**IOSH IIRSM IIAI HSM August 2015**

The NW Safety Forum took part in the Sentencing Council consultation and we have said many times that there will be tougher fines handed out for breaches of H + S legislation. Fines will be worked on a risk assessment style of grid with variances from culpability, likelihood and severity of (possible) harm.

As mentioned previously just a reminder that are free resources available from RoSPA at [www.rospa.com/resources/infocentre/](http://www.rospa.com/resources/infocentre/).

There is a fleet guidance on exhaust sustainability goals, journey efficiency and improved fuel consumption from [www.thegreenjourney.co.uk/download-sustainability-update-issue-1/](http://www.thegreenjourney.co.uk/download-sustainability-update-issue-1/) includes an updated overview of environmental news. According to a Volvo report 1 in 3 commercial drivers will have some sort of bent metal collision over a 12 month period. A vehicle is part of the workplace and duty of care applies. Drivers need to be in good health in vision and fitness to drive and this must not be allowed to deteriorate during the working day due to poor driving conditions such as posture. Driver error is a major factor in over 90% of RTCs and considering prolonged poor seating etc. can alleviate risk.

There is a 1 hour free Hand Arm Vibration in the workplace webinar downloadable form [www.castlegroup.co.uk](http://www.castlegroup.co.uk) which will assist in addressing HAVs exposure.

In Milan 11 former manager of tyre manufacturer Pirelli have been jailed for up to 7 years and months over the asbestos related deaths of 20 workers from their factory in Milan <http://ubm.io/1RAYK3A>.

Next year the largest and most useful event will be the Safety and Health Expo and again will be at the ExCell from 12 to 23 June see [www.safety-health-expo.co.uk](http://www.safety-health-expo.co.uk). There is always lots of free seminars, exhibitions, demonstrations etc.; this year’s report is available

**Road Safety Week is 23 - 29 November 2015 and the** theme is ‘drive less, live more’ and designed to improve the safety of drivers at work as well as those in the community. There’s a pre wee webinar in September and other free resources such as training and education <http://www.brakepro.org/assets/docs/practitioner-tools/fleetguidance-15-drivereducation.pdf>.

Character – under the Criminal Justice Act 2003 prosecution can introduce as part of its case against an individual their “bad character” which is defined as “evidence of or a disposition to misconduct”. If there is evidence of other relevant misconduct it is up to the discretion of the trail judge whether character reference is used and in what form. Again, moving away from “but I ticked all the boxes” and an individual [manager] will be held to account.

Earlier this year the Forum took part in the Euro-wide consultation on working time Directive 2003/88/EC which protects workers from health and safety risks associated with excessive working hours ref Article 31(2) of the Charter of Fundamental Rights of the EU. Whilst we accept that there have been changes in work and the economy the health and safety requirements of the worker has not changed apart from the demographic where we have an ever aging workforce. There is still no sign of an update so we have approached the relevant EC dept. to ask for the latest news.

Inattentional blindness – the classic gorilla in the room video most have seen affects over 60% of people according to Harvard, this is worth remembering in accident investigations. Just because something happened right in front of a worker doesn’t mean that they will see it and its too easy for a manager to say that they should have therefore the incident was their fault. A worker concentrating on the task in hand can be blind to a developing danger, this is exacerbated when the manager has pressurised a worker into attaining the unattainable target – then when it goes [inevitably] wrong puts the blame on the worker. Look for tag words such as “mental workload, conspicuity, expectation and capacity” if needing to complete such an investigation. Even the most intelligent person suffers from inattentional blindness and before you allow a manager to accuse a colleague of being negligent, careless or not paying attention this is worth consideration. Such filters are natural functions and allow someone to concentrate on the task in hand; a further example of why you should never use a mobile when driving, even hands free.

The National Institute for Health and Care Excellence (NICE) have produced a guide to improve health in the workplace <https://www.nice.org.uk/guidance/ng13>. An excellent downloadable resource is for employers and managers but will be useful for USRs.

In an interesting judgement The Court of Appeal rejected an argument that findings after an event should be taken in to account and that the HSE were correct to serve a prohibition notice even though subsequent investigation found that there was no danger from electricity as visible conductors were not live at that time. Hindsight evidence should not be taken in to account.

In another case The Court of Appeal noted that fines to large employers [as the Coord has repeatedly said] are to rise and will be linked to pre-tax profit. This for example could be up to 100% of profit even if this results in fines in excess of £100 million; fines of this circa are imposed already in financial markets for breaches of legislation but the idea of wiping out a year’s profit from a company is one that will pressurise senior managers, directors and shareholders alike. I Like.

Incidentally for those who are members of IIRSM if you have look at the recent booklet commemorating 40 years of the organisation see page 29; you will see how easily a disaster can unfold around you without you knowing until it is too late and you have no control over what is going to happen to you next.

Last year forklift trucks were involved in 800 accidents. There are a mass of downloadable materials from the Fork Lift Truck Association that may be of use. Risk Assessment aides, guides to examinations – obviously we are required by law to ensure that it holds a report of a “Thorough Examination” like an MOT for a car, brakes, steering, tyres etc being checked under PUWER 98 all the lifting components, hydraulics, chains, forks etc are inspected in accordance with LOLER 98. After its first year the examination is required at least once every 12 months and records must be kept. See <https://fork-truck.org.uk/home> .

Collated by Derek Maylor 28 August 2015.

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