Safety

Cooper Safety Associates

2

- Helping you protect your business and your people

Welcome to this quarter's newsletter! Inside you'll find an update on the Health and Safety Law, a look at the new Gas Safe Register which replaces CORGI, and some new information from the HSE on stress.

Health and Safety Law Update

A recent case heard in the House of Lords has ended in a judgment of crucial significance to health and safety prosecutions. To summarise the facts of the case a worker R was employed by a company C at a farm where construction works were being carried out. R was driving a dumper truck with topsoil into a depression for unloading. During the process, the truck overturned burying him under the soil with fatal consequences. An investigation identified a number of health and safety failings at the site. Convictions were made under sections 2 and 3 of the Health and Safety at Work Act. The convictions were appealed on the grounds of the way in which the prosecution presented their case. The case centred around the argument that it was sufficient to identify and prove a risk of injury arising from a state of affairs in a workplace. The appeals were dismissed by the Court of Appeal and the defendants subsequently appealed to

the House of Lords who again dismissed the appeal and made the following important points.

- In a criminal case against an employer, it is sufficient for the prosecution to prove a risk of injury arising from the state of affairs at work, without identifying or proving specific breaches of duty.
- In a case where a person sustained an injury at work, the facts would speak for themselves. At first sight in the case, it appeared that the employer had failed to ensure his health, safety and welfare, if they had, there would have been no accident.
- It was not necessary for the prosecutor to identify, allege and prove specific failures on the employers part.



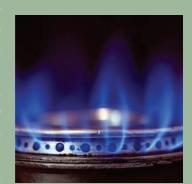
news

May the 5th sees this years World Asthma Day which is aimed at raising awareness of asthma and its causes. There are a significant number of workplace activities that can result in asthma if not suitably controlled, for more information see <u>www.hse.gov.uk/asthma/</u> <u>index.htm</u>

New Gas Safe Register replaces CORGI registration

On April 1st the new Gas Safe Register replaces the CORGI registration for the certi-

fication of gas engineers in Great Britain. From that date it is a legal requirement that individuals working on gas systems must be certified and on the Gas Safe Register. The new scheme run by a division of Capita Group PLC was created after a consultation with the gas industry, engineers and the public identified a need to improve standards. The new website <u>www.gassaferegister.co.uk</u> has useful information and a search engine to check that your gas engineers are properly registered. Every engineer is required to carry an identification

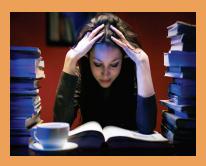


card showing their registration number and details of the gas works they are allowed to undertake. CORGI still remain as the operators for gas registration in Northern Ireland and the Channel Islands.

HSE launches new stress management tool

The Health and Safety Executive has launched a new tool for managing stress. Aimed at line managers, the tool helps to assess whether they have the right behaviour and management style to prevent and reduce stress in the workplace. It is estimated that the impact of stress and its associated issues costs the UK

around £7 billion per year. Whilst there is still currently no specific legislation or regulations regarding stress, under the provisions of the



health and safety at work act employers are required to look after the health of their employees so far as is reasonably practicable. You can access the management tool at:

www.hse.gov.uk/stress/mcit.htm

If you would like assistance with your organisations approach to stress, please contact us.

Working at Height

Many employers have introduced podium type steps and platforms for low level work since the introduction of the Work at Height Regulations. However during the year 07/08 there were still 15 fatalities, nearly 2800 major accidents and over 3500 lost-time accidents where persons fell from less than 2 metres. Research



seems to show that the misuse of low level access equipment is commonplace with users frequently climbing up the wrong side, not using locks to make the structure rigid, not using safety gates, not using the brakes on the wheels of the platform and using mid-level

guard rails as an additional step. In addition to this the problem of over-reaching, a major cause of falls from heights is just as prolific except that now users have a false sense of security given to them by the platform. Employers should ensure that platforms and podiums are erected by competent persons, checked on a regular basis throughout their use, used by trained persons and correctly dismantled and stored appropriately to prevent damage.



A firm has been fined £300.000 for breaches of the Health and Safety at Work Act after an employee was electrocuted. The individual was working for a large engineering and facilities company at a retail shop in Dundee. He touched a conductor that was marked 'not in use' and the cable was live and the individual

Prosecutions

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

The director of a roofing firm
The operator of a nuclear a skylight to his death. The were replacing roof lights at an industrial building. The roof was made from asbestos cement and was very fragile. During the work one of the men fell through and later died of head injuries. The HSE investigator said that only two provided which was inadenetting had been installed, harnesses were provided but there was no evidence that

power station has been fined a storage vessel that had been leaking radioactive waste for 14 years. Magnox Electric Ltd was found guilty of three ofthe leak presented little risk to employees or the public the



vorkers have a right to work in places where risks to their health and s rolled. Health and safety is about stopping you getting hart at work or corployer is responsible for health and safety, but you must help.

What employers must do for you What you must do 1 Backs what could have provide the second sector was been provided and the providences of the second sector sect 1 7 Provide admounted

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