



SAFETY UPDATE

Issue 6 June 2017

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NEWS

General Data Protection Regulation (GDPR) 2018

The advent of the General Data Protection Regulation (GDPR) in May 2018 sees the biggest change to data protection legislation for 20 years.

We have become increasingly accustomed to media coverage of major data security breaches and their impact on the businesses and people affected by them. But with the advent of new European legislation – the General Data Protection Regulation, or we are going to need to know about it and prepare for it.

There is a potential for increased penalties, which could lead to fines of up to €20 million or 4% of global annual turnover for the preceding financial year, whichever is the higher.

Some pointers from a recent seminar:

- Think about undertaking an information audit. Read up on the proposed GDPR: there's plenty of information on the Information Commissioner's website at <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr>, including a link to download the '12 steps to take now' document, and a checklist and self-assessment guide.
- Take a look at the legislation itself. You can find out more on the EU GDPR website at <http://www.eugdpr.org/key-changes.html>. The regulation itself has been reproduced online here: <https://gdpr-info.eu>. The existing UK Data Protection Act 1998 is online here: <http://www.legislation.gov.uk/ukpga/1998/29/contents-specific-reference-to-Appendices-2-and-3> (regarding justifications for processing personal and sensitive personal data), especially if you are currently relying on consent (which can always be withdrawn).
- Think about whether you need to appoint a Data Protection Officer.

CASES

REVERSING TELEHANDLER CAUSED SITE DEATH

Principal Contractor and contractor held jointly responsible

A construction company and a groundworks contractor have been fined after a worker died when he was struck by a reversing vehicle in June 2013.

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Exeter Crown Court heard how the employee was crushed by the telehandler when it reversed whilst he was walking alongside the vehicle on a construction site in Dawlish, Devon.

HSE investigators found that project Principal Contractor failed to ensure this area of the construction site was organised to enable pedestrians and vehicles to move safely and the groundworks contractor had not fully considered the risks to their employees.

Walkways and barriers required

The Principal Contractor pleaded guilty to breaching Regulation 36(1) of the Construction (Design and Management) Regulations 2007 which requires that the construction site be organised in such a way that pedestrians and vehicles can move safely and was fined £20,000 and ordered to pay costs of £20,000.

The contractor pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act, was fined £20,000 and ordered to pay costs of £20,000.

Speaking after the hearing HSE inspector Caroline Penwill said:

"There were no control measures in place to segregate vehicles and pedestrians in the area where the incident happened.

Separating pedestrians and vehicles by introducing measures such as walkways with barriers, could have prevented John Small's death"

PLANNING AND DESIGN ERRORS BEHIND FOUR DEATHS

Prison sentence and fines follow steel cage collapse tragedy

Two companies have been fined a total of £700,000 and a director has received a suspended prison sentence following the fatal crushing of four workers at an excavation site in Norfolk in January 2011.

The Court at the Old Bailey heard that the workmen were constructing a large steel structure as part of the foundation for a large pressure test facility at premises in Great Yarmouth when the structure collapsed on top of the group.

The excavation was some 23m long, 3m wide and 2m deep. The horizontal steel cage being constructed would have weighed about 32 tonnes when completed.

Project needed to be planned, designed, managed and monitored effectively

HSE investigators found serious flaws in the planning, management and monitoring of this complex project. HSE Construction Division Head of Operations Annette Hall said:

"Those sentenced today failed the four workers who died. They didn't carry out their legal duties, leading to the events which caused their deaths.

This was a long term, large scale and complex civil engineering project which needed to be planned, designed, managed and monitored effectively. The tragedy here is that, in the months leading up to the accident, any one of these parties could and should have asked basic questions about building the structure safely."

Guidance

The *Temporary Works Forum* (TWf) has published a safety bulletin aimed at those specifying, managing, designing, detailing and installing reinforcement cages concerning key issues to ensure

stability and safety. This TWf guidance, [Stability of reinforcement cages prior to concreting](#) is being update presently.



Before the collapse



After the collapse

FAILED HSE SITE INSPECTION ENDS IN COURT

Injury not required for accountability over poor safety standards

A building services company has been fined £20,000 following a preventative inspection by HSE in February 2016 in Wilmslow, Cheshire.

During the HSE inspection poor standards of safety were found including uncontrolled hazards arising from work at height and a lack of good order e.g. tidiness.

Manchester Magistrates Court heard that the supervision by management on the project was inadequate, resulting in a failure by all workers to deal with the risks present.

Scant regard for safety of workers

The company pleaded guilty to breaches of Regulation 18(1) of the Construction (Design and Management) Regulations 2015 and Regulation 4 (1) of the Work at Height Regulations 2005 and was £20,000 and ordered to pay costs of £4095.60.

Speaking after the hearing HSE Inspector Ian Betley said:



"Numerous failings were found on this site, including serious risks of falls from height and site tidiness that could have resulted in major injuries or even death.

Skyline Building Services Limited showed scant regard for the safety of the workers they were responsible for and it was fortunate that nobody was seriously injured or killed."

SECOND CORPORATE MANSLAUGHTER CASE IN WEEK

Double fatality represented pattern of serious neglect

A company has been convicted of the manslaughter of two workers who died after falling from the balcony of a block of flats in central London. The director of the firm was convicted of health and safety offences.

The company and director denied corporate manslaughter and the related health and safety offences but were both convicted of all charges following a trial at the Central Criminal Court. Sentencing will take place later.

The court heard how two workmen fell to their deaths after the railings at the flat in Cadogan Square gave way in November 2014.

Appalling disregard for the safety

The men were involved in lifting a heavy sofa from the ground to the balcony using ropes with only the Victorian railings for safety. Nick Vamos, from the CPS, said:

"The company and its director showed an appalling disregard for the safety of their employees, with terrible consequences.

Sadly, this incident was entirely foreseeable and preventable. Neither was it an isolated breach. The evidence put forward by the prosecution clearly demonstrated to the jury how these tragic deaths were part of a pattern of serious neglect of basic health and safety.

FIRM FAILED TO SECURE COMPETENT ASSISTANCE

Court holds manager to account over inaction on risk management

A Cambridge company and its general manager have been fined for failing to maintain health and safety standards in the workplace after multiple HSE Improvement notices were issued.

The company had been served with HSE Improvement Notices and written advice. The business initially complied but subsequently failed to maintain standards.

In March 2015 HSE inspectors found the company should have adopted standards identified in previous inspections and not allowed them to lapse.

Advice on risk required for compliance

The company pleaded guilty to breaching the Management of Health and Safety at Work Regulations 1999 and offences regarding COSHH, Noise and PUWER and was fined £40,000 and ordered to pay costs of £4,000.

The General Manager pleaded guilty to breaching Section 37 of the Health and Safety at Work etc Act 1974 and was fined £3,000 and ordered to pay costs of £700.

Speaking after the hearing HSE inspector Sandra Dias said:



Getting specialist help with health and safety



This is a web-friendly version of leaflet INDG420(rev1), revised 12/11

In many cases, businesses can manage health and safety themselves or with the help of in-house advisors. However, there are times when businesses will need to get external help, particularly on more detailed or technical issues. This is often referred to as specialist help.

Deciding exactly what help you need is very important. Unless you are clear at this stage, you probably won't get the help you really need.

If you are looking for specialist help for health and safety, you should ask yourself the following questions.

What should I do first?

Visit HSE's website <http://www.hse.gov.uk/simple-health-safety/index.htm> and find out what help is available for your business. You may also find it helpful to discuss matters with your trade association.

"This case highlights the importance of continuing to comply with health and safety law. The HSE will consider prosecuting both a company and individuals even if there are no reported cases of injury or ill-health.

Duty holders have the responsibility to ensure they have suitable competent advice to be able to fully understand the risks employees face, and implement adequate control measures so they can work safely."

MAJOR UK FIRMS FAILED ON VEHICLE MANAGEMENT

Worker struck and injured when towed trolley and load overturned

Two major UK companies have been fined after a worker was seriously injured by a trolley carrying hydraulic rams in October 2013.

Stafford Crown Court heard how the employee was auditing in-coming deliveries of equipment on the host company site when he was struck from behind by falling machinery.

The machinery was being towed by an electric tug and weighed approximately 770kg. The trolley toppled on its side trapping the employee between the trolley and a stillage. He suffered multiple serious injuries including fractures and internal injuries.

Effective segregation of pedestrians and vehicles lacking

HSE investigators found many safety failures related to the auditing activity and the segregation between employees and vehicles using this area, leading to an unsafe system of work. The two companies pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and were fined £266,000 and £375,000 respectively.



HSE Inspector David Brassington said after the hearing: "The dangers of failing to provide effective segregation between pedestrians and vehicles are well known. Both companies were well versed in transport risk management and both fell well below the required standard in ensuring that such risks were effectively managed in this area."

These failings allowed a pedestrian worker into a

busy area where vehicles were coming and going and as a result the worker sustained serious injuries from which he has still not recovered."

HSE REFURBISHMENT CAMPAIGN ENDS IN £750,000 FINE

Contractor fined under CDM after failing to act on asbestos survey

A construction company has been fined £750,000 after repeated failure to manage the risk from asbestos which resulted in up to 40 workers being exposed to the fibres.

Canterbury Crown Court heard HSE carried out two investigations of working practices on the construction project in 2013 and 2014. The first arose from an inspection during an HSE refurbishment campaigns. The Court was told that a [refurbishment and demolition \(R&D\) asbestos survey](#) had been carried but the company had failed to act upon the survey results.

The second investigation found that despite engaging a licensed asbestos contractor to remove the remaining asbestos materials, dangerous practices were continuing. The company was unable to provide documentation to show that asbestos materials identified in the survey had been correctly removed.


Endemic failure to manage effectively

HSE found that both incidents could have been prevented if the company had in place effective management controls to avoid the risk of exposure to asbestos.

The company from East Finchley, London, pleaded guilty to two offences of breaching Regulation 22 (1) (a) of the Construction Design and Management Regulations 2007 at an earlier hearing and was fined £750,000 with an order to pay costs of £14,874.68.

Speaking after the hearing HSE inspector Melvyn Stancliffe said:

Managing my asbestos	
1. Introduction	
2. Are you responsible?	
3. When was it built?	
4. Information available	
5. Inspect your building	
6. Determining priorities	
7. Types of asbestos	
8. Write your plan	
9. Testing for asbestos	
10. Tell people what you're doing	
11. Getting work done	
12. Keep records up to date	
Further information	
Feedback	



Refurbishment / demolition survey

Tell the surveyor you want a **refurbishment/demolition survey**.

The refurbishment / demolition survey is required where the premises, or part of it, need upgrading, refurbishment or demolition. The survey does not need a record of the condition of asbestos-containing materials (ACM). Normally, a surveyor is needed for refurbishment / demolition surveys.

A Refurbishment / demolition survey aims to ensure that:

1. nobody will be harmed by work on ACM in the premises or equipment;
2. such work will be done by the right contractor in the right way

The survey must locate and identify all ACM before any structural work begins at a stated location or on stated equipment at the premises. It involves destructive inspection and asbestos disturbance. The area surveyed must be vacated, and

"The company's failings in this case has put many workers at risk to the exposure of asbestos. It was clear there was an endemic failure to effectively manage the construction work on the site in a way which ensured that asbestos materials were not disturbed until removed under appropriate conditions."

SITE MANAGER JAILED OVER DEATH OF PASSER-BY

Failure to secure windows led to death and manslaughter sentence

The site manager for a London construction project has been sentenced to a 12-month prison term for manslaughter by gross negligence after a woman walking past a construction site died when three window frames weighing more than half a tonne fell on her in August 2012.

The window frames had been delivered the previous day but could not be fitted immediately due to other delays on site. The frames were left on the pavement overnight, leaning against the building. No efforts were made to secure them and no barrier placed around them. No checks were made on the frames when individual defendants arrived on site the next morning.

Frames toppled by door moved by wind

It is believed a door in the building blew open in the wind, hitting the frames and causing them to topple. A worker inside tried but was unable to restrain the frames. Police officers at the scene were told the frames had been secured to the wall with a ratchet strap. Evidence showed this was not the case.

HSE Inspector Jack Wilby said:

"An obvious risk was not addressed and allowed to continue. Those sentenced today had responsibilities to protect others from their actions. The construction work was not planned, managed or monitored properly. The deceased's parents said following the verdict:

"If construction companies and the people who work for them are not held to account for such high levels of negligence and incompetence then none of us is safe walking the streets next to construction sites. The Health and Safety training being given is totally inadequate, if risk of death to passers-by is ignored."

FIRM FINED £2 MILLION OVER WORKPLACE DEATH

Unsafe stacking of plastic bales claimed life of cleaner

A major food manufacturer has been fined £2,000,000 after a workman died when plastic bales fell on top of him in a storage area in February 2015.

The 29-year-old workman was cleaning a storage yard when several plastic bales weighing 703 kg fell towards him trapping him against the ground.



Manchester Crown Court heard HSE investigators found there was unsafe stacking of bales of plastic. The company failed to implement properly planned safe systems of work for their employees who were exposed during the stacking of the bales.

There was also no formal training in stacking bales and lack of monitoring in the bale area.

Proper planning needed for storage and stacking

The company from Wigan plead guilty to breaches of Section 2 (1) of the Health and Safety at Work at 1974 and was fined £2million with £32,595.10 costs.

Speaking after the hearing HSE inspector Ian Betley said:

Construction	Materials storage and waste management	Resources
New to health and safety	What you need to do	 Health and safety in construction HSG 150
- Safety topics	The law says you must keep every part of your construction site in 'good order' and every place of work clean. The objective is to achieve what is usually called a good standard of 'housekeeping' across the site.	 Construction site good order
- Site organisation	In addition, all contractors must plan, manage and monitor their work so it is carried safely and without risks to health. This includes careful planning on how the site will be kept tidy and housekeeping actively managed.	More resources
Traffic management on site	The standard of housekeeping you achieve on site will be affected by how effective you are at:	See also
Protecting the public	<ul style="list-style-type: none"> Materials storage Waste management 	<ul style="list-style-type: none"> Environment Agency - Waste Construction Waste - Defra CDM Regulation 2015
Materials storage and waste management	What you need to know	
Administration	Each year around 1000 trips or slips on construction sites involve someone fracturing bones or dislocating joints.	
Slips and trips	These incidents can cause permanent disablement and have a huge impact on both work and personal life. Many of are caused simply because there is something in the person's way, such as building materials or waste.	
+ Work at height	<ul style="list-style-type: none"> Remember: sensible management of materials can reduce waste, reduce cost whilst improving site safety and helping to protect the environment. 	
+ Structural stability	Materials storage	
Cranes	Safe and efficient materials storage depends on good co-operation and co-ordination between everyone involved including, client, contractors, suppliers and the construction trades.	
+ Electricity	On all projects the arrangements for materials storage should be	
+ Fire		
+ Mobile plant and vehicles		
Demolition		
+ Managing construction health risks		
+ Construction Design and Management (CDM) 2015		
+ Leadership and worker involvement toolkit		
Migrant workers in construction		
+ Current campaigns		

"The defendant fell far short of the required standard expected. Not only should proper planning have been carried out in relation to the storage and stacking of waste bales, but also a system of work subsequently put in place to mitigate those risks. The company failed on both counts with devastating consequences."

CONCRETE STAIRCASE CAUSED FATAL CRUSHING

Lifting operations were unsafe and poorly supervised on project

A concrete frame firm has been fined after 31-year-old workman died whilst working on large construction project in London.

Southwark Crown Court heard that the deceased was fatally crushed on 6 November 2013 by a concrete staircase that was in the process of being installed.

HSE found there was no safe system of work in place for the installation of the staircases throughout this project. It was also found the company failed to appropriately supervise this work activity.

Safe and suitable lifting plans are essential

The company pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974, and has been fined £185,000 and ordered to pay costs of £20,606.14.

Speaking after the hearing HSE inspector Stephen Farthing said:



"This incident could have been prevented if the company had properly planned the lifting process before work had begun. Duty holders have the responsibility of ensuring that safe and suitable lifting plans are in place before carrying out any work involved with heavy loads."

LACK OF SAFE PLATFORMS FOR WORK ON CRANE

Major crane hire company erred on work at height precautions

A company has been fined after a worker fractured his vertebrae after falling while working on the platform of a crane.

High Wycombe Magistrates Court heard how the 54-year-old was working on the platform on 14 March 2016, which was 2m above ground level when he fell. He has since made a largely full recovery.

HSE investigators found that the fall could have been prevented by reasonably practicable measures, which have now been put in place.

Work at height protection is vital

The crane hire firm pleaded guilty to breaching Regulation (4) of the Working at Height Regulations 2005 at High Wycombe Magistrates, was fined £50,000.

Speaking after the hearing HSE inspector Stephen Faulkner said:

CPA Construction Plant-hire Association
 Call: 020 7796 3366 | Email: enquiries@cpa.uk.net
 Home > Publications & Guidance

You are in ... Publications & Guidance	CPA Hire Conditions 2011 Model Conditions, Contract Lift, Supplementary and Consumer Conditions	Employment Documents & Downloads Employment Reference Document, Travelling and Subsistence Note & other documents
	Adjudicator's List & Nomination Form	Mobile and Crawler Crane Guidance CPA guidance from the Crane Interest Group (CIG)
	General Publications inc. safety instruction leaflets	Tower Crane Guidance CPA guidance from the Tower Crane Interest
British Concrete Pumping Guidance	Shoring Technology Guidance	

"This case highlights the importance of ensuring that workers have reasonable measures in place while working at height and it is carried out in a safe manner. The company has now initiated a system of work platforms which would have prevented the falls."

RISK ASSESSMENT BREACH PROMPTS £400,000 FINE

Fatality revealed assessment was not suitable and sufficient

A company which purchases, refurbishes and sells Heavy Goods Vehicles (HGVs) and trailers has been sentenced after the death of a 63-year-old workman in February 2013.

Wolverhampton Crown Court heard that he suffered fatal head injuries when he was struck by the roof of a trailer he was dismantling at a site in Wolverhampton.

HSE found the firm had undertaken and had an established method in place. However, it failed to properly consider the risks involved in this work and did not provide Mr Price with any information in relation to his safety when 'stripping down' the trailers.

Preventable if risks considered

The firm from Stafford Road, Wolverhampton pleaded guilty to breaching Regulation 3 of the Management of Health and Safety at Work Regulations 1999 and was £475,000 and ordered to pay costs prosecution of £20,000.

Speaking after the hearing HSE inspector Judith Botwood said:



This is a web-friendly version of leaflet INDG163(rev4), published 08/14

This leaflet is aimed at employers, managers and others with responsibility for health and safety. It will also be useful to employees and safety representatives.

Introduction

As part of managing the health and safety of your business, you must control the risks in your workplace. To do this you need to think about what might cause harm to people and decide whether you are taking reasonable steps to prevent that harm.

This is known as risk assessment and it is something you are required by law to carry out. **If you have fewer than five employees you don't have to write anything down.**

A risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risks in your workplace. You are probably already taking steps to protect your employees, but your risk assessment will help you decide whether you have covered all you need to.

Think about how accidents and ill health could happen and concentrate on real risks – those that are most likely and which will cause the most harm.

For some risks, other regulations require particular control measures. Your assessment can help you identify where you need to look at certain risks and these particular control measures in more detail. These control measures do not have to be assessed separately but can be considered as part of, or an extension of, your overall risk assessment.

"This tragic accident was preventable had all parties considered the risks involved and taken appropriate measures to reduce that risk."

PUBLICATIONS

BS EN ISO 7010:2012+A6:2016 Graphical symbols

BS EN ISO 7010:2012+A6:2016 Graphical symbols – Safety colours and safety signs has now been published. The standard specifies safety signs for the purposes of accident prevention, fire protection, health hazard. Information and emergency evacuation.

The standard enables you to develop specific safety signing for your industry and to conform to the design principles of ISO 3864.

Purchase a copy from the BSI Shop:

<http://go.pardot.com/e/73472/ter-BUYS-1704-utm-content-body/7zzt62/307581049>

HSE Work-Related Stress e-Bulletin

Access the HSE's regular bulletin on Work-Related Stress:

<https://content.govdelivery.com/accounts/UKHSE/bulletins/1a192a8>



Getting painful sunburn just once every two years, can triple your risk of melanoma skin cancer.

Don't risk it. Cover up mate.

#CoverUpMate

