

Health and Safety Bulletin

Managing road risk

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The Occupational Road Safety Alliance (ORSA - <https://www.orsa.org.uk/>) estimates that since 2006, over 67,000 people have either been killed or seriously injured in work-related road crashes – and around 85% of those killed and almost 70% of casualties were other road users or passengers of an at-work driver or rider. Additionally, Department for Transport (DfT) figures show that in 2017 there were 4,639 casualties caused by in-vehicle distractions - this includes 88 fatalities and 614 serious injuries.

For most employers, driving for work is the most significant risk they have to manage.

What legal duties do employers have for managing road risk?

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. Additionally, they have a duty under the Management of Health and Safety at Work Regulations to identify significant risks and find ways of reducing those risks, applying the hierarchy of control so that the most effective risk control measures are prioritised.

Control measure options related to road risk

- Stop travelling – avoid travel by, for example, using video conferencing
- Choose a safer transport methods – statistics indicate that public transport, such as the train, provide a safer way of travelling
- Remove the option for distractions – there is evidence that the use of mobile ‘phones in cars (including hands free) is one of the most significant causes of driver distraction. Obviously, it is illegal to use a hand held ‘phone while driving and employers could eliminate the option of using a hands-free device by removing Bluetooth from company owned cars
- Use technology to reduce the risk that error caused by driver distraction will result in accidents – however, many experts are concerned that Advanced Driver Assistance Systems (ADAS) such as adaptive cruise control increase the risk of distraction, because as drivers become bored they use their “spare” mental capacity for other tasks. This reduces their situational awareness and their ability to anticipate and respond to hazards before they become emergencies
- Introduce policies/procedures for driving – the obvious example of this is banning the use of mobile phones while driving. However, such policies need policing and any policy which requires compliance when the employee is remote from supervision also require investment to win the hearts and minds of those who need to comply
- Provide drivers with assessment/training in driving skills – many organisations run “permit to drive” systems, which involve a variety of assessments from e-learning (to identify an individual’s understanding of and attitude to road risk) to on-road driving training which helps to develop safe driving technique and hazard perception
- Monitor driver competence – by completing regular driving license checks, using telematic systems and/or by investigating incidents that occur, employers can identify requirements for further training

Conclusion

Employees obviously have a personal responsibility for complying with road traffic legislation, but because work-related travel is an activity controlled by the employer, they also have a responsibility to minimize the risk that the travelling does not increase the risk of road traffic accidents.

Recently issued health and safety information:

- L140 Hand-arm vibration The Control of Vibration at Work Regulations 2005 Guidance on Regulations <http://www.hse.gov.uk/pubns/priced/l140.pdf>
- Keeping children away from farms during the summer holidays - Stay away stay safe video <https://www.youtube.com/watch?v=eSpfJKLla2o>
- Understanding the impact of business to business health and safety 'rules' <https://www.hse.gov.uk/regulation/assets/docs/undertanding-impact-business-to-business-health-safety-rules.pdf>
- Strategic Forum Plant Safety Group Publications Safe use of dumpers <https://www.cpa.uk.net/sfpsgpublications>

2018/2019 workplace accident fatality figures released

HSE has released the provisional fatality figures for 2018/19, indicating that there has been a slight increase from the previous year – from 141 to 147. The average annual number of workers killed at work over the five years 2014/15-2018/19 is 142. In addition, there were also 92 members of the public fatally injured in incidents connected to work in 2018/2019, approximately a third of which took place on railways.

The most common cause of workplace fatalities was falls from height (40), with the next being struck by a moving vehicle (30). The most dangerous employment sectors to work in remain agriculture, forestry and fishing, and construction.

Thirty-seven of the 147 people who lost their lives in workplace accidents in 2018-19 were aged over 60 group – despite them making up only ten per cent of the British workforce.

Case Law update

This issue focuses on recent cases which resulted from injuries to members of the public caused by work related activities

UK Power Networks (Operations) Ltd (UKPN) was fined **£1million**, and ordered to pay full prosecution costs of **£153,459** after a runner was electrocuted by a low-hanging high voltage power cable. The cable was only 1.5m above ground, straddling a well-used footpath, after parts of a porcelain insulator disintegrated on a wooden pole that supported it. The situation was reported to National Grid by members of the public, which in turn passed the information to UKPN. UKPN spoke with the members of the public who raised the alarm and were told of the conductor's location and the danger it posed. UKPN could have immediately 'de-energised' that part of the network, but did not do so.

Instead, it dispatched a technician to the scene. Twenty minutes before the technician arrived (less than half an hour after the incident was reported), the runner came into contact with the live conductor and was electrocuted.

A boy, who trespassed on a construction site fell 10m to the ground suffering life changing injuries requiring multiple operations. The boy now has no bladder or bowel control and is only able to walk short distances due to being unstable on his feet. The injured boy was one of two who were able to climb the rungs of a ladder within scaffolding erected on site, by placing their feet either side of a ladder guard that did not fully cover the rungs of the ladder. The injured boy climbed to the top platform of the scaffold but the ladder slipped, causing him to lose his balance and fall to the ground. The Court

found the security arrangements for preventing access to the scaffolding, especially by children from a nearby school, were inadequate. The construction company were fined **£160,000** with **£22,310** in costs

The owner of a fencing company was fined after a member of the public was injured at his business premises. The injured person was visiting the site to purchase and collect fencing materials. While he was moving the materials he was struck by a reversing fork lift truck being operated by an employee. He suffered fractures to his legs, ankles and feet as a result. The HSE investigation found the fencing company failed to implement a safe system of work which clearly segregated pedestrians and workplace transport. They were fined **£3,032** and ordered to pay costs of **£1,627**

"Cover up mate" campaign relaunched

This NHS campaign, which focuses on outdoor workers aims to encourage anyone who spends more than 15 minutes in the sun on any day to apply sun protection factor 15 or higher sunscreen. This advice applies to most logistics yard workers as well as to the more obvious agricultural and construction workers.

Worldwide, skin cancer is the most common cancer – non-

melanoma skin cancer causes about 30% of all the newly diagnosed cancers reported each year.

IOSH's "No time to lose" campaign includes resources to publicise solar radiation risk and how individuals can protect themselves at <https://www.notimetolose.org.uk/free-resources/solar-pack-taster/>. The resources include posters, factsheets and videos.

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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