

# Oil company fined £1.2m after two workers suffer multiple burn injuries

Oil refinery company, Phillips 66 Ltd was sentenced for safety breaches after two workers in North Lincolnshire suffered life-changing injuries from an uncontrolled release of high pressure and high temperature steam.

Grimsby Crown Court heard that on 30 October 2013, the two workers – one an employee of Phillips 66 Limited, the other an apprentice – were re-assembling high pressure steam pipework following maintenance of a steam turbine driven pump. During the process, they were exposed to an uncontrolled release of high pressure, high temperature steam of around 250°C. The uncontrolled release resulted in the 53-year-old employee receiving burns to his lower back and legs, and the 20-year-old apprentice receiving extremely serious burns to his torso, chest, arms and legs. At the time of the incident, these injuries were life threatening.

An investigation by the Health and Safety Executive (HSE) found a series of failures with Phillips 66 Limited's 'safe system of work procedure' which the workers adhered to. A number of personnel involved in the implementation of the company's safe isolation procedure of the steam system had failed to complete all the required checks and verifications to reduce the associated risks.

Phillips 66 Ltd of Aldergate Street, London pleaded guilty to breaching Sections 2(1) and 3(1) of the Health & Safety at Work etc Act 1974. The company has been fined £1.2 million and ordered to pay £20,450.05 in costs.

After the hearing, HSE inspector, Jarrod King commented: "Safe systems of work procedures are in place to ensure the health and safety of workers. Companies should ensure that all relevant employees and personnel who are involved in their operation and execution are suitably trained and competent to complete their roles within the system.

"Where a significant risk gap leads to an incident which results in injury to workers, HSE will take the appropriate enforcement action irrespective of the size of the organisation."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>

The post [Oil company fined £1.2m after two workers suffer multiple burn injuries](#) appeared first on [HSE Media Centre](#).

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## [Company fined £1.1m after worker injured in fall from height](#)

A London-based relocation and refurbishment company has been fined after a worker was seriously injured when he fell from height.

Luton Crown Court heard that, on 5 September 2016, an engineer was testing a sprinkler system for leaks at a site in Hemel Hempstead. He climbed onto an internal roof and was inspecting the leak from an extension ladder. The ladder slipped away from him and he fell almost three meters into the gap between the internal roof and the external wall. The worker suffered severe blood loss, amounting around half of his bloodstream. He required a blood transfusion and needed 14 stitches to his head. He also sustained fractured vertebrae and suffered soft tissue damage.

An investigation by the Health and Safety Executive (HSE) found that reasonably practicable measures had not been taken to prevent a fall from the internal roof for both the engineer and other contractors working on the roof. The investigation found that Modus Workspace Limited, the principal contractor, had failed to discharge its duty to ensure those not in their employment were not exposed to risks, in particular that of falling from height.

Modus Workspace Limited of Greencoat Place, London was found guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and, after a five-week trial, the company was fined £1.1 million and ordered to pay costs of £68,116.18. After the sentencing, HSE Inspector John Berezansky, commented: "This case highlights the importance of taking reasonably practicable measures when planning and managing the risks regarding work at height within the construction industry.

"Falls from height remain one of the most common causes of work-related fatalities and injuries in this country and the risks and control measures associated with working at height are well known.

"The engineer's injuries were life changing and he could have easily been killed. This serious incident and devastation could have been avoided if basic safety measures had been put in place."

**Further information can be found at**

<http://www.hse.gov.uk/construction/index.htm>

<http://www.hse.gov.uk/construction/safetytopics/workingatheight.htm>

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## Message from Chief Executive Sarah Albon – My first International Workers' Memorial Day

This year, International Workers' Memorial Day (IWMD) feels more important than ever. It's my first time commemorating the day both as HSE's Chief Executive and personally, I can't help but think on it in the context of these extraordinary times.

Before I started at HSE, I wasn't that aware of the day. But clearly, it's significance for us, as the national workplace health and safety regulator, really can't be overstated. The opportunity to take a minute together (even virtually), to reflect and to remember those who've died at or because of work is so valuable and a clear reminder of why the Health and Safety Executive exists.

I believe firmly in our mission – that no-one should get ill, be injured or die because of work. And as I write this, I'm thinking about the key workers who are risking their own health and wellbeing during the coronavirus outbreak. I want to recognise them and their efforts which are so instrumental to the national effort. The extra levels of risk they're now exposed to at work are in some cases unavoidable but let me be clear that all risk must be managed appropriately. I'm proud of how hard HSE is working to make sure employers put sensible and pragmatic approaches in place, and keeping our guidance, based on science and evidence, updated. These efforts are a vital part of keeping essential services going. So to my colleagues, and all those duty holders adapting to the current circumstances, thank you.

As well as all those affected by the coronavirus outbreak, I also want to think about everyone else we've lost.

In 2019, 147 people died while at work in Great Britain. That number is still far too high. But our work is about more than numbers. Work-related deaths fracture families, they shatter communities, and so many of them can be avoided. In my short time as HSE's Chief Executive, I've seen first-hand, the continuing work by duty holders to assess and appropriately manage risk to their employees, to seek out guidance and to uphold the law so that no-one dies as a result of work in Great Britain.

Usually, we'd mark International Workers' Memorial Day with small ceremonies at our offices around the country. We'd invite many of our partners and in some cases the families of victims to join us, and together reflect on our shared work to make our country the safest place to live and work in the world. Unfortunately, this year, we can't do all of that in the same way.

Instead, we'll be commemorating the day using our social media channels to share our message as widely as possible – that no-one should die because of work in Great Britain. On Tuesday, using the hashtag #IWMD20, I hope you'll help us spread that message.

I'd also like to invite you to join HSE and people nationwide observing a minute's silence at 11am on Tuesday to remember the people behind the numbers and all those who've been made ill, injured or died from doing their job.

Thank you.

Sarah Albon

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## **HSE assembles specialist unit to support UK's coronavirus response**

Britain's workplace regulator has assembled a team of specialists to assist the Government's national effort to get personal protective equipment (PPE) to frontline health care workers fighting the coronavirus (COVID-19) pandemic.

Supporting the Government's PPE Plan, the Health and Safety Executive's (HSE) PPE Unit is made up of regulatory inspectors, policy makers and scientists. It has been evaluating materials and specifications against relevant PPE requirements, to rapidly provide agreement that new and novel sources of supply have been properly

assessed and can be deployed to frontline workers without unnecessary delay.

Working closely with the Department for Health and Social Care, as well as Public Health England, the NHS and other government departments, HSE's expertise in managing workplace risk combined with its knowledge of PPE material science and regulations is helping the Government's aims to ensure there is a continued supply to where PPE is needed.

The unprecedented global demand for PPE during the coronavirus pandemic has meant that the UK is sourcing products from new suppliers and HSE is providing the reassurance that these are of the right quality to protect NHS workers.

Rick Brunt, Head of Operational Strategy, explains: "For PPE to be effective and provide protection to the worker, it's not just a question of supply. It must also be suitable for the task in hand and we need to be assured that protective equipment will actually protect people.

"At this time of unprecedented national emergency, we're working very hard with other agencies to ensure those maximising supply of PPE have our support and assurance when they need it. Our advice is grounded in science and experience, not just our understanding of the regulations.

"We want to ensure that any PPE destined for our frontline workers, regardless of its provenance, is appropriately tested so that we know it will serve its purpose."

## **About HSE**

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# Coronavirus – open letter to the food industry

**Note: This addresses concerns raised by bakeries but is of relevance to the whole of the food industry.**

As you will appreciate this is a fast moving and unprecedented situation. In these extraordinary times, we are constantly reviewing how we can support the national effort to tackle COVID-19 and continue to protect Britain's workforce.

In support of the Government and to help businesses and workers, we are clarifying and promoting guidance for those continuing to work away from the home.

In bakeries, breathing in flour dust can be a significant risk as it can cause occupational asthma. We are aware that currently there is a restricted supply of dust masks (PPE) across many parts of the food industry and that many employers still rely on them to control exposure to hazardous substances. However, suitable control can often be achieved using good working practices and local exhaust ventilation (engineering controls) which then means that employees do not need to wear dust masks; reducing overall pressure on the supply chain. **To advise bakeries on what they can do we have produced the guidelines in Annex 1.**

During the COVID-19 outbreak we do not anticipate an increase in cases of occupational asthma. Employers that effectively control exposure to flour dust using good working practices, engineering controls and PPE will not see an increase in cases. However, whenever cases are reported, in line with our publicly available Incident Selection Criteria, we will investigate them to understand the circumstances.

<https://www.hse.gov.uk/enforce/incidselcrits.pdf>

Guidance on what to report to HSE under the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (RIDDOR) is available on our website. The guidance includes the restricted circumstances under which cases of COVID-19 amongst employees are reportable:

<https://www.hse.gov.uk/riddor/index.htm>

Following an investigation HSE cannot give a guarantee that, regardless of the circumstances, we would not prosecute, or take one of the other enforcement actions open to us. We will, however, continue to take decisions on enforcement action in accordance with our publicly available Enforcement Policy Statement, which requires that prosecution, must be both proportionate to the seriousness of the breach and in the public interest – it is a course of action used for the most serious breaches of legislation. Employers that can demonstrate effective control of risks with the appropriate combination

of good working practices, engineering control and PPE are not likely to face enforcement action.

HSE is doing everything we can to support the nation at this time of crisis. We are working across government and with industry on the response to COVID-19 by agreeing sensible and pragmatic approaches to workplace safety that ensure essential services continue.

### **Addressing the Temporary Unavailability of PPE in the Food Industry due to COVID-19**

#### **Options for using PPE with an APF of 10**

1. If dust masks (PPE) are necessary to assist in reducing exposure to flour dust to a level as low as is reasonably practicable (ALARP), HSE guidance is that it should have an assigned protection factor (APF) of at least 20 (e.g. FFP3, re-useable respirator with a P3 filter or a TH2/3 powered air respirator).
2. HSE recognises however that the availability of PPE with an APF of 20 may be reduced due to COVID-19. Where an employer is anticipating that their supplies of PPE with an APF of at least 20 will be exhausted and they are unable to source another supply, then they must carry out a COSHH risk assessment. This should identify the combination of additional dust exposure minimising measures in place to maintain adequate protection and ensure that the risk to workers is not increased by providing PPE with an APF of 10 (e.g. FFP2, re-useable respirator with a P2 filter). The additional measures should include:
  - Using non-stick coatings on conveyor belts and greaseproof paper on trays instead of flouring the surfaces.
  - Using low-dust flours as a lubricant and for dusting.
  - Using flour improvers in paste or liquid form instead of powder to reduce the airborne dust generated when adding ingredients.
  - Separating the weighing and dispensing of flour and powdered ingredients from the remainder of the production area using enclosures to contain the flour dust within the enclosure to minimise flour dust spreading.
  - Using mixers with lids to contain the dust at the start of mixing cycles.
  - Using effective, adequately designed and maintained local exhaust ventilation for dusty tasks such as bulk flour sieving, dispensing, weighing, tipping powdered ingredients.
  - Ensuring all workers have been provided with information, instruction and training on careful flour handling techniques, including:
    - Safe working practices to minimise flour dust:
      - Ensuring ingredients in powder form are not tipped from a height into mixing bowls.
      - Minimising airborne dust when folding and disposing of empty bags i.e. rolling the bag from the bottom while tipping avoiding the need to flatten or fold empty bags.
      - Starting-up mixers on slow speed until wet and dry ingredients are combined.
    - Avoiding hand dusting; using a sieve / dredger with minimal drop

- height.
- Using high efficiency industrial vacuum cleaners and avoid dry sweeping with a brush.
- Not using compressed airlines for cleaning off dust from equipment.
- Ensuring supervision to ensure all workers carry out the careful flour working techniques to minimise their exposure to flour dust, and they raise any concerns or defects immediately.

**Note:** When sourcing alternative PPE and choosing; disposable, reusable or powered air respirators, a fit test is required for any tight-fitting PPE provided as a control measure unless you can source the same mask, in the same size, for which the worker has been fit tested before. Inadequate fit can reduce the protection provided to the wearer. Further guidance on fit-testing can be found at <https://www.hse.gov.uk/pubns/indg479.pdf>. Advice on undertaking face fit testing to avoid transmission of COVID-19 can be found at <https://www.hse.gov.uk/news/face-mask-ppe-PPE-coronavirus.htm>.

Alternatively, devices such as loose-fitting powered helmets or hoods, which do not require face-fitting, could be selected for the affected workers. Further information on these types of devices can be found in the guidance document HSG 53 (Respiratory protective equipment at work – A practical guide), available at the following link:  
<https://www.hse.gov.uk/pubns/priced/hsg53.pdf>.

### **Complying with COSHH**

3. All control measures must be determined through risk assessment and applied to the extent where they are reasonably practicable. Exposed workers should wear the most practical PPE with the highest APF, necessary to control exposure to flour dust. If PPE with an APF of at least 20 cannot be sourced, PPE with an APF of 10 used in a combination of the above measures may control exposure to ALARP, achieving compliance with Regulation 7 of COSHH.

### **Conserve the stocks of suitable PPE**

4. In order to optimise the stocks of suitable PPE, employers are encouraged to take steps which will help preserve them. These could include:
  - Only providing PPE to those workers who need it.
  - Issuing PPE specific to the level of risk for specific tasks i.e. use lower APF PPE, that of an APF of 10, where the level of personal flour dust exposure is lower.
  - Providing instruction on maximising the use life of all PPE, by ensuring adequate user checks, cleaning and storage.

**Note:** This guidance will be temporary and limited to the duration of this COVID-19 crisis – HSE is responding to the current challenges faced by the baking industry, in respect of the potential for temporary unavailability of PPE used to protect workers from food ingredient dusts.

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