



SAFETY UPDATE

Issue 3 March 2017

THIS ISSUE

NEWS

CDM Regulations

Doing Safety Differently

Reducing Telehandler Incidents

CASES

Struck by Falling Object

Ignoring Sensible Advice

Pressure Vessel Failure

HAVS Management

Manual Handling Risk

Poor Contractor Management

Fall From Height

Struck by Flying Object

PUBLICATIONS

Telehandler Overturning

POSTER OF THE MONTH

Safe and Sound In The Workplace

NEWS

NEWS

CDM REGULATIONS 2015 'FAIL' THE RED TAPE TEST

Housebuilding sector takes CDM Regulations 2015 in stride

The government will leave the Construction (Design and Management) Regulations 2015 (CDM 2015) unchanged following a review of “red tape” in the housebuilding sector.

In December 2015, the government launched a call for evidence on the impact which regulation and the required implementation – including health and safety laws and the CDM 2015 – were having on the industry. The review was launched to:

“Examine whether legislation and its implementation can be simplified or improved to aid compliance and to reduce unnecessary burdens on business.”

Planning, highways and utilities

On 13 February 2017, the Department for Business, Energy and Industrial Strategy (BEIS) released the report:

<https://www.gov.uk/government/publications/house-building-sector-cutting-red-tape-review>

outlining the findings of the review which makes no mention health and safety or CDM 2015.

The concerns of businesses which responded to the review were concentrated in areas such as planning, highways and connection to utilities. The Review Report states:

“House builders and trade bodies in the sector told us that there were significant burdens in the sector linked to regulation and enforcement of planning and other consenting regimes. The response of industry was that these add to the overall build cost of housing units and delay the commencement of development.”

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DOING SAFETY DIFFERENTLY... AND BETTER?

Rethinking a more positive approach to workplace health and safety

The H&S brand has been damaged over the last 20 plus years and is often used as a metaphor the ‘nanny state’ and all that is bureaucratically overzealous and risk averse.

HSE has sought to dispel health and safety ‘myths’. However, the damaging motto of “Elf and Safety” now seems firmly embedded in popular culture.

The subject matter is not the natural ally of positivity. Danger, hazards, harm and risk are words used to describe the core business of health and safety, supplemented by compliance, error and sanctions!

Alternative ways of thinking about safety

Academics and H&S practitioners based in Australia are currently leading the way in rethinking health and safety. Ideas are being developed and shared on more positive approaches to minimising the harm which can be caused at work.

The [Safety Differently website](#) provides a forum for those wishing express or hear of alternative approaches. The website is based on the belief that:



“People and organisations need to adapt. Traditional approaches to safety are not well suited for this. They are, to a large extent built on linear ideas – ideas about tighter control of work and processes, of removing creativity and autonomy, of telling people to comply.”

The purpose of this website is to celebrate new and different approaches to safety. More specifically it is about exploring approaches that boost the capacity of people and organisations to handle their activities successfully, under varying conditions.”

REDUCING TELEHANDLER OVERTURNING INCIDENTS

HSE Research reveals key factors in preventing telehandler overturns

Research report RR1085 *Exploring the human and physical factors associated with telescopic handler overturning risks* has been published by HSE. The report reveals that a combination of machine instability and various human factors elements are important precipitating factors in telescopic handler overturn incidents.

Key messages identified by researchers

The researchers summarise the key messages of the research as follows:

Boom position – a telescopic handler overturn is more likely to occur when a machine boom is raised and / or extended. Operating a telescopic handler with an extended/raised boom, regardless of whether loaded or not, presents a risk, particularly when a machine is used on uneven or unstable ground;

Lateral stability – telescopic handlers are more likely to overturn in a sideways direction (lateral instability) rather than tipping forwards (longitudinal instability) because of a shift in a machine's centre of mass;

Operator knowledge – as some operators were not aware of the overturn risk related to lateral instability, this implies the possibility of a knowledge gap among operators;

Ground conditions – challenging ground conditions (e.g. soft, sloping and uneven ground) are associated with lateral overturns;

Training and supervision – weaknesses in training and site management/supervision are likely to increase the risk of an overturn incident; and

Technical solutions – the installation of lateral instability warning technology, and improving or supplementing visibility from the cab, could reduce overturn risks by warning operators of dangerous situations before a critical threshold is reached.



Also, see [HSE Guide](#) *The safe use of vehicles on construction sites: A guide for clients, designers, contractors, managers and workers involved with construction transport.*

CASES

MASSIVE FINE IMPOSED BY MAGISTRATES COURT

Workman struck by unsecured furniture arm during manual handling

A major furniture retailer has been fined £1 million over safety failings which led to serious neck and head injuries of a worker.

Derby Magistrates' Court heard that on 02 July 2015 the worker was unloading wooden furniture frames at one of their upholstery sites, when he was struck by an unsecured furniture arm which fell from an unstable load.

The impact knocked him unconscious and he suffered serious neck and head injuries.

HSE investigators found that the company failed to adequately manage the risks of heavy loads being moved between manufacturing sites.


The court heard the company also failed to supervise the work taking place with several near misses being reported from unsecured loads.

Fundamental and systemic failings

The company from Doncaster pleaded guilty to breaching sections 3 of the Managing Health and Safety at Work Regulation and section 2 (1) of the Health and Safety at Work Act 1974 and have been fined £1,000,000 and ordered to pay costs of £15,099.

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 case HSE inspector Lyn Spooner said:

“The fundamental and systemic failings identified in their health and safety management systems is far from what would be expected from a company of their size who can deliver higher standards of safety.”

IGNORING SENSIBLE ADVICE COSTS OVER £300K

Courts continue to ramp up health and safety fines

A manufacturing company has been required to pay over £300,000 in fines and prosecution costs for health and safety failings following an HSE visit.

Maidstone Crown Court heard how an external consultant highlighted several concerns eight months prior to the visit by HSE.

Inspection of the premises found that hazards to be addressed included electrical safety, machinery guarding and the safe storage of materials.

The visits followed concerns raised by a former employee and HSE issued a total of 14 Enforcement Notices.

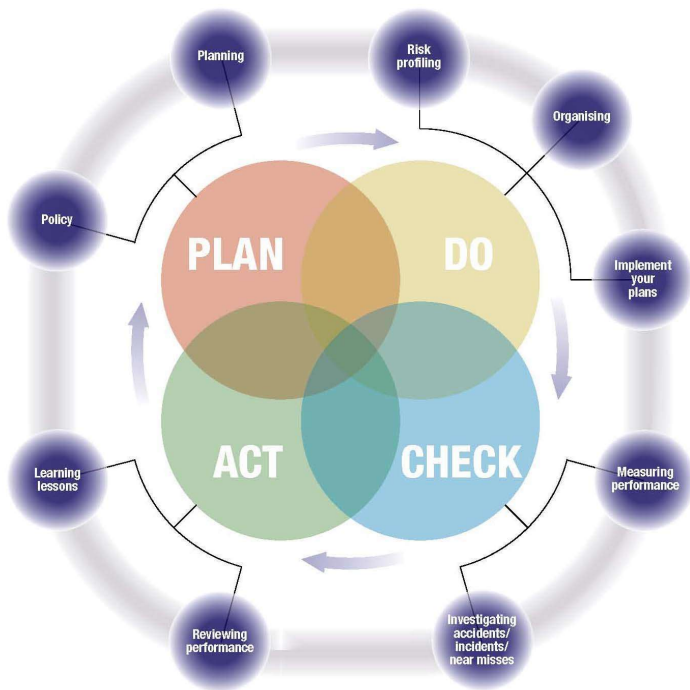
Risk management is a legal requirement not an ‘ideal’

The corrugated paper company from Kent, pleaded guilty to breaching:

- Regulation 11 of the Provision and Use of Work Equipment Regulations 1998 (PUWER);
- Regulation 4(2) of the Electricity at Work Regulations 1989, and
- Regulation 5(1) of the Management of Health and Safety at Work Regulations 1999

The company was fined £297,000 and ordered to pay prosecution costs of £14,180.

Plan, Do, Check, Act



HSE inspector Robert Hassell said after the hearing:

“The need to effectively manage health and safety is not an ideal, it is a regulatory requirement. Employers need to ensure that any issues in relation to health and safety in the workplace that are brought to their attention need to be suitably addressed.”

CYLINDER FAILURE CAUSED DEATH OF TESTER

Hire firm engineer died when pressure vessel ‘cracked’ under test

A Midlands based construction equipment hire company, has been fined £800,000 after an employee died whilst testing a hydraulic cylinder which “cracked under pressure”.

A piece of metal was ejected and struck the workman on the head. He had been working for the company for 16 days when the fatal incident happened.

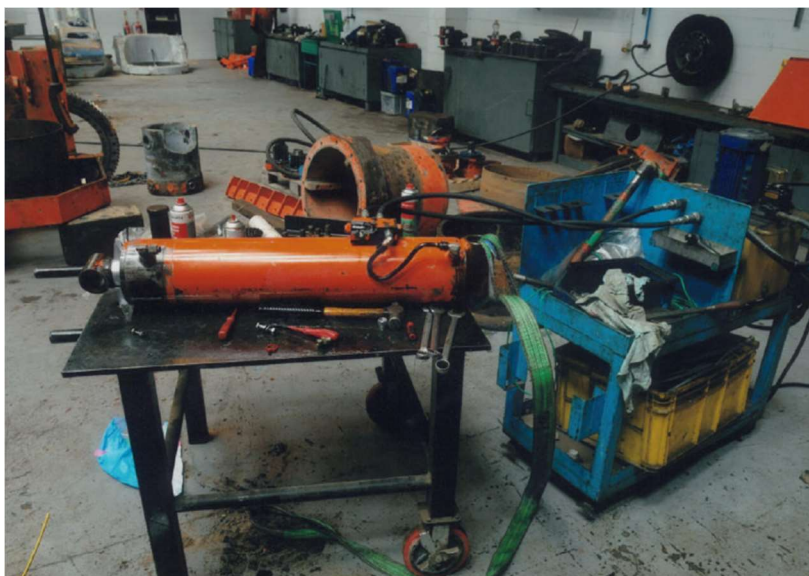
Safe working pressure not communicated

HSE investigators found the company failed to have adequate supervision in place for this task and failed to provide information on the safe working pressure for the cylinder he was testing.

In addition, protective screens were not in place to prevent projectiles injuring staff and others were not exclude from the test area.

The company from Stratford-Upon-Avon pleaded guilty of breaching regulation 12 (1) of the Provision & Use of Work Equipment Regulations 1998 and regulation 3 (1) of the Management of Health and Safety at Work Regulations 1999.

The company also pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act 1974, was fined 800,000 and ordered to pay costs of £28,711.



Speaking after the case HSE inspector Neil Ward said:

“This was a tragic incident that should never have occurred. It is a company’s obligation to provide a safe system of work for leak testing. This will include protecting people from flying fragments and high pressure oil leaks as well as providing thorough training in how to carry out the work safely”.

GROUND ENGINEERS LACKED HAVS MANAGEMENT

Company failed to act after employee flagged hand-arm vibration risk

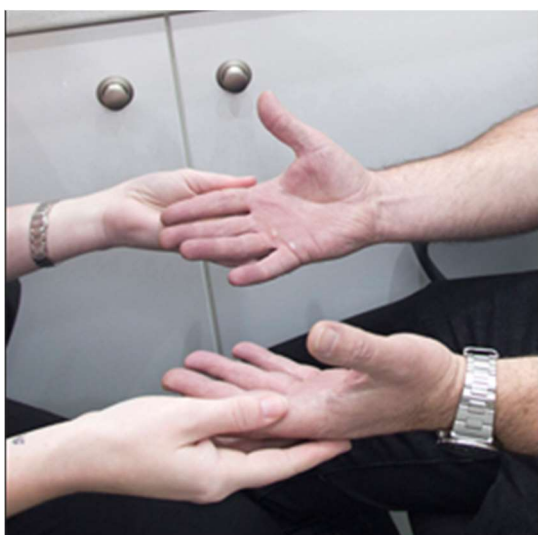
A ground engineering company has been fined after a workman was diagnosed with severe hand-arm vibration syndrome (HAVS).

Cheltenham Magistrates heard how the employee working at the company earth retaining division was eventually diagnosed as suffering from HAVS after repeatedly flagging his symptoms to the company for over five years.

HSE investigators found the company did not have the right system in place to manage the worker health and did not have a suitable health surveillance programme in place to monitor for the early onset of HAVS and to prevent the irreversible condition from developing.

Failed to “grasp importance” of health surveillance

The firm from Coventry, pled guilty to breaching Regulation 7(1) of the Control of Vibration at Work Regulations 2005 and were fined £6,000 and ordered to pay costs of £2,263.45.



systems in place to monitor worker’s health and the employee’s condition would not have been allowed to develop to a severe and life altering stage”.

MANUAL HANDLING RISK TRIGGERS £450,000 FINE

Three workmen lifting ventilation unit caused platform collapse

A construction company has been fined £450,000 after four workers fell more 3.5m whilst carrying a ventilation unit.

Westminster Magistrates Court heard how the company was redeveloping a warehouse in London. When four workers were moving a ventilation unit into position the working platform on which they were working was overloaded and collapsed.

The work at height and lifting operations were not planned properly. Two of the four injured men suffered leg fractures, while a broken collar-bone were among the other injuries caused by the incident.

HSE investigators found the company failed to manage the risks when working at height and carrying out the lifting operation.

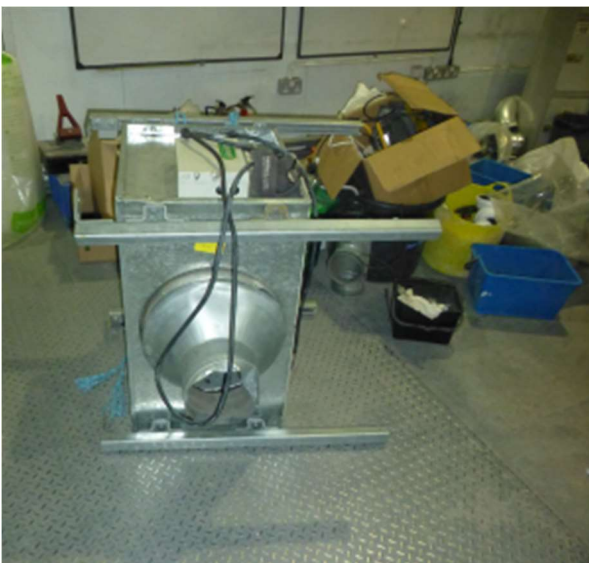
The company also failed to have the right level of trained personnel and supervision in place to carry out these tasks safely and effectively.

Importance of planning work

The firm from Wembley pleaded guilty to breaching Regulations 6 (3) of the Work at Height Regulations 2005 and Regulation 4 (1) of the Manual Handling Operations Regulations 1992 they have been fined £450,000 and ordered to pay costs of £1038.

Speaking after the hearing HSE inspector Jack Wilby said:

“The safety failings by this company are severe and it is lucky that the injuries were not more severe. This incident highlights the importance of planning work, in this case both for lifting operations and working from height, to ensure it is carried out safely.”



Speaking after the hearing HSE inspector Mehtaab Hamid said:

“This was a case of the company completely failing to grasp the importance of HAVS health surveillance. If they had understood why health surveillance was necessary, it would have ensured that it had the right

DEATH FOLLOWED POOR CONTRACTOR MANAGEMENT

Host company fined £600,000 after contractor fell from ladder

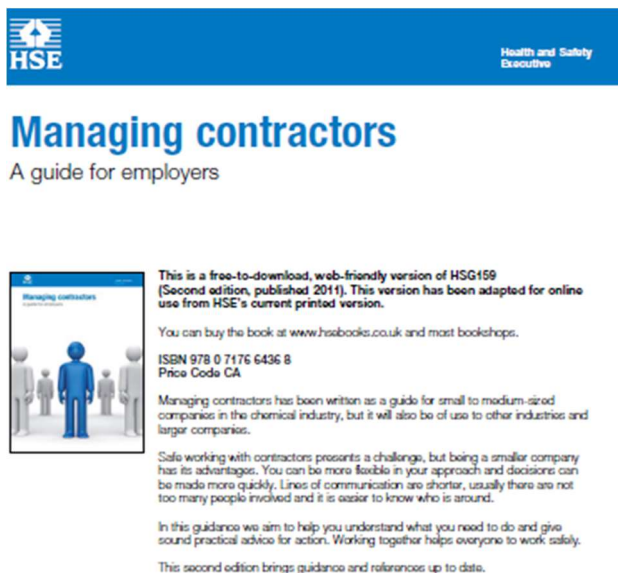
A bus company has been sentenced after workman died when he fell from a ladder in May 2011.

Southwark Crown Court heard how the workman was using a ladder to access the top of a fuel tank when he fell 2.5m backwards, suffering fatal head injuries.

HSE investigators found the company failed to implement and keep to their own procedures for managing contractors. Thus, they failed to manage their contractors effectively and ensure that they conduct work in a safe manner.

Company should have managed contractors effectively

The defendant from Newcastle Upon Tyne was been found guilty of contravening section 3 (1) of the Health and Safety at Work Act 1974 and have been fined £600,000 and ordered to pay costs of £78,531.



The image shows the cover of the HSE guidance document 'Managing contractors: A guide for employers'. The cover is blue and white. At the top left is the HSE logo. At the top right, it says 'Health and Safety Executive'. The title 'Managing contractors' is in large blue letters, with the subtitle 'A guide for employers' below it. Below the title is a small image of a person in a blue suit standing next to a ladder. To the right of the image, there is text: 'This is a free-to-download, web-friendly version of HSG159 (Second edition, published 2011). This version has been adapted for online use from HSE's current printed version. You can buy the book at www.hsebooks.co.uk and most bookshops. ISBN 978 0 7176 6436 8 Price Code CA. Managing contractors has been written as a guide for small to medium-sized companies in the chemical industry, but it will also be of use to other industries and larger companies. Safe working with contractors presents a challenge, but being a smaller company has its advantages. You can be more flexible in your approach and decisions can be made more quickly. Lines of communication are shorter, usually there are not too many people involved and it is easier to know who is around. In this guidance we aim to help you understand what you need to do and give sound practical advice for action. Working together helps everyone to work safely. This second edition brings guidance and references up to date.'

Speaking after the hearing HSE inspector Neil Fry said:

“This is a tragic case which could have been entirely preventable; if the company had managed their contractors effectively then the worker would have returned home safely from work.”

JAIL TERM FOR BOSS OVER FLAT ROOF FATAL FALL

Workman fell from unprotected flat roof edge during refurb

A self-employed businessman has been prosecuted after his employee fell from the flat roof of a building and died from his injuries in December 2013.

Manchester Crown Court heard how the workman was working on a flat roof replacement project alongside the defendant. He was holding the cladding sheets in position from a ladder footed by his colleague whilst the defendant secured the sheets and the flashing from the roof.

He subsequently climbed onto the roof and fell from the edge. The reason for him climbing to the roof was not discovered.

Completely failed to properly plan the roof work

Greater Manchester Police and HSE found that the work was not properly planned to ensure it could be carried out safely. Thus, there were no measures in place, such as scaffold edge protection, to prevent falls from the edges of the roof.

The defendant from Oldham, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was sentenced to 9-months imprisonment, suspended for two years and 200 hours of unpaid work.

HSE inspector Laura Moran said after the hearing:

“



The dangers associated with working at height are well-known. The contractor is an experienced roofer, who completely failed in his duties to properly plan the roof work and to ensure it was carried out safely. By failing to have suitable edge protection installed around the building, he put himself and his employees at risk, ultimately costing a life.”

SITE DEATH WORKING WITH CONCRETE PUMP

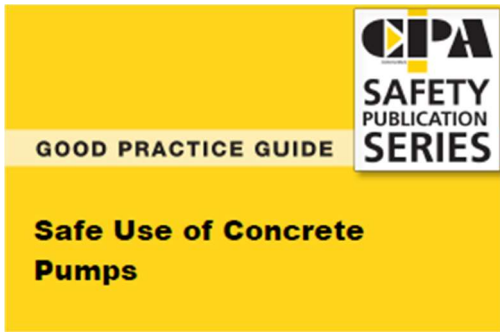
Workman struck by ejected pump line cleaning device

It has been reported by the *Daily Star* that a construction worker has died on a building site in Wimbledon, South London on Monday 13th February 2017.

A Metropolitan Police spokesman said:

“A man in his mid-20s was reported injured while working with concrete. Despite attempts to revive him, the man was declared dead at the scene. Next of kin and HSE have been informed.”

Witnesses have told *This is London* that a ball used to clean out concrete pumps had become wedged in the pipe, causing a build-up of pressure. The ball came “flying out of the pump” and struck the man as he stood nearby.



Witness Stephen Burrows from south Wimbledon, said:

“It hit him straight in the head and lifted him off the ground. It was awful. It looked like a freak accident. It was instant, I’m sure he didn’t feel it. I will never forget it. It was horrendous. I will never forget it for as long as I live.”



PUBLICATIONS

Research report RR1085 *Exploring the human and physical factors associated with telescopic handler overturning risks:*

Downloadable from: <http://www.hse.gov.uk/research/rrhtm/rr1085.htm>

SAFE & SOUND AT WORK



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Involve them and they'll understand.



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