



SAFETY UPDATE

Issue 1 January 2017

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NEWS

HSE TO INTERVENE WITH CDM CLIENTS AND DESIGNERS

Construction industry plan to focus on CDM 2015, Health and SME's

On 7th December 2016 the HSE Board discussed Sector Plans to direct HSE interventions across the construction and all other work sectors.

The two-page plans were developed from a "detailed evidence base" and identify 3-5 year strategic priorities and actions captured under the most relevant headings from HSE's Annual Plan.

Construction sector plan

The draft [Construction Sector Plan](#) is centred on Health, SMEs and CDM 2015 as follows:

1. **Health Hazards** – reducing incidents of ill-health, with a focus on occupational lung disease and musculoskeletal disorders;
2. **Small Businesses** – supporting small businesses to achieve improved risk management and control; and
3. **CDM Regulations 2015** – embedding the principles of the Construction (Design and Management) Regulations 2015 (CDM).

Specific construction project interventions

Project Regulation – directing inspection and enforcement at those failing to manage and control risks, focusing on health risks refurbishment, and licenced asbestos removal;

Central interventions – visiting duty holders to review their health risk management arrangements using leading indicators in the Construction Health Risks Toolkit; and

CDM 2015 Pre-Construction Phase – intervening with construction clients, principal designers and designers to ensure proportionate CDM understanding and compliance.

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HSE RPE TESTS REVEAL 50% OF MODELS BELOW PAR

Regulator found “multiple failures” in 3 out of 10 FFP3 RPE Models tested

HSE has published Research Report RR1087 – *Market surveillance of FFP3 disposable respirators* containing the findings of an HSE project involving the testing of respirators claiming compliance with class FFP3.

The FFP3 class of respiratory protection is used in the construction sector to control exposure to asbestos where non-enclosure removal work is in progress and where there is respirable crystalline silica (RCS) and other dusts in the work atmosphere.

Three models had multiple faults

The HSE report describes ‘market surveillance testing’ of samples of ten FFP3 respirator models from ten different manufacturers that are available on the UK market. The authors state:

“The aim was to determine whether each sample meets a range of health and safety performance requirements required by the standard. Only five of the ten models passed all tests with no faults or failures. Two models had an isolated fault on a single sample, one of which was very serious, rendering the respirator ineffective.

Three models had multiple faults, two of them serious.

The information provided with the masks by the manufacturers was generally acceptable, although four out of the ten manufacturers included no or limited information on pre-use checks.”

HSE REFURBISHMENT ‘BLITZES’ RAISE OVER £1,000,000

Enforcement action increased 8% during HSE 2016 intensive inspections

The HSE Board was informed on 7th December 2016 of the initial results following an HSE construction sector intensive inspection initiatives during 2016 which targeted small refurbishment projects. A total of 1840 work sites were visited and 2235 construction contractors were inspected during the initiative.

HSE inspectors found that:

- **Standards** – 49 per cent of sites fell below the standard required to comply with health and safety requirements; and
- **Enforcement** – inspectors served 741 formal Enforcement Notices (prohibition and improvement) and 1059 notifications of contravention. This represents an “8% increase on the 2015 initiative”.

Combining the enforcement notices and notifications of contravention indicates that 1800 Fee for Intervention (FFI) invoices will have been raised. The average value of a construction sector FFI invoice is running at £604. This suggests that the construction refurbishment initiatives reported may have raised over £1,000,000 under the HSE Fee for Intervention scheme.

Work at height and health hazards remain

The initiative found that (in common with previous initiatives) HSE Inspectors were required to deal with a number of immediate risks, especially poorly managed work at height.

In addition, the inspectors found significant health risks where workers were exposed to asbestos and dusts, particularly silica and wood dust.

CASES

FALL FROM STEPLADDER TRIGGERS £900,000 FINE

Workman fell small distance from uninspected equipment

A national truck, bus and plant company has been fined £900,000 after a workman fell from a step-ladder and suffered head injuries in September 2015.

Westminster Magistrates' Court heard how the workman was servicing a large delivery truck and repairing the driver access rope for the cab when he fell and struck his head.

HSE investigators found that the step-ladder used was damaged and the anti-slip feet on the ladder were worn. The ladder was not the property of the company and had not been maintained or checked to ensure it was suitable for use. At the time of the incident the company had not trained their staff to select, inspect and use access equipment for work at height.



Prosecution is "not about banning ladders"

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £900,000 and ordered to pay costs of £5820.28 costs.

HSE inspector Nick Wright said,

"This worker suffered life changing injuries that could have been prevented by simple health and safety precautions. The case is not about banning ladders, on many occasions they are the right equipment to use when working at height, it is about companies ensuring they properly maintain their work at height equipment and train their workers on how to inspect them and select the correct tools for the job. As this case shows, even a fall from a relatively small height can have devastating consequences."

MANAGEMENT SYSTEM FAILED TO PERMEATE FIRM

Written HSMS not properly communicated or implemented

A major shipbuilder has been fined £400,000 after a workman suffered serious injuries whilst carrying out repair work on the 20 July 2015.

Liverpool Magistrates Court heard the workman was repairing a lathe when he noticed that the shafts and couplings were dirty and cleaned the parts by wrapping an emery cloth around the lead screw with the lathe under power. The rotating machine pulled him to the moving parts.

A system of lock off was outlined in the written health and safety management system but had not been properly communicated to employees or implemented.

No lock off + poor control and management

The company pleaded guilty to a breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £400,000 and ordered to pay costs of £7,683.

Plan, Do, Check, Act

An introduction to managing for health and safety

 **Date of publication:** 2013
ISBN: 978 0 7176 6604 1
Series code: INDG275(rev1)
Price: £5.00 for a pack of 5
[Download a free copy](#)
[Buy this product](#)

This leaflet will particularly help those who need to put in place or oversee their organisation's health and safety arrangements. The advice may also help workers and their representatives, as well as health and safety practitioners and training providers.

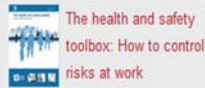
It introduces a Plan, Do, Check, Act approach to managing for health and safety that can help you:

- achieve a balance between the systems and behavioural aspects of management
- treat health and safety management as an integral part of good

Related products



Managing for health and safety (HSG65)



The health and safety toolbox: How to control risks at work



Health and safety made simple: The basics for your business

See also

- ▶ Risk management
- ▶ Managing for health and safety

Speaking after the hearing HSE Inspector Karen Fearon said:

"The Defendant had developed a Health and Safety Management System (HSMS) but failed to ensure that the system had permeated all parts of the organisation. If the HSMS had been followed this accident may not have occurred."

WORKMAN CAUGHT ON CAMERA PAYS PRICE

Prison sentence and fine for employee working dangerously at height

The employee of a steel erection contractor has been sentenced at Manchester Magistrates Court after he admitted working unsafely at height on a hotel development in central Manchester in January 2015.

Manchester Magistrates Court heard that a member of public contacted HSE who established that the workman climbed scaffolding to secure steel beams and failed to use the tower scaffold made available. There was a full-time scaffolder on site available for any of the contractors to utilise to ensure safe working platforms were in place.

Staggering disregard

The erector was found guilty of breaching Section 7 of the Health and Safety at Work etc. Act 1974 and sentenced to a 6 month jail term, suspended for 18 months, fined £1,400.00 and ordered to pay costs of £2,939.18.



HSE inspector Matt Greenly said after the case:

"This case dealt with a serious work at height risk which could have led to a fatal incident. The defendant failed in his duty to protect his own safety while at work and also placed others at risk had he dropped any tool from the position he was seen in some 27 metres above street level. During HSE's investigation he said that he did not appreciate how high he was."

MANAGER CONVICTED AFTER DEATH OF WORKMAN

Steps not taken to keep young worker safe distance from excavator

It has been reported by the *St Albans Review* that a demolition site manager has been given a suspended prison sentence after he was found guilty of health and safety failings which led to the death of a young labourer in July 2011 near St Albans, Herts.

The workman, aged 20, was struck by a piece of concrete which fell from the bucket of an excavator striking his head and causing fatal injuries.

The court heard that the manager was operating the excavator when the incident occurred and that he should have taken steps to make sure the workman was behind a barrier at a safe distance from the excavator arm.

Death not intended by defendant

The manager was found guilty at the end of a trial where he had pleaded not guilty to an offence of failing to discharge a duty to which he was subject to by virtue of Section 7 of the health and Safety at Work Act 1974.

Judge Warner sentenced him to five-month imprisonment, suspended for 18 months and ordered that he pay £3500 towards the cost of the prosecution. The Crown said:

"He didn't mean to kill Robert Shore, it was a dreadful accident but the prosecution say it was completely preventable. He failed to take measures he knew he should have taken and were required."

BASEMENT FIRMS IGNORED ADVICE ON PRECAUTIONS

Unsafe basement project excavation work ends up in court

Westminster Magistrates Court have heard that emergency services were called to a property in London, where excavation work to form a double basement was in progress. The services rescued a labourer with a broken arm and reported their concerns about site dangers to HSE.

HSE found workers at risk from falling into deep excavations and no propping arrangements to ensure the stability of excavations or the existing building.

Consultant recommendations ignored

HSE enquiries revealed that an independent health and safety consultant had raised the same concerns a few months previous but the recommendations had been ignored. The contractors involved failed to appoint a competent person to inspect the excavations to ensure they were safe.

Principal Contractor - pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 (CDM) and was fined £24,000 and ordered to pay £1,141.50 in costs.

Contractor - pleaded guilty to breaching CDM Regulation 15(2) and was fined £20,000 and ordered to pay £1,067.10 in costs.



HSE inspector Andrew Verrall-Withers commented after the hearing:

“Both companies were aware of the dangers on the site following the warnings in a consultant’s report, but they failed to act on the recommendations and a worker was injured. They should have appointed a competent person to carry out regular inspections of the excavations to ensure they did not collapse onto workers or cause the building to become unstable during the work”.

TRENCH COLLAPSE COSTS MAJOR COMPANIES £2M PLUS

Method statement backdated by contractor post incident

Three construction firms have been fined a total of over £2,000,000 after an excavation collapsed and injured a workman in March 2012 on a project in Lincolnshire. HSE investigators found insufficient measures were taken to protect those working in trench, and a series of safety errors had led to the collapse.

Following the accident one contractor “backdated” the method statement to give the impression that it was signed by the workers prior to the trench collapsing.

A 3m trench box shielded workers but the pipes being laid in the trench were 6m in length and hence protection did not cover the full the length of the pipe being laid. In addition, water was entering the unsupported trench.

Multiple failings from planning to execution

The workman was attempting to level a pipe section when the sides of the trench collapsed and trapped him.

- **Principal Contractor** – breached Regulation 22(1)(a) of the Construction (Design and Management) Regulations 2007, was fined £1.5 million and ordered to pay £23,327.83 costs;
- **Contractor 1** – breached section 3(1) of the Health and Safety at Work etc. Act 1974, was fined £550,000 and ordered to pay £166,217.86 costs; and
- **Contractor 2** – breached section 3(1) of the Health and Safety at Work etc. Act 1974, was fined £40,500 and ordered to pay £53,346.59 costs.



HSE inspector Martin Waring said:

“This incident was foreseeable and avoidable and Mr Talbot’s injuries were the result of multiple failings by the duty holders, from the planning stage through to the execution of the project, resulting in the inevitable collapse of an unsupported trench. Sufficient trench support systems were not provided.

FLT STRUCK TWO PEDESTRIANS IN TWO DAYS

Logistics firm failed properly manage site transport hazard

A company has been fined £265,000 after two employees were injured in two days.

Oxford Crown Court heard how a 39-year-old male employee sustained crush injuries to his left foot when he was hit by a forklift truck (FLT) in October 2014 and that the following day a 55-year-old Operations Manager sustained severe injuries after a metal box fell from the forks of a truck.

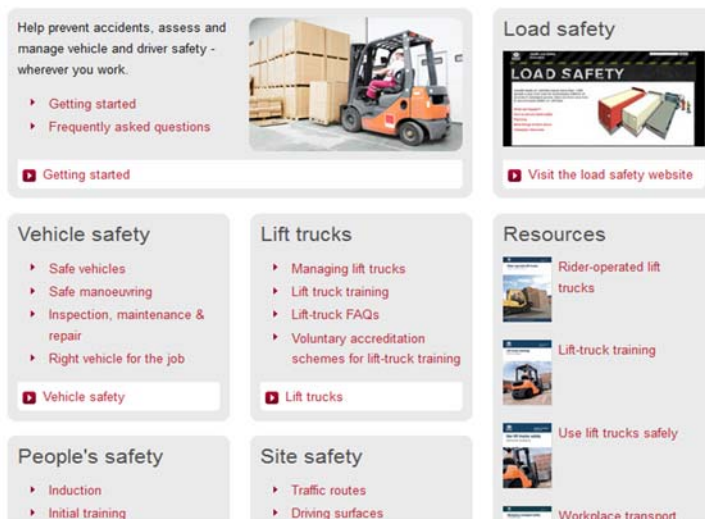
Failed to manage and control vehicle risks

HSE investigators found that:

- **Training** – operators of the FLTs and their supervisors were not properly trained;
- **Assessment** – the risk assessments in place were “poor”; and
- **Segregation** – there was inadequate segregation of pedestrians and vehicles.

The defendant of Lichfield, Staffordshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and was fined £265,000 and ordered to pay full costs of £14,943.30.

Vehicles at work



After the hearing, HSE inspector Kelly Nichols said:

“It is vital that drivers are competent and have received appropriate information, instruction and training. Sites should be well-designed and maintained with suitable segregation of vehicles and people in order to minimise the risk of workplace transport accidents.

The risks from workplace transport in warehouses and the required control measures to manage those risks are

WORKING DIRECTORS IN COURT ALONGSIDE COMPANY

HSE prosecution after member of public provided site photograph

A specialist roofing company and its two directors have been sentenced after admitting working unsafely at height on a hotel development in central Manchester during major refurbishment and extension works in March 2015.

The prosecution was initiated after a member of public witnessed and photographed the unsafe work and contacted HSE.

Running risks to submit invoice early

HSE investigators found that a full-time scaffolder was on site and employed to erect any scaffolding required by contractors. However, the directors chose to “rush the job in order to submit their invoice earlier”.

- **Company** – from Chorley breached Regulation 6(3) of the Work at Height Regulations 2005, was fined £13,300 with £1160.50 costs.
- **Directors** – the two directors breached Section 37(1) of the Health and Safety at Work etc. Act 1974 and were fined £1100 and £2100 respectively.



HSE Inspector Matt Greenly said after the case:

“The directors recognised that their choices on that day placed themselves at a serious risk of death or life changing injury. They only realised afterwards that running those risks in order to submit an invoice early was a very unnecessary, considering how serious the consequences could have been. It is pure luck that no-one was injured or killed. I would like to thank the people who reported these concerns to us as they have been instrumental in saving the lives of these men.”

NOTE:-

Inclusion of company or organisation information in this newsletter does not constitute an endorsement by LEIA for the services provided.

PUBLICATIONS

HSE RR1087 Market Surveillance of FFP3 Disposable Respirators

Download from www.hse.gov.uk/research/rrhtm/rr1087.htm

LEIA Poster of the Mouth



I'D RATHER ADMIT I CAN'T GET IT UP

Let's talk about feeling crap.

It may feel like the last thing you want to talk about. In fact, as many as one in four of us will experience a mental health problem this year. In other words, feeling crap is pretty common. It's bottling it up that causes the problem. Your GP can help in more ways than you think - it's not just drugs or therapy.

Feeling crap is no crime. So let's talk about it.

menshealthforum.org.uk

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