

# People in commercial waste containers



## Summary

This guidance is about preventing serious injury to people, including children, who may enter, play in or take shelter in commercial waste bins or communal domestic bins - typically four-wheeled bins of 660 litres plus capacity. There have been many cases where people in bins have been injured and, in several cases, killed when they have been tipped into waste collection and compaction vehicles; sometimes they are only discovered at the waste transfer station.

This guidance applies to you if you have these larger-sized waste containers, manage waste storage areas or collect waste. The guidance will help you work through the following issues:

- What is the likelihood of someone entering a bin for which you are responsible (based on past history, the neighbourhood, the weather, the containers' contents, its location and if its secured)?
- What kind of simple system should you adopt for checking bins (simple and proportionate to the likelihood)?
- Make sure everyone knows what is expected of them (how they should check the contents, what they should not do, and how to respond if they discover someone in a bin).

The guidance recommends that you consult your workforce for their experience and suggestions before implementing changes.

## Introduction

1 This guidance document was produced in consultation with the Waste Industry Safety and Health (WISH) forum.

2 It is written for:

- waste producers and those responsible for managing waste storage areas, eg customers or clients;
- waste collection organizations, eg contractors;
- those employed by waste collection organizations, eg managers, supervisors and workers; and
- health and safety professionals.

3 It is intended to help eliminate or reduce the risk of injury arising from people in commercial waste bins as well as communal 'domestic' type bins. Many of the issues discussed will require cooperation and coordination between those parties involved.

4 This guidance cannot be comprehensive for every eventuality, but contains notes and examples of good practice within the waste industry which you may find helpful in considering what you need to do. It does not seek to interpret legal

requirements, but if you adopt the practice and principles described, you should be taking sufficient action to discharge your legal duties, and secure compliance with the law.

## Definitions

5 The term 'waste' used in this guidance also includes materials intended for reuse or recycling.

6 The term 'people in commercial waste containers' used in this guidance refers to any person, including a child, occupying a waste container or receptacle, (commonly called a bin), usually for the purpose of sleep or shelter – but not necessarily restricted to such purpose. This activity carries with it the risk of disease and personal injury (sometimes fatal). For example, people may become trapped in the bin mechanisms, the contents of the bin may shift or the person is unable to escape before the bin is emptied into a waste collection vehicle. People have been discovered along with the contents of bins in waste collection vehicles, or at waste collection facilities, with injuries associated with falls from height or crushing by vehicle compaction mechanisms.

7 The types of bins that have been involved with such incidents are those designed for commercial waste collection – including those provided on a communal basis – these will include communal 'domestic' waste bins. They are usually large waste containers such as four-wheeled bins (typically 660 litres and above), eurocarts, front end loader containers, paladins and skips.

## Background

8 Commercial waste bins are emptied around the clock seven days a week, so there are millions of such operations each year. There have been many anecdotal reports from the industry and in the press of incidents where people have been discovered alive in bins prior to, or during, the contents being tipped into the collection vehicle. Fortunately, in most of these cases, no significant harm has arisen. More significantly, however, there have also been cases where a dead body has been discovered when the collected waste has been subsequently unloaded, eg at a transfer station. Subsequent investigation has revealed that in some of these cases the person concerned was alive prior to being emptied into the waste collection vehicle.

## Legal duties

9 Where it is part of a work activity, those producing commercial waste, those responsible for managing any waste storage area and those collecting the waste, all have duties under Section 3 of the Health and Safety at Work etc Act 1974. They also have duties under the Management of Health and Safety at Work Regulations 1999, in particular, those relating to risk assessment, cooperation and coordination, and the provision of information.

10 The extent of those duties will be '*so far as is reasonably practicable*' and '*where foreseeable*' and so, any response to the issue of tackling injury and death to people in bins has to be practical, pragmatic and proportionate, and in accordance with the principles of sensible risk management.<sup>1</sup>

## Assessing the risk

11 It is a legal requirement for dutyholders to carry out a suitable and sufficient risk assessment of their specific activities in order to identify the measures they need to have in place to comply with their duties, under health and safety law.

12 Any risk assessment should include all of the significant risks relating to the storage and subsequent collection of commercial waste, including the possibility of people gaining entry into bins. HSE has produced guidance on how to undertake a suitable and sufficient risk assessment in its leaflet *Five steps to risk assessment*.<sup>2</sup>

13 Risk assessments aim to help you:

- identify the hazards;
- identify those potentially at risk, eg workers, contractors, subcontractors, agency and temporary workers, members of the public (particularly applicable in this case);
- assess the risks from those hazards;
- eliminate or at least reduce the risks from those hazards so far as is reasonably practicable; and, if applicable,
- record the significant findings of the assessment.

14 It is important that your risk assessment is regularly reviewed and the control measures adopted are monitored at appropriate intervals. This will help identify potential flaws in your systems. You should ask questions such as:

- Is the bin suitably located in order to minimise risks?
- Is the type of bin selected the most suitable to minimise risk?
- Is the bin and relevant features sufficiently maintained in order to minimise risks?
- Do your employees follow agreed systems of work? If not, why not?
- Are your systems adequate to control the risk? Do they need revising?
- Are the procedures and checks you have put in place sufficient? Do you need to do certain tasks more (or less) frequently?
- Are there any changes to the environment?

## Reducing and managing the risk: guidance for waste producers and those with responsibility for managing waste storage areas

15 Reasonably practical measures should be taken by those producing the waste, and those with responsibility for managing waste storage areas, to control the risk of harm to people entering waste storage areas and accessing bins.

16 In determining the risks and control measures to be adopted, you should give careful consideration to the following:

- Areas where there are known to be populations of rough sleepers, drug abusers, alcoholics and vagrants.
- Are there any known previous instances of such people being found, or seen, in or near the waste storage area or bins?
- Season and weather – the likelihood of shelter being sought in waste containers increases in, and for the length of, periods of wet or cold weather.
- The nature of the waste being stored – paper, card, carpet, textile and other similar dry, ‘comfortable’ wastes, are known to be attractive to those seeking shelter. Mixed/wet waste will be unattractive.
- The location of the waste storage area and bins – is it a quiet, isolated location?
- Is the waste storage area well lit, especially at collection times?

- Accessibility to the storage area and/or bins – is the waste storage area located in a secure area or compound? Is it kept secured at all times? Is access into the bin restricted, eg by the fitting of lid-opening restrictors, access hatches and/or the locking of lids? If locked, are they kept locked at all times?

17 You should have in place a system for regular checking of bins using the steps outlined below under 'Checking of bins', especially before a collection is due. The frequency of checks will be determined to a large extent by other control measures in place.

18 Workers should be provided with adequate information and instruction about control measures.

### **Reducing and managing the risk: guidance for those collecting waste**

19 Reasonably practical measures should be taken by those collecting waste to assess and control the risk of harm to people who enter waste storage areas and bins.

20 You should include an assessment of the likelihood of people in bins as part of your overall risk assessment of collection routes. In determining the risks and control measures to be adopted you should give careful consideration to the matters listed above in respect of waste producers/storers.

21 You should ensure that collection drivers and loaders are aware of the potential for there to be people in bins and are adequately informed about what action to take in order to detect them. This should include a requirement to undertake a check of bins following the steps outlined below under 'Checking of bins' before the contents are emptied into the vehicle. The frequency of these checks will be determined to a large extent by other control measures in place. Any system should also include clear information on the whereabouts and use of the vehicle's compactor and blade emergency stop buttons.

### **Checking of bins**

22 The checking of a bin for people inside should be a simple, straightforward process. Any manual check should comprise the following elements:

- Banging on the sides of the bin with or without a suitable tool for such a purpose.
- Lifting of the lid of the bin, taking care to ensure that the person undertaking the check does not put themselves at risk by doing so by, for example, climbing up, or dislodging waste which might fall upon the checker.
- Carrying out a visual examination of the surface of the contents. NB: Physically disturbing and rummaging around in the contents is not recommended or required, although a suitable tool such as a reach pole or robust stick could be used to prod the contents if desired.

23 In some circumstances the person in the bin may be intoxicated (ie under the influence of drugs or alcohol) or injured – so that merely banging the bin may be insufficient to rouse them.

24 Those carrying out checks should be aware of the type of waste expected to be in the bin and should look for anything indicating that the bin is being occupied by a person, eg full carrier bags, ruck sacks, other luggage, or items associated

with sleeping rough, such as bags, quilts, blankets etc. or obvious signs of disturbance of the waste close to a likely point of access.

25 The hazard associated with people in bins being emptied by front end loaders (FELs) is magnified by the lack of visibility for the driver as the bin is being emptied, and lack of opportunity for any person in the bin to escape once the bin has been lifted to be emptied. Therefore, it is recommended that prior to being lifted, bins being emptied by FELs should, in addition to being manually checked, be tapped/banged on the floor or similar using the lift mechanism.

## **Use of CCTV**

26 Deployment of CCTV to provide a view of the loading area may be a useful supplementary control measure, especially in high risk areas. However, because of limitations in its use, eg restricted views of loading area and contents being tipped, as well as reliance on direct human observation, the use of CCTV should not be relied upon as a primary control measure. Its use should not replace the need for properly secured bins and checks of bins before being emptied as outlined above.

## **Use of warning labels or stickers**

27 The attachment of warning labels or stickers on individual bins should not replace primary control measures outlined above. Their use, however, may serve a dual purpose as a reminder to:

- people about the dangers of occupying bins; and
- collection drivers and loaders about the need carry out a check on the bin contents before lifting.

28 Where warning labels or stickers are used it is recommended that pictures are used in their design to overcome language and literacy difficulties.

## **Actions to take on discovery of persons in bins**

29 All people inspecting bins should be provided with clear instructions on what to do should a person be discovered inhabiting the bin. This may include measures to assist people to get out of the bins or for summoning the assistance of the emergency services. The possibility that the person may become violent or aggressive when discovered should be considered as part of the risk assessment process. In particular, an instruction should be given that no attempt should be made to restrain the person if they attempt to flee. Further information and guidance on violence at work can be found in the HSE leaflet *Violence at work: A guide for employers* which can be found at <http://www.hse.gov.uk/pubns/indg69.pdf>.<sup>3</sup>

30 It is recommended that policies and procedures require all instances where a person is discovered inside a bin are recorded as a 'near miss' and notified to all relevant parties concerned even where no harm or damage results. This information is important in the identification of problem areas, and as part of any risk assessment review. Such near miss information may trigger a revision of measures that might need to be taken to prevent further unauthorised entry into waste storage areas and containers.

31 Where identified clusters or trends in such events are noted, the waste collector (contractor) and producer/storer (client/customer) should have a constructive dialogue to review the methods of storage and containment. Failure by either the waste producer or the manager of the waste storage area and contractor

to cooperate fully in such a process may result in either party giving serious consideration to service cessation.

32 If a person inhabiting a bin is known to have sustained an injury as a result of being lifted and/or emptied with the contents into the collection vehicle and was alive when the injury was sustained then a report must be made in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).<sup>4</sup> The report may need to be made before all the circumstances are known, but can be amended accordingly at a later date to reflect the exact circumstances.

## **Information, instruction and training**

33 You must make sure that workers are given enough information, instruction and training to carry out their duties safely and effectively.

## **Worker consultation and engagement**

34 Workers should be consulted and engaged regarding health and safety arrangements for the work they undertake,<sup>5</sup> as their support is essential. Safety representatives and workers can contribute positively in achieving the desired outcomes by:

- identifying problems;
- indicating whether activities can be carried out safely; and
- generating sound practical ideas and solutions.

## **References**

- 1 Principles of Sensible Risk Assessment: [www.hse.gov.uk/risk/principles.htm](http://www.hse.gov.uk/risk/principles.htm)
- 2 *Five steps to risk assessment* Leaflet INDG163(rev2) HSE 2006 ISBN 978 0 7176 6189 X available at [www.hse.gov.uk/pubns/indg163.pdf](http://www.hse.gov.uk/pubns/indg163.pdf)
- 3 *Violence at work: A guide for employers* Leaflet INDG69(rev) HSE1996 ISBN 978 0 7176 1271 0 available at [www.hse.gov.uk/pubns/indg69.pdf](http://www.hse.gov.uk/pubns/indg69.pdf)
- 4 *Incident at work?* Leaflet MISC769 HSE 2007 [www.hse.gov.uk/pubns/misc769.pdf](http://www.hse.gov.uk/pubns/misc769.pdf)
- 5 For further details visit: [www.hse.gov.uk/involvement/index.htm](http://www.hse.gov.uk/involvement/index.htm)

## **Further reading**

*Waste and recycling vehicles in street collection* Waste 04 HSE 2007 Web only version available at [www.hse.gov.uk/pubns/web14.pdf](http://www.hse.gov.uk/pubns/web14.pdf)

*Safe transport in waste management and recycling facilities* Waste 09 HSE 2007 Web only version available at [www.hse.gov.uk/pubns/waste09.pdf](http://www.hse.gov.uk/pubns/waste09.pdf)

*Health and safety training: guidelines for the waste management and recycling industry* WASTE 21 HSE 2007 Web only version available at: [www.hse.gov.uk/pubns/web/waste21.pdf](http://www.hse.gov.uk/pubns/web/waste21.pdf)

*Waste Industry Safety and Health – reducing the risks* Leaflet INDG359 available from HSE Books and via the Web at: [www.hse.gov.uk/pubns/indg359.pdf](http://www.hse.gov.uk/pubns/indg359.pdf)

*Investigating accidents and incidents: A workbook for employers, unions, safety representatives and safety professionals* HSG245 HSE Books 2004 ISBN 978 0 7176 2827 8 available from HSE Books and via the web at [www.hse.gov.uk/PUBNS/books/hsg245.htm](http://www.hse.gov.uk/PUBNS/books/hsg245.htm)

*A Guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) L73 (Third Edition)* HSE 2008 ISBN 978 07176 6290 6 available from HSE Books and via the web at [www.hse.gov.uk/pubns/books/l73.htm](http://www.hse.gov.uk/pubns/books/l73.htm)

## Useful links

HSE website: [www.hse.gov.uk](http://www.hse.gov.uk)

HSE's waste website: [www.hse.gov.uk/waste](http://www.hse.gov.uk/waste)

## Further information

**This guidance contains notes on good practice and is issued by the Health and Safety Executive. Following the guidance is not compulsory and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice.**

This document is available web only at: [www.hse.gov.uk/pubns/waste25.pdf](http://www.hse.gov.uk/pubns/waste25.pdf)

The Waste Industry Safety and Health (WISH) forum exists to communicate and consult with key stakeholders, including local and national government bodies, equipment manufacturers, trade associations, professional associations and trade unions. The aim of WISH is to identify, devise and promote activities that can improve industry health and safety performance.

[www.hse.gov.uk/waste/wish.htm](http://www.hse.gov.uk/waste/wish.htm)

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