



▶ Working safely
with young workers 1



▶ UK retains working
time directive 2



▶ Communicating with a
multinational workforce 2

Safety *news*

Cooper Safety Associates

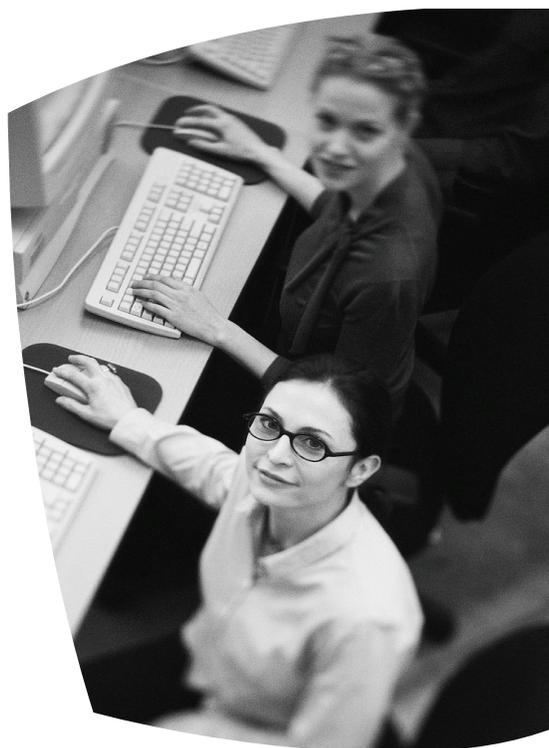
- Helping you protect your business and your people

Welcome to this quarters newsletter! Inside you'll find an update on the UK retaining its working time directive opt-out, a look at work experience and how to risk assess it, and some things to consider when communicating with a multinational workforce.

Gaining work experience - Safely.

Around half a million school age individuals go on work experience every year, with their placements taking them into almost every area of government, public service and industry. Health and Safety law defines a young worker as anyone under the age of 18. The law considers students on work placement to be employees. As such, we employers are responsible for their health, safety and welfare. A risk assessment is an essential step to ensure that the workplace is safe and suitable for young workers and children to be present. Students

will frequently have little or no knowledge of working environments and should as such be provided with additional supervision, training and guidance. Employers taking on work experience students should remember that certain types of work are prohibited for young workers such as using a power press or driving a forklift truck. Please contact us if you require any assistance with carrying out risk assessments for young workers.



European Health and Safety Week 2008

This years European Health and Safety Week which runs from 20th–24th October will focus on risk assessment. Please contact us for ideas on how your business or organization can get involved during the week. For more information visit—www.hse.gov.uk/campaigns/euroweek/

Communicating with a non-English speaking workforce

It is well known that poor communication can be the root cause of many of the accidents we see in the workplace. This is a problem that has been exacerbated by increasing numbers of migrant workers in the UK workplace.

The provision of information, instruction and training in a language that can be understood by the workforce is covered by various pieces of law including the Health and Safety at Work Act and the Management Regulations. The approved code of practice for the Management Regulations says that when information is provided, the issue of language difficulties should be taken into account. The Health and Safety (Safety Signs and Signals) Regulations requires that information is mainly pictorial in nature to ease interpretation by all.

It is important when communicating with non-English speaking persons that we ensure the message is getting across correctly. This can mean the provision of signage in another language to translators during training sessions. A good safety culture is needed to ensure that when people don't understand—they feel confident to speak up rather than proceeding with a partial understanding.

Working Time Directive

The Government has retained the opt-out of EU working time laws at the last round of talks. This opt-out allows people to work more than 48 hours per week if they wish to. The Trade Union Congress and other union groups have previously come into conflict with the government over the opt-out as it is potentially damaging to workers health when they work long hours. There have been some changes however in the most recent deal; Employers are no longer able to put pressure on staff to sign away their working time protection, there is also an absolute limit of 60 hours a week which will affect most areas of the workforce, directly affecting 400,000 people. The UK has had an opt-out of the working time directive for over 10 years, the law has always been controversial as many people feel that it is their 'right' to work longer than 48 hours per week should they so wish.



Corporate Manslaughter Guidance

The Institute of Occupational Safety and Health (IOSH) has revised its guidance on what employers and managers should do in the aftermath of a serious or fatal accident.

The guidance covers the following areas:

- preparing and planning
- the initial response
- internal investigations and competence
- why organisations should carry out internal investigations

Legally, two pieces of law could be interpreted as requiring an internal investigation after a serious accident. Firstly the Health and Safety at Work Act as we have a duty to protect the health, safety and welfare of employees and to prevent accidents from happening again. Secondly the Management Regulations also require a review of risk assessments to be carried out whenever there are changes, such as an accident. The following is a guide for holding an investigation:

- Describe the events that led to the hazardous event and its immediate consequences.
- Make sure that names, dates and measurements are recorded.
- Make a clear distinction between what is established fact and hearsay.
- Identify the immediate and root causes of the hazardous event.
- Comment on any contradictory or missing evidence, and how this affects the identification of root causes.
- Give clear, prioritised, cost effective and SMARTT (specific, measurable, agreed, realistic, time-bound and tracked) recommendations.

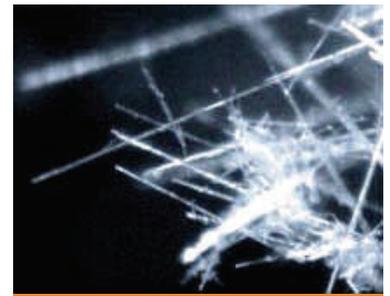
Fatalities at work have always been investigated by the enforcers, but the new Corporate Manslaughter and Corporate Homicide Act 2007 has increased the chance of the organisation involved, having a detailed and in-depth examination of its processes, culture and attitude by the police, supported by the HSE.



Prosecutions

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

- A company director has been sent to jail as a result of an incident where a builder fell 12ft through a skylight. Glass had not been fitted to the skylight and it was not properly marked. The judge described the companies disregard for health and safety as 'total lunacy'. The company was also ordered to pay a nominal fine of £10 after it was discovered that the company had no assets. Fines in these circumstances would usually be tens of thousands.
- An NHS trust in the East Midlands has been fined £18,500 and ordered to pay costs of over £3500 after it was discovered that an employee had been repeatedly exposed to gluteraldehyde whilst cleaning an x-ray film processor.
- An adventure holiday business has been fined £12,000 and ordered to pay costs of over £10,000 after a boy was severely injured after falling over 18ft from a climbing wall. The investigation discovered that attachments to the harness had not been secured correctly and came loose when a load was applied. The HSE found that training and supervision at the company was inadequate and the policies and procedures that were in place were not followed by staff.
- A farmer has been fined a total of £20,000 with costs for an accident where a round bale fell and crushed a 21-year old employee, the bale weighing around 1 tonne left the individual permanently paralyzed from the waist down.
- A construction giant has been fined and ordered to pay costs of £171,000 after the death of a lorry driver when he fell from the loading bay of his vehicle. The driver was attempting to restack poles as they were over-height. There was no risk assessment for the task and workers had been left to themselves to sort the issue.



Asbestos

The HSE is launching a new campaign in October focusing on tradesmen at risk from asbestos exposure. The aim is to raise awareness that tradesmen can be more at risk than they realise. Look out for more information in our next issue.



These workers were seen using a skil saw on the pavement with no eye protection, dust mask or ear defenders.

Focus on > PPE

Whilst PPE should always be considered as the control measure of last resort, it is very useful in the appropriate circumstances. Contact us for assistance with any PPE queries you may have.

These roofers were working with no harnesses or other means of preventing a fall



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