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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 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.



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 www.hse.gov.uk/asthma/index.htm

New Gas Safe Register replaces CORGI registration

On April 1st the new Gas Safe Register replaces the CORGI registration for the certification 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 www.gassaferegister.co.uk 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.



Prosecutions

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

- 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 was supposed to be dead. However the cable was live and the individual suffered fatal injuries. The HSE found that the companies working practices were haphazard and unsafe. No means of isolating or testing the circuit had been provided.
- The director of a roofing firm has been jailed for 12 months after an employee fell through a skylight to his death. The case heard that two employees 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 crawling boards had been provided which was inadequate for the task, no safety netting had been installed, harnesses were provided but there was no evidence that they were used. In addition to the custodial sentence a fine and costs totaling £30,000 were given.
- The operator of a nuclear power station has been fined £250,000 with £150,000 costs after it failed to spot damage to a storage vessel that had been leaking radioactive waste for 14 years. Magnox Electric Ltd was found guilty of three offences under the Radioactive Substances Act 1993. Whilst the leak presented little risk to employees or the public the severity of the fine reflects a previous failure of the company to manage its equipment in 2001. The case which centred around a tank at Bradwell Nuclear Power Station in Essex, is the highest fine for a prosecution brought by the Environment Agency in nine years.



New Health and Safety Law Poster

The HSE has published a new updated health and safety law poster. It is a legal requirement to display the poster in all workplaces. Employers can continue to use their old poster until 5th April 2014. You can obtain a new poster from the HSE or any good sign or stationery stockist.

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

www.coopersafety.co.uk

<h3>Consultants</h3> <p>Nell Cooper 07511 342576</p> <p>Jon Halstead 07882 720388</p> <p>Gilly Ede 07841 436516</p> <p>Mike Kelly 07795 410860</p> <p>Geraldine Perry 07711 043622</p> <p>Vince Ryle 07974 080581</p> <p>Andy Whiting 07752 714261</p> <p>Jay Whiting 07843 855347</p> <p>Bisi Hood 07996 880295</p> <p>Charlotte Way 07513 051992</p> <p>Jason Obee 07988 634125</p>	<h3>Office</h3> <p>Nikki Cooper Jane Read Mandy Chambers 01483 225911</p> <h3>Newsletter Production</h3> <p>Mike Kelly Cooper Safety Associates Bent Cottage Malacca Farm West Clendon Surrey GU24 7UG</p> <p>Tel: 01483 225911 Fax: 01483 225117</p> <p>www.coopersafety.co.uk enquiries@coopersafety.co.uk</p> <p><small>The content of this newsletter is for information and interest and does not accept any responsibility for any errors or omissions.</small></p>
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