



**EASTWOOD
& PARTNERS**
INSURANCE BROKERS

Health & Safety quarterly bulletin

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Observations

- Corporate manslaughter Law comes into force on 6th April 2008
- Fact sheets for the leisure industry (Hotels, Restaurant & Catering) have been updated by the European agency for Safety and Health
- The Construction Confederation have published a Pocket-sized book—Site Safety and You – for more info go to <http://cipbooks.switch-web.co.uk>
- 9 out of every 10 persons agree phones affect driving.
- Fire work factory owners arrested on suspicion of manslaughter over the death of two firemen
- European chemicals Agency has published two new pieces of guidance on registration under (REACH) for more info go to <http://echa.europa.eu>

Training

Contact us to discuss your training needs.

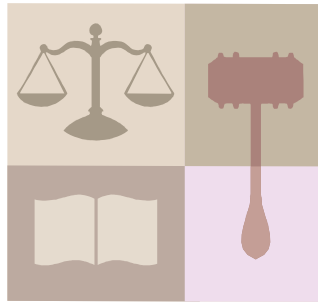
We are able to offer courses in **Manual Handling awareness, Risk Assessment and Workplace Health Safety and Welfare**

We can also prepare bespoke courses to meet your needs.

We can assist you by guiding you in preparing your own Business Continuity Plan

Eastwood and Partners Limited Insurance Brokers

PUSH FOR TOUGHER PENALTIES



MP's have again rekindled their efforts to raise the level of health and safety offences by aligning it closer with the wider 'Better Regulation' agenda.

The Health and Safety (Offences) Bill, having fallen by the wayside on a number of occasions is now being led by Labour MP, Keith Hill. The bill has passed a second reading in the House of Commons on February 1st and if successful would stiffen penalties by:

Raising the maximum fine that may be imposed in lower courts to £20,000 for most health and safety offences

Making an imprisonment an option for most health and safety offences in both lower and higher courts

Allowing two offences that can currently only be tried in the lower courts – contravening any requirement imposed by an inspector; and preventing a person from appearing before an inspector, or from answering their questions – to be tried in both the lower and the higher courts.

Present fines are set at £20,000 for breaches of general duties under section 2 – 6 of the Health and safety at Work Act 1974, the maximum penalty that magistrates can impose for specific breaches of health and

safety is currently capped at £5,000.

Under the proposed Bill these could be increased to £20,000 if the offence created risk directly or indirectly to health, or death.

In a previous version of the Bill there was a proposal to raise the penalty for firms who did not hold liability insurance, this has now been dropped.



RISK ASSESSMENT

So, you're going to do a risk assessment for your workplace. You've read '[Five steps to risk assessment](#)' and you've printed off the blank risk assessment form to remind you of the steps.

But what do you actually need to write down? What might a 'good enough' record of a risk assessment look like?

Risk assessments should be about identifying practical actions that protect people from harm and injury, it is not a bureaucratic exercise. For the majority of risk assessments, short bullet points work well.

Risk management involves you, the employer, looking at the risks that arise in the workplace and then putting sensible health and safety measures in place to control them.

By doing this you can protect your most valuable asset, your employees, as well as members of the public from harm.

During 2004/05, 220 people were killed and over 150,000 were injured at work because of a failure to manage risk.

As an employer, the law requires you to assess and manage health and safety risks - for most businesses this is not difficult to do. Following the five steps to risk assessment is not the only way to do a risk assessment, there are other methods that work well, particularly for more complex risks and circumstances.

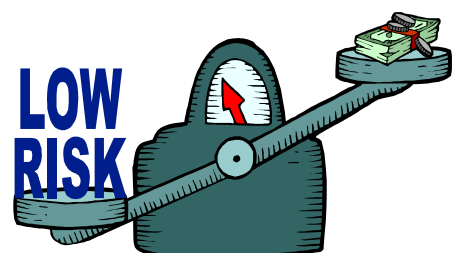
The HSE has published example assessments covering a wide variety of occupations.

The examples show the kind of approach HSE expects a small business or workplace to take. The examples are not generic risk

assessments that you can just put your company name on and adopt wholesale without any thought.

Doing that would not satisfy the law - and would not protect people effectively, but they should help you towards producing an assessment that is suitable and sufficient.

<http://www.hse.gov.uk/risk/casestudies/>



POINTS OF INTEREST

Duty of Care

The Law Lords have upheld a Court of Appeal verdict that an employer is liable for compensation after an ex-employee committed suicide **SIX YEARS** after suffering an industrial accident.

The company should pay compensation to the widow of the employee who suffered worsening depression and headaches after an accident at their plant, the employee eventually jumped to his death from a multi-storey car park.

The defence put forward by the company was that the company owed a duty of care at the time of the initial incident but not at the time of the suicide.

Both the court of appeal and the house of lords disagreed, observing that the employee had acted in a way that he would not have acted but for the original injury.

Poor Stacking

A builders merchants has been prosecuted for health and safety offences after a pile of timber fell on two women outside its shop.

The two women suffered injuries to their legs and hips and were wheel chair bound for two months after the incident.

Investigations into the event revealed the company operated poor procedures for the stacking of and de-stacking of timber on the forecourt and for the safe movement of a the forklift truck on the premises.

The case shows that failure to spend sufficient time managing health and safety can result in an adverse impact on both the public and the business, and again emphasis the need for sufficient training of employees.

Recent cases

CHILD KILLED WHILE DRIVING TRACTOR

The father of a 12 year old boy was fined £1,000 for letting his son drive the machinery while under-age. The boy was towing a roller in March 2007 at the family farm in Leicestershire, Magistrates were informed that there were no witnesses to the incident.

The boys mother found him unconscious, he had sustained a fatal injury to the head, having apparently been crushed by a two-and-a-half-tonne roller which was attached to the tractor that he was driving.

The tractor fell into a nearby canal, and the boy was pronounced dead at Leicester Royal Infirmary.

The coroners inquest into his death concluded that the boy had either slipped, tripped or fell out of the cab; while getting in and out of the cab, he had undertaken a similar activity the day before the incident, and during the previous year despite the law banning children under the age of 13 from driving or riding on agricultural machinery.

The boys father pleaded guilty to breaching section 4 of the Prevention of Accidents to Children in Agriculture Regulations 1998 he was also ordered to pay £1,500 costs.

In the last ten years 39 children and young people have died 30 of which were fatalities to those aged 13 or younger and more 400 children and young people have been seriously injured.

KITCHEN ASSISTANTS SCARRED BY HOT OIL

In two unrelated events two kitchen assistants have been seriously injured the first was to a 19 year old who came into contact with cooking oil which was nine times hotter than the recommended temperature at which it is safe to drain.

The head chef of the company drained the oil in preparation for cleaning and had placed two pans on the floor for the oil to drain into, the temperature of which would have been about 350°C

The kitchen assistant slipped on the floor and placed on leg into one of the pans and struck the second pan with her leg spilling oil on the floor.

She sustained injuries to her feet, ankles, legs, bottom and lower back.

The second incident occurred when a kitchen assistant slipped and fell into a container of hot oil lying on the floor.

Tests undertaken indicated that the oil would have been about 120°C

In both of the events it was discovered that the company's safe systems of work were not suitable and their risk assessments were not sufficient .

News

The HSE has revised its leaflet on the risks of fire and explosion associated with oxygen and gas in cylinders.

Take Care with Oxygen – Fire and Explosion Hazards in the Use of Oxygen is available at WWW.hse.gov.uk/pubns/hse8.pdf

Recent study suggests that Safe Lifting Courses “Don't work”

The research from the Finnish Institute of Occupational Health looked at 11 different studies into workplace injuries.

Eight dealt with health workers who manually handled patients and the remainder looked at baggage handlers and postal workers.

The study covered more than 18,000 workers, and was published in the British Medical Journal, it compared employees who had been sent on 'safe lifting' courses, which showed them the 'correct' way to carry boxes or equipment , and those who had received no training.

It was discovered that there was no difference in the rate of injury between the two groups.

The researchers concluded that either the recommended techniques do not actually work in reducing the risk of back injury, or workers do not change their habits sufficiently for the training to make a difference

CDM Health Kit

The HSE has launched its Construction Occupational Health Management Essentials (COHME) site for building firms the site is designed to provide advice on issues such as dermatitis, back pain, and stress. It seeks to break down the guidance according to the different duty holders under the construction (Design and Management) Regulations.

For more information go to www.hse.gov.uk/construction/healthrisks