

Health and Safety Bulletin

Fatigue management

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Earlier this year Renown Consultants were fined £750k after they were successfully prosecuted under the Health and Safety at Work etc. Act and the Management of Health and Safety at Work Regulations following a road accident that resulted in the death of two of their employees.

The crash occurred at 05:30 on 19th June 2013; an employee fell asleep at the wheel of a works van and hit a truck parked in a layby which caught fire. The driver had been working since 04:30 the previous day. He first drove from Doncaster to Northumberland to carry out some work which was then cancelled. He then drove to back to Doncaster, arriving at 15:00, where he was asked to take on a job in Stevenage. He set off from Doncaster with a colleague at 19:18 and arrived at Stevenage at 21:47, started work there at 23:15 and then left site at 03:40 once it was finished.

The accident and the prosecution have re-emphasized the duty of care that employers have to organise work in a way that minimizes the risk of fatigue.

What are the consequences of failing to manage worker fatigue?

This case demonstrates an extreme outcome of worker fatigue. However, there has been a lot of research into this topic, mainly focused on the effect of shift work. The conclusions categorize the results of excessive fatigue as: -

- Physical – a lack of sleep can result in a greater risk of cardiovascular disease, impaired immune function and exacerbate the onset of type II diabetes
- Cognitive – people are less vigilant, alert and able to concentrate. If individuals are involved in vigilance-based tasks (e.g. monitoring controls or alarms), there is an increased risk of omission – this may result in delaying or failing to respond to an abnormal condition
- Psychological – initial symptoms include increased emotional state, a lack of motivation or being more irritable but can evolve into schizophrenia or clinical depression

There is abundant evidence that the lack of sleep (or lack of quality sleep) increases the risk of accidents – with one study suggesting that it increased the risk of workplace accidents by over 70%.

How can an organisation control these risks?

The most important factor in controlling risk is having an appropriate organizational culture – one that considers that working excessive hours is not “normal” and the need to take breaks (to rest and recharge) is vital. Additionally, managers need to respond constructively to any worker acknowledging that they are suffering from fatigue.

Workers who are involved in activities that create the greatest risk of fatigue should be aware of the symptoms of fatigue and the action they should take if they identify them (either in themselves or colleagues). They need to understand that admitting they are fatigued is not a weakness – to avoid this potential pitfall, some organisations focus on involving employees in measuring alertness (which is seen as a positive attribute) rather than fatigue.

Conclusion

The Renown case underlines how enforcement agencies view the responsibility for managing workers and the risks associated with fatigue clearly lying with employers. Organisations cannot rely on “ticking” the Working Time Regulations box to manage this risk, they need to identify how their culture or management of their employees could be improved to reduce the risk practically.

Recently issued health and safety information:

- HSE alert - gas detection
<https://www.hse.gov.uk/safetybulletins/failure-to-detect-dangerous-gas.htm>
- HSE alert – vehicle air suspension systems
<https://www.hse.gov.uk/safetybulletins/air-suspension-systems-on-vehicles.htm>
- What to do following a fall from height
<https://nofallsfound.org/wp-content/uploads/2020/09/What-to-do-following-a-fall-from-height.pdf>
- CSB dust hazard learning review
https://www.csb.gov/assets/1/6/dust_hazard_review.pdf
- Good Practice Guide for Safe Handling and Disposal of Metalworking Fluids
<http://www.ukla.org.uk/wp-content/uploads/UK-LA-HSE-Good-Practice-Guide-for-Safe-Handling-and-Disposal-of-Metalworking-Fluids.pdf>

COVID-19 reports under RIDDOR

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), employers have to report when workers have been diagnosed with COVID-19, where it is likely to have been caused by occupational exposure. The HSE has recently released the three months of figures (April-July), which shows:-

- 7,971 disease notifications of COVID-19 in workers where occupational exposure is suspected were reported, around 80% of all worker reported cases (fatal and non-fatal) were in HSE enforced workplaces
- the majority of reports received are for workers in the health and social work sector (for example hospitals, residential homes and daycare)
- 85% of worker COVID-19 reports received were from workplaces in England, 8% in Wales and 7% in Scotland

Case Law update

This issue focuses on cases that involve fatigue or lack of acceptable welfare facilities

A builder was prosecuted in 2013 for failing to provide adequate washing facilities and rest areas. The HSE inspector who visited the site found that the area for resting, drying clothes or eating was a small portable office with room for three chairs - there were eight workmen on site and there no electricity supply connected to the office. The partner of the company managing the project was given a **two-year conditional discharge** and ordered to pay costs of **£2,141**

A construction company which

allowed subcontractors to carry out refurbishment work on a Grade 2 listed building in Preston for nearly seven weeks – the three-story building had been empty for two years and the water supply had been turned off. The temperature inside the building was bitterly cold. The company was fined **£5,000** and ordered to pay prosecution costs of **£1,000** after pleading guilty

A potato haulage business was fined **£30,000** with **£24,000** costs after one of their employees died in a car crash in 2002. The employee had worked 11 days without a day off, on average 17 hours a day and was only getting 3-4 hours' sleep per night. He fell asleep at the wheel and his car drifted into the path of an oncoming lorry. Although the

crash occurred outside working hours, the judge said the company had failed to properly monitor the hours its employees were working

About Clwyd Associates...

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

In business since 2000, we employ consultants with at least 15 years practical experience backed up by recognized professional and academic qualifications - ensuring our clients receive first class service.

Clwyd Associates Ltd
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Work safe, Safe Work

Many people have been wary of allowing tradesmen in their homes during the COVID-19 pandemic, so the Construction Leadership Council and Trustmark have developed a guide and animation that can be sent to homeowners prior to the visit – these give them practical advice about what COVID-safety measures should be discussed and carried out before, during and after work is done in and around their home. The guide and animation are available at <https://www.worksafesafework.info/>

Research has also been carried out by Loughborough University into the impact of COVID-19 on the construction industry. The study is based on six projects and reviews the changes that were made (such as in planning, practical site work, employee engagement and administrative activities), and concludes that health and safety risks were reduced and there were cost savings and improved productivity. The report is available at <https://www.balfourbeatty.com/media/318555/covid19-and-construction-early-lessons-for-a-new-normal.pdf>



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