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Safety news

Cooper Safety Associates

- Helping you protect your business and your people

Welcome to this quarter's newsletter! Inside you'll find an update on the new Health and Safety (Offences) Act 2008, a review of the findings of the Buncefield Investigation, and some developments in workplace stress law.

Health and Safety (Offences) Act 2008 comes into force.

The new Health and Safety (Offences) Act 2008 came into force on the 16th January after receiving Royal Assent last October. The new legislation amends parts of the Health and Safety at Work Act and increases the sentencing powers and penalties available to the courts for those in breach of health and safety law.

In the lower courts it raises the maximum fine from £5000 to £20,000 and has increased the number of offences for which an individual can be imprisoned.

The chair of the HSE, Judith Hackitt was keen to remind businesses that there has been no change to existing legal duties and that employers who adhere to the law have nothing to fear from the new legislation. Ministers have welcomed the act which gives the lower courts the new power to imprison people which should see more health and safety cases resolved in the lower courts which is quicker and cheaper.



Asbestos - Hidden Killer

The HSE has launched a new campaign - Asbestos Hidden Killer which aims to highlight the dangers faced by tradesmen that may unknowingly come into contact with the material. Asbestos is the single biggest cause of workplace deaths in the UK over 4000 people per year die from asbestos related diseases which is more than are killed through road accidents. Information on the campaign is available on the HSE website, please contact us if you'd like advice on your compliance with asbestos legislation.

Buncefield Investigation Ends

The final report into the explosion and fire at the Buncefield Oil Terminal in Hemel Hempstead has been completed. The initial explosion was caused by an over filled petrol storage tank which resulted in the build up of a large cloud of flammable vapour which eventually ignited. The explosion was followed by a large fire which consumed 23 fuel storage tanks over the majority of the Buncefield site. Fortunately due to the incident occurring on a Sunday morning no one was killed or seriously hurt, 43 people sustained more minor injuries. The total economic cost of the accident has been estimated at around £1 billion. Buncefield and other sites like it are regulated by the HSE under the COMAH Regulations (Control of Major Accident Hazard) which required that detailed analysis is undertaken of the potential for accidents and measures taken to prevent them. The report made 32 recommendations in 4 broad categories, Assessing the potential for major incidents, Managing a major incident on site, preparing for and responding to a major incident off site and recovering from a major incident. You can download a copy of the report at www.buncefieldinvestigation.gov.uk



Latex Allergy

Damages have been awarded to a nurse after developing a latex allergy by Leeds County Court. In the case of *Foxton v Wakefield West Primary Care Trust*, the nurse suffered facial swelling, anaphylactic shock and breathing difficulties. The nurse who was moved to office work was also unable to carry out this work due to latex present in equipment located in the office. She also suffered reactions in shops, gyms, and swimming pools and her house had to be modified to remove latex containing items. The nurse was awarded just under £270,000 in compensation including payments for pain and suffering as well as loss of future earnings. This is the second major case of a nurse winning significant damages for latex reactions, in 2002 a nurse won £240,000 in similar circumstances. If you would like advice on what you should be doing with regards to latex allergy please contact us.



Workplace Stress

Many employers provide a counselling service as their main control measure for dealing with workplace stress, but recent court cases have indicated that counselling can not be considered a universal solution. A worker at a telecoms firm began to suffer from stress caused by her work, she received no help and her request to move to a less stressful job was denied, the manager advised she seek assistance from the counselling service. The worker then requested time off work and was supposed to be referred to occupational health however this never occurred, later the worker was signed off not to return. The worker claimed compensation which was awarded, appealed by the employer and the appeal dismissed. The court said that it was clear the situation required management intervention and that counselling alone was not an adequate response. This represented a breach in the employers duty of care. If you would like assistance with your organisations approach to stress, please contact us.





Prosecutions

An overview of some recent prosecutions brought by local authorities and the health and safety executive.

- Plymouth City Council has been fined £75,000 and ordered to pay over £16,000 in costs after a worker was crushed between a forklift truck and a lorry carrying wheelie bins. The investigation discovered that it was standard practice at the depot for workers to ride on the forks of the forklift truck and that no suitable risk assessment had been undertaken, neither were staff trained or supervised. The judge said that the fine would have been higher except that it would be paid for by the taxpayer.
- Rolls-Royce PLC has been fined after workers were exposed to hazardous fumes. Agency workers were tasked with decommissioning a light alloy foundry in Derby. During the work they were exposed to sulphur and potassium fluoro-silicate resulting in breathing difficulties, skin rashes and bowel problems. RR had no health and safety plan for the work, the risk assessments were generic and did not detail what precautions or PPE should be used. Respiratory protective equipment was used but without training as such it was not effective. RR was fine £120,000 plus £12,000 costs for failing to ensure the safety of non-employees.
- A council in the north of England has been fined £17,000 for exposing staff to asbestos. A school caretaker was twice exposed to significant quantities of asbestos whilst sweeping up loose asbestos dust in a boiler room. The local authority knew of the presence of the asbestos and placed the room under quarantine in addition to removing some of the material. The council was fined £17,000 and had to pay £3900 in costs for breaches of the Control of Asbestos at Work Regulations 2002.
- A breakfast cereal manufacturer has been fined £3500 after a worker lost two fingertips. In an unguarded rotary valve.



Leading Health and Safety at Work

The HSE is reminding business leaders and company directors of a free advice guide 'leading health and safety at work' written 'by directors for directors' it gives straightforward advice on fulfilling their obligations. The guide can be downloaded from the HSE website.

Cooper Safety Associates - Our Services

Here is a quick reminder of the services that we can provide:

- Risk assessments for -
 - Workplace
 - Manual Handling
 - COSHH
 - Work Equipment
- Fire Risk Assessment
- Training in -
 - Manual Handling
 - Fire
 - Health and Safety
 - Safety for Managers
 - COSHH
 - Basic Life Support
 - Anaphylaxis
- Health and Safety Policies and Procedures
- Disability Discrimination Act (DDA) Audits
- Health and Safety Management Systems
- Interim Safety Management Services
- Competent Persons Service
- Bespoke training courses and risk assessments to your requirements
- Fast Response Telephone Advice

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