

WORKSHOP

Accidents in the workshop are mostly avoidable, if appropriate steps are taken that match well-known health and safety procedures. Andrew Woolfall examines the issues and provides advice

For most transport operators, the main health and safety issues arise from activities either in the workshop or the yard. But while reversing vehicles or loading trailers in the yard environment are inherently dangerous, most risks are associated with workshops. The majority of incidents arise from a failure to follow correct procedures, which, in turn, can lead to untold expense, in terms of time and money, as well as stress for the individuals involved and the operator.

Enforcement authorities look for businesses to have a basic understanding of the risks involved throughout their operations. A good system should include a clear policy, setting out how the business intends to organise its operations. Risk assessments should be conducted for each activity, specifically including all workshop procedures, taking account of activities and associated dangers arising, their likelihood and potential for harm.

For each identified risk, there should be a method statement, which sets out how an activity should be conducted – with a view to removing the risk or at least minimising its probability and/or the harm that might be caused. Finally, with the risk assessment and method statement in place, there needs to be education and training of all staff and persons who may be affected. This can include subcontractors or visitors to the site. A system of auditing is also required to ensure that everyone is in compliance.

Incidents tend to arise in one of three circumstances. First, where there is no, or an inadequate, risk assessment or method statement. A recent case involved a PSV (public service vehicle) operator which carried a drunken passenger. The driver didn't realise the drunk had fallen asleep and, at the end of his shift, returned the vehicle to the workshop for a minor repair. The operator's cleaning crew spotted the drunk still asleep and went to seek assistance, but he awoke and staggered off the bus, falling into a vehicle inspection pit.

The subsequent HSE (Health and Safety Executive) investigation resulted in a prosecution against the bus operator. On the one hand, the

operator had failed to identify the risk of bringing passengers back to the garage. On the other, adequate steps had not been taken to prevent persons inadvertently falling into the inspection pits. While the likelihood of bringing a passenger back might be low, the risk of someone falling into a pit was fairly high, as was the likelihood of harm. So the operator was fined several thousand pounds.

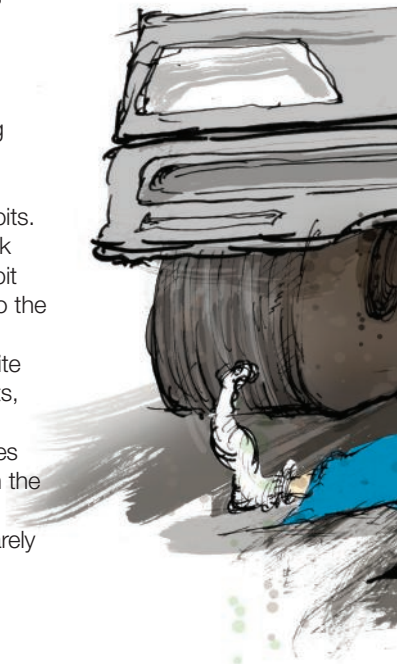
The second problem area arises when, despite proper risk assessments and method statements, either no or inadequate training is given. It is not uncommon for operators to write detailed policies and procedures, but then to keep documents in the office. Operators assume that technicians and drivers will read the relevant manuals, but this rarely happens, so they are ignorant of what they are supposed to do.

In another case involving a bus operator, a student, on college placement in a garage, was working on a vehicle engine at the back of the bus. His colleague was working in the vehicle cab. Somebody on the next inspection lane shouted 'start her up'. Thinking this request came from the student, the technician obliged, the student's fingers were trapped and he suffered serious injury. Again the operator was prosecuted and fined, because it had failed to make staff aware of the method statement, which included using steering wheel covers when an engine was being worked on and an instruction not to rely on shouted commands.

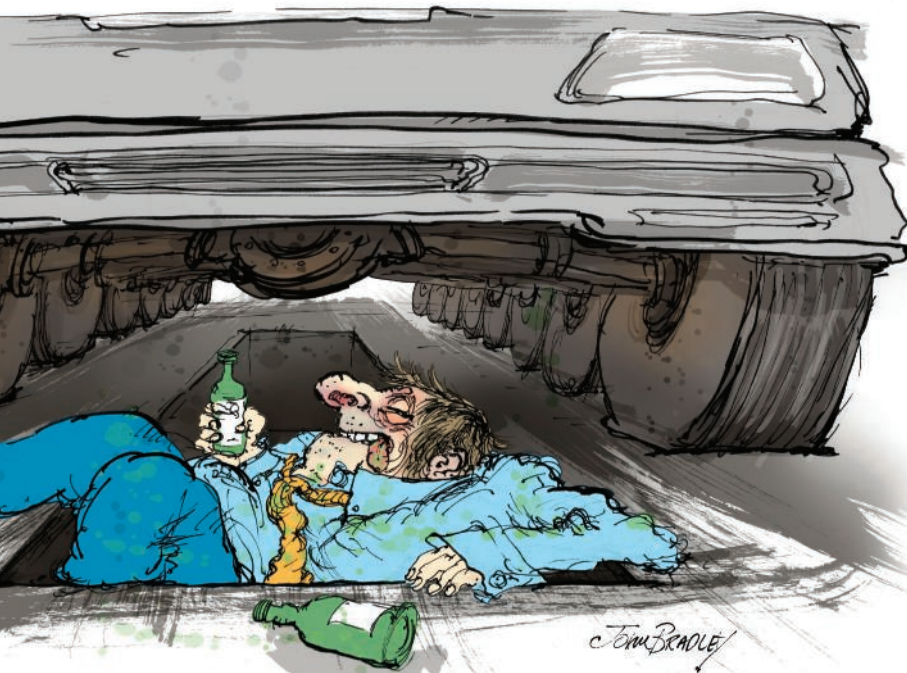
Audit systems

The third major issue arises when, despite the risk assessment, method statement and training all being in place, there is no ongoing system of audit. Without regular checks, although the operator and senior staff are confident that everything is being done correctly, in reality alternate systems and procedures have developed over time.

In one recent case involving a commercial vehicle workshop, senior staff had identified risks from working at height. This had led to the purchase of a mobile gantry and a method statement banning the use of ladders except in exceptional circumstances.



WORRIES



The basis of HSE enforcement usually comes from visiting an operator's premises. Most visits are prompted either by complaints or the HSE responding to a reported incident. If shortcomings are found, it is possible that either a prohibition or improvement notice will be served. The HSE can require an operator to stop performing certain activities or change the methods of work. Additional HSE powers include withdrawing specific site approvals or varying licenses, conditions or exemptions under which the operator might trade.

Court action

If proceedings are commenced, these can be against individuals, such as managers and employees, or the business itself. They always start at the magistrates' court, but more serious offences are usually transferred to the crown court. In the lower court, magistrates have the power to impose fines up to £20,000.00 and/or 12 months' imprisonment. In the higher court, fines are unlimited and custodial sentences of up to two years can be imposed. However, if the incident involved a fatality and proceedings are brought for manslaughter or corporate manslaughter, fines are often hundreds of thousands of pounds and jail sentences can be for substantially longer periods of time.

In addition, the HSE can also ask the courts to make orders for the disqualification of directors. Furthermore, for the most serious offences the courts can make publicity orders, forcing the operator to take out local press advertisements to highlight the fact that the business has had an incident, been convicted and the penalty imposed.

Furthermore, individuals or companies can be ordered to contribute towards HSE costs. This includes 'Fees For Intervention', where prohibition or improvement notices were issued, or legal costs if there are prosecutions. Often costs recovered by the HSE can be as much as the fines imposed by the courts. Tens or even hundreds of thousands of pounds are not unusual – and there can also be civil claims for compensation where injuries are involved. As a result, operators have to pay their insurance policy excess and face higher premiums in subsequent years.

Getting this right upfront may be expensive but, as EasyJet founder Stelios Haji-Ioannou once said: "If you think health and safety is expensive, try an accident." ^{TE}

Staff were trained in using the gantry and only the foreman had keys to the ladders. However, the foreman had developed his own working practices.

So on a cold icy winter's day, he used the ladders to climb on to a vehicle cab to fit a wind deflector – only to slip and fall, injuring his back. Regardless of the facts – he was the foreman, fully trained in the practice, policies and procedures – the court took the view that audits would have spotted his proscribed working practices. Again, the garage incurred substantial fines.

In a similar case, one fitter had developed his own system for re-seating vehicle airbags, using blocks of wood – flying in the face of the company's method statement, the training he had received and the correct equipment, which was available. One day the inevitable happened, when the block collapsed and the fitter sustained serious injuries. Again, the failure to audit and ensure that systems were being followed, led to the operator being investigated.

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