

TV Chef's Restaurant in Hot Water



TV Chef Jamie Oliver's restaurant in Bath must pay fines and costs of £12,410 after a chef suffered serious burns when a colleague spilled hot cooking oil

Angie Hodgkinson-Day was working at 'Jamie's Italian' during its pre-opening training period in October 2008 when she told one kitchen worker to drain two 25L containers of hot oil from a fryer.

As the worker moved one of the pans, it slipped and the oil ran over Hodgkinson-Day's feet.

The Council prosecuted after it was found there was inadequate health and safety training, lack of suitable risk assessments and no proper safe system of work had been established.

The senior Environmental Health Officer involved noted that oil takes six to seven hours to cool down "so it should be done as the first task of the day rather than last thing at night"

So, how do you offer a defence?

This case demonstrates the importance of properly risk assessing a task and then using the findings of this to develop a safe system of work.

Staff should be given instruction and training in following this safe system of work and should ideally provide a signature to show that they have received this training.

The time involved in performing these tasks is put into stark contrast both as a result of the actual injuries received by Hodgkinson-Day and by the amount of the fine imposed as a result.

Recent cases

Football Club Ignored Improvement Notice

Blackpool Football Club has been fined £8000 for failing to comply with an Improvement Notice issued by the local Council's Environmental Health Officer (EHO). The Council discovered the club had failed to carry out a risk assessment or create a written health and safety policy to cover non-match days.

The club was served an Improvement Notice on 3rd March which gave it 21 days to comply. During this period the Council supplied the club with advice and HSE guidance to help meet the requirements.

However on the 1st April, EHOs re-visited the ground and discovered that no steps had been taken to adhere to the Notice.

The club appeared before the town's magistrates in September and was fined £4000 for each offence plus £500 in costs. In mitigation, the club said it's safety officer had left work in March after having been diagnosed with throat cancer and the club had assumed that it's match day safety policy was sufficient for non-match days. It has now employed a safety officer and is in the process of completing the safety documentation.

As this case demonstrates: **Never** just ignore an Improvement Notice or Prohibition Order.

Worker Crushed After Bypassing Interlock System

A pet food worker was crushed to death inside a machine after bypassing an inadequate interlock system.

Butchers Pet Care Ltd was fined £100,000 in November with £28,380 in costs after admitting breaches of health and safety legislation.

The firms Operations Director, Phillip Thompson, was also fined £10,000 earlier in the year for failing to take effective measures as a director to prevent access to dangerous parts of machinery.

Repairs to guarding have now been undertaken.

Factory Slammed Over "Truly Horrendous" Death.

A rice manufacturing company has been fined £140,000 after a worker was trapped in a conveyor for several hours and subsequently died of shock.

Mr. Singh gained access to the conveyor through a side gate that should have been locked and trapped his leg. Emergency services spent a number of hours trying to free him before being forced to amputate.

Mr. Singh died in the ambulance on the way to hospital.

News

Accident Rates 'on target'

Major and fatal injury rates for UK workers fell again in 2008-09 giving the HSE more confidence it will meet it's government target of a 10% reduction over 1990 levels by next year.

HSE New Quarrying Team

The HSE has assembled a new group of inspectors to focus on the quarrying and open cast coal mining sectors. The five strong team will work with mine and quarry operators to cut accidents.

David Cameron Promises Health and Safety Reform



In a speech delivered in early December David Cameron has vowed to review

Britain's 'straightjacket' of health and safety rules that 'stifle' peoples judgement should a Conservative government be voted in at the next election.

However, he acknowledges that it will 'always be necessary to protect people from risks to their safety' and that there will always be a need to have some protection in place.

HSE MYTH OF THE MONTH:



The Myth: Health and safety rules stop classroom experiments.

The Reality: There's no reason why health and safety should stop schools carrying out science experiments. They can help children learn how to manage risk - and all that's required in most cases are a few sensible precautions.