

HS Broadcast 01 – Manual Handling

Something like a third of all accidents in the workplace occur as a result of incorrect Manual Handling, but what is “Manual Handling”? It is the transporting or supporting of a load by hands or bodily force and this includes; lifting, carrying, putting down, pushing, pulling, moving and supporting. It also includes throwing but I guess not too many employers allow throwing in the workplace.

I read with interest a recent case coming from the Court of Appeal which some of you may be surprised to know came under the heading of “Manual Handling”. The Court of Appeal had to consider whether an employer was liable for a trip on the stairs which occurred when an employee was delivering post.

The case involved a lady called Kim Fuller (F) who worked as a receptionist working for West Sussex County Council (WS). F fell whilst climbing the stairs at work and sprained her wrist. At the time of the accident she had recently been asked to take on the additional duty of post distribution. F claimed damages for her injury saying that there were a number of work-related factors which contributed to the fall. These were:

1. The post was bulky to carry and meant she could not see where she was treading
2. Due to the reasons above she could not keep a hand free to hold the handrail.
3. There had also been a sticky patch on the floor which held back her foot for a moment causing her to lose her footing.

This case was initially heard at Lewes County Court where the judge concluded that F’s account of the incident was not to be believed. He found that she was only carrying a small amount of mail and still had one hand free. He also found no evidence of any contamination of the floor. F, he said, had simply lost her footing.

However, despite these facts the judge agreed with the claimant’s counsel that the employer was liable, albeit reluctantly. This was because it had failed to carry out a risk assessment of the manual handling activity of delivering the post. Based on the findings of a similar case in 2012, he found that an employer who had failed to assess the risk would need to show that it had reduced the risk “as low as reasonably practicable” if it were to successfully defend itself.

WS appealed and the Court of Appeal concluded that the judge had applied the law incorrectly; although there was a breach of duty on the part of WS, the breach itself had not caused the accident. The claimant was therefore denied the £6,000 compensation. It would appear that WS won the case on a narrow margin because the items in question were not bulky. Had the accident occurred on a day when F was carrying a larger quantity of post, taking both of her hands to carry it, then the outcome would probably have been different. In that situation it would have easily been argued that the work was unsafe.

Our advice is as follows;

1. Make sure all staff are trained in Manual Handling

2. Ensure appropriate risk assessments are documented examining the hazard of moving objects. In this case the object was merely a few light envelopes but the risk assessment still requires tackling. I recently attended a health & safety inspection where very heavy objects were being carried around the workshop and up some stairs. In the absence of a group of us being able to produce a safe system of work, i.e. we could not find a safe way of getting the heavy object up the stairs, then we simply had to ban this activity.
3. Always think whether the task needs to be done in the first place; if it must be done then work out a safe way of undertaking that task. In the example given could WS not have simply provided a mail bag?
4. Ensure clear instructions are given, preferably in writing, as to how heavier items are to be moved, such as deliveries of materials, parts, paper supplies, etc. This should be based on a manual handling assessment. It may mean that a trolley must be used or staff have to break down the loads where possible to avoid the risk of injury.

Should you require Manual Handling Training then please contact Kim Brooks on 01522 815148 for further details.

For information, our Health & Safety Adviser/Trainer is Andy Tomlinson who is a Technical Member of the Institute of Occupational Safety and Health.