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Pull the plug
Don’t waste money on unnecessary electrical safety tests.

Olympic fever
HSE’s Chair reflects on a gold standard health and safety performance.

Contents
A full list of the articles in this issue.

Click on the red button to request a subscription to Newsletter in the future.
To mark the launch of the new Myth Busters Challenge Panel, HSE has published its top ten worst myths. And yes, straight in at number one is that old chestnut: children must wear goggles when playing conkers!

Other old favourites include the dangers of pinning the tail on the donkey and candy floss on a stick being banned in case people trip and impale themselves.

You can read the full top ten [here] and find out more about the new Myth Busters Challenge Panel on page 7 – ‘elf ‘n’ safety’ jobsworths everywhere, prepare to lose sleep…

Many thanks to everyone who has emailed feedback about the H&S Newsletter – it’s good to know that we’ve got so many appreciative readers out there.

As ever, if you’ve any thoughts on the Newsletter or suggestions for future editions, email me at Newsletter@hse.gsi.gov.uk

Colette Manning Editor
**Legionella investigation update**

HSE has served two further Improvement Notices at a second Edinburgh company as part of its ongoing legionella investigation.

The Improvement Notices served on MacFarlan Smith Ltd, Wheatfield Road, Gorgie, Edinburgh require thorough cleaning of one of its cooling towers and provision of access for inspection and maintenance of that cooling tower.

On Friday 8 June, HSE served an Improvement Notice on North British Distillery Company Ltd for a failure to devise and implement a sustained and effective biocide control programme in one cooling tower at its site on Wheatfield Road, Edinburgh.

The enforcement action against MacFarlan Smith comes as part of an ongoing investigation into a Legionnaires’ disease outbreak in South-West Edinburgh. Visits to other companies are ongoing.

The Improvement Notices, which can be appealed within 21 days, require the company to take steps to improve its management systems and do not mean that these cooling towers have been identified as the source of the outbreak.

The Improvement Notices have been served because the company had allegedly not controlled the risks of legionella in the cooling tower to the required standard. It was not because of an immediate risk from legionella, as this was being controlled by the emergency dosing of chemicals and the company’s subsequent voluntary shutdown of the cooling tower.

HSE can issue an Improvement Notice where there has been a contravention of health and safety law. The Notice sets out what remedial action is necessary and a deadline for its completion, in this case 9 July 2012.

**Find out more**

Click here for more information about legionella bacteria and legal responsibilities of dutyholders (http://www.hse.gov.uk/legionnaires/index.htm).

Also, a free guide for dutyholders about Legionnaires’ disease is available from HSE (see back page).

**Electric gates guidance**

The tragic deaths of two young children who were crushed by electric gates in separate incidents two years ago has led to new guidance on powered gate safety.

The guidance, endorsed by HSE, has been produced by the Door and Hardware Federation (DHF) and is available free to download at: http://www.dhfonline.org.uk/downloads/pub193.pdf

The guide aims to help industry meet its obligations by providing a summary of the current legislation and standards.

Semelia Campbell, aged 6, died when she was crushed by electric gates in Manchester in 2010.

A few days later Karolina Golabek, aged 5, was also crushed to death by electric gates in Bridgend, South Wales.
As the hay-making season gets underway, a Lancashire farmer who was left paralysed by a falling bale is telling his story as a warning to others.

Robert Field, aged 21, was stacking silage bales on a neighbour’s farm in Burnley with a workmate back in 2007 when the bale grab on the telehandler cracked as it struggled to put in place the topmost bale on a stack.

Robert got out to look and was hit by a one-tonne bale from six metres high. It broke his back, fractured his jaw and severed a main artery in his leg. Doctors expected him to die.

He survived but surgeons were forced to amputate Robert’s leg above the knee and he was left permanently paralysed from the waist down.

Neither he nor his colleagues had been trained in stacking bales and there had been no planning of the job.

Robert’s story is now available to watch on HSE’s website.

‘I’m very cautious now in everything I do. I didn’t think a bale would fall on me like it did. People who work on farms should make a promise to themselves and their families to come home safe at the end of the day. I very nearly didn’t.’

Graeme Walker, HSE’s Head of Food and Agriculture, said: ‘Eleven workers have died in baling incidents since 2007 – Robert was one of the lucky ones.

‘With the right training and proper planning, Robert and his family needn’t have gone through the emotional trauma they did.

‘Robert is an inspiration, but his story should also serve as a stark warning to others. New HSE guidance on safe baling is now available and I urge farm workers to get familiar with it.’
Don’t waste your money on unnecessary electrical safety tests! That’s the message from HSE, as it announced recently revised guidance on portable appliance testing (PAT).

It’s a common myth that every portable electrical appliance in low-risk workplaces needs to be tested once a year. It’s an expensive myth too, with the tests costing office-based businesses around £30 million a year.

'We know that low-risk companies are being misled over what the law requires when it comes to maintaining portable electrical appliances, and many are paying for testing that is not needed,' said HSE Chair Judith Hackitt.

'Businesses are responsible for protecting their employees, but they shouldn’t be wasting their money on unnecessary checks that have no real benefit.

'HSE has always advocated a proportionate, risk-based approach to maintenance. This new guidance is simple and clear to follow.'

(continues on page 6)
What the law says

The law simply requires an employer to make sure that electrical equipment is maintained in order to prevent danger – it does not state that every item has to be tested or how often testing needs to be carried out.

Misleading advice and advertising, often by companies who offer the testing, is contributing to low-risk businesses, such as offices, shops and hotels, paying unnecessarily for over-the-top maintenance regimes.

Testing appliances to make sure they are safe to use can contribute to an effective maintenance regime, but in a low-risk environment most dangerous defects can be found simply by checking the appliances for obvious signs of damage such as frayed cables.

Eight things you should know about PAT

There are many common myths about PAT testing. To find out the facts, see the answers to the following questions at: www.hse.gov.uk/electricity/faq-portable-appliance-testing.htm

- How frequently do I need to test my electrical appliances?
- Do I need to keep records of testing and should I label any appliances tested?
- Do I need to test new equipment?
- I have been told that I have to get an electrician to do portable appliance testing work. Is that correct?
- Where can I get more information about maintaining portable appliances used in different environments?
- I run a tool hire business. What do I need to do and are there additional responsibilities for the person hiring my tools?
- Are there any case studies about portable appliance testing?
- Is portable appliance testing (PAT) compulsory?
Fed up with being stopped from doing something because of ‘elf ‘n’ safety’? Don’t take it lying down. Who ya gonna call? Myth Busters!

From trapeze artists being forced to wear hard hats to children being banned from playing conkers unless they wear goggles – the world of health and safety is awash with myths.

But people are now waking up to the fact that health and safety is often incorrectly used as an excuse to stop sensible activities going ahead. The real reason usually has more to with our compensation culture than health and safety law.

As part of its ongoing battle to put the focus on real dangers, HSE has set up the Myth Busters Challenge Panel.

How does the panel work?

If you’ve received health and safety advice which you believe to be disproportionate or inaccurate, you can challenge it via the panel.

They will consider the facts and then offer an opinion on whether the advice was correct. They’ll then make their findings public (see examples on page 8).

Who is on the panel?

It’s led by HSE Chair Judith Hackitt and Robin Dahlberg, an HSE Board member, sitting as Vice-Chair. They’re supported by a pool of independent people who have a wide range of experience and backgrounds in managing risk on a day-to-day basis.

Will they scrutinise all advice put before them?

They’ll consider advice given by non-regulators such as insurance companies, health and safety consultants and employers.

(continues on page 8)
Here are two examples of recent cases...

**Putting your foot in it**

**Issue:**
An employer has advised its employees to wear summer footwear that has an enclosed toe and supported back. The employee queried this as it seems to be over the top for the type of work environment they are in.

**Panel decision:**
There are no health and safety regulations which stipulate types of footwear for a low-risk office environment. The panel’s view is that the company is misusing health and safety as an excuse for what is actually a company dress code/policy. If there are real health and safety concerns, the company may need to provide appropriate protective footwear for its employees.

**Swing on allotment**

**Issue:**
A member of the public erected a swing for their children on an allotment they rent from their parish council. The council asked them to remove the swing on health and safety grounds.

**Panel decision:**
This was an individual with their own private swing, to be used by their own children. There were no health and safety regulations that would apply in such a case and the exact reasons why the parish council wanted the swing removed were not clear.

We advise the complainant to go back to the council and ask them to explain the real reasons behind their decision.

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**Recent case examples...**

Here are just a few of the cases that have already gone before the panel.

- Local council refused to allow hanging baskets to be placed on lamppost until assessed by engineers
- Historical re-enactment society told there were regulations for chopping vegetables in a public place
- School told that they cannot display children’s work on windows using Blu Tack

Read about more cases that have gone before the Challenge Panel.
The Working Time Regulations 1998 state the following provision for rest breaks at work and time off:

### Rest breaks at work

A worker is entitled to an uninterrupted break of 20 minutes when daily working time is more than six hours. It should be a break in working time and should not be taken either at the start, or at the end, of a working day.

### Daily rest

Under the Working Time Regulations 1998, regulation 10, a worker is entitled to a rest period of 11 consecutive hours rest in each 24-hour period during which they work for their employer.

However, there are a number of special circumstances in which the entitlement to rest periods does not apply, for example where the activities involve a need for continuity of service or production, or where there is a foreseeable surge of activity. Also, if a shift worker changes shift, it may not be possible for them to take their full rest entitlement before starting the new pattern of work. In such a case the entitlement to daily and weekly rest does not apply.

### Weekly rest

An adult worker is also entitled to one day off a week; this can be averaged over two weeks.

### Young or adolescent workers

If a young worker is required to work more than four and a half hours at a time, then they are entitled to a break of 30 minutes. A young worker is also entitled to 12 uninterrupted hours in each 24-hour period in which they work.

Both these entitlements can only be altered or excluded in exceptional circumstances.

Free guidance produced by the DTI (Department of Trade and Industry): [DTI: A Guide to Working Time Regulations](https://www.dti.gov.uk/),

What is the maximum/minimum temperature in the workplace? What breaks am I allowed under the Working Time Regulations? Can a person be left alone in the workplace? These are just some of the frequently asked questions you'll find on HSE's website.

You can see more questions and find out all the answers in detail [here](https://www.hse.gov.uk) but, meanwhile, here's a typical question and answer.
HSE now has more than one million subscriptions to its free email bulletins. So, if you haven’t already, why not sign up for one or more?

The magic million was recently reached after a busy few months which saw more than 38,000 people take out over 500,000 new subscriptions. Clearly, word is spreading about the value of this complimentary eBulletin service which aims to help you keep your finger on the health and safety pulse.

There’s a huge range of eBulletins available, covering a wide range of topics from laundries to local government, pesticides to police, as well as a general weekly digest.

See the full list and subscribe here: http://www.hse.gov.uk/news/subscribe/index.htm
In the dock 1
Devastating crane collapse

The collapsed crane at the Kings Dock Mill site (left)

Liverpool Crown Court heard the crane fell onto a partially constructed apartment block, across a road, and came to rest on the Chandlers Wharf apartments. Eight counterweights on the crane, weighing a total of 56 tonnes, broke free and crashed through the roof and six floors of the building.

Crane driver Iain Gillham, aged 55, from Woolton, fell from his cab onto the roof of the apartments and through the hole created by the counterweights. He suffered multiple injuries including a brain haemorrhage, fractured skull, broken right shoulder, broken ribs, crush injuries to his left side, and major spinal injuries that resulted in his legs being paralysed.

No one inside the building was injured but residents had to be evacuated from the 64 apartments, and some were rescued from their balconies. The damage to the building was extensive

A crane collapse that left a worker paralysed and caused total devastation at a Liverpool city centre apartment block was completely avoidable.

Catastrophic errors made by two construction firms saw the 79-metre-high crane tear through the Kings Dock Mill apartments, resulting in millions of pounds worth of damage and multiple injuries to the crane driver.

HSE prosecuted the site’s principal contractor, Bowmer and Kirkland Ltd, and structural engineering company, Bingham Davis Ltd.

The HSE investigation into the incident found that the crane’s foundation could not cope with the forces generated by the crane.

During the construction of the foundation, the site’s principal contractor, Bowmer and Kirkland Ltd, and the structural engineering company, Bingham Davis Ltd, agreed to cut away essential steel reinforcement bars from the four concrete foundation piles, so that the crane’s feet could sit on top of them. These were replaced with up to five steel rods in each pile. This action reduced the forces the foundation could withstand.

Bowmer and Kirkland Ltd of Derbyshire was fined £280,000 and Bingham Davis Ltd of Liverpool has ceased trading since the crane collapse after going into voluntary liquidation. The company was fined a nominal £1000.

("In the dock 1’ continues on page 12)
(continued from page 11)

**In the dock 1**

What should have happened

Speaking after the hearing, the investigating inspector at HSE, Warren Pennington, said: ‘The circumstances leading to the collapse were a mess. Bingham Davis employees had no previous experience of designing the type of crane foundation used at Kings Dock Mill. Likewise, Bowmer and Kirkland’s employees at Kings Dock Mill had no experience of building one. Both parties made disastrous errors that were entirely preventable.

‘The original error was made by Bingham Davis Ltd, which failed to spot a basic mistake in its calculations for the loadings imposed by the crane.

‘During construction of the foundation, Bingham Davis advised Bowmer and Kirkland to cut away essential steel reinforcing bars in the foundation piles and replace such with steel rods. The removal of such reinforcing steel resulted in the foundation being too weak to support the crane. The foundation was further weakened when Bowmer and Kirkland failed to ensure the adequate insertion of the replacing steel rods.

‘Neither company did enough to check what the result would be of cutting away this essential steel reinforcement and replacing such with steel rods.’

Over the past decade, nine people have been killed and there have been 25 serious injuries as a result of incidents involving tower cranes. Information on crane safety is available at www.hse.gov.uk/construction.

**In the dock 2**

Family tragedy

A worker was killed by a wall as it was being demolished by his son.

Agency workers Jamie Ford, aged 24, and his father, Stephen Ford, aged 50, were working under the control of Do It Al as they demolished a barn near Blandford.

Jamie was using a handtool to demolish the wall when a piece came down and hit his father Stephen on the head. The HSE investigation found neither man was wearing a hard hat and Stephen, of Poole, died of his injuries at the scene.

The court heard no plan of work for the demolition was in place and Alistair Copland had no experience in demolition work of this kind. Alistair Copland, trading as Do It Al, was fined a total of £10 000 and ordered to pay compensation to the family of £2390.

**What should have happened**

‘There were multiple failings with this project,’ said HSE inspector Helena Tinton after the case. ‘There was no written plan for the demolition work, there was inadequate supervision and no one on site wore head protection.

‘This demolition work should have been carried out remotely using machinery with clearly marked exclusion zones in place.’

More information on carrying out demolition work safely can be found at: http://www.hse.gov.uk/construction/safetytopics/demolition.htm

(continues on page 13)
In the dock 3

Director fined after worker’s fatal fall through roof

A self-employed contractor fell to his death through a fragile roof at an industrial building in Penryn.

Paul Gibbons, aged 59, was carrying out re-roofing work for Acryflor Ltd when he fell eight metres through a fragile part of the asbestos cement roof.

An HSE investigation into the incident found that Onyx Europe Ltd (formerly Acryflor Ltd) had failed to put adequate safety measures in place at the site despite the risks involved with working at height.

Matthew Peter Williams was fined £2500 and ordered to pay costs of £2500 after the judge heard he was £1.5 million in debt and had an annual income of £15 000.

What should have happened

‘Mr Gibbons’ death could have been prevented if the work had been planned properly and industry standards, such as providing netting, had been applied,’ said HSE inspector Jon Harris. ‘The risks of working at height are well-known and falls through fragile materials are the cause of one in five deaths in the construction industry.

‘The company should have employed a planning co-ordinator to develop a construction plan for this work and the project should have been overseen by someone with appropriate knowledge and experience.’

Further information on how to reduce the risk of falls from height can be found at www.hse.gov.uk/falls

In the dock 4

Worker fractures skull after fall from forklift

A farming worker fractured his skull after falling one and a half metres from a forklift prong onto a concrete floor.

Richard Robinson, aged 64, was trying to crush recycled material when he fell from the prong at an animal feed mill in Devon.

Barnstaple Magistrates heard that some workers had developed their own system of working, which involved being lifted by forklifts and climbing into large bags of recycled material that were suspended in the air. They then trampled down material in the bags to make more room before coming down again on the forklifts.

The company did not provide any fixed alternative methods for the workmen to reach the bags in a safe and controlled manner.

WJ Watkins and Son Ltd, of Holsworthy Beacon, pleaded guilty to breaching health and safety regulations and was fined £6000 and ordered to pay costs of £1226.

What should have happened

‘The company did not give enough thought to how employees were going to work on the bags that were suspended in the air,’ said HSE inspector Simon Jones. ‘They were allowed to use a very unsafe method because there was no fixed alternative available to them. As a result, Richard Robinson could easily have paid with his life.

Further information on working safely at height can be found at www.hse.gov.uk/falls
It’s clear that it is going to be a very special summer in London, and no doubt right across Britain. But for those of us with a close interest in health and safety, this feels much more like the marathon runners starting their final lap than Usain Bolt rocketing out of the blocks in the 100 metres final. HSE started work with the Olympic Delivery Authority (ODA) in 2007, with the aim of making the building of the London 2012 venues one of the safest construction projects ever. Given the scale of the work – arguably one of the biggest construction projects in Europe – this was a challenge worthy of any Olympian. And the ODA has risen to the challenge. Not only were there no work-related fatalities during the ‘big build’ phase of construction, but the project as a whole has shown that high standards of health and safety can make a positive contribution to the delivery of an extremely demanding project. In a project which has clocked up more than 80 million working hours, figures from the ODA show fewer than 130 reportable incidents. By any measure, this is gold standard performance. Read more (continues on page 15)
It always amazes me what people think health and safety is. Since I have been HSE’s Chair, I have come across some frankly quite strange views about what it exists for and what it should get involved in.

At my daughter’s graduation ceremony, I wanted an official photo to mark the proud occasion. As we were queuing I was bemused to see in big red and white letters this warning:

ONLY PEOPLE BEING PHOTOGRAPHED are allowed beyond this point due to Health and Safety.

Clearly it was nonsense – a ruse to keep the new graduates corralled out of the frame of their mates’ photos. I have no doubt that the assumption was that people dare not challenge ‘health and safety’ rulings, that it forces them into submission.

Well, we’ve just launched the Myth Busters Challenge Panel to give the public the support and confidence they need to take on the jobsworths and cynics.

When people hear about children being ordered to wear goggles to play conkers or the dangers of candy floss on a stick it undermines public confidence in our true task, which is to manage serious risks to life and limb in Britain’s workplaces. Read more

Click here to read all Judith Hackitt’s blogs in full.
A 14-year-old boy suffered serious head injuries when he was struck by the forks of a materials handler that was being driven by the farmer’s 15-year-old son.

The farmer had allowed the boys to work unsupervised. They were connecting a trailer to a tractor when the draw bar fell from the fork and the forks struck the child on the head. The youth had driven the handler since he was 13.

He had received no formal training.

Action

The active partner in the business was prosecuted for failing to provide adequate instructions/training and supervision to a young person, which had resulted in an unsafe system of work being carried. The partner was fined £1000.

Advice

Transport, being trapped by something collapsing, overturning vehicles and machinery are among the most common causes of accidents to children on farms. Adequate training should be provided for all pieces of equipment used on the farm – this is particularly important for young people and inexperienced operators.

(continues on page 17)
A three-year-old child was run over by a tractor as it was being reversed by his father. The child had been riding in the vehicle but was let out and left unsupervised as the tractor rolled fresh grass. When the boy’s father reversed, he ran over the child, causing crush injuries to the abdomen and ruptured blood vessels in his eyes. He was lucky to survive.

**Action**

The father was prosecuted for putting his son’s safety at risk and, under the Prevention of Accidents to Children in Agriculture Regulations 1998, for carrying the child in the tractor earlier in the day. He was fined a total of £600.

**Advice**

No other industry allows children into workplaces where they may be killed and injured. Riding in a tractor cab is illegal for a child under 13 years of age. Also, there should be no passengers unless they are in a properly designed and fitted passenger seat with a seatbelt fitted and worn where appropriate.
Working together to manage risk – that’s the theme of the latest ‘Healthy Workplaces’ campaign organised by the European Agency for Safety and Health at Work.

In the UK, HSE provides the focal point for the campaign, but it’s actively supported by several organisations including the Trades Union Congress, the Confederation of British Industry, EEF, the Manufacturers’ Organisation and the Institution of Occupational Safety and Health.

Why take part?

The message from the Agency is that huge benefits can be achieved if workers and employers team up to tackle risk.

Take part in the campaign and you could reap:

- reduced costs;
- increase productivity;
- a happier and more productive workforce;
- lower rates of worker absence and turnover;
- fewer accidents;
- improved standing among suppliers and partners;
- greater awareness and control of workplace risks;
- a better reputation for sustainability among investors, customers and communities.

How do you get involved?

Any organisation or business can get involved with the campaign, especially if they’ve got examples of good practice that they want to share with others, or if they are looking for examples of good practice to learn from.

There are many ways of getting started but looking at the campaign website is a good place to begin. You’ll be able to find out more about the campaign and the available resources as well as getting ideas for ways in which your organisation can take part.

Visit the website: hse.gov.uk/Campaigns/European
The numbers

- Every year there are 6.9 million workplace accidents in the EU
- The economic cost is around 490 billion Euros a year
- The human suffering cost is immeasurable

You can also:

- distribute and publicise campaign information and materials (leaflets, reports, guides, fact sheets, check lists and power point presentations [www.healthy-workplaces.eu]);
- organise your own activities, including safety and health awareness training, conferences and workshops, poster, film or photo competitions or quizzes, suggestion schemes, advertising campaigns and press conferences;
- take advantage of the online tools available on the campaign website;
- take part in the Healthy Workplaces Good Practice Awards competition, which recognises organisations of different sizes that have found innovative ways of promoting safety and health; and
- participate in the European Week for Safety and Health at Work, which takes place in October every year (calendar week 43).

You can also receive official recognition for your support of the Healthy Workplaces Campaign by:

- becoming an EU Campaign Partner, if you are a pan-European or international organisation or company; and
- becoming a national Campaign Partner, if you are an individual or organisation active at the national level.

Case study

HSE has prepared a series of short case studies to demonstrate some of the new and practical solutions used to manage health, safety and welfare during the construction phase of the London 2012 project. Here’s an example: Worker engagement in practice.

Background

Involving your workforce means much more than simply giving instructions. It means sharing information and involving the workforce in finding solutions to reduce health and safety risks.

Issue

Making sure that your workers understand method statements for complex, high-risk work.

Solution

A specialist contractor had to install 12 000 seats in the Basketball Arena to a tight deadline. The contractor wrote the method statement (MS) for the installation process. A small team tested the MS on a practice run using a model unit in site-specific conditions. Following feedback, the contractor modified the MS and then rolled it out to the entire workforce.

As a result of the early engagement, the MS was modified to include diagrams to explain processes and instructions, a map of the sequence of build, and photographs of work in action.

The MS also changed, as workers and teams discussed progress at key stages of the project. Changes and modifications were agreed with the workforce before they were put in place.

Read more case studies at: www.hse.gov.uk/aboutus/london-2012-games/casestudies/htm
Managing asbestos in buildings: A brief guide

 ISBN: 9780717664870
 Series code: INDG223(rev5)
 Price: £5.00 for a pack of five

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Legionnaires’ disease
A brief guide for dutyholders

This leaflet is aimed at employers and people in control of premises, eg landlords, where man-made water systems are used that could be a potential source for legionella bacteria growth.

It will help you to understand the health risks associated with legionella.

Legionellosis is the collective name given to the pneumonia-like illness caused by legionella bacteria. This includes the most serious Legionnaires’ disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.

Managing asbestos in buildings: A brief guide

The leaflet is for people who own, manage or have responsibilities for buildings that may contain asbestos. This includes all non-domestic buildings, whatever the type of business, and the common areas of domestic buildings, eg halls, stairwells, lift shafts and roof spaces. The guidance does not apply to other domestic properties.

This leaflet has been revised to include changes to the Control of Asbestos Regulations 2012. It combines two leaflets:
- A short guide to managing asbestos in premises
- Manage buildings? You must manage asbestos

ISBN: 9780717665006
Series code: INDG458
Price: £5.00 for a pack of ten

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