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health, safety & environmental management

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## Two builders fall from unsuitable work platform

A builder has been fined after two of his employees fell into an empty stairwell when a temporary work platform collapsed.

Salisbury Magistrates' Court heard that Malcolm Foyle had been contracted to carry out renovations at a residential property in Tilshead, Salisbury, when the incident took place on 15 August 2008.

The stairs inside the property had been removed, and a temporary platform had been built over the gap. In order to create the platform, two scaffold planks were rested on top of a piece of wood, and screwed into a partition wall at one end and another wall at the other end.

One of Foyle's employees began working on the platform, but the screws holding the planks in place gave way when a second worker joined him. Both men fell through the stairwell and landed on the ground floor, with one suffering multiple fractures and the other escaping with minor injuries.

Malcolm Foyle appeared in court on 22 March and pleaded guilty to breaching reg.4 of the Work at Height Regulations 2005. He was fined £2000 and ordered to pay costs of £1000.

Speaking after the hearing, HSE Principal Inspector, Andrew Kingscott, said: "Falls from height remain the largest cause of fatal and serious injuries in the construction industry. These two workers could have been much more seriously injured than they were.

"All employers need to know that they have a duty to protect their employees. If you are responsible for a project – as Mr Foyle was in this case – then you must ensure that you plan the work properly, take into account all the probable risks, and manage them correctly.

"Incidents like this are easily prevented if the correct measures are taken to make sure that employees are not put at risk."

In mitigation, Mr Foyle told the court he had no previous safety convictions and regretted the incident. He entered an early guilty plea and fully cooperated with the HSE's investigation.

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## Initiative Launched to Encourage Quieter Workplaces

A new initiative has been launched to encourage manufacturers to make quieter machinery and businesses to use it, in a bid to reduce noise-related ill health in the workplace.

170,000 people in the UK suffer deafness, tinnitus or other ear conditions as a result of exposure to excessive noise at work and the 'Buy Quiet' campaign, led by the Health and Safety Executive (HSE), is about getting everyone with an interest - manufacturers, suppliers, employers, unions, insurers and consultants - looking at what they can do to reduce the risk.

HSE is particularly keen to foster closer relationships with manufacturers to see how noise reductions can be made at source.

An event to mark the beginning of the campaign was held on Tuesday 2 March, where relevant businesses and organisations could discuss their ideas and experiences.

The workshop included information on the legal requirements associated with noise emissions, the commercial considerations of producing low noise machinery and help for employers to identify and manage risks of exposure to excessive noise in the workplace.

HSE's Sarah Haynes, HM Inspector of Health and Safety (Noise & Vibration) said:

"Noise-related ill health can have a devastating impact on workers and their families, and Buy Quiet is about exploring ideas and sharing information about what can be done to reduce the risks.

"We are really encouraged by the positive feedback from the event and by how keen many businesses and organisations are to work more closely with HSE in coming up with potential solutions.

"HSE will continue to engage with industry to raise awareness of potential benefits, both health and commercial, of low noise machinery production."

## Asbestos critic was "pursuing a vendetta" against HSE

Source: SHP Online - IOSH Magazine

The High Court has struck out a claim for slander brought by a high-profile asbestos surveyor against the HSE. The claim related to alleged remarks made by an HSE inspector against Professor John Bridle, of Asbestos Watchdog, during an inspection at the University of Wales Lampeter in 2008.

The inspector was alleged to have told two of the University's employees, whom Mr Bridle was advising, that the surveyor was "not a real professor as he claims" and that they "should not believe a word that he says". Mr Bridle consequently lodged a claim for slander, contending that the comments had damaged him in his profession as an advisor on asbestos, and caused him to lose the surveying contract for work at the University.

The inspector denied he had ever voiced the comments complained of, but admitted he had explained to the University employees that there was a difference of opinion between Mr Bridle and the HSE on the risks associated with exposure to white asbestos.

The HSE and the individual inspector applied for summary judgment and to have the action struck out, on the grounds that the alleged slander was made in the course of the inspector's duties and covered by qualified privilege, plus there was no evidence the comments were made in malice. They also argued that the claim was an abuse of process on account of improper collateral purpose and disproportionate time and expense.

In a judgement on 17 March, Judge Master Fontaine struck out Mr Bridle's claim, citing not only that there was no evidence of malice to defeat the defence of qualified privilege but that Mr Bridle was pursuing a "vendetta" against the HSE.

Mr Bridle has had a long-running feud with the HSE about white asbestos, which he argues poses no measureable risk to human health. In September last year, a complaint he made against the HSE's 'Hidden Killer' radio adverts was upheld by the Advertising Standards Agency, after he argued that the Executive had overstated the number of deaths in the UK caused by asbestos. However, he has not instituted libel proceedings in respect of more serious allegations in the print media than were allegedly made by the HSE inspector.

In the ruling on the slander case, the judge said the "dominant motive in bringing proceedings is to cause embarrassment and prejudice to the HSE because of the claimant's anger at the HSE's refusal to accept his views on the subject in question. It is apparent from the evidence that Professor Bridle believes that a claim against the HSE will be likely to bring the debate about the difference in scientific views [about asbestos] to a public forum more readily than a claim against an individual journalist would do."

The judge also said bringing the claim to trial would incur a disproportionate amount of time and costs. Mr Bridle has been ordered to pay the HSE's costs.

## Work Safety is a Top Whistle Blower Concern

The number of employees claiming to have been sacked, mistreated or bullied for exposing corrupt practices at work has increased tenfold over the last decade, according to official figures - and raising health and safety issues remains one of the top concerns.

Whistleblowing charity Public Concern at Work (PCAW) has called on the government and employers to do more to encourage people to speak up about malpractice or wrongdoing by publicising existing support and legal protection for workplace whistleblowers.

Commenting on the release of its report into ten years of the Public Interest Disclosure Act (PIDA), the legislation intended to protect from reprisal workers who raise a matter of public concern, PCAW director Catherine Wolthuizen said: "Workers in the UK are increasingly prepared to speak up about wrongdoing in the workplace, but the ever-rising number of Employment Tribunal claims for victimisation demonstrates employers need to do more to protect their staff from retribution."

Employment tribunal statistics show that the total number of people using the PIDA whistleblowing legislation, which aims to protect workers from victimisation if they have exposed wrongdoing, increased from 157 cases in 1999 to 1,791 ten years later.

Workplace safety is the second most common reason individuals contact the PCAW helpline, accounting for 17 per cent of all calls, topped only by financial malpractice at 26 per cent.

A PCAW breakdown of 'types of wrongdoing in PIDA judgments' says 12 per cent of these tribunal decisions relate to work safety, behind only financial malpractice (19 per cent) and 'consumer/competition and regulation (13 per cent).

## Firm Fined £100,000 After Factory Worker's Death

The brother of a dead factory worker has spoken out today after a company was prosecuted for his death.

Hydro Aluminium Extrusion Ltd, of Caerphilly, Mid Glamorgan - which specialises in supplying aluminium extrusion and fabricated products - was today (25 March) fined a total of £100,000 and ordered to pay costs of £13,375 at Durham Crown Court.

The court heard how on the afternoon of 2 November 2006, 38-year-old Jens Hinrichs, of Hexham, was working at the firm's factory in Durham Road, Birtley, near Chester-le-Street.

Mr Hinrichs, who was originally from Germany and was employed as a Project Engineer at the company, was working within a shuttle line that transported finished aluminium products from the packing stations to the banding machine. At the rear of the four packing stations, a shuttle car ran on rail tracks, picking up finished items.

Mr Hinrichs was working in the enclosure when he was struck by the shuttle car. He was taken to hospital where he was pronounced dead on arrival.

After the case, HSE Inspector Zoë Feather, said: "This incident could have been easily prevented if the company had a suitable system to make sure workers could not gain access into the shuttle line. Where work needed to be carried out in the shuttle enclosure, suitable isolation procedures and systems of work should have been in place to prevent dangerous movement of machinery.

"Employers who operate machinery are required to undertake a thorough assessment to identify the risks from machinery and put in place suitable precautions. If the company had properly risk assessed the shuttle line and implemented a system to safely enter into the shuttle enclosure this tragic incident would not have happened."

Hannes Hinrichs, Jens' brother, was in court for the hearing. Afterwards he said:

"Jens' death is tragic because he was working on a project to improve safety at the time.

"We hope that this court verdict will help to protect other employees from such horrible accidents.

"As Germans, we are confident in the way the English authorities handled this case."

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