

COMMUNICATION WORKERS UNION

Central & West Lancs Branch



North West Regional Association of Occupational Health and Safety Groups

52nd Annual Conference and Exhibition

“OCCUPATIONAL HEALTH & SAFETY - THE CHALLENGING FUTURE”

Wednesday 17th and Thursday 18th June 2009

The first day of the conference was chaired by Dr David Sowerby [NW Regional HSE Director] who welcomed Geoffrey Podger [Chief Executive, HSE] as the opening speaker on the new HSE Strategy and challenges for occupational health. The Co-ord took the opportunity to take part in the strategy consultation which has been available from the website since its release a couple of weeks ago. The session followed on nicely from Judith Hackitt's address to CWU conference last week. Geoffrey emphasised that safety isn't all about nice Risk Assessments and pretty files on a shelf but action on the shop floor. He added that a carrot is good but people who fail will be brought to account. We took the opportunity to raise that the Strategy had been an opportunity to state, and get regularly stated, that we should not be using the figure of 230 people a year dying in work but the several thousand who die every year because of work. The 1000 deaths a year in RTA's where someone is in work, the thousands of deaths from work induced ill health such as mesothelioma and other cancers caused by work. He also took away our concern that some senior managers in industry are promoted to safety managerial roles with little, or none, formal training in safety and no qualifications.

Stephen Coldrick [Head of Disease Reduction, HSE] spoke of asbestos and its dreadful legacy, something the Engineering Committee [EC] has worked on for many years. He highlighted how hard it can be to get workers attention even nowadays, hitting you thumb with a hammer hurts and you feel the consequences immediately but asbestos doesn't hurt you for many years. Also young male workers feel invincible and are convinced like a soldier that "it won't happen to me". His department takes time to look at indicators which can predict trends before the evidence is available which is something the Engineering Committee will consider. For example, a rise in sales of latex gloves shows an area that may be worth addressing before skin disorders show up as evidence. We questioned him on the growth of multi-layered engineering and nanotechnology and he informed us that his department had been asked to look at the possibility of banning carbon fibre tennis rackets at Wimbledon in case they snapped and released carbon nanotubes into the atmosphere.

Carol Grainger, the senior HSE Workplace Transport Manager spoke unsurprisingly of workplace transport particularly the loading of vehicles. Even small speed incidents can result in a fatality, a lift truck at 7 mph in a dead stop creates 14G impact, if that was to hit a skull it can kill. Many incidents are easily preventable at the loading/unloading stage with good steps and handholds. The EC took part, and were named, in the HSE Route Map consultation some time ago which highlight the injuries from transport as hit by and falls from. Companies should not aim to make things safer but to make them easier, the safer option will always then be chosen. In an ongoing analysis of 210,000 report vehicular accidents 30% (currently) are partly due to time pressures on staff, i.e. get there quick, late delivery, got to unload now etc. Risk Assessments are irrelevant if the safe system of work is not being supervised. There will be a major campaign in Q4 this year within the transport industry on loading with information sheets etc. police now have the power in an RTA to go into the workplace and serve notice to managers (and staff) following a successful London pilot, eg overloaded vans. There is a workplace transport advise line at the HSE at 0870 099 099.

Nina Day, the Senior Engineer from Health and Safety Laboratories spoke of Techniques of Goods Handling and the overloading of vehicles, in a survey that touched our NW boundaries at Chester, over 80% of vehicles stopped by the Police and VOSA had some defect. She showed (edited/blacked out) pictures

including a decapitation at 20mph stop at a roundabout where the sheet metal load shifted through the headboard into the drivers cab. Here is a big difference between load constraint and load restraint. Rope hooks are for tarpaulin sheets and are not load bearing, a common cause of incidents, and nothing above the chassis should be use for footing a load. In box vans the rigid sides give constraint but not restraint. Shrink wrap is not a restraint however much is put on. Web straps are often damage (nicked, oiled, brittle etc) and of no use giving a false sense of safety so much so as they can be worse than useless (this is an argument the EC have used before to counter such idiotic comments as “well it’s better than nothing”). If things go wrong it is not always the drivers fault and can quickly go up the chain. There is a load securing docket of good practice available for a European standard but it is not yet mandatory.

Nigel Madison, Director of Inburex Consulting talked about the Dangerous Substances and Explosive Atmospheres Regulations. In a largely screen/film based session Nigel had some facts and figures of how easy disasters can, and do, occur. He showed a film of an exceedingly calm young lady who was engulf by a flash of fire then left holding a burning petrol pump whilst filling her car. She calmly put the pump down and walked over to the office to point out that what had happened and that the petrol pump was still burning. Not everyone is that cool or lucky and a recent explosion in Guatemala killed over one thousand people when just 10 litres of a liquid entered the drain system and the explosion brought down buildings. The liquid stayed on the surface of the water and spread quickly and thinly over a large surface area, was ignited somewhere along the line and set of a chain reaction of a continuous explosion made more powerful by the constraints of the sewerage system.

Dave Atkinson, Head of Crime Scene Investigation, Lancashire Constabulary was unable to attend so his colleague, Emma Kirkman spoke about Work Related Death Investigation. Their work is to look at the whole scene not merely where the incident occurred. They would not shut off the room where the death occurred but the entrance to the site. They picture everything, no matter how seemingly irrelevant at the time, to create a “walk round” 360 degree scene later. Identify record and retrieve. Create a “Common Approach Path” during the investigation. You have to establish a sequence of events and thereby the cause, condition of the premises, dirty etc, lighting, temperature, controls of work delegation etc. Emma worked on the Morecambe Bay cockle deaths and took us through the events that they recreated afterwards. Emma’s presentation questions the thoroughness of our own accident/incident investigations.

Graham Piggott, HSE NW Service Team Leader chaired the second day welcoming Richard Jones, Policy & Technical Director, at the Institution of Occupational Safety and Health, of which the EC Chair and Secretary are members. The EC welcomed the Institute of Directors and HSE guide on Leading on Health and Safety when it was published but we said then, and now, that it will not work unless legislated for. Richard described the guidance and noted that it can be used in court even though it is not an ACoP. A Director does not have to be called a director as it is the role not the title. Having decision making powers over governance of an organisations direction is what is important – systems and culture. You do not do heath and safety to people; you must do it with them. Management failures are as important as human failures. Graham presentation could have been written by the EC and we mentioned this to him later on.

Keith Scott is the Health and Safety Manager for Royal Mail so we looked forward to hearing what he had to say. In the most relaxed session of the conference he spoke highly of the RM staff and their commitment to providing the public with a service in the face of many hidden dangers and not just some of the appalling dog attacks that have left our colleagues maimed and disfigured for life but which idiots like Jeremy Clarkson and some of the scum media find so amusing.

Dr David Smeatham is the Head of Worker Involvement and Inclusion Team at the HSE and is always advocating union, or worker, participation as the best way of accident reduction. Always the entertaining, and informative, speaker Dave involves his audience. Controls are not just about creating lists. His straw poll of the audience showed that 100% agreed that they must involve the workers but only 20% thought that they had got it right currently. It is important that every worker knows that his/her opinion is important and it is considered even if it is not taken up they must know that it was considered. HSE are to readdress the partnership approach over the next 2 years, we may approach David at Co-ord level to see if we can be involved from the outset. We noted that there are still some way to go on USR rights such as the right to and answer, roving reps even if it's only up and down stream of skill set, the right to serve improvement notices and the right to stop the job.

Dr Rajadurai Sithamparandarajah is the Principal Inspector of Health & Safety at the HSE and spoke of Strategic Developments in Respiratory Protection. Fortunately he doesn't mind being called Bob. He opened with the fact that 98% of workplace deaths are long latency like mesothelioma. Carcinogens, Mutagens, Asthmagens and Sensitizers were all mentioned leading to principles of good control as in COSHH R7. There is a booklet "Time to clear the air" which describes local exhaust ventilation and there is kit available (to borrow) from the HSE for testing suitable requirements. Micro climates are created around a worker's breathing zone with dust and there is a cancer hug" liability in taking carcinogens home to a baby or family member. If a respirator does not fit perfectly it is useless and can lead to a false sense of security (again see EC opinion above). There will shortly be a "Clean Air - Take Care" campaign in relevant industries.

Jeremy Bevan, a Policy Adviser for the HSE spoke about the issues facing migrant workers of which the Department of Works and Pensions estimate as (*legal or otherwise*) between 2 and 3 million, which whilst doesn't seem much of an estimate. Also noted that they would not use the opposite of "legal" and that the Customs/Borders side of Government say that that estimate is nowhere near correct, it's grossly exaggerated etc. There is a Workplace Rights abuse for reporting incidents anonymously on 0800 917 2368.

The closing speaker was Rob Elvin, a partner in Hammonds and Head of their Health and Safety Group. He covered health, safety and environment, corporate manslaughter, transport law, including public inquiries in front of traffic commissioners, product safety and liability. There is a difference between the cost and the ability to pay and "so far as reasonably practicable" is often discussed in law. Foreseeability is relevant but not the only factor in risk. Human error is always, in law, foreseeable - people make mistakes, we know they do, therefore that is always foreseeable. That is different in law to negligence, recklessness and stupidity. Jury's are directed to look at workplace culture and the test can be whether it was reasonable for the defendant to take the risk

This report may be altered or added to at a later date when we receive the speaker's notes and slides. This was probably the best of the conferences over the last five years, we said that last year so the quality of guest speaker goes up and we told the organisers so at the close. It was an opportunity again to raise, or maintain, the profile of the CWU. Information learned here will affect the way we address the more severe incidents that occur to members and we made several contacts that will be of value in the future to the EC, the BT Co-ord and the CWU Forum.