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health, safety & environmental management

[e newsletter]

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Crane Crushes Occupied Vehicle at Scrapyard

A tragic miscommunication resulted in a member of the public being crushed to death by a scrapyard grab claw. Barry Collins, 24, and his brother Joey visited the scrapyard in Sholing, Southampton on 2 August 2007. They were friends with the managing director of the site and had previously been allowed to inspect vehicles for valuable parts that they could sell.

On the day of the incident, the brothers entered the yard through an open back gate, but none of the site workers were aware that they were on site. They began to inspect the engine and transmission of a Volkswagen van, which was positioned next to an un-manned mobile grab-claw crane. Barry was inside the vehicle when the crane operator returned to his post and powered up the device.

Joey approached the crane and tried to warn the driver that his brother was inside the van, but the operator misunderstood and thought that he was being given a signal to pick up the vehicle with the grab. As the crane picked up the van, the claws punctured its sides and crushed Barry. Another site worker heard a scream, and on seeing Barry inside the vehicle, rushed over to tell the crane operator to lower the van. As the van touched the ground, Barry's body fell out and he was pronounced dead at the scene as a result of serious neck injuries.

HSE inspector Roger Upfold said: "This was a truly tragic miscommunication that led to a man's death. Had simple measures been in place to control site access and let members of the public know where they should and shouldn't go, this awful incident would probably never have happened."

The owner of the scrapyard, James Huntley and Sons Ltd, appeared at Southampton Crown Court on 27 November and pleaded guilty to breaching s3(1) of the HSWA 1974, and reg.3(6) of the Management of Health and Safety at Work Regulations 1999, for failing to carry out a risk assessment. It was fined £50,000 and ordered to pay £34,373 in costs. In mitigation, the firm said it closed the site immediately after the incident, and hired a safety consultancy to produce a safety document and site rules before the facility was re-opened. It has also put signs across the site to warn people not to enter without permission. Inspector Upfold added: "Recycling sites are dangerous work environments. As such, warning notices, communication of site rules, and the use of high-visibility clothing should all be used to set clear expectations for the behaviour of visitors."

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“Scrooge employers” are skating on thin ice in current weather Conditions

The current adverse weather conditions have prompted the TUC to advise firms to allow staff to work from home where possible – but an employers’ group has warned that just a single day’s absence could cost businesses millions.

The lowest temperatures for 15 years and forecasts of up to 25cm of snow in some parts of the UK are focusing employers’ and workers’ minds on how to keep things going over the next few days. The TUC advises that while people should make every reasonable effort to get into work they should not attempt to travel if it is not safe to do so – making sure to let their bosses know if they are not going to make it in.

Employers in areas of the country already affected by the snowy conditions should have already advised their staff on what to do, while those in areas about to be hit should be doing so now. It makes sense for employers to allow staff who are able to do so to work from home rather than struggle with a lengthy commute, adds the TUC.

However, the Forum of Private Business (FPB), which represents thousands of small businesses across the UK, is warning that the costs of one day’s absence could be at least £230 million. Said the FPB’s research manager, Tom Parry: “Employees make businesses grow and losing key staff because of the weather, even for just a day, is very damaging – particularly in the current economic climate.”

But the TUC’s Brendan Barber warned against the practice adopted by some firms during last year’s snowy spell of docking the pay of staff who failed to make it into work, or forcing them to take the time off as holiday. He said: “Scrooge bosses who dock pay and take away holiday are needlessly adding to their business woes by creating resentment among staff. Workers who have been prevented from getting to work despite their best efforts should not have to foot the bill for bad weather conditions.”

The best solution, concluded Barber, is for employers to have a ‘bad weather’ policy in place, so staff are clear as to what is expected of them, in terms of making an effort to get to work and contacting their line manager to inform them of the situation.

As for the home-working option, Tom Parry reminded employers that they do need to ensure that their employees’ homes “meet health and safety standards”.

Bus Firm Fined £400,000 Over Driver Death in Overcrowded Garage

A driver was crushed to death between two buses in a garage that was housing almost twice as many vehicles as it was designed to accommodate.

Centrewest London Buses – part of the First Group – was responsible for the Uxbridge Bus Garage, where Robert Cherry, 59, was employed as a driver. On 18 May 2004, Mr Cherry had just finished making routine checks to his vehicle as part of the regular morning ‘run-out’ and was talking to a colleague. He happened to step between two parked buses and when one of them suddenly lurched backwards, Mr Cherry was trapped against the rear vehicle. He died of crush injuries at the scene.

HSE Principal Inspector Bill Hazleton explained to SHP what happened: “In the mornings the drivers at the garage had to perform certain checks on their vehicles, including topping up the water. One driver had to pull his bus forward because there wasn’t enough room for him to go round the back of it. This driver thought he was in ‘drive’ and took the handbrake off. He pressed the accelerator but instead of going forwards the bus lurched backwards, crushing Mr Cherry against another bus behind.”

The premises had originally been designed to hold 65 buses but at the time of Mr Cherry’s death it was the base for 119 vehicles, though not all were necessarily in the garage at the time. The garage was not well lit, and drivers carrying out checks often had to walk between closely parked vehicles that were manoeuvring to leave.

Furthermore, the bus that struck Mr Cherry had a defective gear selector, which may have meant the wrong gear was indicated in the driver’s cab. Checks carried out on similar buses after the incident revealed that four others at the Uxbridge garage had similar problems, while investigations at the company’s other London garages found that 10 out of 60 buses were significantly faulty, and a further 30 per cent had minor faults.

Said inspector Hazleton: “The defective gear selector had been reported to the company but it did not have a sufficiently robust system in place for identifying faults, or repairing them.” Centrewest London Buses Ltd appeared at Southwark Crown Court on 16 December. It pleaded not guilty to a breach of section 2(1) of the HSWA 1974 for failing to safeguard its employee, Mr Cherry, but a jury found it guilty and it was fined £400,000. Costs are to be determined at a separate hearing.

In its defence, the company said it felt it had adequately assessed the risks at the garage, and that its system for identifying faults and repairing them was robust. Since the incident, drivers no longer have to top up their vehicles’ water in the mornings, and there is now a system in place under which buses are allocated to drivers, rather than the previous practice of drivers wandering around the garage to choose their own vehicle. The company has also worked with the manufacturer of the gearboxes to install a new selector mechanism.

Concluded inspector Hazleton: “Robert Cherry died because his employer did not do enough to ensure his safety, or that of his colleagues. Like so many workplace accidents, this one was entirely preventable and should never have happened. At least two of the three measures the company took after the incident could easily have been implemented earlier.”

Inadequately Protected Worker Survived 8-Metre Fall From Height

A roofer escaped with his life after falling 26 feet through a fragile roof at an industrial unit in Birmingham.

Paul Leggett, 28, was working as a sub-contractor for Ian Griffiths, who had been contracted to repair leaks on the roof of the unit. On 8 October 2008, Mr Leggett and a colleague were repairing cracks in the unit's asbestos-cement roof. Mr Leggett was standing on a single crawling board on the roof and, as he bent over, he lost his balance and fell through the roof, landing on a concrete floor almost 8 metres below. He sustained a broken leg, ankle, wrist and nose and, owing to these injuries, has as yet been unable to return to work.

The HSE visited the site on the day of the incident and issued a Prohibition Notice, which required Griffiths to create a new method statement, and invest in suitable safety equipment for working at height. HSE inspector Mike Ford said: "Mr Leggett was lucky to survive falling 26 feet through the roof, landing on the concrete floor below. The equipment provided to these men and the system of work used were completely inadequate. The precautions taken to ensure their safety fell far short of what is acceptable."

Griffiths appeared at Birmingham Magistrates' Court on 18 December and pleaded guilty to breaching reg.4(1)(c) and 6(3) of the Work at Height Regulations 2005, for failing to ensure the work was carried out in a safer manner, and not taking suitable steps to prevent an accident. He was fined £3500 and ordered to pay £1408 in costs.

In mitigation, Griffiths said he had no previous convictions and has produced a new method statement, which has been deemed suitable by the HSE. He also put in place crawling boards with guardrails to prevent workers from falling. He has also provided harnesses, which contractors are instructed to attach to the rails. Inspector Ford concluded: "Working at height remains a major cause of death and injury at work in Great Britain. Employers must ensure the correct precautions are taken and the right equipment is used."

Cancer Campaigners Form New Alliance

Health and safety campaigners, trades unions and health charities have formed a new group to promote cancer prevention.

The Alliance for Cancer Prevention – whose members include trade unions GMB, Unison and Unite, as well as Breast Cancer UK, the No More Breast Cancer Campaign, and Hazards Campaign – convened for its first meeting in November to discuss the UK Government's strategy for fighting cancer.

The Alliance seeks to raise questions and promote work undertaken in other countries, which, it argues, shows that the UK cancer establishment is behind other nations in its thinking and approach to the disease.

The group cites one recent example as the resolution by the Endocrine Society on Endocrine Disrupting Chemicals (EDCs), adopted by the American Medical Association (AMA). According to the Alliance, the resolution called on the AMA to work with federal government to enact new policies aimed at reducing the public's exposure to EDCs.

Helen Lynn, facilitator of the Alliance, said: "There has been no movement from the [UK] cancer establishment on the environmental and occupational risk factors for cancer despite 14 years of accumulated evidence. It's time for a robust voice to ask questions about this and other prevention issues, so we want to announce the formation of this new Alliance."

The group believes that a lack of government action has rendered cancer policies ineffectual by too much of a focus on lifestyle factors. This approach, says the Alliance, means that cancer incidence will continue to rise as a result of individuals' exposure to substances that can cause cancer in the home, the workplace, and the wider environment.

Alliance member, Professor Rory O'Neill, of Stirling University, commented: "We estimate that tens of thousands each year have to endure potentially terminal diseases that could have been prevented by simple, affordable changes to the substances and processes used by industry."

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