



Wilkins Safety Group

Monday, 21st July 2014

Inside this Issue

1. Lead and Lead use.
2. Developer goes to prison after repeatedly flaunting safety laws
3. Airbus fined £200,000 over worker's death



Welcome to our latest Update E-Newsletter

As ever, please feel free to share this with friends and colleagues. You will also find PDF versions of all our other newsletters on our website: www.wilkinssafety.co.uk with lots more useful information and a wealth of leaflets covering Health and Safety topics.

A note from Jon Wilkins: On Friday 18th I was in a design team/project team meeting at Dyrham Park and the issue of lead came up for discussion. During this discussion it was suggested that I should cover lead in this week's newsletter – so here it is.

Working with lead can affect your health. This week we will tell you about:

- health problems that can occur if you absorb too much lead;
- what your employer should do to protect your health;
- precautions you should take.

We also have 2 recent HSE cases for you to look at and consider:

- Eze Kinsley, of Burnt Oak Broadway, Edgware, Middlesex, was given a **30 months prison sentence after being found guilty of two breaches** of section 3(2) of the Health and Safety at Work etc Act 1974.
- **Airbus Operations Ltd of Aerospace Avenue, Filton, Bristol** was fined £200,000 and ordered to pay £58,891 in costs after pleading guilty to a breach of the Health and Safety at Work etc. Act 1974.

Do you have any questions about Health and Safety?

If you do; or if you would like us to cover any particular subject in our newsletter, please let us know.

We can be contacted on [01458 253682](tel:01458253682) or info@wilkinssafety.co.uk or why don't you start a discussion on our [Facebook page](#) or by [Twitter](#)

Lead and Lead use.

Many of our clients have to work with 'LEAD' at some point during their working day, yet even in this year of 2014 people are still very unsure of what they should look for and what legislation actually applies.

People often think that 'LEAD' is covered under the general COSHH regulations and guidelines, yet 'LEAD' has its own legislation -

Control of Lead at Work Regulations 2002 (CLAW): Approved code of practice and guidance L132

Download our leaflet

<http://www.wilkinssafety.co.uk/pdf/whss/lead.pdf> for full details of compliance, or call our office **01458 253682** if you require assistance.



Working safely with lead

Working with lead can affect your health. This week we will tell you about:

- health problems that can occur if you absorb too much lead;
- what your employer should do to protect your health;
- precautions you should take.

When are you most at risk?

When the work you are doing produces lead dust, fume or vapour you are most at risk.

This can include:

- blast removal and burning of old lead paint;
- stripping of old lead paint from doors, windows etc.;
- hot cutting in demolition and dismantling operations;
- scrap-processing activities, including recovering lead from scrap and waste;
- lead-acid battery manufacture and breaking;
- some painting of buildings;
- some spray-painting of vehicles;
- working with metallic lead and alloys containing lead, e.g. soldering;
- lead smelting, refining, alloying and casting;
- manufacturing lead compounds;
- manufacturing leaded glass;
- manufacturing and using pigments, colours, and ceramic glazes.



How does lead get into your body?

When lead and items containing lead are processed, worked, or recovered from scrap or waste they can create lead dust, fume, or vapour. Your body absorbs lead when you:

- breathe in lead dust, fume or vapour;
- swallow any lead, e.g. if you eat, drink, smoke, or bite your nails without washing your hands and face.

Lead is not absorbed through the skin - except in the form of lead alkyls (an additive to petrol) and lead naphthenate which are not covered in this newsletter. Any lead you absorb at work will circulate in your blood. Your body gets rid of a small amount of lead each time you go to the toilet, but some will stay in your body, stored mainly in your bones. It can stay there for many years without making you ill.

How does lead affect your health?

If the level of lead in your body gets too high, it can cause:

- headaches;
- tiredness;
- irritability;
- constipation;
- nausea;
- stomach pains;
- anaemia;
- loss of weight.



Continued uncontrolled exposure could cause more serious symptoms such as:

- kidney damage;
- nerve and brain damage;
- infertility.

These symptoms can also have causes other than lead exposure so they do not necessarily mean that you have lead poisoning.

An unborn child is at particular risk from exposure to lead, especially in the early weeks before a pregnancy becomes known. If you are a woman capable of having children, you should make sure you follow good work practices and a high standard of personal hygiene.

What must your employer do to protect your health at work?

If you could be exposed to lead, lead compounds, dust, fume or vapour at work your employer must:

- assess the risk to your health to decide whether or not your exposure is 'significant' (the law explains what this means), and what precautions are needed to protect your health;
- put in place systems of work and other controls, such as fume and dust extraction, to prevent or control your exposure to lead, and keep equipment in efficient working order;
- provide washing and changing facilities, and places free from lead contamination where you can eat and drink;
- tell you about the health risks from working with lead and the precautions you should take;
- train you to use any control measures and protective equipment correctly.

Your employer should tell you if your exposure to lead is 'significant' (the law explains what this means). If it is, your employer will also have to:

- provide you with protective clothing;
- measure the level of lead in the air you are exposed to, and tell you the results. If your exposure to lead cannot be kept below a certain level - known as the occupational exposure limit - your employer must also issue you with respiratory protective equipment;
- arrange to measure the level of lead in your body. This is done by a doctor at your place of work. You must be told the results of your tests.

How is your health checked at work?

At your place of work, a doctor or nurse (under the supervision of a doctor) will take a small blood sample to measure the amount of lead it contains. This is measured as a number in micrograms of lead for each decilitre (or 100 millilitres) of blood.

The doctor may also want to test a sample of your urine for the effects of lead. You are legally required to provide blood or urine samples for this purpose.

Blood-lead levels are usually checked every three months, especially if you are under 18 or a woman capable of having children. It may be more often if you do the sort of work where you could rapidly absorb lead (e.g. work on

lead-burning processes where exposure to lead fume could be high unless properly controlled). The doctor may check your blood-lead level less often if your exposure and your blood-lead level do not usually change very much. This could be every 6 or even 12 months.

What happens if your blood-lead level is too high?

If the amount of lead in your blood reaches 50 - called the action level - your employer must investigate why this has happened and try to reduce it to below that level by:

- reviewing the control measures and checking that they are working properly;
- making sure that proper hygiene procedures are followed;
- consulting relevant health professionals such as a doctor or occupational hygienist about any additional protective measures.

If, despite all the control measures, your blood-lead level reaches 60 - called the suspension level - the doctor will repeat the test. (Lower action and suspension levels apply for some employees - see the table below.) If this confirms the result of the first test, the doctor will usually decide that you should not carry on working with lead. There are some exceptions to this rule which the doctor will explain.

Your employer must act on the doctor's decision, and you will not be able to work with lead again, or be exposed to it, until the doctor considers it safe for you to do so.

If your employer cannot offer you suitable alternative work, where you will not be exposed to lead, you may be suspended from work. If this happens, you have the right to be paid by your employer for up to 26 weeks.

If your employer refuses, ask for advice from a supervisor or safety or trade union representative. You can apply to an Employment Tribunal to enforce your entitlement to suspension pay. You can find out more at the Directgov website (www.direct.gov.uk) or contact the Advisory, Conciliation and Arbitration Service (Acas) helpline (08457 47 47 47) for advice.

What are the levels for different employees?

This table shows the current action and suspension levels. There are lower action and suspension levels for women capable of having children and for young people under 18 as follows: Category	Action level	Suspension level
(a) General employees	50	60
(b) Women capable of having children	25	30
(c) Young people under 18 (other than at (a) above)	40	50

What should you do to protect your own health?

- Make sure you have all the information and training you need to work safely with lead, including what to do in an emergency, such as a sudden uncontrolled release of lead dust or fume.
- Use all the equipment provided by your employer and follow instructions for use.
- Make sure that equipment provided for your health and safety fits correctly and is in good condition.
- Follow good and well-tested work practices, and especially:
 - keep your immediate work area as clean and tidy as possible; clear up and get rid of any lead waste at the end of each day or shift, as - directed by your employer;
 - do not take home any protective clothing or protective footwear for washing or cleaning.
 - Wear any necessary protective clothing and respiratory protective equipment and return it at the end of the shift/day to the proper place provided by your employer.
 - Report any damaged or defective equipment to your employer.

- Only eat and drink in designated areas that are free from lead contamination.
- Practise a high standard of personal hygiene, and especially:
- wash your hands and face and scrub your nails before eating, drinking or smoking;
- wash and/or shower and change if necessary before you go home.
- Keep your medical appointments with the doctor where you work.

Make sure your workmates know and understand the dangers of exposure to lead.

How is medical information about you protected?

The Data Protection Act 1998 protects information held on medical surveillance records. Your employer or the doctor where you work must tell you if a record is being kept on you, and why. You have the right to see your record and to have any inaccurate information corrected. Your employer (or the doctor) should not reveal any information from your record except for the purposes for which it is kept.

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If you are an employer who is unsure if they are subjecting their employees to the effects of LEAD, or maybe you just want some more advice about your legal duties, then drop an email to our CEO Jon Wilkins on jon@wilkinsafety.co.uk or call the office on [01458 253682](tel:01458253682).

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Now to the latest HSE cases:

Developer goes to prison after repeatedly flaunting safety laws



Colchester Magistrates' Court

A developer has been sent to prison for 30 months after repeatedly breaching prohibition notices which were put in place to ensure the safety of workers while redeveloping a former office block in Parkeston, Essex.

The Health and Safety Executive (HSE) visited the site on 28 February 2013 following complaints from local residents worried about debris falling from upper storeys and of the danger to workers being left without any protection from falling while working at height.

Eze Kinsley, the developer who was found to be in control of workers at the site, verbally abused the HSE Inspector who visited. The inspector had to return with Essex police officers later to serve prohibition notices requiring an immediate stop to unsafe work at the site. Mr Kinsley reacted strongly to this, physically assaulting the inspector.

After further reports that work had not stopped, HSE issued a further prohibition notice on 3 April 2013, which was breached within just one hour of being served.

Eze Kinsley, of Edgware, Middlesex, was today (18 July) prosecuted by the HSE at Colchester Magistrates' Court for serious breaches of the Health and Safety at Work etc Act 1974.

HSE's investigation found that there were no safety measures in place to prevent injury to workers from debris falling from height and that there was also a real risk of injury to members of the public using the road and pavement next to the Parkeston House site.

Eze Kinsley, of Burnt Oak Broadway, Edgware, Middlesex, was given a 30 months prison sentence after being found guilty of two breaches of section 3(2) of the Health and Safety at Work etc Act 1974, to be served concurrently with three 12-month prison sentences after being found guilty of three counts of contravening a Prohibition Notice contrary to section 33(1)(g) of the same Act. He was also ordered to pay costs of £5,000.

Mr Kinsley was found guilty of assaulting an inspector from HSE at a separate court appearance.

After the case, HSE Inspector Jonathan Elven, said:

“Although no one was injured as a result of the woefully inadequate working practices this is nevertheless a serious case.

“The working conditions on this site were truly appalling with absolutely no provision for workers’ safety. In addition, the repeated breaching of prohibition notices – without any attempts to put right the reasons why work had been stopped – put workers and the general public at serious risk.

“Mr Kinsley refused to accept that he had a responsibility to make sure people who worked for him, and any member of the public living or working near his site, were not subjected to unnecessary risks – and vigorously and violently resisted all attempts to make him take actions to protect them.

“Putting safe working practices in place is often simple and inexpensive and, where this doesn’t happen, the costs, both financial and personal, can be immense.”

A Reminder about the law

Section 3(2) of the Health and Safety At Work etc. Act 1974 states:

“It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.”

Section 33(1)(g) of the Health and Safety At Work etc. Act 1974 states:

“It is an offence for a person to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice (including any such notice as modified on appeal).”

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Airbus fined £200,000 over worker's death

Aeroplane manufacturer Airbus has been fined following the death of an employee who was crushed between a tractor and a fertiliser spreader at the firm's plant in Broughton.

The company was prosecuted by the Health and Safety Executive (HSE) after an investigation found Donny Williams and his co-workers had received no training on how to work on the equipment when the incident happened on 16 November 2011.



Mold Crown Court heard today (17 July 2014) that the 62-year-old worked in the maintenance department, servicing the fleet of vehicles used by Airbus at the site. He was asked to fit a fertiliser spreader to the back of a tractor as part of a trial to spread granular de-icer onto the plant's runway.

Mr Williams asked a colleague to help him with this job by starting the tractor and pulling a lever in the tractor cab. As the other worker did this, he heard Mr Williams shout and turned to see him trapped between the tractor's rear tyre and the spreader. Although his colleagues managed to release him, Mr Williams died shortly after having been taken to hospital.

HSE's investigation found that fitters in the department had received no training for driving, maintaining or attaching equipment to tractors and lacked understanding of tractor controls.

The company did not have a safe system for attaching equipment to tractors and no risk assessment for the job had been carried out by the company. In addition, none of the fitters knew of the existence of an operator's manual for the tractor and none of them were familiar with the controls. Instead, they used a "trial and error" approach to find the right operations.

The incident could have been avoided if the well-known "safe-stop" industry practice had been adopted by making sure the hand brake is fully applied, all controls and equipment are in neutral, the engine is stopped and the key is removed.

Airbus Operations Ltd of Aerospace Avenue, Filton, Bristol was fined £200,000 and ordered to pay £58,891 in costs after pleading guilty to a breach of the Health and Safety at Work etc. Act 1974.

Speaking after the hearing, HSE Inspector Barbara Francis said:

"Mr Williams' tragic death was entirely avoidable if Airbus had taken simple precautions to ensure the safety of its workers.

"He had been allowed to position himself in a dangerous area between the tractor and the spreader carrying out a job that had not been planned properly in advance. Mr Williams and his colleagues had not been trained for the task, and the tractor's operating manual was not made available to them.

"Employers must make sure staff have proper training and information to carry out their work safely. Potentially dangerous jobs must be properly assessed for risks to avoid similar tragedies in the future."

Mr William's widow, Sheila, said:

"My husband was a very special man – not just to me but to many people. The accident, which took his life and has changed mine beyond all recognition, should not have happened.

"I can only hope that Airbus has learned from this and that they and all other companies in the country will take great care of the lives of their workers."

For more on this please go to: <http://www.bbc.co.uk/news/uk-wales-north-east-wales-28353110>



If you have any queries on any health and safety matter, please contact Jon Wilkins on [01458 253682](tel:01458253682) or by email on jon@wilkinssafety.co.uk



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Safer in Our Hands