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# Daily Hazard

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## Liliana Alexa speaks out on Workers Memorial Day

*"On the 26th of September 2006 our lives changed forever. My son Michael Alexa was killed because of someone's negligence. He was in front of our garage next to the Barrats Construction Site, when the crane collapsed, killing him. I and all my family are very much traumatized about this horrible accident. I still don't understand how this could have happened. I have thousands of questions in my head but no one to answer them."*

"Who is responsible for my son's death? Who is responsible for keeping my son's body trapped under the crane for 5 days? Was this really necessary? Or could they have moved it a lot sooner? Where was the Health and Safety Executive before the construction started at the Barrats Site?"



Memorial plaque unveiled at scene of Battersea crane deaths.

Who checked and gave the green light for the work to start? Now, that this accident happened, who is investigating the case? Are they really professionals? Why does this investigation take so long?"

"Who is going to give me all these answers? And when? It takes over 3 years, following the death of a construction worker or member of the public, before a company is brought to trial and prosecuted. The failure to prosecute and achieve a conviction often has a devastating impact on the bereaved family, who then feel betrayed by the criminal justice system."

"BCDAG is campaigning on tougher regulations on safety; No cut-backs on HSE inspectors—we need more H&S inspectors, not less; Workplace deaths have increased by 30% over the last year. Crane deaths have gone up; Worker's memorial day is about unions and communities coming together to organize that change is needed: There are more deaths in workplace than wars."

"The misery that workplace deaths cause to families is immense. My son Michael was a British Citizen and very proud of this, but this legislation needs to be changed immediately after this kind of fatality. When something like this happens to ordinary people the Government does not pay enough attention. If this is the case what can we do? Do we have to wait until this kind of disaster happens to a VIP person?"

"The instant death of my son left a large hole in both my heart and my life, and that hole will never be filled till I find justice. With his death, it is like receiving a life sentence, to constantly grieve, mourn and light candles every day as is my custom. Michael was a wonderful young man with a lot of ambition and so much to live for."

"We urge the HSE to speed their investigation and whoever is responsible for my son's death to be prosecuted. We want Justice, is that too much to ask for? Thank you for coming out today."



Jonathan Cloke's partner and son.



# Lobbying your Member of Parliament (MP) for health and safety

*Early Day Motions (EDMs) are a way for MPs to try and get issues debated in the House of Commons. Below are some recent EDMs relating to occupational health and safety you can lobby your MP to support. Just go to the link listed and check to see if your MP has signed up already. To find out exactly what an EDM is follow this link:*  
<http://www.parliament.uk/documents/upload/p03.pdf>

## EDM 1320 Health and Safety executive job cuts

That this House condemns the lack of resources being made available for maintaining the health and safety of UK workers; notes with concern that the number of staff in the Health and Safety Executive had fallen from 4,282 in April 2004 to 3,225 by March 2007, and that over the last financial year there has been no improvement in the number of fatal accidents and major injuries, with the construction sector having suffered a 14 per cent. increase in the number of work-related deaths; believes further job cuts and office closures, such as the one recently announced in Stoneleigh, will have a harmful impact on workplace safety as enforcement of regulations and the provision of advice to employers will be reduced; and therefore calls upon the Government to recognise that to maintain current safety levels, let alone achieve reductions in the number of workplace deaths and injuries, it is essential that further funding be made available to the Health and Safety Executive.

<http://edmi.parliament.uk/EDMi/EDMDe tails.aspx?EDMID=33095&SESSION=885>

## EDM 1324 Investigation of journalist deaths

That this House condemns attacks on journalists and seeks to end impunity for such killings; welcomes Government support for UN Security Council Resolution 1738; congratulates the International News Safety Institute (INSI) on its comprehensive report *Killing The Messenger*, on journalists' deaths in the last decade; commends INSI's safety recommendations to journalists and news

organisations; notes that INSI urges all militaries to follow the lead on military-media operations in wartime given in the 2006 UK Ministry of Defence Green Book following discussions with INSI and the News Safety Group; endorses INSI's recommendations to the military that embedding journalists inside military units has no legitimacy without reporting by independent journalists and that the media's presence in battle must be communicated swiftly to military units in that area; endorses INSI's insistence that full and open enquiries into media deaths be held as soon as practical, with prosecutions where appropriate, and that failure to act on the killing of journalists allows 'criminals to dictate what citizens read and see'; urges the Government to respond positively to INSI's global report; and further urges the Government to help resolve the unlawful killing of ITN's Terry Lloyd in Iraq in 2003 and to press for the re-opening of the UN's investigations into the killings of journalists in Timor-Leste, including British citizens Malcolm Rennie and Brian Peters in 1975 and Sander Thoenes of the Financial Times in 1999.

<http://edmi.parliament.uk/EDMi/EDMDe tails.aspx?EDMID=33099&SESSION=885>

## EDM 1381 Workers Memorial Day

That this House notes with sadness that in the UK the number of deaths at work per year is estimated to be in the thousands, taking into account those caused by road traffic accidents while at work and occupational ill-health; acknowledges that through the campaigning of workers and trade unions, many nations recognise 28th April as



Families Against Corporate Killers (FACK) lobbying Parliament.

Workers' Memorial Day; and urges the Government to respond to the request of UNISON and the TUC that it formally recognise Workers' Memorial Day on 28th April as a national day of remembrance for those who are killed and injured whilst carrying out their work.

<http://edmi.parliament.uk/EDMi/EDMDe tails.aspx?EDMID=33162&SESSION=885>

## EDM 1379 Deaths in the construction sector

That this House welcomes the publication of 'Levels of Convictions and Sentencing following Prosecutions arising from deaths of workers and members of the Public in the Construction Sector', which was commissioned by the Union of Construction Allied Trades and Technicians; notes with concern the report findings that between 1998 and 2004 there were 504 construction deaths, of which only 21 per cent. resulted in conviction, and that the percentage of deaths resulting in a conviction decreased by almost three quarters from 42 per cent. to 11 per cent. in the six-year period; further notes with concern the regional disparities on prosecution and conviction rates and regional disparities on average fine per conviction; and calls on the Government to review the decision to reduce Health and Safety Executive inspector numbers and to record in all future instances of injury and fatality the employment status of workers killed or injured and the name of the client on the job where a fatality or injury occurs and to record the nationality of a worker killed or injured at work.

<http://edmi.parliament.uk/EDMi/EDMDe tails.aspx?EDMID=33160&SESSION=885>



# Camden Council criticised over electrocution

*Camden Council's electrical maintenance system for its housing stock was criticised at the inquest into the death of Ralph "Barney" Kennedy who was electrocuted while working on Camden's Mayford Estate on 22nd September 2006.*

An estate security light which was fixed at height to the outside of a housing block became live when an earth wire was deliberately and dangerously cut at some time in the past and this combined with another fault that occurred in the light.

When Barney, 24, was working at height on a scaffold where the light was, he made contact with the fitting and the scaffold causing a shock to cross his chest, stopping his heart. Uthayakumar Packirisamy, a police community support officer who came to help at the scene also received a shock which he described as "stopping him in his tracks". Evidence at the inquest said others had previously said they had received shocks but it never became clear if these events were reported to Gee Construction's site management and this line was not pursued.

What was looked into in depth was why someone would cut the earth wire in such a dangerous way and why the fault had not previously been discovered and rectified.

All those giving technical evidence said the act of cutting the earth wire was highly dangerous but could only speculate as to why any qualified electrician, who would have known this, would have done it. One theory was a quick fix to stop the RCD fuses tripping out on a fuse box that would affect other services but again all expressed concern at the dangers. Most felt the wire was cut a good while before the fatal incident and all agreed it was impossible to trace exactly who might have cut the wire or when.

There was evidence given regarding Camden Council's estate electrical maintenance system. This was shown to be reactive rather than preventative with reliance on reports of failure and visual



*Family and friends of the deceased outside the inquest supported by Camden Unison.*

inspections whose effectiveness was questioned. The security lighting was originally installed in 1982 and had had no through examination before the fatal incident. Evidence was given that five out of eight similar lights on the estate had been found to be faulty when checked after the fatal incident.

Harry Yates, Camden Council's mechanical maintenance chief, defended Camden's maintenance system at the time as being "robust" even though the Health and Safety Executive had issued an improvement notice after the fatal incident and Mr Yates admitted Camden were now tightening up their maintenance procedures. This met with an angry outburst from Barney's family who were in the court with Barney's father saying: "The way you have gone about it. The way you have come in here, not checked anything. I'm his father. That's his sister. His girlfriend. We have lost someone we really cared about."

HSE inspector Kerry Williams who issued the Improvement Notice said: "I didn't feel Camden had sufficient precautions in place to ensure the safety of their maintenance team."

This highlighted the problem with the current regulations which specify electrical installations must be inspected and checked but do not specify an exact time frame. The industry body representing electrical maintenance firms recommends a period of

every six years but this is not specified in the regulations. While those giving evidence agreed it would be speculation as to whether a thorough inspection system would have saved Barney's life there was agreement the faulty light would have been identified.

The legal team acting for Kelly Ivory, Barney's partner and mother of two of his children, called for a verdict that implied gross negligence but Coroner Dr Reid told the jury this was inappropriate in this case. The jury returned an open verdict on the case giving the cut wire as the reason why they didn't return a verdict of accidental death.

After the verdict was delivered Dr Reid said: "The HSE has already issued an Improvement Notice to Camden. In addition, I intend to write a report to endorse the Notice and to draw the attention of the relevant director, Neil Litherland, to this case and that action should be taken to prevent similar fatalities."

Kelly said afterwards: "Only regular inspection and maintenance by competent electricians could have saved Barney. Camden must take full responsibility for his death. They should be prosecuted under health and safety legislation for the total failure of their repair system. If the electrician is found who cut the earth cable, he should be prosecuted for manslaughter."





The families of those killed at work.



Cranes at the estate where the crane collapsed on 26th September 2006.

# Workers Memorial Day



The memorial plaque unveiled on 28th April 2007.



Liliana Alexa, Michael Alexa's mother, standing next to the statue to the unknown building worker and calling for greater crane safety.



Anne Elvin, whose son Paul was electrocuted while working on Euston station, receiving an award given in the name of Robert Tressell for her campaign work from the CSC. Anne is accompanied by campaigner Maureen Brennan who's son Michael was killed in a dumper truck incident on a construction site.



Protesters march over Tower Bridge.



Tony O'Brien, National Secretary Construction Safety Campaign calling for government action following a massive 32% rise in construction deaths.



Waltham Forest Unison members gather for a commemorative protest outside the town hall on WMD with the flag flying at half mast.



## Dispelling REACH myths

The European parliament has now passed the Registration Evaluation and Authorisation of Chemicals Regulations (REACH). These regulations are aimed at ensuring some chemicals are properly tested before going on the market. The Trade Union Congress (TUC) has published a useful guide to what the new regulations mean, together with a section on what REACH does not mean.

This inclusion has been necessary to dispel misinformation such as "current chemical regulations such as COSHH are being wiped from the statute books", which they most definitely have not been. REACH is in addition to current chemical laws, not in place of them. DEFRA is consulting on how the new law should be enforced.

**For further information see:**

- ▲ TUC: REACH – A briefing for Safety Representatives  
[http://www.tuc.org.uk/h\\_and\\_s/tuc-12870-f0.cfm](http://www.tuc.org.uk/h_and_s/tuc-12870-f0.cfm)
- ▲ DEFRA: Consultation on the enforcement of REACH in the UK  
<http://www.defra.gov.uk/corporate/consult/reach-enforce/index.htm>

## Smoking ban

On 1st July 2007 legal restrictions on smoking in workplaces and public places will be introduced in England. The TUC has produced a guide on negotiating around the new law. The legislation effectively bans smoking in all enclosed workplaces and public places in England, with some exemptions. The detail of how this will be done is contained in regulations that come into force on the same day as the smoking restrictions.

**For more information:**

- ▲ TUC: Negotiating smoke-free workplaces  
<http://www.tuc.org.uk/extras/smokingguide2007.pdf>

## Work experience teenager killed

Fifteen year old Adam Gosling was crushed under a collapsing wall on a construction job in Hadley Wood, north London on the 23rd April 2007. He was reported as earning £25 a day on work experience and not wearing a hard hat or safety boots.

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#### EDM 1301 Workers Memorial Day April 28th

That this House calls on the UK Government to give official recognition to 28th April, Workers' Memorial Day, in acknowledgement of the thousands of workers who die each year as a result of work related accidents and disease; and urges the Government to take steps to strengthen the workplace safety culture by introducing legislation to direct companies to appoint an executive at board level with responsibility for safety and health issues.

<http://edmi.parliament.uk/EDMi/EDMDe tails.aspx?EDMID=33075&SESSION=885>

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Kelly's lawyer, Patrick Allen, said: "We have asked Camden to admit liability for this tragic case but they have declined to do so at this stage. It is hard to see how they can defend a claim in the light of the evidence given to the inquest."

Barney's friends and family had previously lobbied Camden Council raising their concerns following a number of incidents after Barney's death. They included the death of two year old, Saurav Ghai, who was crushed by a council wall, the electrocution of a dog by a live lamp post and a caretaker who suffered a shock from a lightbulb.

- ▲ See also: Daily Hazard No. 91



## Health and Safety Training

The London Hazards Centre (LHC) provides training on workplace health and safety which is suitable for managers and employees alike. The training is participative and will cover the problems encountered at the workplace, what to do to ensure controls are in place and that the law is complied with.

Our training is provided in two ways, either by running courses as a consultant or alternatively by people attending our in-house courses held in Islington.

### TRAINING CONSULTANCY

We will train up to 16 people per day for £550.00. We provide the trainer and course which is delivered at a venue organised by our client.

### IN-HOUSE TRAINING COURSES

Courses cost £65.00 per person and are held at the Red Cross building near the Angel, Islington which is fully accessible.

Our current programme includes:

- ▲ **Introduction to Workplace Health and Safety**  
Thursday 25th October 2007
- ▲ **Introduction to Risk Assessment**  
Tuesday 30th October 2007
- ▲ **Introduction to Workplace Health and Safety**  
Thursday 1st November 2007
- ▲ **Introduction to Risk Assessment**  
Tuesday 6th November 2007

Our training is activity based and the timetable is from 10am to 4pm. We may request the client copy the course's training materials for participants.

We do not provide First Aid courses. These can be sought through the British Red Cross or St John's Ambulance Service.

We do not provide courses teaching proper handling technique but we do provide a course showing what is needed to complete the risk assessment requirements of the Manual Handling Operations Regulations.



# Chemical Safety Legislation

*There is a vast and ever increasing quantity of chemical safety legislation. The most recent is the Registration Evaluation and Authorisation of Chemicals Regulations (REACH). These regulations do not replace COSHH or other legislation on chemical safety.*

All this legislation offers a measure of protection to workers and the public; safety representatives need to be informed about its scope. Reps also need to understand the limits of the law and realise it does not provide enough protection on its own, not least because it is poorly enforced.

## COSHH

The COSHH Regulations came fully into force in 1990 and have been amended a number of times since then, though without changing the basic characteristics. They apply to all workplaces and all chemicals except those with specific regulations of their own (see later). They do not cover compounds which are dangerous only because they have radioactive or asphyxiant properties, are at high temperature or extreme pressure, or have explosive or flammable properties. The Regulations come with an Approved Code of Practice (ACoP). COSHH Guidance on a number of specific industries has been published. Employers must carry out an assessment of the risks of chemicals to the health of their employees. COSHH makes it illegal for an employer to expose an employee to any chemical without first carrying out a suitable and sufficient risk assessment. The assessment must be reviewed if there is reason to believe it is no longer valid or if there is a significant change in the work to which it relates. Whoever does the assessment must be competent to do so. Safety reps are entitled to be consulted about

assessments and to receive all the information on which they are based. Employers must introduce appropriate measures to safeguard the health of exposed workers. There are a number of principles that all employers must use to eliminate or reduce exposure. If eliminating the use of the chemical is not reasonably practicable, employers should introduce suitable control measures, namely:

- ▲ Design and operate processes and activities to minimise emission, release and spread of substances hazardous to health.
- ▲ Take into account all relevant routes of exposure – inhalation, injection, skin absorption and ingestion – when developing control measures.
- ▲ Choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health.
- ▲ Check and review regularly all elements of control measures for their continuing effectiveness.
- ▲ Inform and train all employees on the hazards and risks from the substances with which they work and the use of control measures developed to minimise the risks.
- ▲ Ensure that the introduction of control measures does not increase the overall risk to health and safety.
- ▲ Finally and as a last resort, where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment. (PPE)

Control measures should be fully and properly used. Equipment used for controlling emissions should be maintained, examined and tested to ensure they are in working order. PPE must be kept clean. Records of test and inspections must be kept for five years.

Monitoring of exposure must be performed when required to protect health and records must be kept for 40 years for identifiable employees. Health

surveillance of employees should be carried out in certain circumstances.

Employees and those carrying out risk assessments must be given information, instruction and training to enable them to carry out their duties safely.

Compliance with the COSHH Regulations has always been poor. Enforcement is weak and surveys have shown that many managers are unaware of their duties. The situation is particularly unsatisfactory among small and medium enterprises.

A single type of workplace exposure limit (WEL) has been introduced, with Workplace Exposure Limits (WELs) replacing Maximum Exposure Limits (MELs) and Occupational Exposure Standards (OESs). Some substances previously having OESs are now banned. Lists of WELs are published annually and are periodically reviewed. The WEL of a substance hazardous to health must not be exceeded.

## Carcinogens and biological agents

Specific ACOPs have been published on carcinogens and on biological agents. The Carcinogens ACOP defines higher standards of risk assessment, exposure or control, monitoring, health surveillance, and the provision of information, etc. than for general chemicals. It also prohibits the use of certain substances without an Exemption Certificate.

Biological agents are classified into one of four groups according to the risk of infection. Detailed containment requirements are specified for each group. Detailed guidance is given on the factors to be taken into account in a risk assessment and on the control measures which should be applied as a result of this assessment. Requirements for the maintenance, examination and testing of PPE and for the information to be provided to employees are higher than for general chemicals. Employers must keep



lists of employees exposed to the more dangerous agents. Employers must notify the Health and Safety Executive (HSE) of the use and transport of biological agents.

## CHIP

The CHIP Regulations first came into force in 1994; subsequent amendments were published up until 2002 when new regulations came into force (CHIP3). They require suppliers and manufacturers of chemicals to identify the hazards of the chemicals they give, provide information about the hazards of chemicals via labels and safety data sheets, and package chemicals safely. Requirements for the transport of chemicals are covered by the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations which were once part of CHIP.

The Approved Supply List, that is part of CHIP 3, classifies more than 2500 substances according to their health and safety effects; they appear on labels as pictograms, risk phrases (R phrases) and safety phrases (S phrases). Suppliers must classify chemicals not on the list; guidance on this is given in the Approved Classification and Labelling Guide.

Safety data sheets must be provided with all dangerous chemicals and must contain information under the following headings:

- identification of the substance/preparation and company
- composition/information on ingredients
- hazards identification
- first aid measures
- fire fighting measures
- accidental release measures
- handling and storage
- exposure controls/personal protection
- physical and chemical properties
- stability and reactivity
- toxicological data
- ecological data
- disposal
- transport information
- regulatory information
- other information

Safety data sheets vary widely in

quality and should never be treated as an authoritative source of information. Their compilation by the end users of chemicals does not in itself constitute a COSHH assessment.

## Lead, asbestos and pesticides

Those chemicals which were separately regulated before COSHH came in continue to have their own legislation. A total ban on asbestos has been in force since 1999. The latest version of the Control of Asbestos at Work Regulations came into force in 2006.

The 2006 regulations stop employers from using their own employees to do work with asbestos which would otherwise need a licence. The regulations reduce the WEL to 0.1 fibres per millilitre measured over 4 hours and they improve the requirements for training but they remove the requirement for licences for work on textured coatings such as artex. This reduced requirement will cause thousands of workers to be exposed to asbestos contamination.

They remove the 2002 requirement for work on textured coatings, containing asbestos, to only be carried out under the terms of licensed removal. So while the 2006 Regulations strengthen the 2002 Control of Asbestos at Work Regulations the HSE shamelessly removed the requirement for a licence to work on textured coatings such as artex.

The regulation of work with lead has a long history and the latest legislation came into force in 2002.

In addition to duties under COSHH, the use of pesticides is also covered by the Food and Environmental Protection Act, the Control of Pesticides Regulations and the Plant Protection Products Regulations. Each year the HSE, in conjunction with the Ministry of Agriculture, publishes a list of pesticides approved for use.

## Major accidents

Planning for emergencies and major accidents involving dangerous chemicals is covered by Control of Major Accident Hazards Regulations.

### Further information

- ▲ *Chemical Hazards Handbook: A workers' guide to chemical hazards and how to avoid them*, London Hazards Centre, 1999, can be accessed and downloaded from: <http://www.lhc.org.uk/members/pubs/books/chem/chAAAAAA.htm>

### HSE publications on legislation

- ▲ *List of workplace exposure limits* can be accessed and downloaded from: <http://www.hse.gov.uk/cosHH/table1.pdf>
- ▲ *Control of Substances Hazardous to Health Regulations 2002*, comprising the General COSHH ACOP, the Carcinogens ACOP and the Biological Agents ACOP, 1999, ISBN 0 7176 1670 3  
Brief guide to regulations can be found at: <http://www.hse.gov.uk/pubns/indg136.pdf>
- ▲ *Chemicals (Hazard Information and Packaging for Supply) Regulations 2002*  
Enforcement circular can be found at: <http://www.hse.gov.uk/lau/lacs/37-11.htm>
- ▲ <http://www.hse.gov.uk/a-z/index.htm>

Factsheets online [www.lhc.org.uk](http://www.lhc.org.uk) London advice 020 7794 5999



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