

### Working at height

Substantial injuries can result from a fall from any height, and in 2017/18 falls from height accounted for 35% of all work related fatal accidents, plus more than 5500 injuries. Many of these accidents were as a result of not using the appropriate equipment for the job, or not securing the equipment correctly.

Before working at any height a risk assessment should be carried out to determine the most suitable access equipment to use. That is whether a step-stool, step ladder, extension/straight ladder, platform ladder, tower, or scaffolding should be used. Then it is important to inspect the equipment before use and to ensure that it is secured to stop it from moving or falling and that the rungs and footwear are dry and in good condition.

Safety at height can also be due to other factors such as, lack of experience or training, the weather, unsuitable footwear, type of ground surface and the health of the individual.

If using extension ladders it is important to ensure that the ladder is at the right angle, and that the ladder is secured to a fixing so that it cannot slip.

Where there are power lines or other sources of electricity, only access equipment that is made of fibreglass or other materials that have non-conducting properties should be used.

When using access equipment it is important that the person does not have to stretch or over reach, as this can cause unbalance of the equipment and/or the person.

When working at height consideration also needs to be given to those on the ground, who may be affected by falling items etc and likewise the person who is working at height from other persons or vehicles passing by the access equipment, and accidentally disturbing it. To do this it is advisable to cordon off the area, or at least have signage on display warning others.

In a recent case a roofer was repairing a leaky roof and access to the roof was via an unsecured ladder. As he reached the top of the ladder it slipped causing him to fall; he sustained concussion, bruising to his head, plus hearing damage. The HSE in prosecuting held that the company failed to have a system for checking that the correct equipment was being used or procedures on how to use the equipment safely. The company was fined £150,000 plus costs of £5300 for a breach of the Work at Height Regulations 2005

### Buildings and sites with tenants

Section 4 of the Health & Safety at Work etc Act 1974 imposes a duty on those who have premises or sites that are used by persons, other than their own employees, as a place of work. It requires that the persons who have control over those premises or sites must ensure, as far as reasonably practicable, that any plant or substances in the premises or site, or provided for use, is safe and without risk to the health and safety of others. For more information on this matter please do contact us.

### How old are your smoke alarms?

Smoke and heat detectors, like most other electrical items of equipment, need replacing after a certain time. This is because the sensors degrade, leading to loss of sensitivity and the ability to detect a fire early.

According to the National Fire Prevention Association, smoke and heat detectors should be replaced after 10 years. This applies to both battery operated and hard-wired devices; because it is the sensor that degrades.

All smoke and heat sensors are required to have a date stamp on them, showing the date of manufacture or the expiry date. If your sensor(s) do not have a date stamp it is likely that they are more than 10 years old and need replacing.

You may think that your sensors are ok because when you did the regular button test the device beeped, as it should. However, when you test a device, the test button only confirms that the battery and electronics is working; it does not mean that the sensor is working.

### Dash-Cam recorders

Many companies's now fit dash-cam recorders to their vehicles, as this provides for evidence in the event of a driving, collision and/or health & safety incident.

However, do make sure that the settings on the device are correct, especially the date and time. If this is wrong it may invalidate the recording where it is needed as evidence.

### **Importance of assessing risks before activities**

Health and safety legislation requires that risk assessments are conducted where there is a hazard that could potentially result in ill-health or injury.

Where the risk assessment identifies the potential of ill-health or injury a documented safe system of work should be produced. The safe system of work provides a step-by-step method for carrying out the task, taking into account the hazards and risks involved and clearly states the control measures required.

That is, it is important that where a task is to be carried out that the risk is assessed and if there is identified a risk to health that a safe method for the task is defined.

In a recent case a worker, at a commercial vehicle company, was using an oxyacetylene gas cutter to cut up an empty oil drum when the vapours in the drum ignited, causing it to explode. The worker was seriously injured and lost a leg in the incident.

In prosecuting the HSE held that the company did not have a safe system of work for disposing of the stockpile of empty oil drums. It had not identified the risk of fire and explosion from flammable vapour residues inside the empty drums, nor had it communicated to its workforce the risk of using oxyacetylene equipment. The company was fined £400,000 plus costs. This was an accident that could easily have been avoided.

### **Diesel engine fumes**

The Health & Safety Executive has recently stated that there is a lack of evidence that diesel engine emissions exposure (DEEE) from new engines and today's low sulphur diesel pose less cancer risk than older diesel engines, and warns that there needs to be a more conservative and precautionary approach.

It highlights that the uncertainty is based on the fact that it is not known, which component of DEEE is responsible for the increasing risk of cancer. It points out that increased risk of lung cancer occurs at very low exposure levels.

The statement comes as the EU has introduced a lower workplace exposure limit for DEEE of 0.05 mg/m<sup>3</sup> over an eight-hour period.

Whether the UK will adopt this standard into law is uncertain, due to Brexit, but with the UK's focus generally on emissions and sources of carcinogens it is likely it will.

### **New Standards for Portable Ladders**

New standards for ladders have been introduced in the UK, referred to as BS EN 131.

The new standards include (i) dimensional changes to improve stability, (ii) increased strength test requirements, and (iii) new requirements for ladder durability. All ladders will have the same minimum capacity of 150kg.

It is not a requirement that existing ladders should be replaced, but if they are worn or damaged and need to be replaced, or if buying new ladders you should buy those that comply with the new standard.

It is worth noting that it is not legally permissible for a manufacturer or supplier to CE mark a ladder; so if you see a ladder with a CE mark, steer clear and do not buy it.

### **HSE – increase in charges**

In October 2012 the Government introduced the HSE Intervention cost recovery scheme fee, designed to shift some of the cost of regulating workplace health & safety from the tax payer to those responsible for breaches.

The hourly rate which companies are required to pay the HSE for its time, when there has been a material breach of health & safety law, was increased in April 2019 from £129 to £154 per hour.

A material breach is when the HSE is required to issue a notice in writing of a breach or breaches.

### **HSE targeting dust inspections**

The Health & Safety Executive (HSE) has announced that it is to target a new series of inspections focusing on dust control. It will focus on industries such as construction, woodworking and food manufacturing, where occupational lung diseases and occupational cancers are more common.

The HSE will be looking at what measures have been put in place by the company to protect workers and others from dust. They will be assessing evidence that the business and workers know the risks, that work is planned and that the right controls are in place, such as water suppression, dust extraction and Personal Protective Equipment (PPE).