



# SAFETY UPDATE

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## THIS ISSUE

### NEWS

HSE FEARFUL OF GROWING  
'BLUE TAPE' BURDEN

NEW BIM SPEC FOR SHARING  
H&S INFORMATION

### CASES

MANAGING ELECTRICAL SAFETY

MANAGING FUEL SAFETY

CRUSHING

LADDER SAFETY FAILURES

### HAVS

LORRY RUNAWAY FATALITY

FRAGILE ROOF

FORGED ASBESTOS  
DOCUMENTATION

## NEWS

### **HSE FEARFUL OF GROWING 'BLUE TAPE' BURDEN**

#### **ISO 45001 could generate fresh business to business demands**

HSE uses the term 'Blue Tape' to describe burdens arising when business to business health and safety obligations are "disproportionate or lead to ineffective risk control and ownership."

The regulator reports that the evidence for Blue Tape is "wide-ranging and large-scale" in relation to: supply chain accreditation; procurement; management standards; personal injury claims; insurance; and the role of third party advisers or consultants as both the symptom and driver of Blue Tape.

#### **Costly paperwork exercises for all**

The HSE Board meeting in March 2018 considered the Blue Tape problem. Key observations noted were reported as follows:

- **Impact on the SME** – business to business obligations outrank Government regulation as a driver of duty holder action on health and safety and impact disproportionately on the SME sector. HSE hear reports that these burdens are a significant and growing issue for the health and safety system;
- **Paperwork exercises** – proliferation of multiple/overlapping accreditation schemes leads to a lack of focus and brings no further health and safety benefits. Similar issues may be a feature of card schemes for health and safety competence.

The HSE Board Paper concluded that Blue Tape feeds off a sense that health and safety is too complex for businesses to tackle themselves. This drives the demand for third party help in the false belief that it will buy 'regulatory compliance' and defence against civil claims. HSE should help duty holders navigate customer/supply chain demands and equip them to make better use of consultant advice to achieve compliance

Improved HSE information will support SMEs by improving visibility and reach of the HSE website material achieve proportionate compliance without recourse to paid advice from third parties.

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## NEW BIM SPEC FOR SHARING H&S INFORMATION

### Specification for sharing health and safety info during construction projects

BSI has launched a specification for the sharing of health and safety information through a project or asset-life cycle.

[PAS 1192-6 Specification](#) for collaborative sharing and use of structured Health and Safety information using BIM supports the development of structured health and safety information for all construction projects from the outset.

The specification supports the ongoing digital transformation and sets out a model process of how digital health and safety risk information should flow through every stage of a construction project.

### Driving down H&S risks through project and asset life cycle

PAS 1192-6 has been developed to enable users of BIM to identify, use and share health and safety information in a collaborative way to help to further drive down H&S risks through the life cycle of a project and built asset.

BSI believe that PAS 1192-6 is relevant to any organization or individual that contributes to the design, construction, and maintenance of an asset – including the end of life of an asset. It specifies how H&S information can be used in order to:

- Provide a safer and healthier environment for end-users;
- Mitigate the inherent hazards and risks across the asset life cycle;
- Improved construction H&S performance, fewer incidents and associated impacts;
- Clearer and more relevant H&S information to the right people at the right time
- Reduce construction and operational costs

PAS 1192-6 was sponsored by Costain PLC and Health & Safety Executive (HSE) and many major organisations were involved as members of steering group.



## CASES

### **DEFEATING POWER INTERLOCK CAUSED FLASHOVER**

#### **Systems for managing electrical safety found to be inadequate**

A Nottinghamshire company has been fined £60k after two employees suffered serious burns from an electrical flash-over in September 2016.

Southern Derbyshire Magistrates heard how the employees were working to reinstate the power supply to a furnace after repair work. When the fuses were replaced the door to the fuse panel was closed which engaged the power interlock.

The workman tried, unsuccessfully, to close the main switch. They opened the panel door again and decided to bypass the power interlock using a screwdriver. At this point the electrical flash-over occurred causing serious skin burns requiring surgery.

#### **Allowed to work live**

HSE investigators found that the company lacked "electrical safety rules, safe systems of work or a permit system". The injured employees were not provided with any specific instructions on how to undertake the work safely and the company allowed employees to work on live conductors without consideration of the conditions stipulated in law.

The company pleaded guilty to breaching Regulation 4 (3) and Regulation 14 of the Electricity at Work Regulations 1989 and was fined £60,000.

HSE inspector Leigh Stanley speaking after the case said:



*"Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working. If a suitable safe system of work had been in place prior to the incident, the injuries sustained by the employees could have been prevented."*

### **PETROL VAPOUR DANGER LEFT UNCONTROLLED**

#### **Workman suffered severe burns during refuelling equipment**

A company has been fined after an inexperienced worker suffered severe burns during the refuelling petrol powered equipment in January 2015.

Southwark Crown Court heard how workers were spraying insulation at a retail outlet from spray equipment installed in a van parked outside the premises.

The workman entered the van to refuel the equipment from a container fixed within the compartment containing a petrol-powered compressor/generator. When the container was opened petrol sprayed over the workman and the compartment and the vapour ignited immediately thereby covering him in flames. The injured man was in a coma for three months and spent over a year in hospital.

## **Risk reduction measures not taken**

HSE investigators found that the company failed to ensure that risk from petrol was either eliminated or reduced so far as is reasonably practicable e.g. use of diesel powered equipment or a larger fuel tank so refilling could be once per day when the equipment was cool and not in operation.

The Birmingham based firm pleaded guilty to breaching Regulation 6 of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002. The company has been fined £40,000 and ordered to pay costs of £11,779.

Speaking after the hearing HSE inspector Gabriella Dimitrov said:



*"This was the worker's second day on the job. He suffered horrific injuries due to the company's failure to adequately consider the risks from refuelling and implementing safer alternatives to the system of work requiring refuelling petrol-powered equipment every two hours."*

## **FIRMS FINED £2M OVER FALLING PIPE FATALITY**

### **Incorrect stacking of pipes triggered fall and crushing of workman**

A civil engineering firm and a district heating company have been sentenced for safety breaches after a worker suffered fatal crush injuries in December 2015.

Sheffield Crown Court heard how a 36-year-old man was working at a renewable energy plant in Sheffield. He was one of two workers unloading large heating pipes (12m long and weighing approx. 840kg) from a trailer into stillage containers.

The pipes were unloaded and moved using an excavator and were "incorrectly stacked" above the top edge of the stillages.

### **Failed to follow safe system of work**

During the positioning of the pipes, two of the pipes rolled and fell into a gap between two stillages. Mr Beresford was standing within this gap and the second pipe fell onto him.

Both the civil engineers from Manchester and the district heating form from Sheffield were found guilty of Health and Safety at Work Act 1974 offences and each fined £1,000,000.

The Judge also ordered that costs of £17,271 are to be repaid.

After the hearing, HSE inspector Mark Welsh commented:



*"This was a wholly avoidable incident, caused by the failure of both companies to follow safe systems of work, and a failure to identify the risks. This tragic incident led to the avoidable death of a young man. There was a lack of planning for the work carried out and, as a result, inadequate controls put in place."*

## **LADDER SAFETY FAILURES ATTRACT MASSIVE FINE**

### **National window firm left workers to 'own devices'**

A company has been fine £850,000 after a workman fell from a ladder sustaining a fracture to his lower leg in March 2017 in Doncaster.

Sheffield Magistrates heard how the window installer was installing a first-floor rear bedroom window at a property when the ladder he was climbing slipped.

The ladder was not footed or tied and the workman fell from a height of over 3m thereby causing a broken knee cap which required surgery.

### **Inadequate systems for planning and monitoring work at height**

HSE investigators found the company system for planning work at height to be inadequate. Windows were not routinely safely installed from the inside properties and ladders were used in a way that constituted serious risk.

There was no system of monitoring or supervision in place and operatives were "left to their own devices".

The company from Bradford, pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £850,000. Speaking after the hearing, HSE inspector Stuart Whitesmith said:

*"This incident could easily have been prevented had the company implemented reasonably practicable precautions.*



*Such precautions include having effective and enforced safe systems of work, whereby windows are installed internally where possible, or by using suitable access solutions which provide edge protection and having a formal system in place to ensure works are appropriately supervised."*

## **HOUSING ASSOCIATION FAILED ON VIBRATION RISK**

### **Assessment, management and health surveillance all found wanting**

A housing association has been fined £30,000 after failing to effectively manage employee exposure to hand-arm vibration between July 2010 and May 2015.

Newport Magistrates heard how employees were routinely exposed to vibration in their day to day work. Following health surveillance in May 2015 a number of employees were diagnosed with HAVS.

### **Understand health surveillance necessity**

HSE investigators found that the housing association failed to:

- **Assess** – adequately assess the risk to employees from the use of vibratory tools;
- **Prevention** – implement adequate measures to reduce exposure to vibration; and
- **Surveillance** – place employees under suitable health surveillance and failed to provide employees with suitable information, instruction, and training.

The association from was found guilty of breaching Section 2(1) of the Health and Safety at Work, etc Act 1974 and was fined £30,000 and ordered to pay £2789.25 in costs.

Speaking after the hearing, HSE inspector Paul Newton commented:



*"No one's health should be made worse by the work they do. In this case, if the association had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor its workers' health.*

*Where vibratory tools are used, employers should monitor the health of employees using them and ensure appropriate systems are in place to manage and control the risk from vibration."*

## LORRY RUNAWAY CLAIMED LIFE OF DRIVER

### Workman died after being drawn under trailer

A waste management company has been sentenced after a 56-year-old man was fatally injured in a 'lorry runaway' incident in June 2015.

Plymouth Crown Court heard that the employee was working at the hospital site using a lorry and trailer to remove skips of ash from the incinerator within the hospital premises. He parked the lorry and trailer on a downward sloping road outside of the incinerator building.

Whilst coupling the lorry to the skip trailer he lost control of the vehicle combination. In trying to prevent the vehicle 'runaway' he was drawn under the trailer and sustained fatal injuries.

### Suitability of location not assessed

HSE investigators established that the lorry handbrake had not been applied and that there was no suitable and sufficient specific risk assessment to address the waste collection operation on site.

The firm pleaded guilty during a trial to breaching the Management of Health and Safety at Work Regulations 1999 in failing to conduct a suitable and sufficient risk assessment and was fined £237,500 and ordered to pay costs of £128,000.

Speaking after the hearing, HSE Inspector Georgina Speake said:



*"Both HSE and industry guidance suggest that tasks like this should be carried out on firm and level ground. It is my view that there were level areas within the hospital grounds that the defendant should have identified and designated for the drivers to load the skips and couple the trailer. The fact that the location chosen was on an incline heightened the need for careful risk assessment, and this was not done."*

## MAJOR CONTRACTOR ERRED ON FRAGILE ROOF RISK

### Firms fine £965,000 after painter fell through waiting room roof

A major contractor and a painting sub-contractor have been prosecuted by the Office of Rail and Road for health and safety offences after a painter fell through the ceiling of a station passenger waiting room in 2015.

The workmen involved in the incident were given a site induction but were "not briefed on the risk assessment" nor were they "warned about fragile roofs".

### Risk assessments and briefings

Croydon Crown Court heard that two companies agreed the £12m contract with Network Rail to undertake the replacement of station floor surfaces, canopy roofs and cladding.

Two men were given a site induction when they arrived for work but were not briefed on the risk assessment which required work over the platforms to be undertaken at night, use of fall arrest systems and for the waiting room below to be locked.

The men were not warned about fragile roofs and one workman fell through the unguarded suspended ceiling into the waiting room below.

The contractors were fined £900,000 and £65,000 respectively after admitting charges under S.3(1) of the Health and Safety at Work etc. Act 1974. Johnny Schute, Deputy Director, Policy, Strategy and Planning, said:



*"The fines handed out today send a powerful message to the industry that the safety of workers on the railways is absolutely paramount, and proper risk assessments and briefings must be carried out and followed."*

## **MANAGERS FORGED ASBESTOS DOCUMENTATION**

### **Removal licence obtained using fake training and medical certificates**

An asbestos removal company and two managers have been prosecuted after forging documents in order to obtain an asbestos licence from HSE between 16 March 2012 and 10 March 2016

Greater Manchester Magistrates heard how forged medical certificates and asbestos training certificates were used for their asbestos removal operatives.

The doctor who allegedly issued the medical certificates was retired and lived outside the UK.

### **No evidence of proper training**

The investigation also found the company could not show that they had properly trained or adequately monitored their workers who were exposed to asbestos.

The two managers pleaded guilty to breaching the Control of Asbestos Regulations 2012. One was sentenced to suspended prison term and both were ordered to undertake community service and pay prosecution costs. The asbestos removal company from Warrington was fined £13,000 and ordered to pay costs of £10,000.



HSE inspector Matt Greenly said after the case:



**FAKE**

*"Putting people at risk from asbestos by not training them or monitoring their health, as required by law, not only puts their lives at risk from an incurable set of diseases and is also wholly unnecessary. Deliberate shortcuts by creating forged documents will not be tolerated by HSE and we will not hesitate to take appropriate enforcement action against those that fall below the required standards."*