



Safety Update

Chemicals and Health—Top tips for COSHH assessments

December 2015

Image courtesy of posterize at FreeDigitalPhotos.net

One of the areas of greatest weakness observed by NWMS is the approach many customers take to COSHH assessments. Many are put off by the long chemical names on data sheets and so choose to do nothing—a risky approach. Here we list our top tips for approaching this area.

Of course strictly the law states that a COSHH assessment must be carried out when a substance is brought onto site for the first time, but this advice reflects the widespread reality we encounter.

First—have a clear out

An assessment is required for every hazardous substance (though see below). Throw out that half-used tin that's sat at the back of the stores. Obviously you need to follow waste disposal legislation.

Second—make a list

Part of getting COSHH compliant is being methodical. An admin assistant or apprentice can take you a long way. Use a spreadsheet to develop a hazardous substance listing all the hazardous or potentially hazardous substances. Include the typical storage quantity and location and the name and telephone number of the supplier.

Third—Obtain the material safety data sheet

It's a legal requirement for suppliers to provide material safety data sheets. Many can now be downloaded direct from supplier websites. Otherwise a quick email usually does the trick.

Print off the datasheets and file in accessible place

Print hard copies of the datasheets. It makes assessment easier and it is good practice to send a datasheet to hospital with an injured party involved in a chemical accident.



See the wood for the trees

Review all the datasheets. Possessing a datasheet is not a risk assessment. The COSHH Regulations require an assessment of substances that are dangerous to supply. Some datasheets will make clear that the substance is not dangerous to supply and unlikely to be hazardous e.g. a PVA glue. You will need to consider if the form of use might mean that through fume or dust a non hazardous substance might become hazardous, but usually you will simply write on the datasheet for such substances and the register that no COSHH assessment is required.

Then concentrate on the significant substances

Don't prioritise a COSHH assessment on Tippex when there are more hazardous substances used in larger amounts in your workplace. Add another column to your hazardous substance spreadsheet and use this to prioritise and plan your workload. Consider fume and dust generation at this point.

Assessment

For many substances this needn't be daunting. NWMS have a suitable proforma which methodically takes you through the points you need to address in your assessment. The datasheet also provides a great deal of information. Attach your assessment to the datasheet and ensure that staff using the substance are briefed on the precautions to take especially the use of PPE; storage and spillage procedures.

However, for some substances, you may need more specialist advice or you may need to consider air monitoring; biological monitoring or health surveillance. NWMS have the equipment, experience and relationships with UKAS accredited laboratories to carry out air monitoring and can advise on how to approach biological monitoring or health surveillance.

CONTENTS

<i>Feature</i>	1
<i>News</i>	2
<i>Legislative alert</i>	3
<i>Can you believe it?</i>	3
<i>Court case round-up</i>	4

Travel to and from work counts as working time – ECJ ruling

Time taken to travel to and from work for non-office based employees will now be considered 'working time', the European Court of Justice (ECJ) has ruled.



This time has not previously been considered work by many employers. It means firms – including those employing care workers, gas fitters and sales reps – may be in breach of EU working time regulations. Excluding those journeys from working time is contrary to the objective of protecting the safety and health of workers, says the ECJ.

The case heard by the court concerned Spanish security system installation company Tyco, whose technicians use company vehicles to travel to appointments across Spain. The employer argued that the first journey of the day (from home to the first appointment) or the last journey of the day (from the last assignment to home) did not count as "working time".

Instead, they regarded this travel time as rest time under the Working Time Directive. The ECJ thought otherwise.

The ruling could be very significant and could have an impact on pay. More employers may have to ask more staff to opt out of the Working Time Directive's 48-hour working week.

Image courtesy of kittijaroon at freedigital photos.net

News

Useful new guidance published on managing health risks in construction

Since the building of the Olympic Park for the 2012 London Games, health concerns have been a major focus in the construction sector. That's no surprise when one considers that for every construction safety death it estimated there are around 100 construction ill-health deaths.

Now there is an excellent new guidance document to help employers in the construction sector tackle occupational health concerns to the same high standard as safety concerns. It's published by IOSH and reflects the work of the Construction Industry Advisory Committee (CONIAC) Health Risks Working Group.

Its available at <http://www.hse.gov.uk/aboutus/meetings/iacs/coniac/coniac-oh-guidance.pdf>

Over 50% of faults found by vehicle inspectors should have been spotted by driver

The Freight Transport Association (FTA) has reported that over 50% of safety related vehicle defects found by its inspectors should have been spotted by the vehicle driver on the daily walk round check.



The FTA are obviously promoting their vehicle gate inspection service, but it is perfectly possible and prudent, to establish your own random unannounced gate checks

as vehicles leave your premises using another driver or the O Licence holder to make the checks. This will help to identify weaknesses in your systems and the need for possible driver training.

Given the FTA findings, NWMS will now recommend this additional control in the haulage/goods vehicle-related risk assessments we carry out.

Image courtesy of taoty at freedigital photos.net

No change for now to EU wide flour dust exposure limit

The EU Working Party on Chemicals (WPC) agreed during the summer that it would not be possible to recommend a health-based exposure limit for flour dust, since it is not possible to identify a threshold below which there are no adverse health effects.

The only other option at EU level is to set a binding limit under the Chemical Agents Directive which could arise in the middle of 2016.

In the meantime, the current UK Workplace Exposure Limits for flour dust continue to apply, together with the requirement to reduce exposure to astmagens to as low a level as reasonably practicable.

£3000 insurance saving
One NWMS client recently saved over £3000 on their liability insurance renewal due to our safety work and our insurance broker contacts.

Contact NWMS on 01257 464940 to see how we can help you



Legislation Alerts

Some self-employed now exempt from H&S law

Health and safety law no longer applies to some self-employed people after the passing of The Health and Safety at Work etc Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015 at the beginning of October.

This follows a 2011 recommendation from Professor Löfstedt in his review of health and safety law in the UK.

The Government claim that this law change will exempt around 1.7 million self-employed people including novelists, journalists, accountants, confectioners and more.

The concern of *Safety Update* is that the law is driven by political considerations, will change nothing significant for these professions, but will create wider confusion.

The Government has already had to act by setting out a list of work activities that the law still applies to. This includes:

- Agriculture;
- Asbestos work;
- Construction;
- Gas work;
- Genetically modified organisms; and
- Railways.

However, health and safety law remains in place if the work of the

self-employed poses a risk to the health and safety of others –so the change in the law is not so wide-ranging as politicians would have us believe.

For health and safety law purposes, 'self-employed' means that you do not work under a contract of employment and work only for yourself.

If you're self-employed and employ others the law will still apply. You may be self-employed for tax purposes, but this may not be so for health and safety.

New Sentencing Guidelines from February

Significantly increased fines for health and safety offences are likely once new sentencing guidelines come into force on 1 February 2016.

The proposed guidelines mirror the environmental guidelines with a clear framework based on company turnover; potential harm; culpability and aggravating or mitigating factors. Seven figure fines are the starting point for the largest companies.

The aim is to make clearer, more consistent guidelines and impose penalties on organisations which are fair, proportionate and have sufficient economic impact. See <http://www.sentencingcouncil.org.uk/>

Can you believe it?

At *Safety Update* we believe that a picture paints a thousand words.

Can this guy read?



A laminated A4 version of this photo is available to NWMS clients for their safety notice board. Contact details on the back page.

In the next issue of
Safety Update

Feature: Fire Safety—What you need to know and do as a responsible employer

Another crazy safety photo in the Can you believe it? Series

.....plus all the latest safety news, court cases and changes to regulations

Round-up from the courts

Baler unblocking leads to nasty death & prosecution A Yorkshire waste recycling firm has been sentenced after a 50 year old father of six was killed in a horizontal baling machine.

Bradford Crown Court heard that on 17 August 2012, Simon



Brook, of Gwynn Davies-McTiffin Ltd was found lying seriously injured at the bottom of the baler. His legs had been partially severed inside the machine and had to be amputated by a doctor at the scene. He died two days later.

The court heard though there were no witnesses to the incident, it seems likely the deceased was fatally injured when he fell into the baling machine's hopper while clearing a blockage. A steel pole was found in the chamber, suggesting that Mr Brook had been using the pole to clear a blockage at the time of the accident.

The Health and Safety Executive (HSE) said that as its investigation found that the machine was operational at the time. Clearing the blockage caused the machine to

automatically restart and Mr Brook likely fell into the baler at the same time.

The court heard that blockages occurred every shift at the plant, with employees describing various unsafe methods of clearing blockages in the hopper of the baler. These included standing on the top platform, leaning over the side and prodding the blockage with a stick, climbing over the side of the machine and standing on the conveyor belt at the top of the hopper or jumping on the cardboard blockage within the hopper.

The Batley based company was fined £80,000 with costs of £40,000 after pleading guilty to breach-

ing Section 2 (1) of the Health & Safety at Work etc. Act 1974.

HSE inspector Andrea Jones, who carried out the investigation added: *"The risks of clearing blockages at baling machines are well known in the manufacturing industries, particularly in waste recycling industries. This was an entirely foreseeable accident which resulted in fatal consequences."*

Unsafe trailer coupling claims another life

A Chorley dairy has been fined £75,000 following the death of a worker crushed by an articulated lorry.

Paul Davidson, 33, from Adlington, was in the process of coupling an articulated lorry tractor cab to a trailer close to the rear loading bay of J&B Woodcock & Sons in Chorley when the incident happened in March 2012.

Last month, Liverpool Crown Court heard how Mr Davidson who was employed as a shunter driver, had been reversing a tractor cab to a parked trailer of empty milk containers to enable him to couple the tractor cab to the trailer. The trailer had been parked on a slope leading down to the dairy loading bay.

Having coupled the cab to the trailer, he walked to nearside of the trailer and after manually depressing the shunt valve, he released its parking brake, at this point the trailer and cab combination started to roll downhill.

Mr Davidson was struck by the vehicle which jack-knifed and crashed into another trailer that was parked in the loading bay. He later died on the way to hospital as a result of his injuries.

J&B Woodcock & Sons pleaded guilty to breaches of Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £75,000 and ordered to pay costs of £35,424.

Speaking after the hearing, HSE Inspector Phil Redman said: *"Hauliers and site operators should ensure areas where coupling and uncoupling take place are well lit, firm and level."*

It is foreseeable that a shunter driver may inadvertently leave the tractor unit parking brake off, and unfortunately there have been many instances of tractor and semi-trailer combinations running away during coupling and uncoupling."

NWMS have a generic safe system of work for this operation on our online document library available to contracted customers.



Northwest Management Solutions Ltd

Safety & Environmental Solutions tailored to your business

Safety Update is published 3-4 times a year by:
Northwest Management Solutions Ltd, The Retreat, Cobbs Brow Lane, Newburgh, Wigan, Lancashire, WN8 7ND.

NWMS specialise in tailored safety solutions to small and medium-sized businesses.

Tel: 01257 464940 Fax: 01257 462147

e-mail: enquiries@nwmanagementsolutions.co.uk www.nwmanagementsolutions.co.uk
Registered in England & Wales No: 4817845