

*Friendly, professional,
down to earth
Health and Safety advice*

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**HCS NEBOSH students
are top of the Class!**

Congratulations to our

NEBOSH Construction Certificate students!

What a lot of excellent results. The hard work and revision sure does pay off. Our very best and warmest wishes go to Colin, Dan, Mike, Sam, Richard, Bruce, Paul, and Kevin—a fine crop of Credits and 2 Distinctions—not bad at all for such a rowdy bunch!

If this inspires you to have a go at the NEBOSH course, you are looking down the barrel of 20 days of training, leading to a globally recognised health and safety qualification.

So do you have what it takes? Dates are on the website folks—what's stopping you??!

Call Zoe for a chat if you want to know more.

OPEN COURSES AT HCS: MARCH

For full details of all our courses, please go to
www.hcssafety.co.uk

- SSSTS** 15th & 16th March
- Site Management Safety Training Scheme**
12th 13th 19th 20th 21st April
- SMSTS Refresher** 4th & 5th April
- Work At Height and Scaffold Inspection**
30th March
- Manual Handling:** 23rd March
- Asbestos Awareness:** 23rd March

If you would like to book onto a course please call the office or e-mail Sam@hcssafety.co.uk

Don't forget—member clients receive a 15% off ALL training booked with us!

B&Q not to blame after mum was burnt by cement

A HAMPSHIRE mum was left with severe burns after kneeling in B&Q cement.

The 46-year-old spent nine days in hospital and feared her legs "were going to explode" after corrosive cement soaked through her trousers and began burning her flesh.



Details of Miss Dobson's injuries were revealed to a court after Trading Standards tried to prosecute the Hampshire-based DIY chain. They claimed the company's own brand cement, was unsafe and had inadequate warning signs about the dangers of the cement.

Southampton magistrates heard that the label read: "Risk of serious damage to eyes. Irritating to respiratory system and skin. "In case of contact with eyes, rinse immediately with plenty of water and seek medical advice. Wear eye and face protection."

But district judge Anthony Callaway threw out both charges after determining that the product did not breach any safety laws and the chain store could not have reasonably foreseen someone kneeling in it.

What do you think? Comments please to zoe@hcssafety.co.uk

Safety

February 2011

Unanimous verdict in first corporate manslaughter case at Winchester Crown Court

We usually confine court news to page 3, but this is a very important piece of news...

The first company to stand trial under the Corporate Manslaughter and Corporate Homicide Act 2007 has been fined £385,000 after being found guilty by the jury at Winchester Crown Court.

The conviction of Cotswold Geotechnical Holdings Ltd came after a two-week trial at the court, where the company answered charges by the Crown Prosecution Service in relation to the death of employee Alexander Wright on 5 September 2008.

In handing down the sentence on 17 February, the judge confirmed the company could pay the fine over a 10-year stretch, with £38,500 due every year of that period. The company does not have to pay any costs.

Mr Wright, 27, had been left working alone in a 3.5m-deep trench to 'finish up' after the managing director of Cotswold Geotechnical Holdings, Pe-

ter Eaton (pictured centre), left for the day.



A short time later, the trench collapsed on Mr Wright and buried him. On hearing his cry for help, one of the plot-owners called the emergency services while another ran to the trench where he found Mr Wright buried up to his head. He climbed into the trench and removed some of the soil to enable the junior geologist to breathe, but a further torrent of earth fell into the pit, covering Mr Wright completely. Despite the plot-

owner's best efforts to free him, Mr Wright died of asphyxiation.

In convicting the company on 15 February, the jury found that the company's system of work in digging trial pits was wholly and unnecessarily dangerous. The court heard the company ignored industry guidance, which prohibited entry into excavations more than 1.2 metres deep, by allowing junior employees to enter into and work in unsupported trial pits, typically from 2 to 3.5 metres deep.

Detective Inspector Giulia Marogna, of Gloucestershire Constabulary, who investigated the case with the support of the HSE, described Cotswold Geotechnical Holdings' approach to health and safety as "cavalier", and the way it taught and supervised its junior engineers as "inherently dangerous".

She added: "Every year people are killed and seriously injured following the collapse of an excavation. This case should serve as a reminder to the construction industry that vertical sides of excavations can never be relied upon to stay up without support, no matter how stable the ground may appear to be."

HSE Blitz on refurbishment sites

The HSE is undertaking a nationwide round of inspections on construction sites in a bid to reduce the toll of death and injury in the sector.

The blitz will focus heavily on refurbishment and maintenance activities. The latest annual health and safety statistics revealed that nearly three-quarters of the 42 construction deaths last year (2009/10) related to these types of tasks.

During the unannounced visits – which started on 14 February– HSE inspectors will check that sites are managing work at

height safely, that they are in good order to avoid trips and falls, and that walkways and stairs are free from obstruction. They will also monitor whether equipment is correctly installed, maintained and used.

In March last year, inspectors visited 2014 sites across Britain. A total of 691 enforcement notices was issued either because of unsafe work at height, or because sites lacked good order.

HSE's chief inspector of construction, Philip White, said: "This will be the fifth year that we have run the inspection initiative across

Britain and we anticipate that there will be examples of both good and bad practice – those where employers are taking all the measures they can to protect their workers, and those where safety is way down the list of priorities.



Safety News

Fit Testing: Back by popular demand

Well done to all of you who attended our Silica and Fit Testing session on 17th February. Our very special thanks go to the lovely **Steve from Hampshire Interiors** for being our tester and to the superbly brave **Jason from Global Ceramics** for being our test subject.



The workshop was full and we know that some of you couldn't make it, so we will arrange another for Tuesday

22nd March. Just e mail Sam or Zoe if you'd like to come.

An understanding of silica dust and the importance of carrying out fit testing is vital so if you haven't attended a session yet, then please do try to come to the next one

H & S Consultants' Register

Following Lord Young's report into health and safety in the UK, a new register known formally as the Occupational Safety Consultants Register or OSHCR is being set up. Only consultants with the highest qualifications and experience will be able to apply for inclusion. They will be required to have:

- * A degree level qualification
- * Chartered membership of IOSH, CIEH or REHIS or fellow of IIRSM
- * A minimum of two years' Assessed Experience
- * Professional Indemnity Insurance



They will also be required to sign up to a Code of Conduct requiring that they provide only sensible and proportionate advice.

We have applied for our place on the register already and will be on it when it is published.

Clearer information for hazardous products

A change in the law is afoot: Construction products containing hazardous substances will have to be clearly labelled as such, to protect the health and safety of construction workers and users of construction works.

The proposed new regulation should simplify current labelling rules and procedures so as to reduce red tape and ensure transparency

The draft also emphasises the need for manufacturers, when assessing the performance of a construction product, to consider its impact on health and safety and the environment throughout its entire life.

Our chums in Starasbourg will vote on this very soon but it will take a couple of years to come into force to give manufacturers a change to comply.

EU tells UK to tighten asbestos laws

Like many Regulations in the UK, the Control of Asbestos Regulations 2006 are based on a European Directive. The directive is issued to all member states within the EU, and laws are made in each country to put the requirements into action.

The European Commission has asked the UK to look again at the licensing exemptions within the Control of Asbestos Regulations because they feel that our Regulations do not go far enough to comply with the Directive. The issue at the heart of this is the types of work that are exempt from licensing requirements, in particular the allowance that sporadic, low intensity work may be done without a license.

The UK now has 2 months to amend the legislation or the matter will be referred to the European Courts of Justice.

This may be a controversial matter as there is much political attention on European influence on UK laws at present. You may have heard about the rebellion in Parliament over votes for convicted prisoners. It will be interesting to see if Mr Cameron gets wind of this suggestion that our laws are weaker than they should be and whether he decides to change the law or fight this in the European Courts of Justice. It would be an unusual move to make if he did, as he could be accused of putting workers' health at risk—we shall see which way the wind blows...

Commenting on the development, TUC general secretary, Brendan Barber, said: "This is another nail in the coffin of the myth that the HSE has been 'gold-plating' regulation. European regulations are there to protect workers, and governments should see them as being minimum



standards rather than trying to weasel out of their commitments.

We will keep you informed if any changes in the law happen which will affect you.

This will be of concern if your employees do any unlicensed work with asbestos under HSG 210.

In the Courts: a round-up of recent prosecutions

Landlord exposed workers to asbestos during roof renovations

A property management company has been fined more than £30,000 after admitting it exposed workers to asbestos.

Halifax Crown Court heard that MA Estates Ltd leased out a factory building in Holdfield Road, Halifax to two companies, which were also managed by the property firm's directors. Staff in the building had complained that the temperature was too cold and, as a result, MA Estates had begun carrying out upgrade work on the roof.

The renovations were carried out by 15 workers who, comprising employees from MA Estates and the two other businesses. As part of the job the

men stripped materials from support beams. On 19 May 2007, a local business complained to the HSE after seeing the stripped materials, which it suspected contained asbestos fibres.

In June 2007, an HSE inspector visited the site and found chrysotile (white asbestos) was present on the roof. The inspector issued a Prohibition Notice, which required the work to cease and for the building to be evacuated until the asbestos was removed by a licensed contractor. HSE inspector Rachel Britain revealed the company had failed to carry out an asbestos survey or risk assessment, had no licence to remove

asbestos, and hadn't given staff any instruction or training in how to identify or remove asbestos"

MA Estates appeared in court on 12 January and pleaded guilty to breaching s3(1) of the HSWA 1974, and seven charges under the Control of Asbestos Regulations 2006. It was fined £30,100 and ordered to pay £2475 in costs.



Fatality after defective Telehandler re-employed

A recycling firm has been fined £200,000 after one of its employees allowed a faulty telehandler to be used during a fatal lifting operation.

Ling Metals Ltd was contracted to spread 30 tonnes of rubber crumb, at Brambles Stables in Ramsgate, Kent. On 19 March 2007, the company fitted a loading bucket to a telehandler and began transporting the rubber across the site.

The telehandler driver dropped the load over a riding-ring fence and two of his colleagues began spreading the rubber with brushes. The machine was fitted with a safe-loading indicator, which signals if the vehicle is nearing its safe-load limit. But the indicator had not been properly calibrated and was therefore inoperative at the time.

In order to tip the rubber over the fence,



the driver fully extended the vehicle's boom but did not employ the machine's hydraulic stabilisers, causing it to overbalance and tip forwards. At the same moment Darren Baker, who was one of the men spreading the rubber, walked across the path of the boom and was struck in

the head by the loading bucket. He died in hospital two days later from his injuries.

The HSE was informed of the incident under RIDDOR on the same day as the incident, but was initially told there were only minor injuries, so it did not send an emergency response team to the site

immediately. A few days later it was notified about the fatality and an inspector was immediately sent to the scene. On arrival he found the job had been completed using the faulty machine.

HSE inspector John Underwood discovered the machine's previous safety certificate had expired prior to the incident. Although an engineer had visited on two separate occasions to inspect and repair the telehandler and instructed that the machine remain out of service until he was able to complete his examination.

Inspector Underwood said: "I would like to remind owners and operators of machines fitted with older-style safe load indicators that these need checking and recalibrating on a regular basis. Each machine should be checked by plant fitters and maintained in line with the manufacturer's recommendations."

Construction firm "could not afford" edge protection

A construction company has told a court it could not afford to put adequate safety measures in place during the development of two apartment blocks in Liverpool.

Liverpool magistrates' heard that Retro Future Ltd had put the lives of up to 30 workers at risk during the construction of waterfront apartments at Kings Dock. The HSE visited the site in October 2009 and found a number of fall-from-height

risks. It issued four enforcement notices. Work was only allowed to restart once the company had complied with the notices.

On 29 April, an HSE inspector returned to the site and found that several areas in the other apartment block had no barriers to prevent workers from falling out of the building. This included an open lift shaft, a staircase landing between the

fourth and fifth floors with no walls or rails, and an empty floor-to-ceiling window frame on the sixth floor with a rubbish chute attached.

Retro Future appeared in court on 25 November and pleaded guilty to breaching reg. 6(3) of the Work at Height Regulations 2005 by failing to take measures to prevent workers being injured in a fall. They were fined £7000 and ordered to pay £1981 towards costs.