

Partnership on Health And Safety in Scotland

HSE Scotland Director's report

Issue

1. To update members on developments in Scotland since their last meeting. Members requested in particular a report on safety in quarries.
2. HSE has dealt with 3 letters from MPs and 4 from MSPs during the period; as well as 37 Freedom of Information request and 255 requests under the Data Protection Act.
3. There have been 6 fatalities in Scotland which includes 3 in construction. There have been none in the extractive industries. The information at Annex 1 is not for publication, as it has not yet been verified. Some of the incidents may not have been be work-related.

Quarry safety

4. Scottish Coal Company Ltd were recently fined a total of £400,000 following the death of two men who were crushed at the Pennyvennie site, in Dalmellington, East Ayrshire in February 2007. Their vehicle was crushed by a 100 tonne capacity dump truck. The dump truck driver could not see their vehicle because it was in a blind spot.
5. The deaths were entirely preventable and resulted from a clear failure of Scottish Coal to provide suitable means of communication between different vehicles on site in order to reduce the risk of collisions, as well as a failure to manage vehicles on their site. Earth-moving vehicles such as dump trucks or bulldozers have poor visual fields due to their large size. Control measures to reduce the risk are easily available at a minimal cost. Installing an additional camera on the side of the dump truck, fitting a raised roof beacon or other means of improving visibility on the Landrover could prevent similar incidents in the future.
6. At the time of the accident HSE served two immediate prohibition notices to ensure that excavation operations on the accident site could not recommence until suitable measures had been put in place to address these issues.
7. All opencast sites in Scotland are now operating to the same conditions enforced by the two notices served on Scottish Coal at the time of the incident. For example, all operators of mobile plant have to be supplied with two-way radios; all Landrovers have to be equipped with extended flashing roof beacons/buggy whips; and company rules must prohibit the entry of Landrovers into active excavation areas where dump trucks are working.
8. HSE is in discussion with Terex, the manufacturers of the dump truck involved in the incident (and will shortly be speaking to other truck manufacturers) on the provision, or lack, of suitable visual aids prior to their use.
9. Quarrying remains one of the most dangerous industries to work in. Since 2000 more than 2,700 quarry workers across the UK have been injured, with 21 fatalities.

However, since the launch of the quarrying industry's Hard Target Initiative in 2000, there has been a 55% reduction in accidents up to the year 2006/07.

Offshore health and safety – selected activity

10. A high number of hydrocarbon releases from Maersk Oil North Sea Ltd installations led to a specific HSE intervention strategy resulting in both Improvement and Prohibition Notices being served. Maersk have now complied and drawn up an action plan to address shortcomings addressed by a process safety audit.

11. A prosecution report has been submitted to the Procurator Fiscal following the Beatrice wind farm accident (Talisman UK Ltd) in August 2006 which resulted in a partial leg amputation for the injured person. The injury was caused by a 15 tonne load swinging against the leg of one of three workers seeking to insert the load into the top of the wind turbine jacket.

12. A fatality and laceration injury which both occurred on the Talisman Bleo Holm installation is due to be prosecuted on indictment later this. A Prohibition Notice served at the time to ensure, amongst other measures, a suitable system for evacuation, has been complied with.

Electrical safety

13. This month, Galloway and MacLeod Ltd, Lanarkshire were fined £18,750 (£25,000) at Hamilton Sheriff Court following the deaths of two employees who were killed in November 2005 when they were cleaning inside an animal feed mixer that started up unexpectedly and without warning. They plead guilty to a charge under Regulation 16 of the Provision and Use of Work Equipment Regulations 1998. In addition, Barr Electrical Contractors Ltd were fined £45,000 (£60,000) after pleading guilty to a charge under Section 3(1) of the Health and Safety at Work etc Act 1974. Both fines were reduced by 25 per cent following guilty pleas being tendered.

14. This incident could have easily been prevented if the power supply to the machine they were working on had been properly isolated. The process of isolation means establishing a break in the power supply, normally by using a lockable switch, and then securing the switch in the 'off' position using a padlock to prevent it being switched back on until the work is finished. HSE investigations showed that the power supply to the mixer was not properly isolated and that a wiring error inside the mixer control system meant the switches the men had used to turn the machine off were bypassed, allowing the machine to start up under computer control.

Construction safety

15. The death of a 19 year-old apprentice on a construction site near Troon last year has resulted in fines for the construction company and builders merchants as well as an individual employee under Section 7 of HSWA. Prosecutions under Section 7 - which places a duty on an employee to take reasonable care of himself and others and to co-operate with the employer's duties - are relatively rare. The person died from injuries sustained when a pallet of bricks fell on top of him.

Farm safety

16. HSE recently issued a warning to farmers during the harvest season urging them to take extra precautions with agricultural machinery during the harvest season. Statistics show that in the 10 year-period between 1997/98 to 2006/07 a relatively high proportion of fatal accidents involving farm workers occur during the harvest months of August, September and October. For a safer harvest season, recommendations on some very simple measures were issued to limit the risk of a serious injury.

Fatal accident investigations

17. Fatal accident investigations consume a lot of inspector resources and reduce the time available for proactive inspection. Sometimes inspectors are mandated to initiate an investigation which later turns out to be unrelated to work activity and therefore outwith HSE's remit. Examples on-going at present, just in one team of three inspectors, include:

- a fatal accident involving a man crushed to death after being struck by a 7 tonne counterbalancing weight falling from a mechanical excavator he was dismantling
- a care home resident asphyxiated when her neck became trapped between a mattress and the bed extension rails
- a painter and decorator killed from medical complications following a fall from a ladder
- a window cleaner killed after falling from a ladder
- a woman killed after attempting to exit from a lift that had become stuck between floors.

Increasing contact with HSE

18. Several HSAOs have been visiting duty-holders in some of the more remote locations of Scotland over the summer, both to increase the number of businesses who are known to HSE and receive a visit, and to report back any concerns to inspectors.

Partnership working

19. HSE is supporting a Dundee City Council/Dundee College initiative to launch a wider suite of health and safety courses following consultation of local employers. This coincides with the report from the Better Regulation Executive on the health and safety needs of SMEs. It also helps to address findings from the recent PHASS-run business-to-business health and safety seminars at which SMEs said that they want more information on what training they should undertake.

20. A HSE Health and Safety Awareness Officer is working with Glasgow North Regeneration project to promote basic health and safety messages to new enterprises. This will lead to joint visits with the Regeneration Officer, providing HSE with access to, and information on, new businesses.

21. HSE is appearing at several IOSH events in Scotland. Inspectors – many of whom are IOSH members – will address health and safety professionals about current topics. HSE Board Chair, Judith Hackitt spoke at the IOSH North of Scotland branch last week. The text of her speech – “Health and Safety in the 21st Century – a balancing act” - can be read at www.hse.gov.uk/aboutus/speeches.

Campaigns

22. Ladder Exchange 2008 started on 1st September. The concept is simple: if people have a ladder which is bent, broken or battered it can be part exchanged for a new one with a discount of up to 50%. Campaign materials, guidance on safe use of ladders and a maintenance checklist are all available via a special dedicated HSE website. This is also a good opportunity to rebut the myth that HSE has banned the use of ladders!

23. "Asbestos – the hidden killer" campaign will run in October and November. HSE in partnership with key stakeholders will target tradesmen who are still at risk from exposure to asbestos. The campaign will build on the success of the previous pilot campaign in North West England. The primary aim is to raise awareness amongst tradesmen that they are more at risk than they think from asbestos. It also aims to encourage tradesmen to find out more about asbestos and the precautions they should be taking.

And finally...

24. A slum landlord has become one of the first people in Scotland to be banned from renting out property. A string of complaints over dozens of rundown properties he rented, many in the Govanhill area in the South Side of Glasgow, has resulted in:

- the closure of one property
- seven "abatement notices" under environmental protection legislation against dumping or other anti-social behaviour; and
- two improvement notices and two prohibition notices served on gas appliances in his properties – served by HSE.

Evidence gathered by various regulators was used to support Glasgow City Council in being the first LA to fully exploit powers under anti-social behaviour legislation, barring an applicant from the Private Landlords' Register. Anyone who is not registered cannot legally operate as a commercial landlord. Local residents have been celebrating as the man with the reputation for being among the worst owners in the area was told he was out of business.

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