

**Health & Safety Exhibition & Conference,
The National Motorcycle Museum.
12-13 September 2012.**



**Health &
Safety Midlands.**

NATIONAL MOTORCYCLE MUSEUM, BIRMINGHAM

SEPTEMBER 2012



UNION SAFETY

WEBSITE OF
THE NW, BT UNIONS HEALTH & SAFETY COORDINATORS COMMITTEE

John Southwell Sept 2012



Seminars day 1.

Chris Green, Directors in the dock, could it be you? Chris Green is lead partner of the Midlands regulatory team. He delivers practical and workable commercial solutions to companies, public sector authorities and individuals who become embroiled in the criminal justice system.

His corporate clients come from all types of business sectors including fire and rescue, rail, food, manufacturing, public bodies and construction companies. He advises directors and senior officers when they are investigated personally after such accidents occur. He specializes exclusively in the defence of investigations brought by the Health and Safety Executive, Police, Office of the Rail Regulator, Local Authorities and the Environment Agency and has particular experience in rail construction, falling trees, explosion and fire fighter manslaughter cases. He prosecutes offences under the Regulatory Reform (Fire Safety) Order 2005 and started his career as a prosecutor of regulatory and trading standards offences. He gets involved as soon as accidents occur and assists clients to investigate incidents, attend interviews under caution, arrest and custody, and presents their cases in criminal and coroners courts.

Mr. Green spoke about company directors who had indeed had to attend court & appear in the dock because of inadequate safety & risk assessments with in their company's. He gave us several examples of cases where the employer had found themselves in court & he also reminded us of corporate manslaughter & the senior management section 1 (4) which states;

An organisation is guilty of an offence only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection (1) i.e. the persons who play significant roles in: the making of decisions about how the whole or a substantial part of its activities are to be managed or organised; or The actual managing or organising of the whole or a substantial part of those activities.

Ben Griffiths, of Ansell Occupational Healthcare, who spoke on the productivity & comfort at work. Ben spoke on all different types of protective gloves & the different types of protection they can provide. He asked someone from the audience to step up & try a pair on. When the lady put them on the first thing she did was to flex her fingers, to check movement & comfort, if people feel comfortable in them they will certainly want to wear them & it will help with their job, grip for example. The gloves were certainly a large improvement on the safety gloves to the ones provided when I first started in the building industry over a quarter of a century ago!

Seminars day 2.

Mark Tyler, The legal scene. Mr. Tyler said it was best to represent yourself from the outset & HSE may not spend cash and proceed. He told us the Löfstedt key recommendations;

- Exempt the self-employed from H&S legislation where they pose no risk to others.
- Review by HSE of all ACoP's • Consolidate regulations (overlapping or sectoral).
- Remove, or mitigate, strict liability in H&S regulations.
- Repeal some redundant regulations, and review others.
- Empower HSE to direct LA inspection & enforcement.
- Lobby the EU for proportionality and more evidence based regulation

He told of the material breach and reverse burden & the R v Chargot case. More information on this case can be found by following the link below.

R v Chargot Limited (t/a Contract Services) and others (Appellants) (On appeal from the Court of Appeal Criminal Division), [2008] UKHL 73.

<http://www.newlawjournal.co.uk/nlj/content/proving-it-reverse>

He also mentioned the fact that the HSE right of appeal is by the HSE manager so good luck there then! Also when doing an investigation the HSE look where safety is on agenda a team meetings etc. He also pointed out that the more safety people were registered & the more qualifications they have the more a safety professional can be held to account for in court!

Ken Smith, (Arc Associates) Safety is a can do business. Ken gave an excellent presentation & said that when there was a safety event at work there were three types of attendee, all beginning with "H".

Holiday- I don't want to be here but it's a morning/day off!

Hostage- I don't want to be here & I'm not going to take part or be involved in anything at all!

Here to learn- The type of person you want, who wants to listen, learn and to help look after themselves & those around them.

In his presentation Ken admitted to being a lazy manager at first, he would shout at the lads for miss aligning van & trailer & denting the van in the process, he changed when of course the only time that one of his lads had it perfectly aligned them he had his thumb in the way, under the ball joint (red circle) part, & when the coupling (fig 2) dropped on to ball joint (fig 1) & it took the top of his thumb off!



Fig 1.



Fig 2.

It was then he realised that he hadn't spoken to the lads & trained them, he had just shouted at them for getting it wrong & not managing them correctly! He has since learnt to;

- Risk assess all stages,
- RA cost & controls
- RA design stage
- RA before work begins -specific
- RA during the work -dynamic



Mr Ken Smith, second in from the left.

Sarah Broadbent, Implementing a successful hearing conservation programme. Sarah gave a good presentation on noise & hearing loss, she had a small device that registered (with a red flashing light) noise above 75db. She explained the complexity of attenuation & how to fit all types of ear protectors correctly, especially the foam type as these are the ones that are mostly fitted incorrectly. Sarah then explained the three methods of measuring sound levels at the ear.

The Exhibition.

There were sixty exhibitors in all, and best of all there are no parking fees at the Motor cycle museum in Birmingham, it was £8 a day at the NEC! It was good to see Mike Nixon again; I have known Mike for some years now & see him regularly at safety events around the UK, where we discuss safety issues & upcoming events.



Mike Nixon Simply Safe Consultancy MIOSH, RSP, MIIRSM, MRSC, FTSC

<http://www.bhsea.org.uk/>

<http://www.safetygroupsuk.org.uk/>

Of all the exhibitors I visited the IIRSM stand & had a word with the staff about CPD, upcoming events & the changes to safety legislation. I also visited the yaktrak (tm) stand as thousands of these were purchased by BT for their engineers to wear in bad weather. The staff showed me the latest models of this slip-on foot wear. I also visited the Oxford safety stand who I think have a good product in their expandable safety mat, I am thinking for use in lofts for both new & existing buildings etc., perhaps the next big purchase by BT?



Figure 1 & 2 <http://www.oxfordsafety.co.uk/>

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