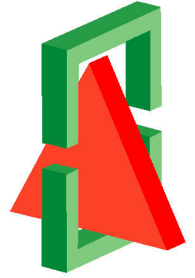


# Health and Safety News



## Rise in work related fatalities

It's official, the latest statistics show that the number of fatalities in the workplace has risen 11% for the year 2006/7, and are at the highest level since 2001/2. The total of 241 deaths in the last 12 months includes 77 people killed on building sites - and that's up from 60 in the previous year.

Although there has been a steady reduction in falls from height this remains the most common cause of fatal accidents and accounts for 19% of the deaths. The next most common causes of fatalities are being struck by a moving or falling object, and being struck by a moving vehicle.

The HSE Chief Executive says: "what we are seeing is a failure to follow established good procedures and practice, not the emergence of new risks." The H&S Commissioner said that construction remains an "undeniably dangerous industry" and is "particularly concerned about the high level of construction related fatalities on the smaller sites involving small businesses."

It is also true to say these figures do not allow for fatalities caused by work related traffic accidents on public highways and may just be the tip of an iceberg if these were to be included.

## Environmental Concerns about Fluorescent Tubes

Amongst other things fluorescent tubes contain mercury bearing phosphor powder. These components are classified as hazardous waste and of course come under COSHH. This is further complicated by the new Waste Electrical and Electronic Equipment Regulations (WEEE) which came into being on 1<sup>st</sup> July 2007.

The idea of the WEEE regulations is to minimise the impact of electrical and electronic goods by increasing re-use and recycling, and to achieve this the regulations make the producers and distributors responsible for financing the collection, treatment and recovery of waste electrical equipment.

So not only does disposing of fluorescent tubes come under COSHH but also under WEEE.

Easy then, just give them back to your supplier! Unfortunately it is not as simple as that. Although domestic retailers will have to provide free facilities for returns of old equipment by their customers, the same doesn't apply for business users.

The answer is you'll be expected to pay disposal fees for old tubes unless you can negotiate with your supplier to include disposal fees in the purchase price.

## Driving excessive hours

Two recent cases have highlighted the dangers of employees driving excessive hours. The first resulted in a driver being killed and the subsequent investigation found the driver had driven 33 hours with just seven hours 50 minutes away from the wheel. It also found the employer had put significant pressure on the driver to work the long hours. As a result the employer was sentenced to 2½ years in jail and banned from running a company for 10 years. He missed out on a manslaughter charge by a technicality.

In the second case the driver was paralysed when he fell asleep at the wheel and crashed the van he was driving. He'd started work at 3.30am and was driving home at 10.15pm. His MD was in the van with him but escaped injury. The MD had a number of sayings attributed to him, such as "you can sleep when you are dead" and "eating's cheating", both of which were used in court as examples that summed up the company philosophy to working hours.

In both cases the employer was found to have exerted pressure on their employees to work long hours and in each cases the employer was complicit ie neither of them could say they didn't know it was happening.

What does this mean? If employers put pressure on drivers to drive after working long hours, or ignore the fact it is happening, then they will be liable if an accident occurs.

## Strange but true

Another environmental concern, this time from the EU Landfill Directive.

Plasterboard contains sulphur bearing waste and if a skip contains more than 10% of plasterboard then it must be taken to one of only two licensed waste sites in the UK. One is in Norfolk and the other in Northants.



## Smokin.....

The new Smoke Free regulations came into place on July 1<sup>st</sup>, 2007 and seem to have been very successfully implemented. The main requirements are for no smoking in enclosed or substantially enclosed premises and making sure there are 'no smoking' signs to the entrances to the premises. Premises are considered 'substantially enclosed' if they have a ceiling or roof but have an opening in the walls which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

A couple of questions we've had from clients concern smoking in vehicles – both company and private.

It's clear that company vehicles used by more than one driver must be designated as smoke free and suitably signed – just one sign will do in a car or van. It is also clear that if there is a possibility of another employee using that vehicle either as a driver or passenger, then it must be smoke free.

Not quite so clear is the use of private vehicles on company business. If a private vehicle is being used for business use (this does not include travelling to and from home) and a passenger is being carried then it should be smoke free. Typically the owner driver would be claiming mileage allowance for using the vehicle but even if this is not the case the vehicle should be smoke free with the owner refraining from smoking whilst carrying the passenger.

## Common Sense

1) Some time ago it was mentioned in the newsletter that the European Commission was looking critically at the term "reasonably practicable". This term is used extensively in H&S legislation within the UK (it is not a term that is used in Europe) and is intended to provide some degree of pragmatism and practicality to the day-to-day working arrangements and measures employed by British companies. In June of this year they have announced, thankfully, the term is acceptable (legal). The alternative decision would have created an administrative nightmare and surely would have been seen as being perverse.

2) On the other hand a lack of resources means that the HSE are not investigating almost 85% of major workplace accidents due to cuts in resources, and that the number of HSE inspectors has dropped by 2.6% in the last year.

They are accused of 'paper policing' in that they spend more and more time behind a desk being reactive rather than proactive – an example being that they accept at face value accident forms filled in by employers rather than carrying out proper investigations.

The HSE insist this is not related to the increase in fatalities, but common sense dictates otherwise.

## Safe use of oxy-acetylene

A number of clients use bottled gas for engineering and maintenance – and a serious accident serves as a reminder of how dangerous these cylinders can be.

A flashback can occur if there is flammable mixture of fuel gas and oxygen in the hoses when the torch is lit. If it is not stopped the flame will ignite the mixture and travel backwards from the torch along the hoses, through the regulator and into the cylinder. This triggers rapid decomposition of the acetylene within the hose, the regulator and the cylinder.

An operative was lighting an oxy-acetylene cutting torch. A flash back occurred to the acetylene cylinder which then began to vibrate and three minutes later it exploded. The cylinder split into two parts, the largest part shot through a window and travelled 23 metres before embedding itself in embankment at the factory boundary. Total damage came to over £1M.

Following the correct lighting up procedure is essential:

- Before lighting the blowtorch purge one hose at a time and close the blowtorch valve after purging.
- Make sure the gases are set for the correct pressure on the regulators and that the correct size of nozzle is used
- Use a spark ignitor to light the gas

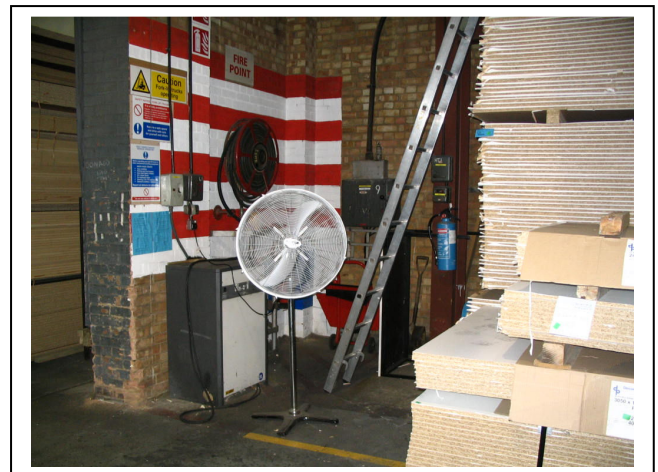
The HSE leaflet INDG327 provides more information and is available at <http://www.hse.gov.uk/pubns/indg327.pdf>

### Did you Know?

From 6<sup>th</sup> April 2008 the new Corporate Manslaughter and Corporate Homicide Act comes into force. Organisations and for the first time, government bodies, can be prosecuted if gross corporate failures have led to fatalities and they face unlimited fines. Although the TUC feels the Act does not go far enough in that individual directors and employers will still be able to evade prosecution; the Justice Minister says it is about ensuring justice for victims of corporate failures.

### Editorial by Geoff Burt

Two environmental items in this issue. The need to properly dispose of fluorescent lamps is quite understandable but having to travel long distances with a skip if it contains more than 10% plasterboard sounds very strange – especially if you take the drivers time, the use of fuel and wear and tear on the vehicle into account. It wouldn't be much of a surprise if fly tipping increased because of this new rule.



Well hidden! There's a fire point in there somewhere with extinguishers, hose reel and a fire alarm call point.