

Health & Safety Newsletter

From the Health and Safety Executive



Issue 38



Time to clear the air Avoiding exposure to dust, fume and other



Dangerous industries

The importance of working together to find solutions for two of Britain's most dangerous industries



The dangers of pork crackling

...and other health and safety myths



Contents

From accident case studies to court cases. see the full list of articles in this issue

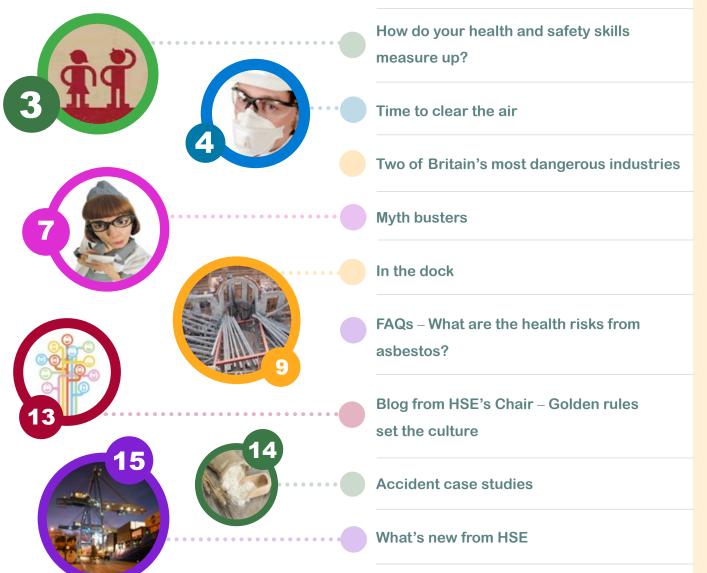


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In the past, when someone's asked me where I work, I've been tempted to say that I phone people at inconvenient times persuading them to claim back PPI – for when I say I work in health and safety, I would usually be blamed for all that was wrong with the world .



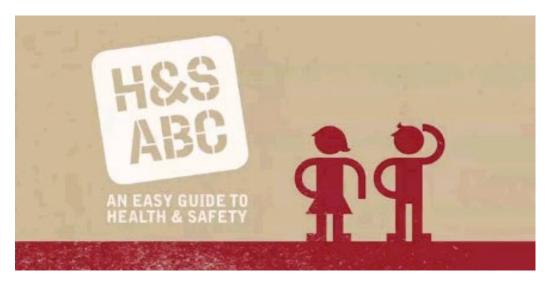
But now hopefully more and more people are realising that proper health and safety is about saving lives and preventing injury and ill health... and NOT to do with banning conkers or pointless paperwork. Of course, inevitably, you'll still see 'elf 'n' safety gone mad stories in the papers but, thanks to the efforts of HSE and our stakeholders, I suspect they are becoming fewer.

I'm no doubt preaching to the converted, so let's move on as there's a lot to talk about in this issue. We look at two dangerous industries, plus there's an FAQ on asbestos risks, as well as accident case studies, new guidance, court cases and the latest myths to go before the Myth Busters Challenge Panel.

All in all, it's 16 pages of sensible, potentially lifesaving information. In fact, it makes me proud to work in health and safety!

As ever, if you have any thoughts or comments on the Health & Safety Newsletter, email me at Newsletter@hse.gsi.gov.uk

Colette Manning Editor



How do your health and safety skills measure up?



It's as easy as ABC

A risk assessment for using a tape measure and written guidance for walking up stairs – these are just two of the bizarre actions that some companies mistakenly believe are necessary.

These absurd steps were typical of several myths uncovered in an HSE survey. So to help anyone who wants to separate fact from fiction, HSE is encouraging small and medium sized employers to use its free online tools and guidance.

The H&S ABC provides simple information to help small firms save time, effort and money by identifying the things they really do and don't need to do.

The results also revealed that one in five people (22 per cent) surveyed believed they weren't capable of managing health and safety themselves and needed to hire a specialist consultant. Eleven per cent believed that a qualified electrician must test electrical appliances, such as kettles and toasters, every year – another persistent myth.

Nearly a third of small businesses surveyed classed themselves as 'hopeful-have-a-gos' when it came to health and safety – aware they have to take some action but unsure where to start or if what they are doing is correct.

Whether a business employs one or two people, or is expanding to multiple locations, the free online guidance will help even complete beginners get health and safety right.

Visit www.hse.gov.uk/abc to get started with sensible health and safety.



An easy guide to health & safety - some responses

Simon Beardsley, chief executive at the Lincolnshire Chamber of Commerce (@lincscham):

I welcome the news that HSE has launched a free online toolkit that will be available 24/7. Our members have told us that knowing where to turn for accurate advice on health and safety issues can be a real challenge. There is so much hearsay. But this free toolkit will dispel all the myths and confusion, and act as a hub of information for businesses.

Wendy Bell, general manager of Sussex Enterprise (@SussexChamber):

So many SMEs are inundated with offers that they don't need or want, but they still want to ensure that they are taking good care of their team. Using the ABC toolkit they are able to assess risks without wasting time or money. It's great to see such practical help and support available to all sizes of business.

Stewart Dunn, Chief Executive Officer at Hampshire Chamber of Commerce (@ hantschamber):

It aids a practical approach in taking health and safety seriously in highlighting real risk, and how to put practical measures in place without the unnecessary paperwork and complicated procedures.





Time to clear the air

People often work in air contaminated with dust, fume and other airborne hazards that can damage health or even lead to an early death.

In many cases when exposure cannot be avoided, employers will use respiratory protective equipment (RPE) to protect their workforce.

Here we look at how HSE has updated its information and tools to help employers introduce and manage the use of RPE.

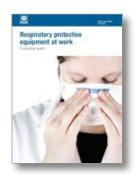
Produced in collaboration with industry and the trade unions, products include a DVD, guidance and toolbox talks that can be used to help employers provide a healthier workplace and reduce ill health.

To make sure workers are protected, employers must provide RPE that reduces exposure to a safe level and be right for the wearer, task and environment. In other words, the RPE must be both adequate and suitable for the worker to be protected.

This is not always appreciated or straightforward. Facial differences of workers due to gender and ethnicity mean finding a facepiece that fits and is comfortable may not be easy. Add in maintenance and storage to the equation, and you can start to appreciate this is no easy option. This is why PPE is the last option when some employers are considering how to protect their workers.

Many work activities can result in harmful exposure, for example:

- cutting a material such as stone or wood:
- using a product containing volatile solvents;
- handling a dusty powder;
- welding stainless steel.



Providing tools and information to help those who carry out such a diverse range activities over many different industries has been a big challenge.

To overcome this, HSE worked closely with industry and the trade unions. As an example, production of a DVD (showing how a management team introduced the use of RPE for their workforce and made it work) involved representatives from foundries, the chemical industry, bakeries and quarrying.

(continues on page 5)

These products are aimed at employers, either to improve their understanding or as tools for them to train their workers. The project's research will be of interest to employer organisations to help them understand how their members can ensure any investment made in RPE is having a positive result in protecting their workforce.

That is something that Frank Angear of the British Safety Industry Federation (BSIF) is keen to support. He was part of the projects working group





involved in revision of HSE guidance Respiratory protective equipment at work: A practical guide. BSIF represent RPE manufacturers and suppliers and he is sure their industry can use the new tools to support the drive to better understanding and use of RPE:

'The first step in reducing the estimated 12 000 deaths a year is to make the guidance easier to understand and more user-friendly, so that any size of organisation can clearly see its obligations, select the right equipment, and ensure it is used correctly. Involving outside organisations in their project has helped HSE make great advances with the finished tools."

HSE's Dr Robert Ellis, from the Occupational Hygiene Unit, managed the project. He is encouraged by the commitment shown by industry to drive up standards.

'HSE wants to build on the successful delivery of this work to make sure we're reaching everyone, so we're asking employer organisations to become better informed. Anyone, no matter how big or small the company. can get this information from a new RPE page on HSE's website.'

For any company, regardless of size, RPE should be the last resort for reducing worker exposure. But, if RPE is necessary, there are some basic



steps that, if followed with care, can ensure a mask is adequate for the hazard and suitable. In that way, not only will the RPE be protecting the wearer, but also the financial investment made is worthwhile.

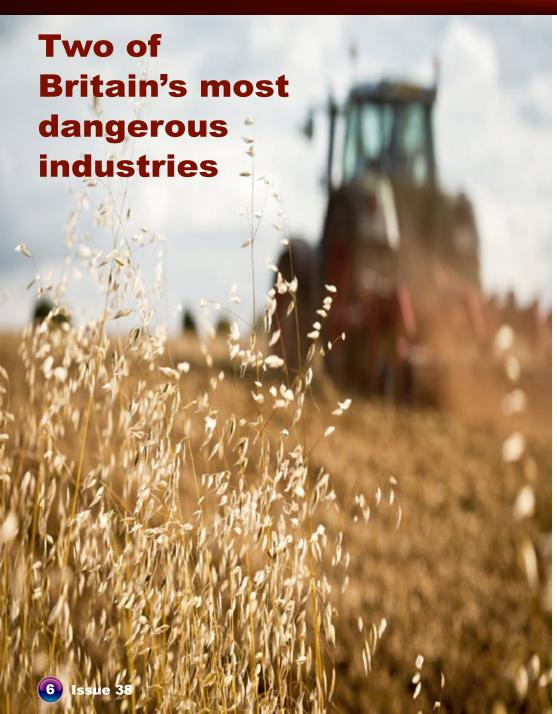
Find out more from











As HSE's new Head of Agriculture and the Waste and Recycling Sector, Rick Brunt (right) has quite a challenge on his hands.



For both industries have a poor track record of managing risks. Overall, agriculture has the poorest record for killing people while the waste and recycling industry has the worst record for serious injuries.

Working together

One of the keys to improving the situation, said Rick, is by working together. 'We have the Waste Industry Safety and Health (WISH) forum for W&R and, in agriculture, there's the Farm Safety Partnership (England) and the On Farm Safety Charter (Wales). Scotland is also looking to set up a partnership.

'Industry perception is that accidents happen when distractions arise but all too often the failure is in the planning of the job, and not using the correct equipment.

'Solutions don't usually require anything more than modest investment.



and are often simple and cheap; they usually help make the job more effective too and make good business sense.'

The facts

- 1.5% of the working population works in agriculture, yet it accounts for a fifth of all work-related deaths each year;
- waste and recycling accounts for only about 0.6% of employees in Britain, yet has 2.8% of reported injuries to employees;
- managing the risks makes business sense, and usually makes the job more efficient and effective.

Have a look at the range of simple and free resources available at HSE's agriculture and waste and recycling web pages.









In every issue of the H&S Newsletter, we feature a selection of the latest cases to go before the Myth Busters Challenge Panel. If you want to read more examples of when the health and safety excuse has been wrongly used, all the cases so far considered by the panel are available at Myth Busters.

What is the Myth Busters Challenge Panel?

HSE's Myth Busters Challenge Panel was set up in 2012 to provide quick advice to people subject to ridiculous or disproportionate health and safety decisions by insurance companies, local authorities, employers and overzealous jobsworths. It is chaired by HSE Chair Judith Hackitt and includes independent members who represent a range of interests including small businesses, public safety and trade unions.

The Panel has received over 200 cases since it was launched with nearly all rulings finding a decision was made without having any basis in health and safety law.

MYTH BUSTERS

Case 276

Restauarant staff declared that pork crackling is not allowed to be served for 'health and safety reasons'





Issue

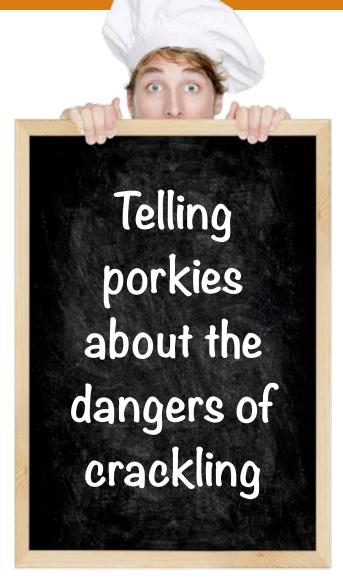
An enquirer was told by restaurant staff that pork crackling is not allowed to be served for health and safety reasons as it may splash the chef.

Panel decision

The panel is somewhat bemused by this case. Anyone who cooks roast dinners at home knows that pork crackling can be produced perfectly safely as part of roasting a joint of meat. Breaking the crackling into pieces for serving can be quite tricky but it is hardly a health and safety issue. It should be a fairly basic skill for any chef to acquire.

The company needs to own up to the real reason why they refuse to serve pork crackling.





(continues on page 8)

Case 281 Junior school bans children bringing in a snack of fruit or rice cakes

Issue

A Junior School is to ban children bringing a snack of fruit or rice cakes to school on the grounds of 'health and safety'. Their reasoning is that this is a health and safety risk to children at school with food allergies.

Panel decision

While schools need to have procedures in place for managing pupils with food allergies, they should not misquote 'health and safety' as a reason for justifying a disproportionate ban on all snacks. Various guidance by other organisations than HSE make it clear that schools need to have a policy and an action plan in place to manage the risk of allergic reactions.

A complete banning of all snacks seems a thoroughly disproportionate response which goes against some of the stated principles in the guidance of helping food allergic pupils to learn to take responsibility for their own allergy – an important life skill given that the world cannot be made nut/allergenfree!



Case 253 Child not allowed to use shop toilet

Issue

An enquirer's five-year old daughter needed to use the toilet when they were in a shop so asked a member of staff if there was a toilet they could use. The shop's supervisor said this was not allowed for health and safety reasons. The enquirer had better luck in the shop next door.

Panel decision

This is not a health and safety issue. It is not unexpected that customers will ask if they can use the toilet in emergency situations. especially if children are 'caught short'. Whether or not the outlet chooses to make the facility available to any/all customers is a matter of policy and discretion.

Case 261

Can you stock plasters in a first-aid box?

Issue

An employee had cut her finger in the workplace and a colleague tried to obtain a plaster from the first-aid kit but there were none. The employee asked a manager if they could restock them but she replied that due to health and



safety reasons ie allergies, plasters were no longer supplied for the first-aid kit.

Panel decision

There is no health and safety regulation which bans the provision of plasters, in fact HSE's own guidance recommends that a first-aid box should stock plasters.

If the concern is about the small risk of allergic reaction to some types of plaster then this can be easily managed by stocking the hypoallergenic variety or simply asking the person being treated if they are allergic to plasters before they are applied.







In the dock 1

Floor collapse injures three workers

Two building firms have been ordered to pay a total of £72 000 in fines and costs after a floor collapsed during the construction of a six-bedroom mansion in Trafford, injuring three workers.

One of the men sustained major injuries when he was struck by a falling concrete beam. He was in hospital for five weeks and has been unable to return to work following the incident on 11 November 2011.

Belmont Homes (Cheshire) Ltd and Salebased Waymac Ltd were both prosecuted by HSE after an investigation found that work at the site had been badly planned, putting multiple lives in danger.

Liverpool Crown Court heard that property-developer Belmont had brought in several contractors, including bricklaying firm Waymac, to help with the construction of the four-storey property, valued at £2 million, on South Downs Road in Bowdon.

During the project, the firms discovered that the frame for the first floor was too high and needed to be lowered. This

meant reducing the height of some of the concrete padstones that the frame rested on by lifting the frame and then lowering it back down.

As the concrete beams for the floor were put in place following this work, the floor collapsed. Three of the men fell with it, and the beams fell on top of them.

Two workers escaped with minor injuries but one was severely injured when he put up his left arm to protect his head from a falling concrete beam, weighing around half a tonne.

The 47-year-old from Wythenshawe sustained a crushed arm, fractured ribs, punctured lung, broken collar bone and damage to his back. He has lost the use of his left hand and only has very limited use of his left arm.

Belmont Homes (Cheshire) Ltd, of Budworth Heath in Cheshire, was fined £33 000 and ordered to pay costs of £15 000 after pleading guilty to a breach of health and safety laws. Waymac Ltd, of Eastway in Sale, was fined £9000 and ordered to pay £15 000 in prosecution



The scene after the collapse

costs after pleading guilty to a breach of the Construction (Design and Management) Regulations 2007 by failing to ensure the structure did not collapse as a result of its work.

Speaking after the hearing, HSE Principal Inspector Neil Jamieson said: 'One of the workers has suffered devastating injuries as a result of the collapse, and the other two were lucky not to have been more seriously injured or even killed.

'Belmont was responsible for the overall management of the work and the company failed to get a grip of the project. Waymac is also an experienced bricklaying firm and it should have been obvious to both companies that lifting and lowering the floor could be dangerous.

'They should have sought the advice of a structural engineer before allowing the work to go ahead. If they had, then the injuries the workers suffered could have been avoided.'

According to the latest figures, workers in the construction industry are four times as likely to be killed at work compared to the average worker. Information on improving safety is available at www.hse.gov.uk/construction.

('In the dock' continues on page 10)





In the dock 2

Employee in court after striking co-worker's head with digger bucket

A construction site worker from Rushden has been prosecuted after he struck another worker on the head with the bucket on a digger.

An HSE investigation found that Gary Draper had been using a mobile phone while operating the excavator vehicle on a building site in Milton Keynes and had not noticed his colleague.

The worker sustained multiple fractures to his jaw as well as a punctured and collapsed lung. He was hospitalised for ten days, did not return to work until 14 months later and will require further surgery on his jaw.

Gary Draper was ordered to pay compensation of £2500 to the injured worker, and costs of £1554 after pleading guilty to a single breach of the Health and Safety at Work etc Act 1974.

Speaking after the hearing, HSE inspector Stephen Manley said: 'Road users are rightly banned from using

mobile phones when driving cars. It's clearly important that those in control of machinery – weighing up to 40 tonnes

in some cases – need to be equally attentive and concentrate solely on the iob at hand.'

For information about construction site safety, visit http://www.hse.gov.uk/ construction/safetytopics/siteorg.htm







In the dock 3 Roofing firm caught on camera risking lives

A roofing firm and its managing director have been fined after they allowed workers onto a house roof in Tyldesley to use a jet washer without safety measures in place.

HSE was alerted to the dangerous work at a semi-detached house by a member of the public, who took a photo showing a man standing halfway down the sloping roof using a jet washer to clear moss and other debris.

An HSE inspector visited the site later the same day and immediately issued a Prohibition Notice ordering the workers from IQ Roofing Solutions to come down until scaffolding or other safety improvements had been implemented.

Trafford Magistrates' Court heard that Managing Director Stuart

Bell had visited the site on the morning the work was due to start, and so knew it would be carried out without scaffolding around the edge of the roof.

The company also failed to provide proof that it held employers' liability insurance - a requirement under UK law - which allows workers to claim compensation if they suffer a workplace injury.

The court was told that the company had previously been served with a Prohibition Notice in 2011 relating to unsafe roof work and so was well aware of the dangers.

IQ Roofing Solutions pleaded guilty to two breaches of the Work at Height Regulations 2005 and one breach of the Employers' Liability (Compulsory Insurance)



Act 1969. The company, of Nelson Street in Tyldesley, was fined £3000 and ordered to pay £2000 towards the cost of the prosecution on 24 April 2014.

Stuart Bell, of the same address, was fined £1000 and ordered to pay prosecution costs of £1619 after admitting two breaches of the Work at Height Regulations 2005.

Speaking after the hearing, HSE inspector

Laura Moran said: 'Falls from height are responsible for around a third of workplace deaths every year, with 25 people losing their lives in 2012/13 alone. I'd therefore like to thank the member of the public who alerted us to the work, as they may well have prevented a serious injury.'

More information on preventing workplace falls is available at www.hse.gov.uk/falls

In the dock 4

Worker suffers crush injuries

An agency worker was severely injured when the forklift truck he was driving overturned.

Bury St Edmunds Magistrates' Court heard the 27-year-old worker had not received any formal training to drive the vehicle and was not wearing a seatbelt.

The man suffered severe injuries and

subsequently had to have his spleen removed, so needs to be on permanent antibiotics. He has since returned to work at another company but still suffers pain.

Murfitts Industries Ltd of Lakenheath, Suffolk, was fined £17 000 and ordered to pay costs of £10 985 after pleading guilty to breaching safety regulations.

Find out more about the safe use of forklift trucks and vehicles at work.



Read about more HSE court cases at: http://www.hse.gov.uk/press/press.htm







FAQs

Did you know there's a range of frequently asked questions (and answers) on HSE's website? Subjects covered range from break entitlement to the number of toilets a workplace should have.

You can see all the questions here but, meanwhile, here's a typical question and answer.



What are the health risks from asbestos?

Asbestos is responsible for over 4000 deaths every year. Younger people, if routinely exposed to asbestos fibres over time, are at greater risk of developing asbestos-related disease than older workers. This is due to the time it takes for the body to develop symptoms after exposure to asbestos (latency).

Exposure to asbestos can cause four main diseases:

- mesothelioma (a cancer of the lining of the lungs – it is always fatal and is almost exclusively caused by exposure to asbestos);
- asbestos-related lung cancer (which is almost always fatal);
- asbestosis (a scarring of the lungs which is not always fatal but can be a very debilitating disease, greatly affecting quality of life);
- diffuse pleural thickening (a thickening of the membrane surrounding the lungs which can restrict lung expansion leading to breathlessness).

It can take anywhere between 15 to 60 years for any symptoms to develop after exposure, so these diseases will not affect you immediately but may do later in life. You need to start protecting yourself against any exposure to asbestos now because the effect is cumulative



Asbestos was a widely used material within commercial buildings, homes and machinery until 1999, when it

was banned. This means that asbestos is common in the general environment.

However, working directly with asbestoscontaining materials (ACMs) can give personal exposures to airborne asbestos that are much higher than normal environmental levels. Repeated occupational exposures can give rise to a substantial cumulative

exposure over time. This will increase the risk of developing an asbestos-related disease in the future.

The majority of the current fatal cases from asbestos exposure are associated with very high exposures from past industrial processes and installation of asbestos products.

Read some more frequently asked questions on asbestos.

Visit HSE's web pages on asbestos for the full picture.











from HSE's Chair

I've recently visited a number of different companies in the UK and the Middle East and seen extraordinary levels of commitment and dedication in getting health and safety right. These businesses strive to create the right culture – leading from the top, with all workers understanding the role they play in ensuring everyone goes home safe at the end of the working day.

I was recently asked how I knew when a proper safety culture is embedded in an organisation. There is no simple answer but one way of testing is to ask the workforce.

All too often senior managers are convinced they have first-class systems in place and rules are well understood and complied with by all staff. However, talk to those same staff and you may hear a different story, a story of managers prepared to turn a blind eye to safety short cuts when



Golden rules set the culture

there is pressure on production, or of procedures that simply don't reflect the reality of the job or established practices.

While overseas, I recently saw an admirable attempt to communicate the key safety messages by the use of a '10 Simple Golden Rules for Safety' poster. Or at least I thought it was, until I got about halfway down the list of rules and came across this: 'Always seek authorisation before bypassing safety systems.'

Now, of course no one should ever bypass safety systems on their own initiative, but to me this 'rule' implies it's okay to bypass safety systems as long as you have permission, which is of course creating completely the wrong culture within the organisation.

I didn't know how many times such bypassing of systems had taken place but I did ask them to take a long, hard look at this so-called golden rule and think about whether the message they actually intended is being conveyed to workers. In truly exceptional circumstances it may be necessary to bypass a system but only after careful thought, proper risk assessment, good communication to everyone who is likely to be affected, and the full details of the exception process can be authorised by competent people. Bypassing the system must be a 'big deal' not something that's 'Okay as long as you get permission.'

How confident are you that all of your 'rules' mean the same to your audience as you intended?

Read more







Accident case studies

All of these accidents could have been avoided

Here are some real-life case studies involving injury and ill-health – including what steps were taken to make sure they didn't happen again...

Slipping on a wet floor

A worker was injured when walking past a tray cleaning area in a large food factory. The floor was wet from run-off and from prewash spray. The man, who was wearing normal outdoor shoes, slipped and fell, breaking his femur.

An improved floor surface with greater microscopic surface roughness was installed to reduce slip risks and control of water spray implemented. Additionally suitable safety footwear was issued with soles that provided better grip in wet conditions.

Disinfecting tablets

A number of employees in a food production area developed dermatitis. This was traced to water disinfecting tablets which were used to wash vegetables.

The employer stopped those who had developed dermatitis working in this area and issued gloves to food handlers subsequently involved in this work. This resolved the problem.

Struck by sharp knife

A worker received a serious hand injury when using a sharp hand knife to debone meat. The company now provide knife-proof arm guards gloves for the non-knife hand and knife-proof aprons.

Crushed in machine

An engineer suffered fatal crushing injuries when working within the danger area of a large robotic palletising machine. The machine started up unexpectedly as it had not been electrically isolated, nor hadthe power been locked off.

In food and drink manufacturing, around one fatality a year results from workers entering large machines which have not been safely isolated and locked-off from electric, hydraulic or pneumatic power sources.

Systems were put in place to ensure workers entering machines are safe, for example by locking off the power source and the worker taking the key with them into the machine.



Flour dust in plant bakery

A 20-year-old man was admitted to hospital from work with an acute asthmatic attack caused by flour dust inhalation. In the previous 12 months he had been absent from work for 25 days with chest symptoms.

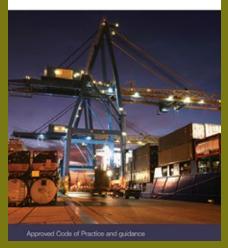
His exposure to flour dust was dramatically reduced by engineering controls and better work methods and he was able to go back to work. In the following three years he did not have any time off with chest problems.

Read more case studies on HSE's website: http://www.hse.gov.uk/ resources/casestudies.htm

What's new from HSE

Keeping you up to date with our latest guidance





HSE has worked with Port Skills and Safety and the union Unite to produce a new, simpler Approved Code of Practice and signposting guidance document for the docks industry.

New, simpler docks guidance

The new quidance (Safety in Docks: Approved Code of Practice and guidance - L148) replaces the existing Approved Code of Practice (COP25), which has been withdrawn as part of the revocation of the Docks Regulations 1988.

Topics covered include workplace transport, falls from height and lifting operations. The new ACOP is aimed at both the larger end of the industry as well as those in smaller locations (eg small harbours, quays etc).

The ACOP is supplemented by the Safety in Ports guidance sheet series, which has been produced by Port Skills and Safety with support from Unite and HSE.

These sheets, together with the new ACOP, will deliver a comprehensive and coherent package of guidance for the industry.

Vincent Joyce, HSE's Head of Transportation, said: 'The removal of the Regulations is part of a package of revocations that streamline and clarify the regulatory framework. This will

enable businesses to concentrate on the things that matter and improve the workplace protection for employees and others.

'Although the Docks Regulations are being removed, this will not lower safety standards as dutyholders will still have to comply other legislation that provides the same level of protection. Employers who needlessly put workers and the public at risk can still expect to face action from HSE.'

As well as the new ACOP and guidance, HSE has updated its Ports website, which now includes links to the new ACOP and Safety in Ports guidance sheets.

To download the guidance free of charge or buy a hard copy, go to http:// www.hse.gov.uk/pubns/books/l148. htm

For more information you can visit www.hse.gov.uk/ports/index.htm



('What's new from HSE' continues on page 16)



What's new from HSE

Keeping you up to date with our latest guidance



Let's all make a real difference by creating healthier workplaces



Occupational disease is a major issue: a life-altering experience for some, a life-ending illness for others.

Latest figures suggest that over one million people are suffering from a work-related illness, with around 12 000 people dying each year due to past exposures to harmful substances at work.

Many organisations are already taking positive steps to reduce the burden of occupational disease. By working together, we can create healthier workplaces.

That's why, in March 2013, HSE brought together a wide range of organisations to consider new and innovative approaches to tackling occupational disease. The event proved to be the catalyst for more action on tackling this important workplace issue.

Reinforcing the importance it places on preventing occupational disease, HSE has improved its online presence and community website to promote and share the work that different organisations are undertaking to tackle the burden of occupational disease – visit http://www.hse.gov.uk/aboutus/occupational-disease/index.htm



You can also sign up to receive an e-bulletin – visit http://www.hse.gov.uk/news/subscribe/index.htm – that will keep you up to date with the latest developments.

So why not visit HSE's website now and take a look at what activities are already underway? And if you like what you see, join in! Following a simple registration step, you'll be able to upload your own material to promote the work that your organisation is doing.

Together, we can all make a real difference by creating healthier workplaces.

