

Wilkins Safety Group

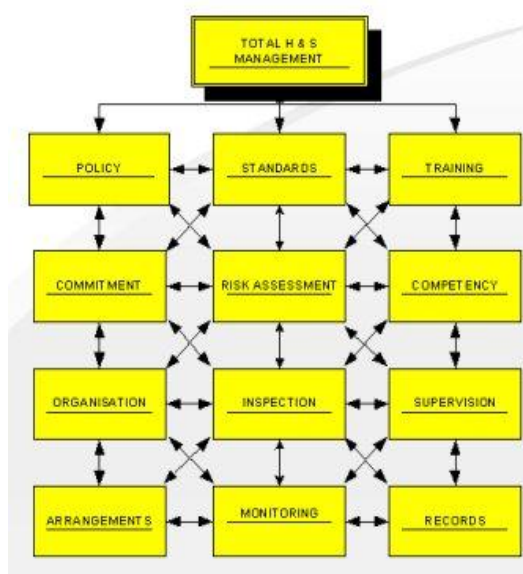
Weekly Update Newsletter



Welcome to this issue - Friday 10th February 2012 - of our Update Newsletter

Please feel free to forward this newsletter to colleagues and friends.

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Some useful updates about Health & Safety

Engineering Company Pay £15,978 for Failing to Protect Workers

Metaltech Precision Engineers Ltd, based in Hailsham, East Sussex have been fined £12,000 and ordered to pay costs of £3,978. Health and Safety Executive (HSE) inspectors found guarding arrangements, on a Computer Numerical Control (CNC) machining centre, to be unsatisfactory. The company were first warned of the dangers in December 2006 when they were issued with a report from the HSE highlighting shortfalls. The interlocks on the machine had been disabled. The company received an improvement notice when the HSE followed up on their previous inspection with an unannounced visit on the 31 March 2009.

Machine Guards: Your Duty and the Law

The notice required that they ensured that interlocks were working and that a monitoring system was to be established to ensure the correct operation. Eighteen months later, a further visit by the enforcing authority resulted in the issue of a

prohibition notice when once again the inspector witnessed the interlocks had been disabled and the monitoring procedure was not being followed.

David Swaite, an inspector for the HSE said, *"The disabled interlock meant that Metaltech had provided no effective measures to prevent employees from being exposed to risks of crushing and entanglement on the CNC machine. This could have resulted in an employee sustaining serious injuries or worse. This company was given ample guidance and opportunity to protect the safety of their workers and prevent legal action, but failed to do so"*.

Metaltech Precision Engineers Ltd pleaded guilty to an offence under section 33(1)(c) of the Health and Safety at Work etc. Act 1974 which states, *"It is an offence to contravene any health and safety regulations or any requirement or prohibition imposed under any such regulations (including any requirement or prohibition to which he [the employer] is subject by virtue of the terms of or any condition or restriction attached to any licence, approval, exemption or other authority issued, given or granted under the regulations)."*

You have a duty to ensure that the dangerous parts of a machine are guarded in such a way that access to those parts is prevented. Where this is not practicable the use of interlocks may be appropriate but they must be designed to prevent access while the danger is present. This is the most common method of preventing access on CNC machining centres. However, employees can see the safety devices as an inconvenience and it is not uncommon for interlocks to be defeated. Your management systems must respond to this risk and the use of close supervision is recommended. Charge local supervisors or managers with periodically checking the interlocks are effective and properly used. Where practicable, keep a record of these checks. A simple note in a site diary would be appropriate, but you can use more formal systems where you feel it is necessary.



Avoid Increasing Fines with Useful Existing Regulations

Inform staff of the risks to their safety from interfering with interlocks. In some cases the dangers may not be obvious and it will be necessary to highlight these in some form of training. It may be appropriate to highlight the fact that interference with the safety devices can constitute a criminal offence and employees are liable to prosecution by the enforcing authorities.

The Provision and Use of Work Equipment Regulations 1998 will apply to equipment that is in service and the regulations set out the guarding provisions that will be required.

However, another approach you can take is to ensure that most problems are avoided by establishing a strong purchasing policy. The Supply of Machinery (Safety) Regulations 2008 provide regulation in the supply chain and require that machines are designed and constructed so as to be safe, are CE marked and provided with instructions for use. In addition, manufacturers or suppliers are required to provide a Declaration of Conformity with EU standards.

This control over the supply chain helps to ensure that only machines, which meet the EU standards, are put into service. By establishing a purchasing policy which checks each element of the supply chain obligations, you can minimise the risks. However, once in service the responsibility for ensuring the equipment remains safe is more likely to fall to you and effective monitoring can be essential. The law requires that guards and protective devices are maintained in an efficient state, in efficient working order and in good repair. A competent person should periodically inspect work equipment to ensure that the guarding systems are in good working order. Simple management protocols may be necessary to ensure users of the equipment have the necessary knowledge, training, understanding and experience to work safely. Managers must be proactive and take action to prevent unsafe acts such as defeating interlocks.



A fundamental failure in this case was the management team's failure to act properly on the warnings issued by the HSE. The enforcing agencies are generally reasonable and tolerant. However, failure to heed their advice is likely to alienate individual inspectors and failure to act on notices is a serious offence that will lead to prosecution. The HSE are going to introduce a charging structure for formal advice. The rate is yet to be finalised but is likely to be circa £124 per hour. **In addition to an improvement notice, you are likely to receive an invoice for around £1500 + VAT.** Keeping the inspector on your side will become a financial imperative.

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If you would like to discuss any of the issues highlighted in this newsletter then drop an email to **Jon** on jon@wilkinssafety.co.uk or call the office **01458 253682**



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Your Business is Safer in Our Hands