

QBE – HAVS Workshop

Session – 1

1. HAVS: an Insurer's perspective - Giles Quartly

- 1.1 Over the last 12 years, QBE have averaged 150 claims per month.
- 1.2 In 1995, only 20% HAVS claims were successfully defended.
- 1.3 In 2006 50% of HAVS claims were successfully defended.
- 1.4 The average cost of a HAVS claim has risen from £2000 in 1995 to £10,000 in 12 years.
- 1.5 As an example, a 40 year old claimant with stage 1 in left and right hand would attract £2000 damages plus £3000 in costs.
- 1.6 A 40 year old claimant with stage 3 in both hands could receive £150,000 plus £50,000 in costs.

2. Vibration Regulations, The HSE view - Dr. Chris Nelson

- 2.1 How long can I use this tool?, "for the shortest time as is reasonably practicable"
- 2.2 Hierarchy principle - assess the risk, eliminate at source, use the right tool, maintain equipment, design of workplace/workstation, rest periods, inform and train employees, ppe.
- 2.3 ALARP – not sufficient to reduce to legal limit if it can go lower, it must do.
- 2.4 Above the action level – do not panic, if ALARP followed and still above the action level – put in place your controls.
- 2.5 The reality is, daily exposures cannot be measured and recorded, reality is, risk assess, plan of action, control risk.
- 2.6 To get rid of big exposures will require elimination, tweaking it will not be sufficient.
- 2.7 Training on use of tool important if manufacturer's claims are to be realised on vibration exposure.
- 2.8 Job rotation is last resort- exposure MUST be ALARP.

3. 5 Easy Ways to Lose a HAVS claim – Jayne Adams

- 3.1 Pre 2005 regs, if over 2.8m/s^2 you would lose, less than 1m/s^2 you should win, the middle are in between very grey area.
- 3.2 MUST have a HAVS policy even if no risk foreseen.
- 3.3 Once policy written MUST develop, utilise, update, inform workforce.
- 3.4 If there is a risk, no alternative but to warn workforce and commence health surveillance.
- 3.5 No point arguing if documents cannot be produced.
- 3.6 Health surveillance – work with them, record any disputes but MUST communicate findings to line management.
- 3.7 Many cases lost due to lack of reporting/poor communication.
- 3.8 Even if only a short period breaches action level, liability will follow.
- 3.9 Pick your lay witnesses carefully- foreman has split loyalties.

4. Risk Assessment – Bob Mitchell

- 4.1 Suitable & sufficient risk assessment – ultimately a judge is the arbitrator of what is suitable & sufficient.
- 4.2 Treat manufacturer's data with caution.
- 4.3 If, after tool measurement level is just below action level- still do assessment.
- 4.4 When measuring tool, operator use can dramatically affect reading, as can worn tools, do not rely on 1 measurement, do many then average out.

- 4.5 Start measurement when tool is working, not as operator puts it onto surface to be worked on.
- 4.6 Measurement must be representative of day to day work.
- 4.7 Maintain & calibrate measuring equipment.
- 4.8 Measurements within 20% of manufacturers claimed figures are doing well, likely to be 50% higher.
- 4.9 Observe time in use, record times by video, stopwatch, and electronic timers; do not rely on operator guesstimate.
- 4.10 Evaluate solutions, prioritise action plan, manage responsibilities, provide adequate resource, document and retain.

Question & Answer Session.

1. Manufacturers claims, I have never had a tool near the data, usually 3x higher, what can be done?

Floor response- Probably only bench tested, not working tests done by manufacturers. HSE – Impact wrenches very difficult to measure and chain saws. Quite often find measurement figures twice manufacturers claimed figures, even trebled so not surprised. Bear in mind, if near the action level, assume it is above.

RM – HSE/Companies should push manufacturers for more details and information on their products.

Network Rail – we are doing this already.

QBE – As an insurer we would prefer independent measurement as opposed to in house as perceived lack of expertise could be challenged.

Floor- range of data can be so varied it is of no use to us.

RM- cut vibration and increase greatly time tool can be used, big commercial benefit if you find it difficult to justify tool down time, cut its vibration. If measuring grinders with new discs, do it again when part worn, new discs much higher vibration levels.

2. What are the criteria for a competent person?

Floor – we have people measuring tools that have no idea how to use them on a job.

HSE – we have done a way with “competent person”, now the assessment has to be suitable and sufficient.

JA – use an independent company for testing and consider periodic testing in house to check on any difference in parameters.

RM – do not forget to ask searching questions of any experts you use to verify their results.

MH – in terms of defending claims it is still vital for us to show in house testing done periodically.

JA – Jayne Adams.

HSE – Dr. Chris Nelson

QBE- Phil Bladon

MH- Matthew Harrington.

RM- Bob Mitchell.