

# Health and Safety Bulletin

**A digest of recent health and safety articles and cases**

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# 1. Matters of interest

## Training key to preventing fires and keeping staff safe

A large number of the 22,000 fires which occur in non-residential properties every year, happen in workplaces. Faulty appliances and cables are the reason behind around a quarter of the accidental fires which break out, while misuse of equipment is another leading cause, along with smoking-related incidents. Retail distribution companies and industrial premises are the most at risk of fire breakouts, while food outlets – including restaurants, pubs and takeaways – are also in the high-risk category.

Whatever the business, it's essential to protect staff by putting in place robust fire safety plans, and training staff to understand what they need to do in terms of preventing fires, and if the worst happens and a fire does break out.

As well as the risk of injuries and fatalities, failure to comply with fire safety regulations can hit businesses in the pocket, with fines and even imprisonment of up to two years imposed.

## Time for training

Since the introduction of the Regulatory Reform (Fire Safety) Order 2005, all non-residential premises have been required to carry out a fire risk assessment. The assessments are in place to ensure that appropriate fire safety prevention measures, such as correctly-located and working fire alarms, fire extinguishers and fire doors, are put in place. Plans should also include recommendations for fire protection systems, equipment, evacuation protocols and record keeping.

Once fire safety equipment and procedures are in place, it's vital that staff know what to do in an emergency situation, and this is where good training comes in. Fire safety is not simply a matter for designated fire marshals, everyone in the organisation should realise that they have a personal responsibility.

It's up to companies to ensure their staff are aware of emergency procedures and that employees are required to cooperate with measures to make the workplace safe from fire risk. Employees must also agree not to do anything that could place themselves or others at risk. Businesses, meanwhile, must ensure that their employees are provided with appropriate information, instructions and training about fire safety, preferably as part of a job induction, and this training should be refreshed from time to time during their employment.

## Consider a course

Appointing a fire marshal, or fire warden as they're also known, is an important first step for businesses. Marshals should be responsible for checking fire precaution measures and ensuring that fire risk assessments are up to date. It's well worth sending fire marshals on an accredited training course.

Every building and work environment is unique, so it's also worth considering an accredited training course for staff, specifically tailored to suit the needs of the individual company. As well as classroom-based learning, some professionals can deliver online training courses, many of them interactive with questions at the end to check your knowledge. At the other end of the spectrum, some fire safety experts offer hands-on learning. For example, giving trainees an opportunity to use fire extinguishers and tackle real fires in a controlled environment.

## **Public sector workers urged to become more asbestos aware**

The UK Asbestos Training Association (UKATA) has urged all public sector employees to be aware of the dangers of asbestos in order to prevent the “ticking time-bomb;” in thousands of public buildings.

The UKATA has warned that a lack of knowledge about the killer building material is putting workers and users of these buildings at risk of fatal lung cancers.

Figures recently released by the HSE show there were 2,595 Mesothelioma deaths in 2016, with a similar number of lung cancer deaths linked to past exposures to asbestos.

Many public buildings built or refurbished before the year 2000 may contain asbestos, particularly those built in the UK between the 1950s and 1980s.

“Financially it is not always an option or necessary to remove asbestos from buildings which contain it,” said UKATA Chief Operating Officer, Craig Evans.

“However, people need to be aware of the presence of it and more importantly how to manage it.

“School caretakers are a particular group at risk due to the nature of their work which involves undertaking minor repairs of school buildings. If asbestos is disturbed during such work, there is a risk that asbestos fibres will be released and create risk to others in the school.

“Asbestos awareness is critical and why we are calling on all employees within the public sector to receive asbestos awareness training.”

Last month, the National Education Union (NEU) warned that delays to the Government’s survey on asbestos in schools were “totally unacceptable”.

The Department for Education (DfE) reopened its asbestos management assurance process, which asks schools to declare whether or not they are compliant with their legal duty to manage asbestos on their sites.

Schools now have until February 2019 to take part in the survey, although it is not mandatory.

“As the effects of asbestos remain dormant for a number of years, people are unaware of the risk they have exposed themselves to until the symptoms present themselves and it is often too late. Being asbestos aware shouldn’t just be confined to the facility manager,” added Mr Evans.

“Half-day asbestos awareness courses, which are available from UKATA member companies throughout the UK are inexpensive and will save lives.”

## 2. Health and Safety Myths

*The Challenge Panel Chair is Judith Hackitt, Chair of HSE and HSE Board member Sarah Veale is Vice-Chair. They are supported by a pool of independent panel members who have a wide range of experience and backgrounds in managing risk on a day-to-day basis.*

### **Myth1: Workers are banned from putting up Christmas decorations in the office**

#### **The reality**

Bah Humbug! Each year we hear of companies banning their workers from putting up Christmas decorations in their offices for 'health and safety' reasons, or requiring the work to be done by a 'qualified' person.

Most organisations including HSE and local councils manage to put up their decorations, celebrating the spirit of Christmas without a fuss. They just sensibly provide their staff with suitable step ladders to put up decorations rather than expecting staff to balance on wheelie chairs.

### **Myth 2: HSE bans traditional school ties**

#### **The reality**

As we said at the start of the last school year, few parents would see wearing ties at school as a safety issue. Millions of children have been wearing ties as part of their uniform for years without any problems.

Simple precautions such as removing the tie during laboratory work or around machinery make sense. But if the concern is really about children fighting, while clip-on ties may help, the real issue is discipline.

So HSE doesn't ban school ties - it's up to schools to make their own decisions about uniforms

### **3. Recent Court Cases**

#### **Company fined after asbestos containing materials were released – 21/12/2018**

A Glasgow based building contractor has been fined after an employee used a powered saw to cut through a kitchen cupboard door, accidentally releasing asbestos containing materials.

Glasgow Sheriff Court heard that between 8 November 2015 and 11 December 2015, City Building (Glasgow) LLP was carrying out refurbishment work at a flat in Glasgow. An employee who was unaware of the presence of asbestos fibres within a kitchen cupboard door cut through the door and disturbed the asbestos fibres.

An investigation by the Health and Safety Executive (HSE) found that following receipt of an Asbestos Refurbishment Survey pertaining to the kitchen, City Building (Glasgow) LLP failed to realise that the door had not been surveyed.

City Building (Glasgow) LLP, Darnick Street, Glasgow has today pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £4000.

Speaking after the hearing HSE principal inspector, Graeme McMinn, said

“This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. When getting asbestos survey carried out it is important to ensure that all of the planned work areas have been surveyed.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

#### **Engineering company fined after apprentice left seriously-injured – 17/12/2018**

An engineering company has today been fined after an apprentice was seriously-injured by a lathe.

Kilmarnock Sheriff Court heard how, on 16 September 2016 in Stewarton, Ayrshire, the safety interlocks of a CNC lathe were overridden to allow an apprentice to operate a machine with the doors open meaning he was exposed to dangerous moving parts. The apprentice was left seriously injured after his clothing became entangled in the rotating stock bar of the lathe. Injuries sustained include serious burns and lacerations to his neck, arm and torso as a result of his clothing being ripped off by the rotating stock bar.

An investigation by the Health and Safety Executive (HSE) found the company had failed to carry out the correct control measures and to implement a safe system of work.

Hyspec Engineering Limited of Rigg Street, Stevenston, North Ayrshire pleaded guilty to breaching Regulation 11(1) and (2) of the Provision and Use of Work Equipment Regulations 1998 and has been fined £80,000.

Speaking after the hearing, HSE inspector Kathryn Wilson said: “This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. Whilst the employee suffered serious injuries, the consequences could have been so much worse.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard”.

## **Local authority sentenced after member of public contracts Legionnaires' Disease – 6/12/2018**

Tendring District Council has been fined after a member of public contracted Legionnaires' Disease having been a regular user of its leisure centre facilities.

Colchester Magistrates' Court heard how the member of public frequently used the showers at Walton Lifestyles when, in November 2016, he fell seriously ill and was taken to hospital where he remained for 18 days. He was diagnosed with Legionnaires' disease, sepsis, pneumonia and chronic kidney failure.

Water samples taken from the men's shower tested positive for the legionella bacteria. Legionella bacteria can proliferate in hot and cold water systems that aren't properly maintained or cleaned.

An investigation by the Health and Safety Executive (HSE) found Tendring District Council had failed to adequately manage the water systems at a number of leisure centres in the district, including Walton Lifestyles, Dovercourt Lifestyles and Clacton Leisure Centre. The significant failings included not having suitable and sufficient Legionella Risk Assessments for the leisure facilities and not providing adequate control measures required for Legionella control. Staff were not adequately trained and a lack of monitoring meant these failings went unnoticed for several months.

Tendring District Council of Town Hall, Station Road, Clacton-on-Sea, Essex pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £ 27,000 and ordered to pay costs of £ 7,500.

Speaking after the case, HSE inspector Tania van Rixtel said: "Hot and cold water systems can provide the ideal breeding ground for the potentially fatal legionella bacteria if certain control measures are not in place. Controls such as maintaining water temperatures, regular flushing of low-use outlets and adequate cleaning are all necessary in order to reduce the risk of legionella developing.

"Tendring District Council failed to ensure controls such as these were being implemented therefore causing a potential risk to human health. This could have easily been a fatality and given the number of people who use the facilities, the potential legionella risk to the public would have been significant."

## **Fulham Company fined for failing to undertake asbestos assessment – 21/11/2018**

A residential property development company has today been sentenced after failing to carry out an asbestos survey prior to undertaking extensive refurbishment works.

Westminster Magistrates' Court heard how, on and before 6 December 2017, Pascal Huser Design & Build Ltd undertook construction work at a property in Fulham, London. The company failed to carry out an asbestos survey for the property which was uncovered during a routine Health and Safety Executive (HSE) inspection.

The subsequent HSE investigation found the company removed a boarded asbestos ceiling without taking any precautions to prevent workers being exposed to the health risk. This happened because the company failed in its duty to carry out an asbestos survey for the property.

Pascal Huser Design & Build Ltd of Putney Bridge Road, London pleaded guilty to breaching Regulation 5 of Control of Asbestos Regulations 2012 and has been fined £16000 and ordered to pay costs of £4940.40.

Speaking after the hearing, HSE inspector Jenny Morris said: "The risk of exposure to asbestos could so easily have been avoided if the company had carried out a suitable and sufficient asbestos assessment to identify the presence of asbestos within the property prior to commencing refurbishment work".

"Companies should be aware HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

## 4. Events

- The Future of Gas II - 4 to 5 February, London
- HSE Inspectors' Guide to Risk Assessment - 5 February, Manchester
- NEBOSH Certificate in Leadership Excellence - 6 March, Buxton