

Health and Safety Bulletin

On site vehicle movement

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The HSE has recently published the provisional UK fatality numbers for 2016/17 - 142. This is lower than the finalized figure for 2015/16 of 147, but indicates that the fatality rate (number of deaths per 100,000 employed) has not changed significantly for the past five years.

What is of note is that the 31 of the fatalities in 2016/17 involved workers being hit by moving vehicles and 25 falling from height – normally falling from height causes the highest number of fatalities. It is likely that the HSE will now focus their inspections on vehicle movement. Recent successful prosecutions may indicate some of the hazards that the HSE will pick up on.

Loading and unloading

Hazards may vary depending on the type of vehicle involved (e.g. HGV, van etc.), where it is being loaded or unloaded (e.g. at a dock, in the middle of the yard) and the type of load involved (e.g. is it being handballed, does it have to be moved using a forklift truck). Each organisation needs to consider all permutations so they can develop safe systems of work to minimise health and safety risks.

Separating vehicles and pedestrians

Employers have duties to manage this hazard under the Workplace (Health, Safety and Welfare) Regulations (WHSWR). This includes various requirements to keep vehicles and pedestrians apart, such as Regulation 17, which requires workplaces to be organised so that pedestrians and vehicles can circulate safely. The Approved Code of Practice (ACOP) that supports the Regulations specifies that enough routes of sufficient size are provided and that pedestrians and vehicles have different doors and/or gates to access/egress both the premises and buildings. In addition the ACOP indicates that additional controls should be considered such as speed limits, use of mirrors (where there are sharp or blind bends) and one way systems.

Health hazards

In line with its' current five year strategy, HSE Inspectors are also likely to review health hazards associated with vehicle movement. This is likely to include exposure to diesel fumes and manual handling risks.

Short term exposure to diesel fumes is known to cause irritation when breathing or to the eyes and long term exposure can lead to respiratory problems such as coughing, chestiness and breathlessness and may also increase the risk of lung cancer.

Conclusion

The relevant legislation which covers this topic - Workplace (Health, Safety and Welfare) Regulations (WHSWR) – has been implemented since 1992 and employers have access to both the HSE's website on workplace transport (<http://www.hse.gov.uk/workplacetransport/index.htm>) and the HSE's guide to workplace transport safety (<http://www.hse.gov.uk/pubns/books/hsg136.htm>) to help them develop a comprehensive assessment.

The consequences of moving vehicle incidents are clearly severe, and the control measures that can reduce risk so well known, that the HSE would expect any employer faced with these risks to have a suitable and sufficient risk assessments summarizing their significant hazards.

Recently issued health and safety information:

- IOSH Occupational Noise Resource
<https://www.iosh.co.uk/Books-and-resources/Our-OH-toolkit/Noise.aspx>
- IOSH Management of peripatetic workers research
<https://www.iosh.co.uk/outofsite>
- Hydraulic fatality safety alert
<http://www.hse.gov.uk/safetybulletins/track-tensioning.htm?>
- HSE Sector plan for health and safety: Manufacturing
<http://www.hse.gov.uk/aboutus/strategiesandplans/sector-plans/manufacturing.pdf>
- Telescopic ladder help guide
https://ladderassociation.org.uk/telescopic-ladders/?mc_cid=109a13bd63&mc_eid=d0f4f13bd0

Sentencing guidelines for gross negligence manslaughter

Whenever a work-related accident fatality (reportable under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR)) is reported, the initial investigation is led by the police, who collect evidence so that an assessment of whether any individual should be charged with gross negligence manslaughter can be made.

Following the recent revision of sentencing guidelines for health and safety offences, the Sentencing Council has now issued a consultation proposing how gross negligence manslaughter sentencing should be carried out. In summary, they have proposed that the current sentences for these offences are associated with disregard for safety and cost cutting and they should be increased, especially since the sentences associated with this offence are currently lower than the sentences associated with unlawful act manslaughter.

The proposals can be downloaded at https://www.sentencingcouncil.org.uk/wp-content/uploads/Manslaughter_consultation_paper_Final-Web.pdf

Case Law update

This issue focuses on recent cases involving workplace transport

DFS Trading Limited has been fined **£1million** and ordered to pay costs of **£15,099**. A worker was unloading wooden furniture frames at one of their upholstery sites, when he was struck by an unsecured furniture arm which fell from an unstable load and the impact knocked him unconscious. He suffered serious neck and head injuries. An investigation by the HSE found that DFS failed to adequately manage the risks of heavy loads being moved between manufacturing sites and also failed to supervise the work taking place with a number of near misses being reported from

unsecured loads.

A recycling company has been fined after a worker was thrown from a fork lift truck and died as a result of the injuries he sustained. The worker was using the fork lift truck to carry a load weighing about 980kg when it overturned. The investigation by the HSE found the company failed to have any supervision of the workplace activity and also failed to provide the worker with any appropriate training in order to operate the fork lift truck, which was fitted with a bale clamp. The company would have been fined **£160,000** but since it was in liquidation, the fine payable was a nominal fee of **£1**

An agriculture supply firm based

in Lancaster has been fined **£86,000** and ordered to pay costs of **£6,363.74** after a worker fell from a lorry. He was helping move large bulk bags of fertilisers from the quayside to a truck when he fell, fracturing and dislocating his pelvis. He spent a number of days in hospital after his pelvis was pinned and was unable to return to work for seven-months. An investigation by the HSE found that the company instructed workers to climb onto the bulk bags carrying the fertiliser to help a telehandler hook onto the bags to move them to the transport wagon. This task could have been performed from the ground if the right equipment had been identified and provided.

ISO45001

After a series of delays ISO45001, the new international standard for health and safety management systems, has undergone a ballot vote. Although it achieved the required approval rating, it is likely the text will undergo further modification in 2017 before the final version of the standard is published in 2018.

ISO45001 (Occupational health and safety management systems – Requirements) is expected to replace BS OHSAS18001 as the safety management system

equivalent to ISO14001 and ISO9001.

Work started on ISO45001 in May 2013 and the new proposed publication date is March 2018.

Once ISO 45001 has been accepted as an official standard, the OHSAS 18001 certification will be withdrawn after three years.

Organisations currently certified under OHSAS 18001 will have to make a new application for ISO45001 certification.

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.

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