



News from



Award Health & Safety Ltd

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## Directors' duties campaign

In mid-2010 the Health and Safety Executive's board has to decide whether or not to ask the government to create a legal duty on directors of companies and other organisations to protect the health and safety of their employees.

At present, directors' only health and safety duties in law are expressed as sanctions for criminal failure to prevent accidents or ill health.

Many people believe that a positive duty would encourage senior executives to give safety a higher priority along with their financial responsibilities and raise safety standards in UK workplaces.

This belief was supported by the Parliamentary Select Committee on Work and Pensions in its 2008 report on the role of the Health and Safety Commission and Health and Safety Executive in regulating workplace health and safety and in Rita Donaghy's recent government-funded inquiry into deaths on construction sites.



### MD gets four-year ban after worker's 9m fall

The managing director of a steel erection firm has been handed a **£45,000** penalty and disqualified from serving as a director for four years after a worker was paralysed from the chest down.

Two other companies, SDI Group UK and Steel Construction, must pay penalties totalling **£172,000** for their part in the incident at a construction site in Glossop, Derbyshire in February 2007.

Wayne Simpson, who was 23 at the time, was installing a new racking system when he fell over nine metres onto a concrete floor.

He has been unable to return to work since and is likely to use a wheelchair for the rest of his life.

HSE investigating inspector Kevin Wilson said Simpson should have been provided with a safe system of work to protect against falls.

**"This could have included personal fall protection, such as a harness and work restraint lanyard fitted to a running line, and properly fitted safety nets," he said.**

SDI Group UK and Steel Construction admitted breaching Section 3(1) of the Health and Safety at Work Act by failing to ensure the safety of non-employees.

At Lincoln Crown Court, the judge fined SDI £80,000 plus £20,000 costs and Steel Construction £50,000 with costs of £22,000.

Richard Berwick, managing director of RM Berwick Steel Erection, was fined £40,000 and ordered to pay £5000 costs after pleading guilty under Section 37 of the Act, which applies where an offence is proved to have been committed with a director's consent, connivance or neglect.

### Quick reference factsheet to guide retailers on asbestos

Retailers are being sent a quick reference factsheet to help them understand their legal responsibilities on asbestos to ensure their workers, customers or any contractors are protected from exposure.

The Health and Safety Executive (HSE) has teamed up with the BHF-BSSA Group - an independent retail trade body representing more than **7500** small retailers, after it was found that compliance with 'duty to manage' regulations was particularly low in this sector.

Any person or organisation responsible for the maintenance or repair of non domestic premises will almost certainly be responsible for managing any asbestos present, under Regulation 4 of the Control of Asbestos Regulations 2006.

The Fact Sheet outlines:

- Who has the duty to manage;
  - What the duty to manage means;
  - Three essential steps to comply with the duty; and
- Advice on asbestos surveys.

**Steve Coldrick, HSE's Asbestos Programme Director, said:**

**"Around 4000 people die each year from past exposure to asbestos. It may be present in any building built before the year 2000, and so it is essential that retailers are aware of the risk it still poses and their responsibilities in managing it.**



**Lamentable fire failings cost Co-op over £200k**

National retailer the Co-operative Group has been fined **£210,000** after admitting basic fire safety breaches that created a “potential death trap” at one of its Southampton stores.

Hampshire Fire and Rescue Authority prosecuted the firm, which is the UK’s largest mutual retailer, after inspecting the premises in Shirley Road in September 2007 following a failed arson attack on waste cardboard stored at the back of the shop.

Officers found a host of failings, including an obstructed fire alarm call point in a storage area, no regular fire alarm system testing, and no means of early fire detection in the retail area to give early warning to occupants of the manager’s office to allow a safe evacuation.

The store’s manager had no proper fire safety training, and several emergency doors were locked. One emergency door between the retail and storage areas was fitted with a lock that required a security code to open it.

Judge Andrew Barnett fined the Co-op £35,000 for each of six offences under the Fire Safety Order and ordered it to pay over £28,000 costs. Three other breaches were also taken into account at two other Southampton stores and one in Portsmouth.

Summing up, Judge Barnett said the case demonstrated a lamentable approach to fire safety and the severity of the failings meant the Co-operative Group had been responsible for a potential death trap.

In 2007, the Co-op had to pay £250,000 in fines for a string of similar failings at six of its branches in Sussex. At the time, the firm said those problems stemmed from its rapid acquisition of stores from the Alldays group and other chains.

**Award Open Course to all, book now.....**

Award Health & Safety Ltd are running a open course:

- ◆ **Asbestos Awareness Course** in the afternoon on 18th of June (Portsmouth) 4 places left .....

Be sure to call us soon.

**Providing Quality Training at Affordable Prices**

For further information or to book your training course please contact the office, details are below.

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**Pub chain fined for child’s electric shock**

An electric shock that burned a three-year-old boy’s hand has landed national pub chain Mitchells & Butlers with a **£10,000** fine.

Fylde Borough Council prosecuted the firm — which runs the All Bar One, Harvester and Browns outlets — after investigating the incident at the Kingfisher Public House in Kirkham in March 2009.

The boy’s mother was ordering at the bar when he put his hand under the recess of the bar and touched a live electrical cable from a light fitting. He was taken to Blackpool Victoria Hospital with burns to his hand but has since fully recovered.

Blackpool magistrates fined Mitchells & Butlers £10,000 plus £4248 costs after it admitted failing to protect the safety of members of the public, in breach of Section 3(1) of the Health and Safety at Work Act. In sentencing, magistrates took into account that the company had pleaded guilty and fully cooperated with the council investigation.



**Myth of the month**

**Myth: You don’t need to secure your load if you’re just driving down the road**

**The reality**

If not properly secured, vehicle loads can become unsafe, even over a short distance.

Loads that haven’t been firmly tied down increase

the risk

of vehicle

rollover

and spillage. They

risk the

lives of

drivers

and

other road users, and can also cause annoying



traffic disruption.

More than 1200 people a year are injured as a result of unsafe loads, and millions of pounds are lost in damaged goods.

Don’t take the risk – make sure your load is restrained and contained!