

COYLE RAIL

The Rail division of Coyle Personnel plc

< Occupational Safety & Health Update: October 2009 >

Edited updates of changes to and new relevant legislation, Approved Codes of Practice, official guidance and other 'good practice' publications, news, etc.

This reformatted update is based upon a trawl of research of a number of safety websites, e-bulletins and periodicals to which many of which the reporter is subscribed, relating to issues retrieved **generally from 01-31 October 2009**.

The general focus lies on communicating to Coyle Rail (also Trades division), relevant developments of OHS-based legal and official guidance updates and subsequent 'issues-arising' such as prosecutions potentially affecting the client's OHS arrangements, avoiding where possible duplication of matters notified in earlier update/s or from another prime source, i.e. HSE.

As before, it is always useful to ascertain whether CURRENT safety management measures:

- **Were initially correctly chosen**
- **Have – as relevant - been successfully communicated to the workforce**
- **Are adequately understood by all at the 'workface'**
- **Are IN PLACE - 'so far as is reasonably practicable' for an employment agency**
- **Are being worked-to in the way they are required to be**
- **Ensure that safety failures get reported and acted upon at an early stage.**

Text in bold or highlighted/ boxed indicates a pressing issue or one of special importance – such as a concern or "warning", so please communicate if further data is required.

Editor; health and safety adviser

Colin Thompson

Regarding copyright and 'intellectual property', 'Ed.' i.e. the researcher and compiler of these pages acknowledges each source with profound gratitude.

(Circulation: Director Rail, Director Trades, Rail HSQE Manager.) Any enquiries for the supply of further information about this update should be directed to Colin Thompson.

(Mobile: 0794 900 8196. Email: crthompson@talk21.com)

**HSQE Manager
Coyle Personnel plc
Hygeia Building
66 College Road
Harrow HA1 1BE**

Email: simon.shaw@coyles.co.uk

HSE/HSC website [www.hse.gov.uk]

European health and safety legislation (will be repeated as each progresses)

Legislative dossiers under implementation, as relevant:

- Regulations on the classification, labelling and packaging of substances and mixtures
- The 30th and 31st adaptation to the Dangerous Substances Directive (67/548/EEC)
- **Physical agents (“Artificial Optical Radiation”) Directive (2006/25/EC)(SEE BELOW)**
- Physical agents (Electromagnetic Fields) Directive (2006/25/EC)
- Simplification of practical implementation reporting arrangements for occ. safety and OH Directives
- Third amendment to the Machinery Directive (95/16/EC)
- “REACH” – Regulations for the Registration, Evaluation, Restriction and Authorisation of Chemicals.

Legislative instruments before they enter the law-making process, as relevant

- New Euro Directive covering all types of musculo-skeletal disorders
- Third list of indicative occupational exposure limit values (OELs), i.e. COSHH-related.

UK legislation to be implemented (entries *stet* until each enters the statute book)

Section A - Introduction of/ changes to UK legislation **implemented on 01 October 2009** (as relevant to client’s work activities)

[Advice was provided.]

Section B - Introduction of/ changes to UK legislation **due where not possible to align with either common commencement date above**

[None.]

Section C - Introduction of regulations arising in the EU, **where it has not been possible to align with either of the coming-into-force dates** above. N.B. HSE does not have full control of the commencement date of regulations arising from Europe.

[None presently relevant.]

Section D - Changes... **commencing on 06 April 2010** (as relevant to client’s work activities)

Required new legislation, for which consultation is currently taking place will be **The Control of Artificial Optical Radiation at Work Regulations 2010 – to protect workers from the risks associated with exposure to artificial optical radiation in the workplace, for example from lasers, ultraviolet light, etc.**

Current safety issues and publications from various HSE sources (Press√/news√/what’s new√)

HSE’s Asbestos Awareness campaign launched on 30/10/09 - Asbestos-related illnesses will **still** be the biggest future work-related killer, i.e. **a new generation of tradesmen such as joiners/ electricians/ plumbers) will probably be affected this century.** It is believed that up to half a million buildings still contain asbestos. The current asbestos-related death rate of tradesmen is about 20 per week, i.e. some 1050 of the total 4000 such deaths per year. Many workers now believe they are not at-risk.

The numbers dying are still increasing at around 5% per year. The unequivocal message to **“Educate today’s workforce about the risks and what action they need to take to protect themselves”** remains loud and clear.

[Visit www.hse.gov.uk/hiddenkiller]

HSE/HSC website / Current safety issues... (contd.)

Accident 'stats' 2008/09 include:

- 180 persons killed at work (Unweighted AIR of '0.6 per 100, 000')
- 551,000 new cases of occupational illness (1.2M at work in the previous 'stats' year were already suffering from a work-related illness caused or made worse by their work)
- 131 895 RIDDORS 502.2 per 100 000, although 246 000 according to the Labour Force Survey, which is 870 per 1000 000
- 29.3M working days lost of which 16% injury and 84% work-related ill health

RR747 - Assessment of slips... safety literature from... footwear manufacturers

(Held-over)

HSE/HSC Health and Safety Newsletter

Current Issue No. 21 Oct-Nov 2009: held-over.)

'Risks': the TUC weekly e-bulletin

426 – 03 Oct

Nil report.

427 – 10 Oct

- ✚ A worker using a powertool (grinder to remove paint from a floor) for only 2 days suffered severe and permanent HAVS to his right shoulder. Both his future prospects and his social life (he was a high-level darts team player). Neither a risk assessment, nor training on correct use was provided. (pg 4)
- ✚ Carillion and Network Rail charged with majority of blame from an accident that caused two fatalities in 2004. Three individuals were convicted of failing to take care of the H&S of themselves and others. Under the HSW Act s7, rail contractor Carillion was fined £666,667 plus £50,000 costs and Network Rail £444,444 plus £50,000 costs by the BT Police and the Crown Prosecution Service after **two workers with a delivery train transporting sleepers were struck and killed by a road rail vehicle (RRV) reversing at speed** during overnight track relaying work in Staffordshire. The two RRVs involved in the accident should not have occupied the same section of line together. In addition, the three employees operating the RRV were each fined £3,000 **for the flagrant and reckless disregard of what was required of them.** (Reduced to £750 owing to their subsequently being unemployed.) Network Rail alleged that "fortunately incidents such as this... very rare on Britain's railways". *[Unfortunately not that rare – read the RAIB investigation report No. 27 into operation of RRVs... Lots of reassurances from the two companies about how important safety is to them, etc., etc... (Ed.)]* (Read also Contract Journal and expressandstar.com)

428 – 17 Oct

Union Unite has produced a guide entitled "Shiftwork and nightwork: Unite health and safety briefing [www.unitetheunion.com/PDF/\(JN2349\)%20Shift%20Work%20&%20Night.pdf](http://www.unitetheunion.com/PDF/(JN2349)%20Shift%20Work%20&%20Night.pdf) (8pgs)

429 – 24 Oct & 430 – 31 Oct

[Nil report.]

IOSH Safety and Health Practitioner: October 2009

A main article (pgs 44-46) entitled "Standard and deliver" is about the risk management process adapted from Standards New Zealand publication SAA SNZ HB 436: 2004 - 'Risk management guidelines'. The core of this document will be published in mid-December by BSI as ISO 31000:2009 – 'Risk Management – Principles and Guidelines on implementation'.

"Resilient companies don't know what is coming next but are able to respond to the uncertainties of life and adapt to change"

[Might make a welcome change on the familiar "five-by-five" rapid-ranking matrix which contains a major error recognised by few. (Ed.)]

The judgement on the now-repealed Factories Act 1961 s29 case *Baker v Quantum Clothing (2009)* is about the duty of care to protect employees from NIHL and extends beyond that. In doing so, it "upsets the balancing exercise that employers and safety professionals undertake in deciding what resource must be allocated to a particular risk" and means that safety professionals could have to consider risks they may not even be able to foresee... It could also open the floodgates for 'historic' deafness claims, even though HSE's guidance was different at that time. This could however be overturned. [Better read the full article! (Ed.)]

Another type of HAV instrument (described as an indicator rather than a meter is available from HAVI for RRP of £49.95. [Visit www.thehavi.com]

"No generalised rating scheme for hearing protectors can be effective without knowing how much attenuation individual workers attain in the real world." (From an article outlining the problems of relying on the single Number Rating (SNR) system for the effectiveness of hearing protection

IOSH website – News and campaigns

[Held-over]

Other (Occasional publications, communications and websites)

[May be outside the period for which this update was compiled. Held-over]

New Civil Engineer (Weekly/ fortnightly).

Hazards (Hazards Publications Ltd)

GLOSSARY OF TERMS

New abbreviations:

Accident incidence rate – ‘AIR’

Accident frequency rate – ‘AFR’

British Transport Police – ‘BTP’

Crown Prosecution Service– ‘CPS’

Road Rail Vehicle – ‘RRV’

Key to abbreviations:

ACOP: Approved Code of Practice, issued with the official Guidance to many health and safety regulations

ALARP/ SFAIRP: the established principle that the employer has reduced each significant risk or grouped range of risks to a level that is “As Low As Reasonably Practicable”, or “So Far As Is Reasonably Practicable”.

CVWR: The Control of Vibration at Work Regulations

DSE: Display Screen Equipment (PCs and workstations); The ... Regulations

GLA: Gangmasters Licensing Act; Gangmasters Licensing Authority

IARC: The International Agency for Research on Cancer

IP: injured person; injured party

LOLER: The Lifting Operations and Lifting Equipment Regulations

MSD: Musculoskeletal disorder

NAWR: The Noise at Work Regulations

NIHL: Noise-induced hearing loss

OH: occupational health

OLE: Overhead Line Electrification, a train power supply system that is energized at 25,000 volts A.C.

ORR: The Office of Rail Regulation, of which the Railway Inspectorate is now a part

PTW: a ‘Permit-To-Work’ (a rigorous safety system, typically for entry into a confined space, a space in which mechanical hazards are present, or for work on HV electrical equipment.

PUWER: The Provision of Work Equipment Regulations 1998

ROGS: The Railways and Other Guided transport Systems (Safety) Regulations 2006

RSI: repetitive strain injury

SSOW: safe system of work

SVHC = Substance(s) of Very High Concern (‘REACH’)

WAH: work(-ing) at height/ The Work at Height Regulations

WCML/ ECML: West Coast/ East Coast Main railway line

WRULD: work-related upper limb disorder