

## Newsletter – January 2009

This month we have attended presentations by the HSE to Birmingham Health, Safety & Environment Association (BHSEA) and Worcestershire Health & Safety Group (WHSB). These covered the HSE's progress against targets, a review of 2008, HSE strategy going forward, and priorities for 2009/2010. These presentations did not include construction activities. We outline below some of the key messages that may impact your business.

From 2000 to 2010 the HSE has ambitious targets to reduce working days lost. Steve Flanagan, Acting Head of Operations – West Midlands, reported “progress is encouraging, but not there yet and fast running out of time”. The incidence rate of fatal and major injury accidents has reduced by 9% towards a target of 10% by 2010; work-related ill-health by 15% towards a target of 20% and the number of working days lost per 100,000 workers from work-related injury and ill-health has reduced by 20% vs a target of 30%.

2009/10 will be a year of consolidation for the HSE with various work programmes carried forward, but no significant new developments. Their new ‘Strategy’ is being developed and is under consultation.

During any visits Inspectors will focus on ‘Dutyholders’ management of Health and Safety and will always look at ‘leadership’ and ‘promoting worker involvement and consultation’ as a core part of the inspection. Depending on the initiative or incident that prompted the visit they may also look for evidence that the organisation is competently managing other risks including: vulnerable workers (language); competency and consultancy; MSD; noise and vibration; falls from height; dermatitis, product safety, loading and unloading; slips and trips.

Harvey Wild, HSE Principal Inspector, Hereford & Worcester referred to specific concerns which they will concentrate on including: Local Exhaust Ventilation (LEV - where there is new HSE guidance): confined spaces; asbestos (focusing on duty holders ‘duty to manage’ especially landlords and managing agents); legionella; gas safety (including LPG in caravans provided for accommodation); drilling machines (no guards; inadequate guards; guards not used; no risk assessments); lifting (statutory examinations not carried out on reusable jigs and fixtures); control of contractors (requires methods of work to be agreed together with co-operation/co-ordination).

They will also to seek evidence of ‘competency’ of consultants.

Strategic Objectives for the future include meeting the continuing challenge of occupational long latency disease.

During 2008, local enforcement action and prosecutions ranged from a fork lift truck operator fined £1750 to a company fined £300,000 for legionella offences.

Harvey Wild also raised great concern that during the recession organisations and people will cut corners and therefore increase risk.

He suggested that the landscape of health and safety will change over time now we have heavier fines. 2008 saw the introduction of Corporate Manslaughter and Corporate Homicide Act 2007, which took away the need to show a “controlling mind” and focuses on the company's health and safety arrangements. The Health and Safety (Offences) Act 2008 came into force in January and represents a step change in sentencing with prison sentences now possible for most Health and Safety offences.

*Glenn Webb*

Managing Director