

Health and Safety Bulletin

Road Risk

Articles in this newsletter:

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The general duties placed on employers in Sections 2 and 3 of the Health and Safety at Work etc. Act requires them to protect the “health, safety and welfare of their employees while at work” and protect “non-employees” from the risks arising from their work activities.

Statistics show that, in terms of fatalities, the most significant risk organisations have to manage are those associated with driving for work – the number of workplace fatalities reported under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) in 2014/15 was 142 (RIDDOR does not require the majority of work related road accidents to be reported to the enforcement agencies), compared to the estimated 600 road related fatalities that involved someone driving for work.

What are the risks the employer should manage?

HSE’s website about road risk (<http://www.hse.gov.uk/roadsafety/>) clearly states that everyone has a duty to comply with road traffic legislation, but it also recognises that “employers also have some responsibilities to manage the work properly and take proportionate measures to keep workers safe.”

INDG382: Driving at work - Managing work-related road safety

(<http://www.hse.gov.uk/pubns/indg382.pdf>) explains that employers should carry out a risk assessment for road travel to ensure the risks that could be generated by the organisations requirements are identified and managed.

The types of risks this may include are:-

- Route planning to maximise the use of the safest roads
- Schedule planning to ensure drivers avoid “rush hour” periods and have sufficient time for breaks
- Checking the workers’ vehicles are suitable for carrying and securing the goods and equipment they are transporting for work purposes
- Minimising the pressure on employees to make or take work-related ‘phone calls using mobile ‘phones while driving

The results of the risk assessment should be used to develop a policy document - this can then be used to communicate the standards the organisation has for road related safety to relevant workers and also can be used as a document to audit compliance against.

Driving to and from work

In the UK, driving to and from work is not regarded as a work activity. However, a case from 2002 demonstrates that employers can be seen to have a level of responsibility for the state of employees when they travel between their place of work and their home.

Potato firm, The Produce Connection was fined £30,000 and ordered to pay £24,000 costs in April 2006 after a 21 year old employee, crashed and died while driving home after a third consecutive shift of nearly 20 hours. He is thought to have suffered from “chronic fatigue” and fell asleep at the wheel and his car drifted into the path of a lorry. His employers were successfully prosecuted under the Health and Safety at Work etc. Act and the Management of Health and Safety at Work Regulations.

Conclusion

Although employees have a personal responsibility for complying with road traffic legislation, including maintaining their vehicle and ensuring their driving standard meets the Highway Code, employers also have a responsibility to ensure their organisational culture does not increase the risk of road traffic accidents.

Failure to do so may not only result in prosecution under the Health and safety at Work etc. Act, but also potential prosecution under the Corporate Homicide and Manslaughter Act, if it can be shown that the significant risk that caused the fatality arose from serious management failures.

Recently issued health and safety information:

- Free work at height infographic
http://www.safesite.co.uk/news/hierarchy-of-control?dm_i=3LNB,1ED4,WU2CC,3I16,1
- DSE set up poster
https://www.chandlermacleod.com/media/chandler-macleod-2013/safety/cm3012_04.16_safety%20focus_ergonomics.pdf
- Office workers are like professional athletes: A practical guide: improving work performance with insights from pro sports
http://files.m18.mailplu s.nl/user318000079/1265/A_practical_guide_Office_employees_are_like_professional_athletes!_US.pdf
- Infographic from Office workers are like professional athletes
http://files.m18.mailplu s.nl/user318000079/1266/Infographic_Office_employees_are_like_professional_athletes!_EN-2.pdf

Public courses

Clwyd Associates have two public courses planned over the coming months.

IOSH Safety for Senior Executives (IOSH SSE) is taking place on **5th July 2016** – this one day course provides an outline of the health and safety legislation that currently applies to both organisations and individuals and explains the pragmatic measures they can take to comply. The course gives anyone who might influence an organisation's health and safety strategy an understanding of the context in which they are making decisions.

Our next public **NEBOSH General Certificate (NGC)** course is scheduled to start on **15th September 2016**. This course will

be programmed for one day per week, with the examinations scheduled on **7th December 2016**.

Clwyd Associates has an NGC pass rate of **over 93%** - well above the national average.

Course costs:-
IOSH SSE **£250**
NGC **£1375**

These costs include course notes, examination board fees and refreshments. VAT is excluded.

Course location:- Whitwick Business Centre, Coalville, Leicestershire

Contact us to find out more or to book a place!

About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.

Clwyd Associates Ltd
www.clwydassociates.co.uk



Case Law update

In our last bulletin we covered the new Sentencing Guidelines - these are some of the cases (and the resulting fines) that have been heard since implementation

Two companies have been prosecuted following two falls at a demolition site – one resulted in a fatality and one in life changing injuries. C. Smith and Sons won the contract with their proposal to use machinery to demolish the buildings remotely, however when they and their contractor Building and Dismantling Contractors (BDC) Ltd carried out the work, they did it manually, initially by putting workers on the roof. Allan Thompson and his company BDC Ltd were **jailed for six**

years, fined £400,000 and ordered to pay **£55,000** court costs. Michael Smith and his company C. Smith and Sons (Rochdale) Ltd were **jailed for eight months, fined £90,000** and ordered to pay **£45,000** court costs

McCain Foods (GB) Limited was fined **£800,000** with costs of **£12,831.51** after an employee's arm became entangled a conveyer and his arm was almost severed. Although his arm was saved, he now has limited movement in his hand. The court found that the company's risk assessment had failed to identify the hazard

A steel fabrication company has been fined following an investigation into a fatality

caused by a forklift truck overturning – however the fine was not directly linked to the cause of the accident, but the failure of the company to manage FLT driving operations and risk control measures adequately. The company were fined **£135,000** and ordered to pay costs of **£46,020**

Balfour Beatty was fined **£2.6million** after a contractor died when a trench collapsed on him. The court found that the company had failed to adequately assess, plan and supervise the work being undertaken – the excavation was built without any shoring. Balfour Beatty also has to pay cost of approximately **£54,000**

Working hours increase

The TUC claim that the number of people working more than 48 hours per week has increased by 15% since 2010.

A report in the Lancet in August 2015 ("Long working hours and risk of coronary

heart disease and stroke") showed there was a clear link between a higher risk of stroke and working long hours – the association with coronary heart disease was weaker.

The TUC also claim working longer hours increases the risk

of stress, mental illness and diabetes, putting an extra strain on the NHS and the benefits system.

The biggest increase in working hours was in Yorkshire and the Humber, closely followed by Wales and the East Midlands.

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