



# SAFETY UPDATE

Issue 01 January 2018

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## NEWS

### STANDARD FOR SELECTING CDM PRINCIPAL DESIGNERS

#### **BSI publishes specification for procuring all CDM 2015 services**

The National Standards Body for the United Kingdom, BSI has published PAS 91:2013+A1:2017 for application across the UK.

The new [free to download](#) standard covers, for the first-time, the engagement of those design organisations to be appointed by the project client as Principal Designers under the CDM Regulations 2015.

CDM 2015 requires that design and contractor organisations appointed to work on a construction project must have the necessary skills, knowledge and experience and organisational capability to fulfil the role that they are appointed to undertake.

The client responsible for appointing the design and contractor organisations must take reasonable steps to satisfy themselves that those parties have the necessary skills etc.

#### **Successful prior assessment can reduce bureaucracy**

The new PAS 91 provides for acceptance by clients of relevant successful assessments by registered members of the Safety Schemes in Procurement Forum (SSIP), against the PAS sections which covers health and safety questions only.

To help reduce cost and bureaucracy client compliance with PAS 91 includes acceptance of relevant, successful assessments by an SSIP registered member scheme in lieu of responses to the H&S question. This enables the clients to give additional attention to project-specific health and safety questions.

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## CASES

### MAJOR CONTRACTOR FINED £1.8M OVER ROAD DEATH

#### Road planer operation put roadworks pedestrians at risk of injury

A project Principal Contractor and a road building Contractor have been sentenced after a workman was struck and died whilst working on roadworks in Suffolk in May 2014.

Ipswich Magistrates heard that workers were using a road planer to remove the south bound road surface whilst on the north bound side traffic lights controlled the direction of the traffic.

During this operation, the driver of the contractor's flatbed lorry observed a roadworks colleague lying in the road to the offside rear of his vehicle. The vehicle had been reversing slowing behind the road planer conveyor belt to collect the debris planed from the road surface.

The man was taken to hospital, but died of his extensive injuries.

#### Traffic passing close at 60mph

The defendants failed to ensure that the operation of the road planer was carried out in such a manner to ensure vehicles and pedestrians could move safely around the roadworks without exposing persons to risks to their health and safety.

The principal contractor was fined £1.8million and ordered to pay £12,405 in costs and the contractor fined £75,000 and ordered to pay £12,405 in costs.

Speaking after the hearing, HSE Inspector David King said:



*"The planning of roadworks needs to start by considering the design, and how road workers and members of the public will be protected from moving vehicles, this could mean road closures, reducing speed limits or other measures. Whatever the controls in place, those in the area need to have sufficient space, barriers and controls to ensure the risks to them are minimised."*

### MANAGER PROSECUTED OVER APPRENTICE INJURY

#### Untrained young worker fell through fragile roof light

A roofing company has been fined £120,000 and senior manager has been given a community order after an apprentice suffered severe head and back injuries after falling through a fragile skylight in November 2016.

Coventry Magistrates heard how the 18-year-old apprentice fell over 6m and suffered severe head, facial and back injuries which required him to be placed in an induced coma for three weeks.

## **Worker skills, knowledge and experience**

HSE investigators found that the employee was a young, inexperienced apprentice and had not worked on this type of roof before. The apprentice had not received any training from the company for work on this type of roof, or for work near skylights.

The employer from Solihull, pleaded guilty to breaching Regulation 4 (1) of the Work at Height Regulations 2005 and was fined £120,000 whilst the manager was given a community order requiring 200 hours unpaid work and subject to an electronically-monitored curfew.

Speaking after the hearing, HSE inspector Luke Messenger said



*"These cases reinforce the need for contractors to have the necessary skills, knowledge, and experience for roof work. It also highlights the importance of precautions for work at height, and the protection of young inexperienced trainees/apprentices."*

## **RESTRAINT SAVES WORKER EJECTED FROM MEWP**

### **Firms failed to separate crane and elevated mobile work platform**

Two companies have been sentenced after workman was ejected from the basket of a cherry picker, resulting in serious chest injuries, in May 2016.

Teesside Magistrates heard that the injured person was carrying out roofing repairs inside a large industrial building in Middlesbrough when the basket was struck by a moving crane.

The operator was wearing a work restraint lanyard and harness which saved him from falling 12m and suffering more far more serious injuries.

### **Risk not identified**

HSE investigators found that the risk of impact between the cherry picker and the operational crane had not been identified and suitable measures were not taken to prevent operation of the crane when the roof repairs were being carried out inside the building.

The contractor from was fined £1,000.00 whilst the client pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £18,000.00.

Speaking after the hearing, HSE inspector Michael Kingston said:

*"This incident could so easily have been avoided by the roofing contractor and the client working together to ensure that the risks were properly identified, and that suitable control measures were put in place.*

*"The risk of impact between the operational crane and the cherry picker should have been identified, and the crane should have been isolated from its power supply to prevent it being used during the roof repairs."*

## **HSE PROSECUTE OVER POOR SILICA DUST CONTROL**

### **Principal contractor failures led to gross exposure to RCS**

A CDM 2015 Principal Contractor has been fined £40,000 after failing to plan, manage and monitor work under its control, leading to gross exposure of workers to Respirable Crystalline Silica (RCS) in July 2016 in North London.

Westminster Magistrates heard that HSE inspectors made a proactive site inspection at the refurbishment project and found workmen in a basement area had been dry cutting some 250 bricks to shape them for use in bay windows.

HSE investigators found that failures in health and safety management had led to numerous issues on site.

### **Information, controls and supervision lacking**

Workers were not informed of the dangers of inhaling RCS dust, they were not made aware of the correct controls, and the work was not supervised by a competent person.

The company from Hertfordshire pleaded guilty to breaching CDM 2015 Regulation 13(10) and was fined £40,000. Speaking after the hearing HSE inspector Prentiss Clarke-Jones said:



*"Over 500 construction workers are believed to die from exposure to silica dust every year. It is the biggest risk to construction workers after asbestos.*

*This number can be reduced by those in control of the work through adequate planning, managing and monitoring of the work on site."*

## **MAINTENANCE WORKERS EXPOSED TO VIBRATION RISK**

### **Housing Association failed control and monitor significant health risk**

A South Wales Housing Association has been fined £100,000 after failing to take adequate measures to protect workers from the hazard of Hand Arm Vibration Syndrome (HAVS).

Cwmbran Magistrates heard how the association reported six cases of HAVS following a health surveillance programme launched in June 2015. The employees affected were all part of the maintenance team.

HSE investigators found conditions of the workers involved were likely to have been caused or worsened by the use of vibratory power tools whilst employed by the company.

### **Risk stemmed from multiple failures**

The investigation found the association failed to adequately plan working methods to reduce the risk; train employees on the risks to their health; limit the duration and magnitude of exposure to vibration; and put in place a suitable health surveillance to identify problems at an early stage.

The association pleaded guilty to breaching Regulations 5, 6, 7 and 8 of the Control of Vibration at Work Regulations 2005. The company was fined £100,000 and was ordered to pay costs of £9,896.88.

Speaking after the hearing HSE inspector Joanne Carter said:



*"The health of people should not be made worse by the work they do. If the association had correctly implemented its health surveillance earlier, it would have ensured the right systems were in place to monitor workers' health. The six affected employees' conditions may have been prevented from developing or developing to a more severe stage."*

## **OVERSEAS BASED FIRM FINED £3M AFTER DEATH**

### **Principal Contractor put cost-cutting ahead of health and safety**

A construction contractor based in Spain has been fined a total of £3m following the death of a worker at a site in Wales in July 2015.

Caernarfon Crown Court heard that 32-year-old man was working in a team engaged in demolishing redundant processing machinery. He fell whilst using flame cutting equipment to cut through steelwork supporting a large metal hopper.

The structure collapsed knocking him from his working position. He died as a result of the injuries sustained in the fall. HSE investigators found that the hopper was not supported before it was cut from the structure and there was no edge protection provided. The harness found with the deceased workman was not being used.

### **Wholesale failure to manage**

The overseas company from Zamora in northern Spain, was convicted in absentia and fined a total of £3m and full costs. The UK client was fined a total of £225,000 and ordered to pay full costs of £67k.

Speaking after the hearing, HSE Principal Inspector Clare Owen said:



*"It is clear there was a wholesale failure to manage health and safety during at this site.*

*The overseas contractor put cost-cutting ahead of health and safety, the bottom line ahead of Mr Canal's safety and well-being. His death could have been avoided had sufficient planning and monitoring taken place."*

## **UNCONTROLLED RISK OF HARM FINED £200,000**

### **Principal Contractor repeatedly failed to manage work at height**

A developer has been fined £200,000 after repeatedly failing to manage and control fall from height risks.

Westminster Magistrates heard how, following concerns expressed by workers and members of the public, HSE inspectors made a number of visits during 2016/17 to sites where the company was the appointed the Principal Contractor.

Inspector identified a number of serious health and safety failings, including unsafe work at height.

### **History of breaching legal requirements**

HSE investigators found that the company had repeatedly breached health and safety legislation which gave rise to significant risk of harm, with four HSE enforcement notices issued in respect unsafe work at height over the previous five years.

A HSE intervention in 2013 resulted in the company drawing up a comprehensive work at height policy which subsequent inspections showed was being ignored.

The company from Wembley, London pleaded guilty to breaching Regulation 13(1) of the CDM 2015 and was fined £200,000.

Speaking after the case, HSE Inspector Gabriella Dimitrov said:



*"Falls from height remain one of the most common causes of work fatalities in this country, and the risks associated with working at height are well-known.*

*The defendant has been repeatedly warned by HSE about the need to manage risks, and have today been held to account for failing to take adequate action to protect the health and safety of its workers."*

## **CONCRETE BATCHING PLANT OPERATOR FELL 5M**

### **Uncovered concrete chute offence fined £267,000**

A manufacturer and supplier of concrete products has been fined £267,000 after a worker suffered head injuries and a fractured arm when he fell into an uncovered concrete batching plant chute in May 2017

Coventry Magistrates' Court heard how the employee was injured when he lost his footing and fell approximately 5m to the floor below.

### **Lack of company systems**

HSE investigators found the cover of the concrete chute had been removed, and there were no "company systems in place for employees working at height".

The firm from Nuneaton pleaded guilty to breaching Regulation 5 (1) of the Management of Health and Safety at Work Regulations 1999 and has been fined £267,000.

Speaking after the hearing, HSE inspector Chris Maher said

*"This case serves as a reminder to the concrete industry that appropriate safety measures should be taken where employees have to work at height.*

*Work at height is still the biggest source of fatalities at workplaces in Britain. Employers must put in place suitable arrangements and controls to ensure falls are, so far as is reasonably practicable, avoided."*



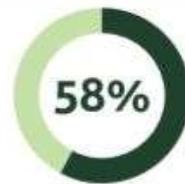
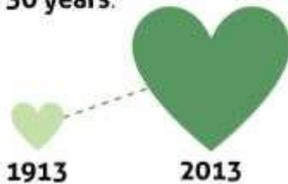
# A guide to Age Action Alliance

## Key facts

**Life expectancy** in the UK is ranked **11th** in EU.



Over the last century average life expectancy has increased by **30 years**.



**58%** of people regard age discrimination as widespread.

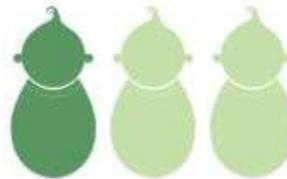
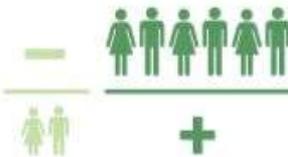
The value of grand-parental childcare in the UK is **£7.3 billion**, almost double its value in 2004.

**£7.3bn**  
**2013**



**Half of all older people in the UK (about 5 million)** consider the television as their main form of company.

In the UK there are now **more people aged 60 and above** than there are under 18.



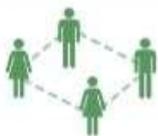
One third of babies born in 2012 in the UK are expected to celebrate their **100th birthday**.

In June 2013 there were **1 million workers** of the age of 65 in the UK - the highest since records began.

**x 1 million**

**These facts pose opportunities and challenges: the Age Action Alliance network aims to improve later life and help society adapt**

### Who we are



A network for partnership working and practical action to **improve older people's lives** and promote positive ageing within society.



UK wide independent network founded in 2011 with **104 members** reaching **600 in 2014** and continuing to grow.



**Free to join:** older people's organisations particularly welcome.



Supported by **Age UK** and the **Department for Work and Pensions**.

### What we do



Think of us as a **'dating agency'** for practical action.



Focus on the **socially excluded** and **most vulnerable**.



Put older people at the heart of the Alliance by **encouraging them to actively participate** and get involved in decision-making.



Brings members together to encourage the **development of solutions to issues** faced by older people.

All key facts above taken from the ILC factpack of statistics 2013, the Age UK Knowledge Hub, and the Understanding Society Survey 2010/11.