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HSE Safety Cornerstones Newsletter

A newsletter of practical compliance and safety tips provided by

Crendon Insurance Brokers Ltd

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Tackling the Hidden, Heavy Burden of Occupational Diseases

Occupational disease is a complex, difficult problem. For many workers, an occupational disease can be life-altering. For some, it can be life-ending. Many factors determine the severity of an occupational disease. But one thing is certain: Occupational diseases are widespread. The most recent data available shows that in 2011-2012, an estimated 1.1 million working people suffered from a work-related illness, with almost half contracting a new case of occupational-related ill health, according to the HSE. On average, 12,000 people die each year from past exposure to harmful substances at work.

Tackling the prevalence of occupational diseases is difficult because unlike safety issues, occupational diseases often have no clear link between cause and effect. It can take years for symptoms of exposure to harmful substances to develop, leaving the victim and the employer baffled as to what caused the symptoms in the first place. Due to this period of symptom latency, even if employers recognise and remove dangerous workplace exposure, there could be a long delay between exposure removal and a reduction in the causes of ill health or death.

But if a clear link between exposure and ill health can be established, and that exposure can be quantified, then employers can intervene, raise awareness and implement behavioural change that eliminates or reduces exposure and prevents ill health or death. Your business could be beset by several different types of occupational diseases, such as the common ones listed below:

- **Respiratory diseases** affect the breathing system, including the mouth, nose and lungs. Occupational respiratory diseases are caused or made worse by something employees breathe in at work, such as wood dust, stone dust and fumes.
- **Skin diseases** afflict people in a wide range of industries. The avoid, protect, check (APC) approach can reduce or eliminate the chances of suffering painful or even debilitating skin conditions.
- **Asbestos-related diseases** are the single greatest cause of UK work-related deaths. Asbestos is still found in many workplaces.
- **Cancers** are caused by harmful substances called 'carcinogens'. Occupational cancer stems from prolonged carcinogen exposure in the workplace.
- **Noise-induced hearing damage** comes from protracted noise exposure.
- **Hand-arm vibrating syndrome** develops from regular exposure to vibration and causes long-lasting damage to hands and fingers.
- **Musculoskeletal disease** plagues the upper and lower limbs and the back.
- **Stress** does not discriminate and can severely undercut worker productivity.

Crendon Insurance Brokers Ltd has a library of resources and the expertise to help your business battle occupational diseases.



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What You Need to Know About the Mesothelioma Act 2014

Occupational injuries and diseases are not limited to sore wrists and the occasional cold. Workers routinely contract crippling conditions just from carrying out their daily work duties. The government wants to rectify this by addressing the most common cause of work-related deaths: asbestos.

On 30 January 2014, the government passed the Mesothelioma Act 2014 to create the Diffuse Mesothelioma Payment Scheme, a new insurer-funded compensation scheme for victims of diffuse mesothelioma who are unable to trace a liable former employer, or employers' liability insurer, that negligently exposed them to asbestos. On 1 July 2014, the Diffuse Mesothelioma Payment Scheme (Amendment) Regulations 2014 will come into effect and increase the average payments the scheme awards to mesothelioma victims.

Mesothelioma is a cancer of the lining of internal organs, such as the lungs, and almost always arises from asbestos exposure. Because mesothelioma is a disease with latent symptoms, it can take 40 or 50 years to diagnose the disease after initial exposure. Most cases are therefore diagnosed in the late stages, and only when the disease's non-specific symptoms become very noticeable. The confluence of these factors means that life expectancy after diagnosis averages eight to nine months.

Victims of work-related mesothelioma often struggle to find a culpable party to sue for damages due to the long period between exposure and diagnosis. Over this time companies can become insolvent, and their insurance records can become incomplete or lost.

Starting 1 July 2014, the government will increase the average payments of £115,000, which is 75 per cent of average civil damages, to £123,000, which is 80 per cent of average civil damages. The scheme will also pay £7,000 towards victims' legal costs. It is expected to pay out to over 800 eligible people in 2014 and 300 people for each successive year until 2024.

People or their dependants are eligible for payment under this scheme if they were first diagnosed on or after 25 July 2012, are able to prove a work-related asbestos exposure, and are unable to sue because their employers or insurers cannot be traced or found.



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Recent HSE News, Myths and Prosecutions

Firm fined for failure of asbestos communication

A Battersea building firm was fined £10,000 and ordered to pay £2,857 in costs after failing to highlight the known presence of asbestos insulating board (AIB) at a Berkshire warehouse, exposing workers to potential harm when the AIB was ripped out during refurbishment work. The building firm failed to provide workers with the findings from a detailed asbestos survey completed just two months prior to the start of work. The building firm knew the exact location of harmful AIBs, but failed to notify on-the-ground workers.

Serious injury from dangerous forklift lift

A 49-year-old Kent forklift truck operator was fined a nominal £270 after his safety failings led to an accident that seriously injured his 18-year-old co-worker, requiring the young worker to receive reconstructive surgery to correct multiple bone fractures. The truck operator was moving a heating unit weighing almost half a tonne with a forklift when he asked the 18-year-old worker for help steadying the load. The young worker agreed to help, deferring to the 49-year-old forklift operator's years of experience. The load was unstable and crushed the young worker. The court settled on a nominal penalty because the forklift operator was dismissed from his job as a result of the incident and is struggling financially.

Life-changing 2-metre fall from ladder

A Birmingham scaffolding contractor was fined £5,000 and ordered to pay £535 in costs after a 49-year-old worker suffered life-changing injuries due to a preventable 2-metre fall. The worker was constructing scaffolding for the set of a television programme when he fell from a ladder and sustained foot injuries that relegated him to a wheelchair and rendered him unable to work. A subsequent HSE investigation found that the contractor failed to provide sufficient fall-prevention measures.

Caterer fined for not having proper insurance

A catering business in Ashford was fined £400 and ordered to pay £400 in costs for failing to hold the compulsory employers' liability insurance that enables employees to claim compensation should they be injured at work. The company's director claimed to be unaware of the requirement, but ignorance is never an excuse.

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