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## NEWS

### DOING SAFETY DIFFERENTLY – THE MOVIE...

#### Reducing compliance bureaucracy and putting trust in people

The work of Professor Sidney Dekker has been gaining traction in Australia and in the last 12 months with major contractor in the UK construction sector. A 'Movie' has now been posted online which provides an overview of the approach.

Many core aspects of this approach e.g. reducing bureaucracy and empowering work teams to manage risk, will resonate with many readers. Wholesale implementation will prove more challenging.

You can watch *Safety Differently* online at:

[www.youtube.com/watch?time\\_continue=22&v=moh4QN4IAPg](http://www.youtube.com/watch?time_continue=22&v=moh4QN4IAPg)



### HSE CONSTRUCTION BLITZ GOES LIVE ON HEALTH RISKS

#### Second phase of campaign looks for compliance on dust management

Construction projects across Britain have been alerted to the HSE second phase of a targeted inspections initiative which commenced in October 2017.

HSE report that 43 workers were fatally injured in 2015/16, and an estimated ten times that number died from construction related ill-health, with a further 65,000 self-reported non-fatal injuries.

The regulator is now asking every construction contractor, client and designer to ensure they are not adding to this unacceptable toll of harm by failing to manage well-known risks.

The campaign will focus on the control of harmful dusts including respirable crystalline silica (RCS) from concrete, brick and stone, asbestos and wood dust.

This focus on dust is in addition to an ongoing examination of work at height, structural safety, materials handling, good order and welfare provision.

### **Silica dust hazard CAN be eliminated or controlled**

HSE points to the misconception that health issues cannot be controlled in construction adding that harmful dust, whether silica or wood, is a serious issue and can be managed effectively with the right design, equipment and training.

HSE's Chief Inspector of Construction and Director of Construction Division Peter Baker commented:

*"In Phase 1 of this campaign HSE Inspectors found lots of good examples of small sites working safely and protecting workers health from exposure to harmful dusts, proving it can be done."*

## **CASES**

### **WORKING PLATFORM FELL FROM TELEHANDLER**

#### **Manufacturer instructions for safe platform attachment not followed**

A builder has been sentenced after three workers fell some 5m when a work platform became disconnected from a telehandler in December 2015.

Hull Magistrates heard that the company, hired to construct a new farm building, engaged a cladding firm and provided a telehandler and work platform for the sub-contractor to complete the work.

The court heard that three of the cladding company workers were elevated in the platform when it became detached from the telehandler and fell to the ground.

#### **Not possible to comply with safety instructions**

HSE investigators found that the work platform was not (and could not be) connected to the telehandler in accordance with manufacturer instructions which required three separate mechanical attachments.

The necessary securing attachments were not present, and only one of the three was effectively in place.

The builder pleaded guilty to breaching Section 3 of the Health and Safety at Work Act 1974 and was fined £1200 with £558 costs.

After the hearing, HSE inspector Alan Sheldon commented:

## Working platforms (non-integrated) on forklift trucks

Guidance Note PM28 (Fourth edition)



This guidance is for users, suppliers and hirers of non-integrated working platforms.

There are restrictions on the circumstances in which non-integrated working platforms can be used. Also, non-integrated working platforms do not come under the Machinery Directive and should not be CE marked.

There is a variety of equipment available for work at height, including scaffolding, tower scaffolds, mobile elevating work platforms (MEWPs), staircases, platforms and portable ladders. The selection and use of an appropriate and suitable method of access will depend on the nature of the task to be carried out, the frequency of occurrence, the duration of the work and the availability of equipment.

Forklift trucks are primarily intended for lifting materials and not people. However, they can be used with working platforms to allow people to work at height in exceptional circumstances only. This guidance explains when this may be appropriate.

The guidance also provides advice on identifying appropriate working platforms and forklift truck combinations, how they can be used safely together and necessary design characteristics for working platforms for their safe use.

*"These injuries were easily prevented and the risk should have been identified.*

*This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."*

## MAJOR CONTRACTOR FINED £640K OVER CO RISK

### Simple marking required to control carbon monoxide gas

A major UK contractor and a sub-contractor have been fined heavily after a project to remove cowls to redundant flue pipes resulted in carbon monoxide (CO) entering a property in December 2014.

Cambridge Crown Court heard how a mistake regarding the correct floor level resulted in a live flue being blocked.

Scaffolding was erected outside a 13-storey block of flats without marked lift levels and the external wall of the building had no markings to identify floor levels or flat numbers.

The problem was identified when a CO monitor activated and the homeowner investigated. The damaged boiler was switched off before serious ill-health could occur.

### Safe systems should be thought through and robust

HSE investigators said the companies could have marked the levels on the scaffold and the levels/flat numbers on the external wall of the building and marked the redundant flue pipes to ensure that only the correct cowls were removed and flue pipes blocked

The Principal Contractor pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and have been fined £640,000 and ordered to pay costs of £20,862.52.

The sub-contractor pleaded guilty breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and have been fined £30,000 and ordered to pay costs of £10,431.28

Speaking after the hearing HSE inspector Sandra Dias said:



*"It is the responsibility of both the principal contractor and subcontractor to ensure that safe systems of work have been identified and adopted.*

*When there is risk of death to members of the public, the safe systems should be well thought through and robust."*

## DEATH AND POORLY MANAGED RISK FINED £3.8 MILLION

### Unstable precast concrete panels toppled MEWP and crushed operator

A precast concrete panel manufacturer and a plant hire company have been fined a total of £3.8 million following the death of a worker at a factory in Worksop in July 2014.

Nottingham Crown Court heard that the deceased workman was working in a MEWP removing lifting attachments from the top of an 11-tonne concrete panel stored on a transport pallet.

He died when the panel toppled striking the MEWP throwing him from the basket. The falling panel caused a number of other concrete panels to topple and one of these panels fell onto him.

### Pallets in poor condition and storage dangers

HSE investigators confirmed that the frame used to secure the panel was not properly connected to the pallet. A locking pin had not been correctly reinserted after the frame had been replaced and there was no system of pre-use checks.

The pallets were in a poor condition, with defects including missing support bearers and stabilising legs. The investigation also identified concerns with the wider systems for the storage of concrete panels at the site.

The companies pleaded guilty to breaching Sections 2 or 3 of the Health and Safety at Work etc. Act 1974. The manufacturer was fined £2million and ordered to pay costs of £13,922 and the plant hire firm was fined £1.8million and ordered to pay costs of £13,922.

Speaking after the hearing Stuart Pilkington, HSE Inspector, said



*"This tragic incident led to the avoidable death of a young man, whose death could easily have been prevented if the companies had acted following previous warnings to identify and manage the risks involved, maintain the equipment, and put a safe system of work in place."*

## WORKER LOSES HANDS AND FEET IN POWER LINE STRIKE

### Director handed prison term over unsafe scaffolding operation

A Swindon-based scaffolding company and its director have been sentenced after a worker was left with life-changing injuries.

Swindon Magistrates heard how the worker was erecting scaffolding on 19 December 2016 when the structure came into contact with 33KV overhead power lines.

The father of five received an electric shock which led to the amputation of his left arm above the elbow, right arm below the elbow and both of his feet. The 32-year-old also suffered severe burns to his legs and back, damage to his vocal chords, and was in an induced coma for six weeks.

## **Planned safe system of work lacking**

HSE investigators found the scaffolding should not have been built to a height which was so close to overhead power lines. The company and its director failed to ensure a safe system of work was in place for erecting a scaffold under overhead power lines.



The company pleaded guilty to breaching Regulation 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £80,000.

## **FITTERS FINGERS SEVERED BY UNGUARDED TABLE SAW**

### **Compensation order for injured workman takes precedence over fine**

A kitchen company has been fined after the fingers of an employee were severed whilst he was using an unguarded circular table saw in June 2016.

Liverpool Magistrates heard how the apprentice was working unsupervised on an unguarded table saw when his left hand came into contact with the blade.

The apprentice suffered injuries including a laceration to this thumb while two of his fingers were completely severed.

HSE investigators found that training had not been provided to the apprentice on the safe use of the saw and that he was not appropriately supervised.

The company failed to ensure a suitable guard was provided and used, or that the employee was supplied with an adequate push stick or holder to use in conjunction with the saw.

### **Errant employers will be held to account**

The firm from the Wirral, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and Section 1(1) of the Employers' Liability Compulsory Insurance Act 1969.

The company was fined £2,000 and ordered to pay £1,000 in costs, the company was also ordered to pay a £17,000 compensation order.

HSE inspector Catherine Lyon said after the hearing:



*"Good management of health and safety applies to all duty-holders, including small companies, and every employer must ensure they have Employers Liability (Compulsory) Insurance in place. Where employers are found to be in breach of this requirement, they will be held to account by HSE."*

## **COUNCIL FAILED TO IMPLEMENT STATED HAVS POLICY**

### **Fined £150k over failure to control and monitor hand-arm vibration hazard**

A Borough Council has been fined £150,000 after a 57-year old man was diagnosed with Hand Arm Vibration Syndrome (HAVS) in September 2015.

Wrexham Magistrates' Court heard that the injured man worked in the council Street Scene department and used vibrating tools.

The HSE investigation revealed that council failed to manage the hazard from vibrating hand-tools following a council internal an audit in February 2011 which identified a failure to assess the risk to employees from vibration and subsequently developing HAVS.

### **Declared policy on HAVS not implemented**

The council developed a number of policies dating back to 2004 to tackle the risk of HAVS, however it was found these policies were not implemented.

Following the introduction of HAVS occupational health surveillance for users of vibrating tools a further eleven diagnoses of HAVS or Carpal tunnel syndrome have been reported.

The Council pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974. The council has been fined £150,000 and ordered to pay prosecution costs of £10,000.

Speaking after the hearing HSE inspector Mhairi Duffy said:

*"This employee now suffers from a long term, life changing illness. The council should have implemented the policy they devised following the audit in 2011.*

*Workers' health should not be made worse by the work they do; all employees have the right to go home healthy at the end of the working day."*

**HSE** Health & Safety Executive  
**HAND-ARM VIBRATION EXPOSURE CALCULATOR** Version 4.3 January 2014

Tool or process name	Vibration magnitude m/s <sup>2</sup> r.m.s.	Exposure points per hour	Time to reach EAV 2.5 m/s <sup>2</sup> A (8)		Time to reach ELV 5 m/s <sup>2</sup> A (8)		Exposure duration		Partial exposure m/s <sup>2</sup> 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/s<sup>2</sup> A (8)  
 Total exposure points

## PROJECT MANAGER FINED OVER FAILURE TO MANAGE

### Principal Contractor prosecuted alongside responsible manager

A London-based construction company and a project manager have been fined for “repeatedly failing to manage and control multiple risks”.

Reading Magistrates heard how concerns were raised by workers and members of the public which resulted in HSE inspectors carrying out a number of visits during 2015 to two projects where the company was the appointed CDM 2015 Principal Contractor and identified numerous health and safety failings.

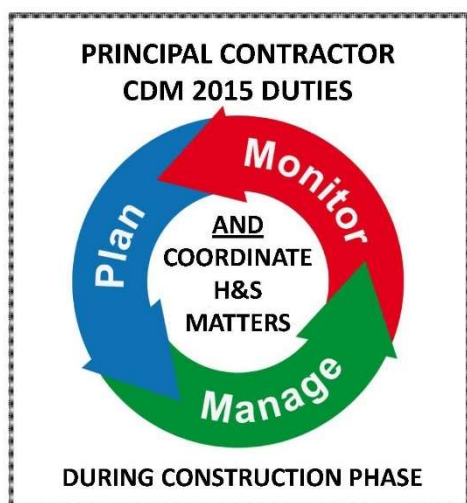
Enforcement notices were served for breaches including unsafe work at height, working in unstable deep excavations and inadequate arrangements for planning, managing and monitoring construction work.

### Planning, managing and monitoring are crucial

The company and the project manager were both prosecuted and pleaded guilty.

The company was fined £100,000 and the project manager pleaded guilty to two breaches under Regulation 13 (1) of the Construction Design and Management Regulations 2015, by virtue of Section 37 of the Health and Safety at Work Act 1974 and was fined £15,000.

Speaking after the hearing, HSE inspector Dominic Goacher said:



*“Principal Contractors and their managers have a duty to ensure risks to workers are managed throughout the construction phase of projects.*

*This case serves as a reminder to those responsible of the importance of ensuring construction work is properly planned, managed and monitored so that serious risks are identified and eliminated or controlled.”*

## **ROOF WORKER FRACTURED BACK IN FRAGILE FALL**

### **Fragile wood wool slabs failed to support weight of workman**

A Darlington based roofing company has been sentenced after an employee suffered a fractured back requiring surgery in April 2015.

Newcastle Crown Court heard that the injured employee was installing new plywood boards over existing wood wool slabs on a roof at a site in Morpeth.

Two workers were positioning the second plywood board when the injured person fell 4m through one of the wood wool slabs onto the floor of the plant room, colliding with internal pipework as he fell.

### **Roof fragility should have been identified**

HSE told the court the defendant should have identified that the roofs were potentially fragile and should have planned the work around this fact, with measures in place to prevent a fall through a fragile surface.

The contractor pleaded guilty to breaching Regulation 15(2) of the Construction (Design and Management) Regulations 2015 and was fined £25,000 with £24,572.84 costs, plus a victim surcharge of £120.

After the hearing, HSE inspector Andrea Robbins said:

*"This injury was easily prevented and the risk should have been identified"*





30 isn't the only sign to slow down.

