



SAFETY UPDATE

Issue 2 February 2017

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PUBLICATIONS

European Healthy Workplaces
campaign 2016 - 2017

POSTER OF THE MONTH

Healthy Workplaces For All Age

NEWS

NEWS

HSE SET TO ACT ON CONSTRUCTION HEALTH RISKS

Regulator now firmly focused on lung disease and manual handling

The HSE Priorities for construction during 2017 onwards are heavily biased towards action on health risks.

The main priority is to reduce incidents of ill-health, with a focus on occupational lung disease and musculoskeletal disorders.

HSE will deliver the priority by "directing inspection and enforcement at those failing to manage and control health risks during refurbishment".

Health in Construction Leadership Group – Dust Video

The shift of emphasis to 'health' issues is being supported by the industry [Health in Construction Leadership Group](#) (HCLG) which has set itself the mission of:

"Uniting the construction industry to eradicate the ill-health and disease caused by exposures to health hazards on building sites... and making "construction the leading industry for occupational health and disease prevention by 2025 – the construction 2025 initiative"

The HCLG website includes a useful [short awareness video](#) on construction dust.



Safety around dust

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CASES

CDM PRINCIPAL CONTRACTOR LACKED EXPERIENCE

PC prosecuted alongside other contractors over fall risk and injury

Three companies have been fined a combined total over £5,000,000 after a workman fell over 7m through a fragile roof being replaced in November 2014.

Chelmsford Crown Court heard how the workman was standing on the fragile roof when the asbestos sheeting gave way and he fell to the concrete floor blow. Fall arrest safety netting or other protective equipment was not provided and he suffered a hematoma on the brain.

HSE found that the company appointed as CDM Principal Contractor was unable to act effectively in the role because of their inexperience of working in construction. The company could not effectively oversee the other contractors.

Relied too heavily on oral briefings

None of the parties involved put in place safety measures for 40% of the roof which was not protected with fall arrest safety netting below. The parties relied too heavily on the oral briefings to workers regarding where the netting was situated rather than putting in place effective safety measures for the whole roof.



HSE inspector Adam Hills said:

"The [dangers of working on fragile roofs](#) are well documented. Every year too many people are killed or seriously injured due to falls from height while carrying out this work.

Work at height requires adequate planning, organisation and communication between all parties. This incident was entirely preventable and the injured man is lucky to be alive."

LOW FALL AND INJURY ATTRACTS £2 MILLION FINE

Workman injured in fall from unsafe position for cleaning machine

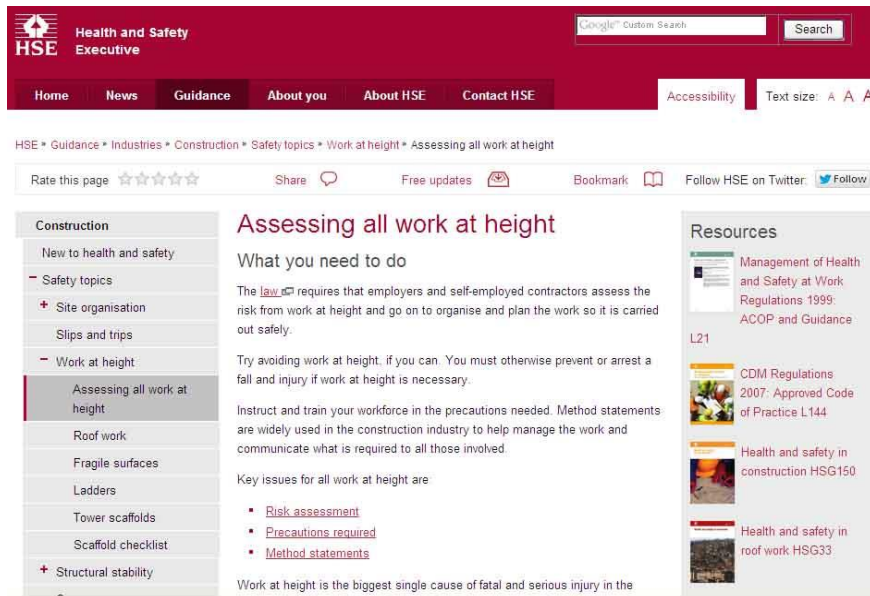
A national bread maker, has been fined £2 million after a worker was hospitalised following a fall from height in 2013.

Wolverhampton Crown Court heard the employee was carrying out routine mixing machine cleaning, undertaken every few weeks when he lost his footing and fell nearly 2m to the floor below.

Unbalanced and "braced" to stop falling

HSE investigators found the company routinely expected their workers to access the top of the mixers to undertake the cleaning tasks. The workers were often unbalanced and would brace themselves to stop themselves from falling.

The company pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulation 2005 and was fined £ 2 million and ordered to pay costs of £19,609.28.



The screenshot shows the HSE website's 'Guidance' section for 'Assessing all work at height'. The page includes a navigation menu, a search bar, and a sidebar with a table of contents. The main content area is titled 'Assessing all work at height' and contains the following text:

What you need to do

The [law](#) requires that employers and self-employed contractors assess the risk from work at height and go on to organise and plan the work so it is carried out safely.

Try avoiding work at height, if you can. You must otherwise prevent or arrest a fall and injury if work at height is necessary.

Instruct and train your workforce in the precautions needed. Method statements are widely used in the construction industry to help manage the work and communicate what is required to all those involved.

Key issues for all work at height are:

- [Risk assessment](#)
- [Precautions required](#)
- [Method statements](#)

Work at height is the biggest single cause of fatal and serious injury in the

The sidebar contains a 'Resources' section with links to 'Management of Health and Safety at Work Regulations 1999: ACOPI and Guidance L21', 'CDM Regulations 2007: Approved Code of Practice L144', 'Health and safety in construction HSG150', and 'Health and safety in roof work HSG33'.

HSE inspector Mahesh Mahey said

"This case highlights how important it is for companies to fully [assess the risks from work activities at height](#) and to take appropriate action to prevent injury in the workplace.

This should have been prevented, falls from height is one of the biggest killers in the workplace and even falls from low levels can be extremely dangerous. The injured man's life has been changed forever but he his injuries could have been more severe."

ASBESTOS ANALYST FALSIFIED SURVEY REPORT

Trained and experienced analyst fined over asbestos air clearance cert

An asbestos analyst has been fined after he falsified an asbestos air clearance certificate, following licensed asbestos removal in Manchester in November 2015.

Greater Manchester Magistrate heard how the well-trained asbestos analyst with 29 years of experience, was contracted to carry out the final inspection and air testing, following asbestos removal at a construction site in central Manchester.

HSE investigators told the court that the analyst failed to carry out a suitable inspection of the site and had not carried out the correct amount of air sampling contrary to his report. HSE added that "in effect, he deliberately falsified his report and so his published results could no longer be relied upon".

Massive abuse of the trust

The defendant pleaded guilty to breaching Section 7(a) of the Health and Safety at Work etc. Act 1974 and was fined £2000 and ordered to pay costs of £3905.73

HSE inspector Matthew Greenly said after the hearing:

"Asbestos analysts play a vital role in ensuring that areas are safe to enter after asbestos is removed. He sadly chose on this occasion to falsify his records which was a massive abuse of the trust placed in him by the client.

This deliberate act increased the risk of numerous people potentially being exposed to asbestos"

AIR RECEIVER USE SHOWED DISREGARD FOR HSE

Director took risk in desperate bid to complete job for customer

It has been [reported](#) by the *Derby Telegraph* that the managing director of a Derbyshire firm was caught using an compressed air receiver two hours after it had become subject to a Prohibition Notice issued by an HSE Inspector. The compressed air receiver was used for the process of blasting refurbished skips.

Southern Derbyshire Magistrates heard that the HSE found 17 breaches of regulations during a first visit to premises in August 2015. Two months later HSE found the air receiver in use although the owner and his staff "did not know the maximum allowable pressure" for the receiver and issued a prohibition notice on the machine. However, when HSE returned two hours later the air receiver was in use.

Health and safety is not an optional extra

Judge Jonathan Taaffe Holmes said in sentencing the defendant to a 30-week prison term:



Introduction

If pressure equipment fails in use, it can seriously injure or kill people nearby and cause serious damage to property.



This leaflet describes what employers need to do to minimise the risks when working with systems or equipment which contain a liquid or gas under pressure. It will also be useful to employees and their safety representatives.

As an employer or self-employed person, you have a duty to provide a safe workplace and safe work equipment. Designers, manufacturers, suppliers, installers, users and owners also have duties.

The leaflet does not cover gas cylinders (now called transportable pressure receptacles or transportable pressure vessels), or tanks and tank containers.

The main regulations covering pressure equipment and pressure systems are the Pressure Equipment Regulations 1999 and the Pressure Systems Safety Regulations 2000.

Employers have a further duty to consult any safety or employee representatives on health and safety matters. Where none are appointed, employers should consult the workforce direct.

This is a web-friendly version of leaflet INDG261 (rev2), published 11/12

"You showed total disregard for your own safety and the safety of others. It beggars belief that a prohibition notice can be served on someone in a senior position and, only two hours later, that same person is caught operating the machinery."

Andrew Brammer, mitigating, said his client had remedied his failures adding:

"In the cold light of day and with the benefit of hindsight he should not have done what he did. But he was desperate to get the job finished for a customer."

GUARDING FINE CONTINUES UPWARD TREND

Firm pays £330,000 after amputation of workman's finger tips

A crisps and snacks manufacturer has been fined £333,000 after an agency worker lost the tops of three fingers in August 2015.

Northampton Crown Court heard how an agency worker was injured whilst clearing a blockage of material from a machine on the production line. His hand encountered shears and three fingers on his right hand were severed, below the first knuckle.

HSE investigators found that the guard on the machine was not secured at the time of the incident. The company had not implemented a [formal monitoring system](#) on this machine, to ensure that all guards were in place and secure before the machine was started.

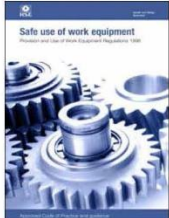
Robust systems required

The company from Corby, Northamptonshire, pleaded guilty to breaching Regulation 5 of the Provision and Use of Work Equipment Regulations 1998 (PUWER), and was fined £330,000 and ordered to pay costs of £11,752.23.

Safe use of work equipment

Provision and Use of Work Equipment Regulations 1998

Approved Code of Practice and guidance



L22 (edition)
Published 2014

This Approved Code of Practice and guidance is aimed at employers, dutyholders and anyone who has responsibility for the safe use of work equipment, such as managers and supervisors. It sets out what is needed to comply with the Provision and Use of Work Equipment Regulations 1998. The Regulations, commonly known as PUWER, place duties on people and companies who own, operate or have control over work equipment. PUWER also places responsibilities on businesses and organisations whose employees use work equipment, whether owned by them or not.

Changes since the last edition:

- The guidance material has been revised and updated, and there are small changes to some ACOP paragraphs to clarify and update information.
- Time-limited information has been removed or updated, and more use has been made of lists.
- This edition updates references to legislation and links to further guidance.

After the hearing, HSE Inspector Michelle Morrison said

"This man suffered a life-changing injury in what was an entirely preventable incident.

Employers must have adequate and robust systems to ensure that guards used to prevent access to dangerous parts of machinery are in place and secure before machinery is put into use."

PRISON TERM FOR SUPERVISOR NOT SUPERVISING

Lack of action exposed workers to asbestos fibers

An asbestos removal supervisor has been handed a 6-month jail term (suspended for 18 months) and fined £1,500.00 after admitting exposing numerous workers to asbestos fibres during licensed asbestos removal works.

Manchester Magistrates Court heard that HSE received a concern claiming that the supervisor was allowing people into the sealed asbestos enclosure without the required protective clothing (PPE) or respiratory protective equipment (RPE).

Completely ignored risks from asbestos

The supervisor pleaded guilty at Manchester Magistrates Court to breaching Section 7 of the Health and Safety at Work etc. Act 1974 and was sentenced to 6-month imprisonment which was suspended for 18 months, fined £1,500.00 and was ordered to pay costs of £3,518.13

Providing supervision

Things you need to do



You must provide an adequate and appropriate level of supervision for your employees:

- Supervisors need to know what you expect from them in terms of health and safety. They need to understand your health and safety policy, where they fit in, and how you want health and safety managed
- Supervisors may need training in the specific hazards of your processes and how you expect the risks to be controlled
- New, inexperienced or young people, as well as those whose first language is not English, are very likely to need more supervision than others. Make sure workers know how to raise concerns and supervisors are familiar with the possible problems due to unfamiliarity, inexperience and communication difficulties
- Supervisors need to ensure that workers in their charge understand risks associated with the work environment and measures to control them
- Supervisors will need to make sure the control measures to protect against risk are up to date and are being properly used, maintained and monitored
- Make sure you have arrangements in place to check the work of contractors is being done as agreed

HSE inspector Matt Greenly said after the case:

"The defendant totally failed in his duty to protect himself and his workers from a foreseeable risk of serious harm from asbestos fibres. Although he was qualified and experienced he chose to completely ignore the risks from asbestos and in doing so has exposed several people to a risk of developing a deadly disease at some point in the future."

MAJOR COMPANY FINED OVER VIBRATION ASSESSMENT

Lack of suitable and sufficient risk assessment triggers prosecution

A major UK airline has been prosecuted for not protecting workers from hand arm vibration.

Paisley Sheriff Court heard how employees working within the composite workshop at the Glasgow base used hand-held power tools during their work to carry out repairs on various components.

This work exposed workers to the risk of Hand Arm Vibration Syndrome (HAVS) a condition with symptoms including tingling, pins and needles, numbness and pain in the hands of persons affected.

Potential exposure to risk of injury

An investigation by HSE highlighted the company failure to make a suitable and sufficient risk assessment to control the effect of exposure by workers to the vibrations from hand-held tools.

Potentially this exposed the work force to the risk of injury whilst working within the workshops.

The company pleaded guilty to breaching Regulation 5 (1) of the Control of Vibration at Work Regulations (2005) and was fined £6,500.

HSE
Health & Safety Executive

HAND-ARM VIBRATION EXPOSURE CALCULATOR

Version 4.3 January 2014

Tool or process name	Vibration magnitude m/s ² r.m.s.	Exposure points per hour	Time to reach EAV 2.5 m/s ² A (8)		Time to reach ELV 5 m/s ² A (8)		Exposure duration		Partial exposure m/s ² A (8)	Partial exposure points
			hours	minutes	hours	minutes	hours	minutes		
Tool or process 1										
Tool or process 2										
Tool or process 3										
Tool or process 4										
Tool or process 5										
Tool or process 6										

Lock Tool or process names

Zoom to fit
Help
Reset

Instructions for use:
Enter vibration magnitudes and exposure durations in the white areas
To calculate, press <Enter>, or move the cursor to a different cell
The results are displayed in the yellow areas
To clear all cells, click on the 'Reset' button
Tick the 'Lock tool or process name' check box to prevent 'Reset' clearing these cells
For more information, click the 'Help' button

Daily exposure m/s² A (8)
Total exposure points

MEZZANINE FLOOR OPENING REMAINED UNPROTECTED

Workman left unable to work after fall through lift shaft void

A Lincoln based construction company which specialises in the installation of mezzanine floors, has been prosecuted after a workman fell to a concrete floor in January 2015.

Guildford Crown Court heard that the company was contracted to install the mezzanine floor at a factory in Sunbury on Thames, Surrey. The design included an opening in the mezzanine floor where a lift was due to be installed.

A contractor working on the floor fell some 3.5m and suffered life threatening injuries, when he stepped backwards through the opening. HSE investigators found that the company failed to guard the opening for the lift or "board it up" preventing anyone from falling.

Basic safeguards required

The defendant pleaded guilty to a breach of the Work at Height Regulations, Regulation 6(3) and were fined £20,000 and ordered to pay £9165.56 costs.



HSE Inspector, Amanda Huff, commented after the hearing

"The contractor injuries were life changing and he could have easily have been killed. This serious incident and devastation could have been avoided if basic safe guards had been put in place"

TWO YEAR JAIL TERM FOR PLANT HIRE MANAGER

Companies and manger chose "cheaper repair" for damaged MEWP boom

The manager of an access plant hire firm has been sentenced to two-years imprisonment for his neglect of health and safety obligations that led to the death of one man and caused serious injury to another in June 2012.

Two workmen were in the basket of a mobile elevating work platform (MEWP) removing safety netting in Glasgow when the third main boom section of the MEWP buckled causing the basket to fall 28m to the ground. One man was seriously injured and the other man suffered fatal injuries.

In addition, two companies were also prosecuted and fined almost £100,000.

Manufacturer advised boom replacement

After the sentencing HSE Principal Inspector Graeme McMinn stated:



"This death was entirely preventable. The manufacturer advice was to replace the damaged boom. Instead, they chose a much cheaper repair that left the boom in an unsafe condition.

This tragic accident should highlight the absolute duty for owners of MEWPS to maintain them to ensure continued safe operation."

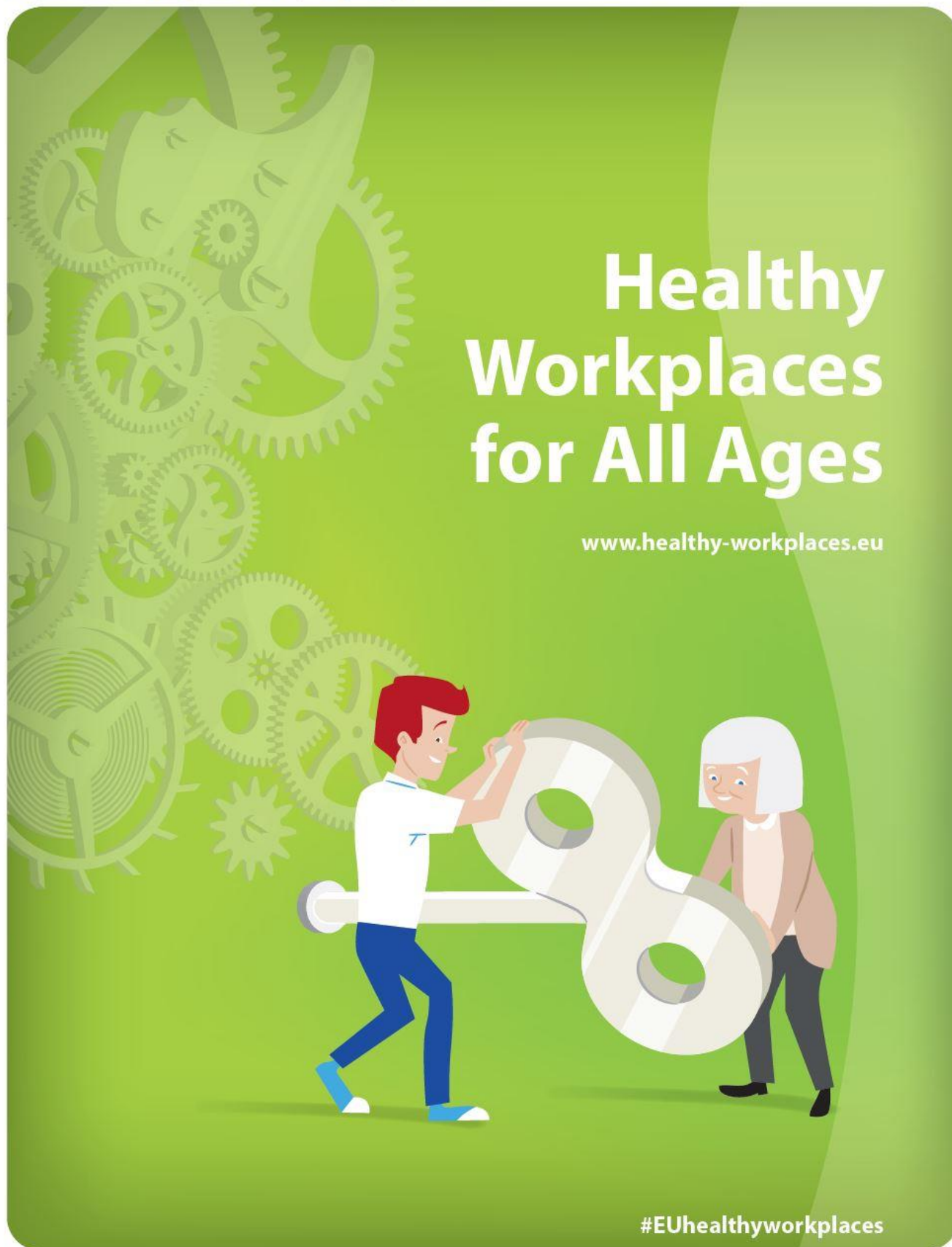
PUBLICATIONS

European Healthy Workplaces campaign 2016 - 2017

EU-OSHA's 'Healthy workplaces for all ages' – focusing on the promotion of sustainable work and healthy ageing throughout working life and effective management of workplace health and safety in the context of an ageing workforce. The Napo film addresses several aspects of OSH in the context of an ageing workforce, demonstrating how an employee may be affected and react to them. As in all films in the series, Napo helps identify risks, and offers practical solutions and suggestions for improvement.

<https://healthy-workplaces.eu/en/napo-film>

Safety and health at work is everyone's concern. It's good for you. It's good for business.



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