



**Gallagher**

Insurance | Risk Management | Consulting

# RISK MATTERS

**JANUARY 2018**

A QUARTERLY NEWSLETTER FROM GALLAGHER RISK MANAGEMENT SOLUTIONS

## UPCOMING TRAINING DATES

### IOSH MANAGING SAFELY COURSES

IOSH-accredited Managing Safely gives your managers, supervisors and staff the skills they need to understand the risks and run effective Health & Safety programmes. Running over three days, the course covers risk assessment, risk control, hazard identification, waste and pollution protection, accident and incident investigation – plus performance measurement.

LOCATION	DATE
Leicester	30 <sup>th</sup> , 31 <sup>st</sup> January & 1 <sup>st</sup> February 2018
Birmingham	13 <sup>th</sup> , 14 <sup>th</sup> & 15 <sup>th</sup> February 2018
Wakefield	22 <sup>nd</sup> February, 1 <sup>st</sup> & 8 <sup>th</sup> March 2018
London	26 <sup>th</sup> , 27 <sup>th</sup> & 28 <sup>th</sup> February 2018

### IOSH SAFETY FOR EXECUTIVES & DIRECTORS COURSES

The IOSH-approved Safety for Executives & Directors Course is designed for individuals who hold senior positions such as business owners or Directors within any business sector. The course lasts one day, starting at approximately 10am and aiming to finish by 3:30pm. The course is based on the occupational health and safety standards which are found in the Health and Safety Executive Guidance and the Corporate Manslaughter and Corporate Homicide Act of 2007.

LOCATION	DATE
Birmingham	17 <sup>th</sup> January 2018
London	23 <sup>rd</sup> January 2018
Leicester	6 <sup>th</sup> March 2018

**BOOKING A PLACE ON OUR IOSH COURSE IS EASY ►  
WITH OUR ONLINE BOOKING FORM**



## DVSA INTRODUCE NEW PENALTIES FOR DRIVERS FLOUTING THE REST RULES<sup>1</sup>

The Driver Vehicle and Standards Agency (DVSA) has begun to issue on the spot fines to lorry and bus drivers who have not rested properly, and can look at rest patterns over a 28 day period when making their decision.

As of 1 November 2017, DVSA traffic examiners and police officers can issue fines of up to £300 to drivers who choose to spend their full weekly rest break in problematic areas such as the cab of their lorry in a layby.<sup>2</sup>

Lorry, bus and coach drivers must take a 45-hour rest break every fortnight and the cab of the lorry is not a suitable place to do this. Driver fatigue is implicated in one in five road accidents, and as 40% of sleep-related incidents involve commercial vehicles, these new powers will hopefully discourage drivers from ignoring rest breaks.

Other offences which traffic examiners and police officers can issue fixed penalty notices for include driving for too long without taking a break, driving a vehicle which is heavier than its maximum permitted weight, and driving a vehicle that is not roadworthy, for example, if it has a bald tyre.

In a single check, traffic examiners can issue fines for up to five offences, which means that drivers could be fined up to £1,500 in a single check. They will have 28 days to pay. It does not matter where the offence was committed and drivers from outside the UK will also be included in the ruling.

DVSA chief executive, Gareth Llewellyn, said:<sup>3</sup>

“DVSA’s priority is to protect you from unsafe drivers and vehicles. These tougher fines will help us to take stronger action against any drivers or operators who break drivers’ hours rules and will help make our roads safer.

There’s no excuse for driving while tired. The results of falling asleep at the wheel of 40 tonne lorry can be devastating to families and communities. Any driver/s breaking these rules is putting other road users at risk and could face losing their licence and livelihood.”

<sup>1</sup> <https://www.gov.uk/roadside-vehicle-checks-for-commercial-drivers/fixed-penalties>

<sup>2</sup> <https://www.smm.co.uk/2017/09/tougher-penalties-lorry-drivers-fail-take-proper-rest/>

<sup>3</sup> <https://www.smm.co.uk/2017/09/tougher-penalties-lorry-drivers-fail-take-proper-rest/>





## EN131 – WHAT YOU NEED TO KNOW<sup>4</sup>

EN131 is a European Union Certification for portable steps and ladders; it covers the minimum safety requirements for these products. As the European Commission is unhappy with some elements of the existing standard, it will be introducing additional requirements for stability, slip and durability by introducing a harmonised standard from January 2018. There will be two new categories of ladders introduced – one for professional and one for non-professional users.

Existing products will need to be independently tested and certified for compliance to ensure they meet the new safety standard. While there is no legal requirement to comply with these new standards, both trading standard and HSE will expect manufacturers to comply. They will not expect main users of ladders (such as utility companies) to replace all their current ladders immediately, but as they replace them over time each new ladder should comply with the new standard.

<sup>4</sup> <https://www.ladders-direct.com/content/6-british-and-european-ladder-certification-standards>



## PROTECTING YOURSELF AGAINST RELAY THEFT<sup>5</sup>

The majority of modern vehicles now have keyless entry, and this has also provided a golden opportunity for potential car thieves to get around car security systems.

### HOW DOES IT WORK?

Relay theft is a type of car theft where two thieves work together to break into a car which has a keyless entry system by using equipment to capture the signal used to start the vehicle.

To do so, one thief stands by the car with a transmitter, while the other stands by the house with a second transmitter which picks up the signal from the key (which would usually be kept near the front door and within range of the transmitter). This signal is then forwarded to the transmitter by the vehicle, tricking the car's security system into thinking the key is nearby and causing it to open. Once unlocked, thieves drive the vehicle away and replace the locks and entry devices.

<sup>5</sup> <https://www.admiral.com/magazine/news-and-current-affairs/relay-theft-how-to-protect-your-car>

<sup>6</sup> <https://www.thesun.co.uk/news/3587130/sun-investigation-car-thefts-key-fob-lock-jamming-devices-crime-spree/>

### WHICH CARS ARE AT RISK?

While it is possible for any vehicle with keyless entry to be subjected to relay theft, a study conducted by The Sun in May 2017<sup>6</sup> found cars from 30 manufacturers could be unlocked with this method including models from BMW, Ford, Audi, Land Rover, Hyundai and VW.

### HOW CAN YOU PROTECT YOUR VEHICLE?

The easiest way to prevent this type of attack is to keep your key as far away from your car as possible so that the signal can't be picked up. Even doing this may not be enough however, as sophisticated hacking devices may pick up signals from further away. If you are concerned that your vehicle may be at risk, storing the keys in a metal box could prevent the signal being picked up. As an additional means of protection you should consider a Thatcham steering wheel lock, which provides additional physical security. Find out more at <https://www.thatcham.org/security>.





## RECENT PROSECUTIONS

### LANDLORD IS FINED £23,000 FOR FIRE SAFETY BREACHES<sup>7</sup>

Landlord Thomas Wallace pleaded guilty to 38 charges brought against him in August by the East Sussex Fire and Rescue Service (ESFRS) resulting in a fine of £23,000. An inspection by the service found a number of serious problems in the multi-occupation house including a storage room containing a petrol trimmer, petrol can and other fire hazards which in the event of a fire would have caused the entrance hall and single stairway to the flats above to become impassable, fire extinguishers which had not been tested since 2002, and no fire alarms or emergency lighting.

The ESFRS immediately installed smoke detectors and reduced the fire risk so that tenants were not only safe but also not required to move to a new home. Mark Andrews, deputy chief fire officer of ESFRS, said:

‘The issues in this property were so serious that we believed [the lives of those living there were in danger if there was a fire. It is simply not acceptable. Landlords, owners and managers must do more to ensure that the properties they are responsible for are safe and to ensure that information on fire safety is passed on to residents so they know what to do in case of an emergency.’

<sup>5</sup> [http://www.frmjournal.com/news/news\\_detail.23k-court-case-is-warning-to-landlords.html?\\_tkn=831510E2%2DE612%2D4669%2D84B36488780CFA14](http://www.frmjournal.com/news/news_detail.23k-court-case-is-warning-to-landlords.html?_tkn=831510E2%2DE612%2D4669%2D84B36488780CFA14)

### WASTE COMPANY SUCCESSFULLY PROSECUTED FOLLOWING FATAL MACHINERY INCIDENT<sup>8</sup>

Master Construction (Skips) Limited, accepted a charge of Corporate Manslaughter and has been fined £255,000 after a 29-year old employee suffered fatal injuries on 22 January 2015 while working on a trommel. He became entangled with it and died of crush injuries to his head and upper chest.

On inspection, the trommel was dilapidated, ramshackle and had unguarded moving parts with no emergency stops. The death could have been prevented if basic safeguards had been in place, and the company is now in liquidation.

The waste industry is notably high risk and as a result HSE are currently carrying out an inspection programme which will focus on certain activities including machinery guarding to help reduce and control these risks.

<sup>8</sup> <https://content.govdelivery.com/accounts/UKHSE/bulletins/1c215c0>

<sup>9</sup> <https://www.shponline.co.uk/iceland-foods-fined-2-5m-following-fatal-accident/>





## ICELAND FOODS LIMITED FINED £2.5 MILLION AFTER WORKER DIES IN FALL.<sup>9</sup>

Iceland was found guilty of breaching sections 2(1) and 3(1) of the Health and Safety at Work Act 1974 after a contractor employed to replace the filters in an air handling unit above a suspended ceiling fell more than 3 metres through the warehouse ceiling – sustaining fatal injuries in the process.

An investigation by Rotherham Council discovered that there were no barriers in place to prevent falls on the platform and that the area in front of the access ladder was only 45cm wide with cables present causing a potential trip hazard. Iceland had failed to carry out a risk assessment.

Iceland was fined £1.25 million for each offence and were also ordered to pay the full legal costs of £65,020 to Rotherham Council.

## ENGINEERING GROUP LAING O'ROURKE FINED £3.8 MILLION AFTER WORKER DIES<sup>10</sup>

Two subsidiaries of international engineering group Laing O'Rourke have been fined £3.8 million after a worker was killed as a result of an 11-tonne concrete panel falling on him in a factory. Employee Richard Reddish was working in a mobile elevating working platform in the factory lifting attachments at the top of a panel. The panel started to topple, causing a domino effect which caused a panel to fall on top of him, crushing him in the process.

The HSE found that the frame which secured the panel had not been properly attached due to a locking pin being incorrectly



inserted. There were no pre-checks in place and the pallets on which the panels rested were in poor condition, defective and were missing internal supports. As well as this, panels stored in the finishing area were not secured to storage racks. HSE inspectors also found general problems with the storage and identified a lack of planning.

As Select Plant Hire provided the metal transports, they were deemed to share responsibility with Explore Manufacturing. Explore Manufacturing produces concrete components for the construction industry and was fined £2 million while Select Plant Hire, a supplier of transport pallets, was fined £1.8 million.

<sup>10</sup> <https://www.ioshmagazine.com/article/laing-orourke-arms-fined-ps38m-after-mewp-worker-crushed>



## STRESS IS THE MOST COMMONLY REPORTED WORK ILLNESS IN 2016-2017.<sup>11</sup>

A recent report from the Health and Safety Executive shows that work-related stress and mental health problems in the UK has risen to 1,610 per 100,000 workers – the highest rate for 11 years. The amount of people experiencing work-related stress, depression or anxiety is up 7% compared to last year. There were 236,000 new cases in 2016-17, a 4.3% increase compared to 2015-16.

Stress-related illnesses were shown to be more common in public service industries such as education, administration, defence and health and social care. Skilled trades, elementary occupations and process plant and machine operatives had significantly lower rates of work-related mental health problems.

This increase has led to these conditions overtaking musculoskeletal disorders (MSDs) as the most commonly reported work-related illness. MSDs are instead showing a downward trend, with a rate of 1,550 cases per 100,000 workers in 2016-17 compared to 1,670 in 2015-16.

<sup>11</sup> [www.hse.gov.uk/statistics/causdis/stress](http://www.hse.gov.uk/statistics/causdis/stress)

As well as this, the HSE's annual statistics show that there were 609,000 non-fatal injuries in 2016-17 with 175,000 being serious enough to result in more than seven days off work. In total, 5.5 million working days were lost due to non-fatal injuries. The most common of these were handling, lifting and carrying injuries or slips, trips and falls which accounted for 40% of the non-fatal injuries that occurred. In contrast, these types of injury contributed to just 2% of fatal injuries from 2012-2017. Falls from height – the most common cause of fatal injury to workers over the same period – accounted for just 7%.

Overall the rate of non-fatal workplace injuries has halved since 2000-2001 and has remained at the same amount over the past few years. The exception to this is the chemical and chemical products manufacturing industry which saw non-fatal injuries rise by 10% while in the metal production industry injuries resulting in more than seven days off work increased by 7.2%.

In total workplace injuries and ill health cost Britain £14.9 billion in the last year.



## CONDITIONS AND LIMITATIONS

This newsletter is not intended to give legal advice, and, accordingly, it should not be relied upon. It should not be regarded as a comprehensive statement of the law and/or market practice in this area. In preparing this newsletter we have relied on information sourced from third parties and we make no claims as to the completeness or accuracy of the information contained. You should not act upon (or should refrain from acting upon) information in this newsletter without first seeking specific legal and/or specialist advice. Arthur J. Gallagher Insurance Brokers or any member of the Arthur J. Gallagher & co accept no liability for any inaccuracy, omission or mistake in this bulletin, nor will we be responsible for any loss which may be suffered as a result of any person relying on the information contained herein.

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 Registered Office: Spectrum Building, 7th Floor, 55, Blythswood Street, Glasgow, G2 7AT. Registered in Scotland.  
 Company Number: SC108909. FP978-2017 Expires: 28.11.2018

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