

NEWS LETTER



Welcome to the Safety2Business NEWSLETTER

Welcome to the first edition of the new Safety2Business Newsletter which will be issued to you on a monthly basis to keep you informed of new and existing S2B service offerings, new and forthcoming legislation, Health & Safety Executive activities, Health & Safety initiatives along with a variety of informative articles on issues that will affect your business.

As a business we continually strive to improve our service offering to new and existing clients. We have therefore launched a range of extended services which we feel will be of real benefit to your business from an operational, commercial and financial perspective including an employment law consultancy which many businesses are finding in valuable in the current economic climate.

We would welcome any feedback you may have on the newsletters to allow us to develop them further over the next few months. We would also encourage you to contact us with any health and safety, risk management, employment law queries which you may have.

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Our Primary Services

Safety2Business is a leading provider of effective Health & Safety and Risk Management solutions. From sole traders to multi nationals, our clients rely on us to help them comply with new and existing legislation and to help protect their assets.

We work with you to build a long term relationship and provide support services to your business, ensuring legal compliance and in many cases a commercial advantage.

Our approach is very different and offers innovative solutions, greater value for money, a more visible support presence and robust protection.

Our aim to provide you with a full and complete service offering. Our full range of service solutions is highlighted below:

- Health and Safety Management Systems
- Quality Management Systems advice and guidance (Quality, Environment, Health & Safety)
- Health and Safety audits and Inspections
- Fire Risk Assessment
- Asbestos Surveys and Management Systems
- Energy Performance Certificates (Commercial Buildings)
- Utility Procurement Brokering (Electricity, Gas, Business Rates and Telecommunications)
- Fire Safety Management and Training
- Food Safety and Hygiene
- Employment Law Consultancy
- IOSH & CIEH Accredited Training
- Health and Safety Policy Statement, Responsibilities and Procedures
- HSE / Local Authority Advisory Service
- Accident Investigation
- Environmental management
- Due Diligence / Acquisition work
- Assistance, guidance and training carrying out and recording Health & Safety Risk Assessments
- Construction Site Safety and CITB Accredited Training
- CDM Co-ordination Consultancy
- Occupational Health programmes: including access to a company nurse / doctor, worker medicals, and occupational health audits
- Medical Safety Tests: including hearing, lung, blood / urine checks, and hand / arm vibration tests

LEGISLATION NEWS

Health and Safety Offences Act 2008

The new Health and Safety Offences Act 2008, which received Royal Assent on the 17th October 2008, comes in to force in January 2009, this new Law seeks to revise the system of penalties applicable to certain offences relating to health and safety, raising the maximum fine that can be imposed in the lower courts to £20,000 for most offences and a custodial sentence option for more offences.

It highlights the importance of the use of best practice in the workplace and sends a very clear message to employers that neglecting health and safety regulation is not acceptable and will be punished.

This new Law highlights the need for good health and safety management within any working environment, not only is it good practice but a legal duty under the Management of Health and Safety at Work Regulations 1999

REACH REGULATIONS 2007

Introduction

REACH, the European Union regulation for the Registration, Evaluation and Authorisation of Chemicals (came into force in 2007) has one key central aim: to protect human health and the environment from the risks arising from the use of chemicals.

This simple and admirable goal has proved somewhat difficult to achieve. Evolving from an European Commission draft with inputs from industry, member states, the European Parliament and environmental organisations, REACH has become one of the most complex and far-reaching pieces of regulation ever to originate from Brussels.

Perhaps, given the fundamental nature of chemicals as the building blocks of our modern world and vital to everyday life, this should not surprise us.

REACH intends to achieve its goal by requiring business to fully ascertain and make public the risks posed by the use of chemicals. For certain dangerous substances this means that a company will need to define in detail, exactly how to safely use a chemical.

Authorisation

Another of REACH's mechanisms is an authorisation process for substances identified as being of very high concern to human health or the environment. This will mean the hazardous chemical can only be used in ways that are authorised by the REACH authority – the European Chemicals Agency. Any authorised substance is also considered a candidate for substitution with "safer" alternatives.

But how will the agency know what chemicals require authorisation? Much is known about certain substances but for many there are information shortfalls, which prevents a suitable risk assessment. That's where the REACH registration process comes in...

REACH Registration

For many firms REACH registration will be the most costly and time-consuming part of compliance. Generally, anyone that makes or imports a chemical into the EU above 1 tonne per year will need to register it with the Agency (there are exemptions to REACH Registration). Registration involves producing a dossier of information in collaboration with other manufacturers or importers. The obligations for manufacturers and importers of a substance are essentially the same.

And if you buy a chemical from a supplier outside the EU, you are an importer!

PROSECUTIONS

Night-time truck-stop transfer ends in horror for drivers

A Shrewsbury lorry driver was crushed to death between his own and another lorry at a truck stop near Wolverhampton, Stafford Crown Court has heard.

Pentons Haulage and Cold Storage of Oswestry, Shropshire, was fined a total of £250,000 on 7 October after pleading guilty to breaching s2(1) of HSWA by not ensuring its employees' safety (fine £225,000); and to a breach of reg.5 of the Management of Health and Safety at Work Regulations 1999, by failing to use proper planning, organisation and control of protective measures (fine £25,000).

The court was told that lorry-driver Jonathan Tiernan, 51, had met another driver from the same firm in order to transfer dairy products between the two vehicles at the former Night Owl truck stop in Featherstone, Staffordshire, in the early hours of 30 October 2005.

He had been standing behind his stationary lorry, holding a pallet acting as a makeshift bridge to transfer the goods across to the other lorry. As this vehicle reversed towards him, it crushed him, and the extent of his injuries was such that he died eight months later.

The other driver was aware of Mr Tiernan's presence, and it is not known how he actually came to be crushed. "It did not help matters that the reversing light and audible warning alarm on the vehicle that crushed Mr Tiernan were not working at the time, or that it took place in the dark," Jenny Rhodes, environmental health manager at South Staffordshire Council, said that. "There weren't any facilities at the truck stop, nor any loading bays for them to use," she added. "The drivers should have gone into a friendly depot where they could have used a loading bay to transfer the goods."

Pentons apologised for its systemic failures and omissions, and said in mitigation the procedure of transferring goods in this way had been immediately banned. Risk assessments have now been put in place for all activities undertaken by the firm.

Barry Berlin, prosecuting on behalf of South Staffordshire Council, told the court that Mr Tiernan's death could have been avoided, and that Pentons had systematically failed to provide and maintain a safe working environment for its employees. It had also failed to provide its workforce with sufficient health and safety training.

Mrs Justice Rafferty said Mr Tiernan had been an "innocent party" in a procedure that had cost his life. She said the company had run the risk specifically to save money, and that the amount of the fine "should give the loudest message, sounding the horror of the court".

Jenny Rhodes commented: "Employers are responsible for protecting the health and safety of their staff, and must make the workplace safe by eliminating or controlling risks. Clear guidance is easily available that spells out how to plan for safety, and activities off site must not be forgotten.

"This incident was wholly avoidable, and led to unnecessary loss of life. I hope that this case, and the fine imposed, will act as a deterrent, and will help make other businesses think more seriously about the safety of their workforce."

Two companies have been fined a total of £67,500 after an untrained worker was killed when the forklift truck he was driving overturned.

Corby firm Welwood Roofing Services, now in administration, and the Building Research Establishment (BRE) in Watford, were fined £50,000 and £17,500 respectively over the incident, in which 34-year-old Shane Neal died while carrying out work at the former RAF Cardington in Bedfordshire. The roofing firm was also ordered to pay full costs of £25,000, while the BRE was told to pay £12,000 in full costs.

Luton Crown Court heard on 24 September that Mr Neal from Kettering, Northamptonshire, had been contracted by Welwood to dismantle a fire-test rig after it had been tested at the BRE site. The rig had been set on fire as part of the process of testing its composite materials to see how well they would withstand a blaze.

On 2 May 2003, during the process of dismantling, Mr Neal was manoeuvring a forklift provided by the BRE – when it overturned and crushed him.

The forks of the truck had been raised, rendering the machine unstable, explained Alison Ashworth, the HSE inspector who investigated the incident. "He had received no formal training in driving the truck," she added.

Welwood was found guilty of contravening s3(1) of HSWA 1974 by failing to ensure the safety of non-employees. It did not enter a plea as it was in administration, so the court entered a not-guilty plea on its behalf.

The BRE pleaded guilty to a breach of reg.9(1) of the Provision and Use of Work Equipment Regulations 1998 (PUWER) by not ensuring that all people using work equipment were adequately trained in its use, potential risks and necessary precautions.

Welwood offered no mitigation as they did not attend court. The BRE said it had a good safety record, and was not as culpable as Welwood because it had less direct involvement with the work being undertaken. It had taken prompt remedial action since the incident.

Inspector Ashworth said: "I hope this tragic accident makes it clear to employers that they need to take positive action to manage risks, particularly when the work involves using forklift trucks.

"Mr Neal's death could have been avoided had the companies involved carried out checks to confirm whether or not he knew of the dangers of forklift trucks and how to drive them safely."