

GOSHA

Guernsey Occupational Safety and Health Association
www.gosha.org.uk

We are delighted to begin 2007 with some helpful thoughts and comments from Richard Brown, Guernsey's Chief Health and Safety Officer.

Richard's article for us, New Year Resolutions or rather, Lessons from the Past is printed below and gives an overview of the latest gas systems and appliances law, an opportunity to us all to give some input to a proposed up-date of our current construction law and a painful example of how cosmetic compliance with health and safety law can result in serious consequences for both employers and employees. A summary of the latest GOSHA events and activities follows Richard's article.

New Year Resolutions or, rather, Lessons from the Past

Gas Systems and Appliances – New Law

I would like to start by bringing your attention to the Health and Safety (Gas) (Guernsey) Ordinance, which came into force on 1st June 2006, and the Approved Code of Practice entitled "*Safety in the Installation and Use of Gas Systems and Appliances*", which was formally approved by the Commerce and Employment Department Minister on 9th January 2007. If you undertake installations or buy-in gas installers' services you should make yourself aware of the requirements of the law and the content of the Approved Code of Practice.

Copies of the Approved Code of Practice, which contains the text of the Ordinance, can be obtained either by contacting our office or downloaded from our website at www.hse.guernsey.gg.

Most of us recognise the value of a competent, well-trained workforce and it is hoped that the Ordinance and Approved Code of Practice will go some way to ensuring this in gas work.

Construction ACoP – Up-date Needed and an Invitation to You to Help

Whilst on the subject of Codes of Practice, several of those approved by the Board in the past are now reaching their sell-by-dates. The Construction Approved Code of Practice is now over ten years old and, whilst it reflected the industry as it was in 1995/1996 when it was put together, it does not, perhaps, cover many issues which are relevant to our present levels of activity or complexity.

On reflection, however, what I do believe it has done, in common with the CDM regulations in the UK, is to lay down a structure for the management and organisation of health and safety in construction, together with providing a useful reference tool for specific activities. But, as I have said, it is looking old and tired in content and format and it is in our plan of work to replace it with something more relevant to 2007.

I hope that members will participate in the consultation process, which will commence later in the year by way of a questionnaire.

Lessons learned – don't pay lip service to the law !

I have entitled this piece "Lessons from the Past" and to continue on the theme of training I spent three "enjoyable" days in November in our Northern Isle, in court, assisting in a prosecution.

The basic facts of the case were that one afternoon the previous December, a telehandler was being used to place concrete planks to form an outside patio area on a development site. The telehandler was being driven forward over an unstable, uneven surface, with the load suspended at height with the jib extended. As the vehicle moved forward the load began to sway from side to side, although it was roped with two banksmen attempting to control it.

The machine went on to two wheels; both the banksmen could see the machine was about to topple and took big steps (in the opposite direction).

The driver decided to abandon ship and jumped from the cab and the inevitable happened – the telehandler overturned.

A lucky escape one might have thought, had it not been for the concrete plank which landed directly on top of the driver where he was sprawled having jumped from his cab. The vivid evidence from the two banksmen was compelling when they described the scene of their workmate totally concealed by the concrete plank. Their relief, having summoned other mates on site to lift the plank, which weighed over a tonne, to find the driver uninjured, squashed into the soft sand.

Truly a miraculous escape and one that will not be equalled for some time!

As with any accident investigation it was necessary to examine all the components which came together on that afternoon to cause the incident. We had to look at the equipment involved, the driver, the owner of the telehandler and the main contractor.

Significantly:

- the telehandler had not been examined by a competent person, as required by law;
- The driver had no formal training to drive the telehandler and was employed as a labourer;
- The lift was not supervised by a competent person; and
- The two banksmen had no qualifications; again, they were employed as carpenters.

But what of the main contractor?

- They did have a safety policy;
- They employed the services of a consultant, who visited the site on a regular basis;
- They had risk assessments for the lift; and
- They had a method statement.

BUT THEY DID NOT

- take ownership of their policy;
- follow up on their consultant's recommendations;
- implement their own method statements;
- manage the lift; and
- ensure that all those involved in the operation were trained and competent to do the job safely.

In short, they did not take ownership of all the issues involved in the safe management of the operation, and, thus, the incident occurred. The result was to record a conviction for breaches of Health and Safety Law against

- the driver, who was found to have acted recklessly;
- the owner of the telehandler, who was also the employer of the driver; and
- the main contractor, who had failed to discharge the duties required of him in relation to his employees and others employed on site.

So what lessons can we draw from this sorry state of affairs?

I suppose the overriding one is that, as a main contractor or indeed any employer, you have a duty to manage your workplace, and that includes employees of others who are there to do a job.

It is not good enough to pay lip service to the law by having policies which are not read, owned or implemented; method statements and risk assessments which are nothing more than a paper exercise do not impress us as inspectors, nor will they provide compelling defence evidence in court.

Make a resolution now to learn the lessons from this sorry tale!

I wish you a profitable, safe and healthy New Year.

Richard Brown
Chief Health and Safety Officer

Gosha Events and Activities

Thank you for your support for GOSHA, Richard, and to all those who have helped us to move forward in 2006.

We ended the year with two excellent talks:

- Working at Height – by Steve Le Tissier of Event Services, supported by the Guernsey Ambulance and Rescue Service on the potentially harmful effects of safety harnesses
- The Environmental Challenge by Simon Welch of the States of Guernsey's Environmental Team and followed by some very interesting thoughts on waste management from Dan Hubert of Island Waste

The feedback we have received on all the talks given has been positive and the final two talks had audiences of more than 50 people.

Please continue to encourage others to join. We are a not for profit association and aim to help employers and employees to make good health and safety practices an inherent and positive feature of the workplace. We can all play our part to help avoid the awful consequences that avoidable injuries and death bring.

For 2007, we have an enlarged committee and ideas for education, communication and membership – more to follow.

In the meantime, we look forward to

- our next open meeting on 22 February, when Dr Leeser, consultant occupational physician from BUPA Wellness, will look at practical ways to manage sickness absence. Please book early and contact any member of the committee for details (see www.gosha.org.uk).
- distributing Guernsey's 2006 reported sickness and accident statistics compiled by our HSE
- giving you a unique review of the past 45 years of health & safety in the workplace
- providing you with a rare opportunity to undertake what promises to be a very interesting site visit

Your ideas are always welcome. Make your membership of GOSHA make a real difference to you and others.

GOSHA Committee
January 2007

Secretary:-Mr Terry Nash, Normandie House, Rue a Chien, St Sampsons, GY2 4AE