

Council fined after employees exposed to risks from vibrating tools

A worker who repaired potholes was diagnosed with Hand Arm Vibration Syndrome (HAVS), an occupational disease, following repeated exposure to vibration tools.

This week, his employer, Rotherham Metropolitan Borough Council has been fined following a prosecution by the Health and Safety Executive (HSE).

Sheffield Magistrates' Court heard the employee worked in the road maintenance department, carrying out tasks including repairing potholes, for more than 20 years, using vibrating tools.

Prolonged and regular exposure to vibration can affect a worker's health resulting in painful and disabling disorders of the nerves, blood supply, joints and muscles of the hands and arms. These disorders are collectively known as Hand-Arm Vibration Syndrome (HAVS). The risk of onset or worsening of HAVS increases with daily exposure and varies widely between individuals. HSE guidance can be found [here](#).

Employers are legally obliged to report cases of HAVS to HSE. The HSE investigation revealed that despite the worker in question receiving this diagnosis in April 2005, he continued to work with vibrating tools for a further 14 years.

The employee had been subject to regular health surveillance whilst employed by the Council, which had included recommendations on limiting exposure. However despite the report of April 2019, little action was taken to address the issues identified. Only once the HSE investigation had started in late 2019 was the man told to stop using vibrating tools.

The investigation also found that other employees continued to work with vibrating tools after they had been diagnosed.

While a system of Occupational Health surveillance was in place, it was inadequate as there was either no implementation, or inconsistent implementation, of the recommendations and actions to be taken. Recommendations following health surveillance of employees wasn't acted upon or used to identify risks.

The investigation found that the data used to calculate the vibration exposure grossly underestimated the vibration magnitude of the tools in use, and also relied upon accurate times being entered by staff. Workers were incentivised to continue using vibrating tools through a bonus scheme and overtime work which inevitably led to high levels of exposure. Workers were allowed to work up to the recommended Exposure Limit value (ELV), and in light of the inaccurate data inevitably worked beyond it on a regular basis. They were then only moved to other tasks when their health deteriorated.

Rotherham Metropolitan Borough Council pleaded guilty to an offence contrary to Section 33(1)(a) of the Health and Safety at Work etc Act 1974, for their failure to ensure, so far as was reasonably practicable, the health, safety and welfare at work of their employees in accordance with section 2(1) of the Act. On Tuesday 17 December, the Council was fined £60,000 and ordered to pay full costs of £5,775.70.

Following the hearing Kate Harney, enforcement lawyer for HSE said: "Rotherham Council had been exposing employees to the risks arising from the use of vibrating tools for a significant period of time. They fell below expected standards and appropriate enforcement was taken by the HSE.

"This was also not an isolated incident, with other staff working in the council's road maintenance division also exposed to risks to their health, due to an unhealthy working culture where these exposures inadequately monitored.

"We urge those responsible for work using vibration tools to please check our freely available guidance."

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences in England and Wales can be found [here](#) and for those in Scotland [here](#).
5. HAVS is an occupational disease reportable under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).