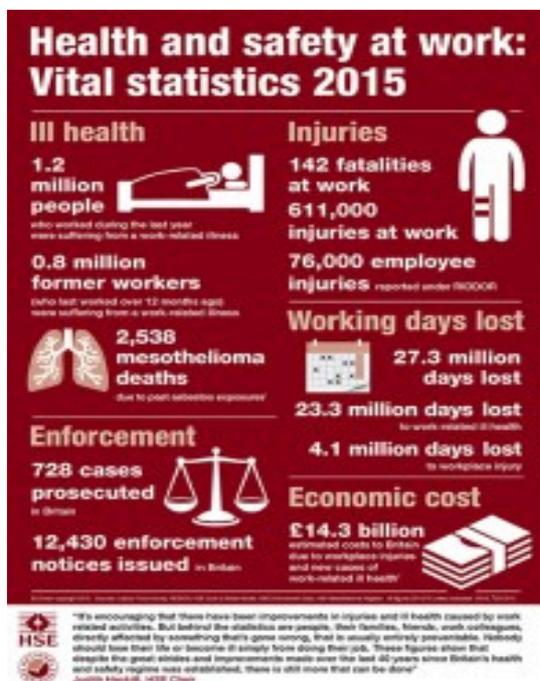


Health and Safety Statistics - Key figures for Great Britain (2014/15)

- 1.2 million working people suffering from a work-related illness
- 2,538 mesothelioma deaths due to past asbestos exposures (2013)
- 142 workers killed at work
- 76,000 other injuries to employees reported under RIDDOR
- 611,000 injuries occurred at work according to the Labour Force Survey
- 27.3 million working days lost due to work-related illness and workplace injury
- £14.3 billion estimated cost of injuries and ill health from current working conditions (2013/14)

Work Related Injury and Ill Health Still Costing Britain £14 Billion Per Year

More than a million people are being made ill by their work, costing society £14.3 billion, according to new figures published today.



Despite Britain remaining one of the safest places to work in Europe, injury and ill-health statistics released by the Health and Safety Executive show that an estimated 27.3 million working days were lost due to work related ill health or injury in 2014/15.

In the same year 142 workers were killed, and there were 611,000 injuries in the workplace. Of the estimated 1.2 million people who suffered from a work related illness, 516,000 were new cases.

Chief Inspector Challenges Small Construction Sites to Act Now to Manage Workers Health and Safety

The Health and Safety Executive's (HSE's) Chief Inspector of Construction is challenging the refurbishment industry to act now and protect their workers, after 46 per cent of sites fell below standards during a recent inspection initiative.

HSE targeted small refurbishment sites during the month long drive and 692 enforcement notices and 983 notifications of contravention had to be served where there was a material breach of health and/or safety.

Inspectors had to deal with immediate risks, such as work at height*, and also to deal with sites where workers were being exposed to silica dust and asbestos, which cause long term health problems.

Health and safety breaches were also followed up with clients and designers, reinforcing their duties under the Construction Design and Management Regulations (CDM) 2015 and help them understand their responsibilities.

Despite the high rate of enforcement action, the inspectors found a number of examples of good practice*.

Peter Baker, Health and Safety Executive's Chief Inspector of Construction said: "It is disappointing that some small refurbishment sites are still cutting corners and not properly protecting their workers.

Falls from height are the most common killer in the industry but we still found workers put at risk to save minutes on the job – believing it wouldn't happen to them.

"The mis-conception that health issues cannot be controlled is simply not true and ruining people's lives. Harmful dust, whether silica or wood, is a serious issue and can be managed effectively with the right design, equipment and training.

Health effects may not be immediate but the ultimate impact on workers and their families can be devastating. Each week 100 construction workers die from occupational disease.”

“HSE inspectors found lots of good examples of small sites carrying out work safely, proving it can be done. Larger construction sites accepted the challenge a few years ago and have made big improvements, which all of the industry can learn from. My message to smaller businesses is don’t wait for an accident or visit from an inspector before you make the change, but act now and learn from your colleagues’ example.”

Across Great Britain:

	Total
Total No. of sites	1908
Total no. of inspections (N.B there can be more than one inspection per site) –	2274
Prohibition notices	432
health	52
Safety	380
Improvement notices	260
health	152
Safety	108
Notifications of contravention	983

New Construction Guidance to Stop Workers Dying Each Week From Occupational Disease

The construction industry has launched new guidance to encourage better management of occupational health risks.

HSE is urging the industry to put an end to the hundreds of construction workers that die of occupational diseases every month.

Inspectors issued more than 200 health related enforcement notices during the recent Health and Safety Executive’s (HSE) construction inspection initiative. This highlighted the widespread misunderstanding of what ‘occupational health’ means in the construction sector and the employers’ misguided perception that health is more difficult to manage than safety.

The new guide ‘Occupational health risk management in construction’ has been written by the Construction Industry Advisory Committee (ConIAC) Health Risks Working Group and formatted with the assistance of the Institution of Occupational Safety and Health (IOSH).

It gives practical advice on what ‘health risk’ means for the construction industry, and the role of occupational health service provision in preventing or controlling those risks.

Ian Strudley, Chair of the ConIAC Health Risks Working Group and HSE Principal Specialist Inspector said: “The misunderstanding of occupational health within the construction sector means that whilst the industry focus on managing the more familiar safety issues, serious health risks get ignored. We cannot let this continue.

“When figures show that construction workers are at least 100 times more likely to die from a disease caused or made worse by their work as they are from a fatal accident, the industry must take action.” Shelley Frost, Executive Director – Policy at IOSH, said: “There have been huge advances in improving safety in the construction sector over the last 15 years but the industry has yet to generate such advances in improving the picture in occupational health.

“Every week, 100 people die from construction-related ill health in the UK. Less than half of construction workers also stay employed in the industry until they are 60. “This new guide raises awareness of the occupational health issues in construction, demystifies how to best manage them and provides information as to where firms can get help and assistance.

“Ultimately, if the advice is followed, it could help to lower incidence rates of occupational ill-health and transform the perception of working in construction to that of an attractive and respectful industry with great career choices.”

The guidance is freely available on HSE’s and IOSH’s website:

- <http://www.hse.gov.uk/aboutus/meetings/iacs/coniac/coniac-oh-guidance.pdf>
- <http://www.iosh.co.uk/techguide>

Sentencing Council: Definitive Guidelines

By: Michael Caplan QC - Member of the Sentencing Council

Following a consultation last year, the Sentencing Council has now published its definitive guidelines covering health and safety, corporate manslaughter and food safety and hygiene offences.

The publication of the guidelines means that for the first time, courts in England and Wales will have comprehensive sentencing guidelines covering the most commonly sentenced health and safety offences and food safety offences.

Up until now, there was only a definitive guideline produced by our predecessor the Sentencing Guidelines Council for corporate manslaughter and health and safety offences causing death, and very limited guidance for sentencers for other health and safety and food safety offences.

These can be complex and serious offences that do not come before the courts as frequently as many other criminal offences. We found that given the lack of familiarity with some of these offences, sentencers wanted more guidance. Our research also showed that this lack of familiarity had, at times, resulted in fines that were not proportionate to the means of offenders and did not reflect the seriousness of offences.

We want fines for these offences to be fair and proportionate to the seriousness of the offence and the means of the offender. In order to achieve this, the guidelines set out sentencing ranges that reflect the very different levels of risk of harm that can result from these offences. In introducing greater proportionality to sentencing, we expect that in some cases, offenders will receive higher penalties, particularly large organisations that are convicted of serious offences.

While corporate manslaughter obviously always involves at least one death, the seriousness of health and safety offences is very varied. One incident could involve people being put at the risk of minor harm even though no one was actually hurt, while another incident could risk or result in multiple fatalities. Food offences also vary hugely. Poor hygiene or preparation standards in a restaurant kitchen could put customers at risk of illness or could lead to a fatal outbreak of food poisoning.

As well as considering the risk of harm caused, the sentencing ranges also consider offender culpability. An offender could be guilty of minor failings in otherwise proper procedures, or could be involved in deliberately dangerous work practices.

It is important to remember that these sentences apply to criminal offences where the culpability of an offender has been demonstrated.

In circumstances where an employer took all proper measures to prevent an incident but one still occurred, it is unlikely a prosecution would be brought. Where there has been a conviction, the harm assessment within the guideline limits the assessment of actual harm caused to harm, which was reasonably foreseeable.

The guidelines also require the court to take into account the size of the organisation when determining the sentence. We have chosen to use turnover to identify the starting point of the fine since this is a clear financial indicator that can be readily identified by sentencers in accounts or annual reports.

However, we are clear that turnover is used only to determine the starting point of the fine. The guidelines then require an overall assessment of the organisation's financial circumstances, taking into account any additional relevant financial information, such as the profit margin of the organisation, the potential impact on employees, or potential impact on the organisation's ability to improve conditions or make restitution to victims.

This means sentences will always be tailored to the offender's specific circumstances, and may move up or down or outside the ranges entirely as a result of these additional mandatory steps.

The previous guideline produced by the Sentencing Guidelines Council stated that for an offence of corporate manslaughter, the 'appropriate fine will seldom be less than £500,000 and may be measured in millions of pounds'. However, since by law the court is required to take into account the means of the offender it cannot set fines that an offender simply cannot pay.

The new guidelines therefore provide a more nuanced and proportionate structure than that set out under the previous guidelines.

As well as punishment, the guidelines provide for remedial orders to be made by the court in addition to or instead of punishment in cases where they may be appropriate, although addressing remedial action with offenders remains the responsibility of the Health and Safety Executive rather than the courts. The guidelines also include a range of mitigating factors, which allow for voluntary positive action to remedy a failure on the part of offenders to be reflected in sentences.

We would like to thank all those who responded to the consultation and those who attended consultation events. During the consultation, we held events with health and safety legal practitioners and those in construction, insurance, utilities, industry, retail, food manufacture, hospitality, and leisure, as well as the Food Standards Agency and enforcement practitioners from local authorities to get as many insights as possible. We received over 100 responses.

The Sentencing Council carefully considered all of the responses and we have published a comprehensive consultation response document which is available on our website. While the general approach outlined in the draft guidelines has been maintained, we have made a number of amendments to improve their efficacy.

Following publication in October, the guidelines will come into force in courts on 1 February 2016 and will apply to any case sentenced on or after that date.

We hope they will provide valuable guidance in sentencing what are often complex cases and will improve consistency in the approach to sentencing these offences. The guidelines can be found at: www.sentencingcouncil.org.uk

Health and Safety Criminal Prosecutions on the Rise, Says Cerico

By Rosie Garrigan

A rash of data has emerged which taken together paints a worrisome picture for UK company directors.

Headline statistics out from the Health and Safety Executive indicate that the number of workplace fatalities has increased over the past year, from 133 to 142.

Further, research conducted by Cerico, the online compliance solutions business, has found that the number of prosecutions brought for serious wrongdoing has more than doubled in the last three years.

Data obtained by Cerico found that the number of criminal prosecutions brought by the unit within the Health and Safety Executive (HSE) responsible for the most complex cases rose from 24 in FY12/13 to 52 in FY14/15.

Our research also highlighted that the use of Publicity Orders, which require businesses to publicise penalties, has doubled in the past 12 months.

At a time when some boardrooms may have become fatigued by threats of jail time and significant fines, these numbers help to focus the mind. Increasing workplace fatalities and increasing enforcement make for a potent mix.

This will be even more the case next year when tough new sentencing guidelines governing financial penalties are introduced.

Under current rules a breach of health and safety law is a criminal offence, punishable in the case of a business by a fine. Currently, where the offence involves a fatality, fines between £100,000 and £500,000 are increasingly common – though larger companies can expect to pay more than £1m.

Company directors found guilty of consent, connivance or neglect relating to incidents are liable for an unlimited fine and prison sentences of up to two years.

Under new guidance wrongdoing could result in fines of up to £20m. The turnover of parent companies may also be considered in how fines are calculated.

Corporates now face a race against time to get their compliance processes in order. However, that isn't always easy. The problem for so many corporates is that they do want to be compliant, but particularly for sophisticated organisations with huge workforces and outsourced services, that can be incredibly hard. Embedding compliance culture is one of the most significant commercial challenges of the modern commercial era.

The good news is that innovation can help take the heavy-lifting out of the process. We're increasingly seeing many organisations turn to technology to help bring compliance policies and processes to life. Mobile apps, online learning, cloud-based risk registers and online data capture can make it far easier for individuals to comply.

That sort of tech also means those responsible for compliance can have unprecedented visibility over their risk profile – both within their own business and within their supply chain – at any given time such that targeted remedies can be applied.

The bottom line is that technology can help save time, cut cost and reduce risk. And what CEO doesn't want to hear that?

Construction Safety Solutions Ltd

Introduction: The information provided here can help you keep up to date with the latest legislation, changes in working practices, HSE strategies and give examples of where some companies or individuals got it wrong.

We would welcome the opportunity to demonstrate our capabilities and work with you on your future construction projects, if you would like to discuss projects or our service provision in more detail please contact us directly and we will be happy to help.