



# SAFETY UPDATE

Issue 01 January 2019

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## NEWS

### MANY SITES FAIL HSE HEALTH RISK CONTROL TEST

#### HSE Construction site ‘blitz’ finds breaches at 43% of site visits

The HSE Board received a report on 12th December 2018 on the immediate findings from the four-week National Construction Inspection Initiative during October 2018.

The initiative focused on health with an emphasis on lung disease and respiratory risks caused by asbestos and dust. The Board told:

*“We created a set of key messages focusing on behavior change. Targeting respiratory risks, we provided a ‘hook’ that was used to generate interest in national and local BBC radio, newspapers and trade publications. We also encouraged inspector driven social media content.”*

#### Outcome of Inspections

HSE visited nearly 1000 construction sites. A detailed analysis is underway to provide a full appreciation of the impact of the campaign.

The immediate headlines are:

- Breaches were found in 43% of visits;
- Over 400 notices were served;
- On the smaller sites, inspectors still faced significant and immediate safety issues resulting in around 150 Prohibition Notices (PNs);
- 42 health PNs were issued, (particularly for dust and asbestos); and
- Around 140 Improvement Notices were issued on health.

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I #WorkRight because I  
want to look after my  
kids, not have them look  
after me



#DustBuster



## CASES

### LIVE WORKING IGNITED CLOTHES OF ELECTRICIAN

#### **Spanner came into contact with live terminal causing life-changing burns**

An electrical contractor has been sentenced after a worker suffered an electric shock and sustained life-changing burn injuries in July 2016.

Westminster Magistrates heard how an electrician was working in the substation at a construction site in London carrying out work involving the disconnection and relocation of a site intake distribution assembly.

A spanner he was using whilst disconnecting a cable contacted a live terminal. His clothing was set on fire and he sustained burn injuries to his head, arms, torso and legs. The worker spent three and a half weeks in a coma and continues to undergo multiple skin grafts.

#### **Working near live conductors**

HSE found that personnel were working near live conductors; failed to inspect equipment and failed to consider isolating the high voltage supply to the substation.

The contractor from Basingstoke, pleaded guilty to breaching the Electricity at Work Regulations 1989 and was fined a total of £225,000.

Speaking after the hearing, HSE inspector David Swaite said:



*” Those planning work on electrical equipment should carry out suitable and sufficient checks to ensure that the correct point of isolation is selected, so that no person works on or near live equipment.”*

## LEISURE CENTRE USER FELL ILL AFTER SHOWER USE

### Legionella risk assessment and control measures found wanting

A District Council has been fined after a member of public contracted Legionnaires' Disease having been a regular user of its leisure centre facilities.

Colchester Magistrates heard how the member of public frequently used the showers when, in November 2016, he fell seriously ill and was taken to hospital where he remained for 18 days.

He was diagnosed with Legionnaires' disease, sepsis, pneumonia and chronic kidney failure.

Water samples taken from the men's shower tested positive for the legionella bacteria. HSE investigators found a failure to adequately manage the water system.

### Hot and cold-water systems "ideal breeding ground"

The significant failings included not having suitable and sufficient Legionella Risk Assessments for the leisure facilities and not providing adequate control measures required for Legionella control.

Staff were not adequately trained and a lack of monitoring meant these failings went unnoticed for several months. The council guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £27,000.

Speaking after the case, HSE Inspector Tania van Rixtel said:



*"Hot and cold-water systems can provide the ideal breeding ground for the potentially fatal legionella bacteria if certain control measures are not in place. Controls such as maintaining water temperatures, regular flushing of low-use outlets and adequate cleaning are all necessary in order to reduce the risk of legionella developing."*

## MAKESHIFT FALL ARREST SYSTEM CAUGHT ON CAMERA

### Contactors fined for using harness not attached to suitable anchor

A ground maintenance company and a subcontractor have been fined after two men worked on a roof without suitable measures in place to prevent a fall from height in Glasgow on 19th January 2017.

Glasgow Sherriff Court heard that the two men were photographed working on the roof. One the men had "slithered down" a sloping roof to work on the roof edge whilst the second workman held on to a piece of webbing strap that was attached to a rope which in turn was attached to a harness worn by the second workman.

## **Workmen not attached to a suitable anchor point**

HSE investigators found that the main contractor failed to ensure that the subcontractor had properly planned a safe system for working at height the roof.

The subcontractor carried out work at height whilst wearing a harness that was not attached to a suitable anchor point thereby exposing both men to the risk of serious injury or death from a fall from height.

The contractor pleaded guilty to breaching CDM 2015 and was fined £1300 whilst the sub-contractor pleaded guilty to breaching the Work at height regulations 2005 and was fined £2000.

Speaking after the hearing HSE principal inspector, Graeme McMinn said:



*” Failures which came to light in this case could have endangered the lives of these workers, and materials being thrown up could have fallen onto the pavement below.*

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

## **REFRESHED GUIDANCE ON FITNESS TO OPERATE PLANT**

### **Construction plant medical fitness Good Practice Guide**

The Strategic Forum Plant Safety Group (SFPSG) has launched a refreshed version of the *Medical Fitness to Operate Construction Plant – Good Practice Guide*.

The guidance provides clarity about the medical fitness assessment process and outlines the steps that should be taken by employers and others in the construction sector such as principal, main and sub-contractors, who also have an interest in ensuring that plant operators have an appropriate level of fitness.

### **Medical fitness assessment systems**

In particular, it deals with planning, setting up and implementation of medical fitness assessment systems, the medical fitness aspects of recruitment and managing those employees who may develop health problems whilst at work.

Kevin Minton, Chief Executive of the CPA said:



*“Construction plant has the potential to injure or kill both operators and bystanders if it is operated, installed or maintained by those who are not medically fit to do so. It is essential that construction plant operators are physically and mentally capable of undertaking the tasks they are required to carry out.”*

## **FORTH BRIDGE LIFTING OPERATION NOT PLANNED**

### **Major project PC failed to plan, supervise and carry out lift safely**

A joint venture Principal Contractor on the Forth Bridge crossing project in Scotland has been prosecuted after a workman sustained severe injuries during a lifting operation using a crane in April 2015.

Dunfermline Sheriff Court heard that the company leased a large area within Rosyth Dockyard where an employee was undertaking a lifting operation to move two large crane mats.

HSE investigators found movement of the crane mats was a complex and non-routine lifting operation which had not been planned by a competent person.

### **Lifting accessories unsuitable**

The lifting operation was not appropriately supervised or carried out in a safe manner. The chains being used were not suitable as their reach distances were too short for the distance between the lifting points on the crane mat.

The contractor pleaded guilty to breaching LOLER Regulation 8 1998 and was fined £10,000.

Speaking after the hearing HSE principal inspector, Robert Hirst said:



*“This incident could so easily have been avoided by simply implementing appropriate control measures and safe working practices.”*



## CONCRETE EJECTED BY PUMPING UNIT CLAIMED LIFE

### Company and director failed to train and supervise pumping operations

A concrete pumping company and its sole Director have been prosecuted after an employee was struck by concrete which caused fatal injuries in February 2017.

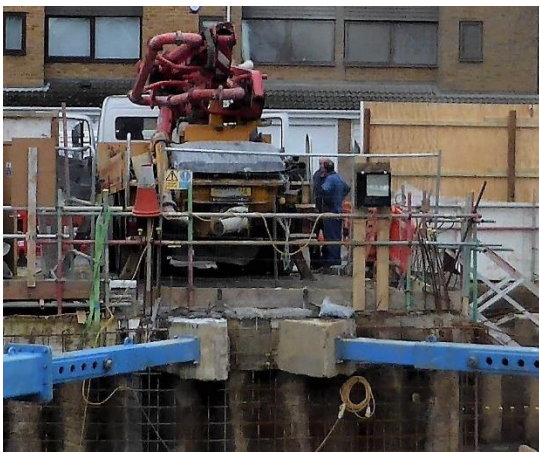
Westminster Magistrates heard how the deceased was clearing a blockage in a vehicle mounted concrete pumping unit in South London. He joined the company 2 months before he died.

HSE investigators found that the company had no system in place to train operators so they might carry out the work safely and there were no arrangements to supervise the work.

### Directors required to ensure compliance

The failings of the company were due to the neglect of the sole Director. The company was fined £30,000 whilst the director was fined £2,600 and ordered to pay costs of £636.99.

Speaking after the hearing, HSE inspector James Goldfinch said:



*“Concrete pumps have great potential to be dangerous when operated by those without suitable training, as they operate under high pressures.*

*In this case a young worker, having only been employed by the company for two months, was not provided with adequate training and supervision, which led to the unsafe operation of the pump and ultimately his tragic death”.*

## HYDRAULIC RAM SEVERED HAND OF WORKMAN

### Major contractor failed to follow own policies and procedures

A major construction and infrastructure business has been fined after the hand of a workman was severed by a hydraulic ram in April 2017.

Westminster Magistrates heard the workman was investigating why the hydraulic ram had stop working when the ram activated unexpectedly and severing the 27-year-old’s right hand at King’s Troop Artillery Barracks in Woolwich.

### Guards and systems of work found wanting

HSE investigators found the company installed and managed a biomass boiler at the barracks but failed to take appropriate steps to ensure that this dangerous part of the biomass boiler system was sufficiently guarded.

The major UK contractor pleaded guilty to breaching PUWER Regulation 11(1) and was fined £100,000 and ordered to pay £11,235.96 in costs.

Speaking after the hearing, inspector John Spence said:



*“This tragic incident was entirely preventable and has caused a permanent and life-changing injury to a young worker. The defendant failed to implement a safe system of work for clearing blockages in the machine and failed to follow their own policies and procedures as the employee in question was working alone and unsupervised at the time of the incident.”*

## **ALL WORK AREAS NOT INCLUDED IN ASBESTOS SURVEY**

### **Company fined after asbestos containing materials were released**

A building contractor has been fined after an employee used a powered saw to cut through a kitchen cupboard door thereby accidentally releasing asbestos containing materials.

Glasgow Sheriff Court heard that between 8 November 2015 and 11 December 2015 the contractor was carrying out refurbishment work at a flat in Glasgow.

An employee who was unaware of the presence of asbestos fibres within a kitchen cupboard door cut through the door and disturbed the asbestos fibres.

### **All planned work areas must be surveyed**

HSE found that following receipt of an Asbestos Refurbishment Survey pertaining to the kitchen the company failed to realise that the door had not been surveyed.

The firm from Glasgow has today pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £4000.

Speaking after the hearing HSE principal inspector, Graeme McMinn, said



*“This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. When getting an asbestos survey carried out it is important to ensure that all of the planned work areas have been surveyed.”*

## **OVERTURNING LORRY CAUSED DEATH OF DRIVER**

### **Groundworks project stockpiling arrangements not properly managed**

A contractor has been prosecuted after the driver of a tipping lorry died when the vehicle overturned in September 2013.

Sheffield Crown Court heard how the tipper wagon driver was fatally injured when the vehicle overturned whilst tipping spoil onto a stockpile.

The driver reversed up the stockpile slope and raised his tipper which caused the vehicle to overturn. The driver suffered fatal trauma injuries to his chest.

### **Sides of spoil heap left unprotected**

HSE investigators found nothing to demarcate the sides or top of the slope e.g. beams or barriers at the edges of the spoil heap, to prevent plant or other vehicles approaching close to high and possibly loose edges. The company was fined £45,000 and ordered to pay costs of £10,000.

After the hearing, HSE inspector Medani Close said:

*“Stockpiling should only take place under the control of a suitably qualified temporary works manager or co-ordinator as it can be a high-risk activity if not properly managed. Plant such as a crawler dozer, tracked / loading shovel or excavator should be used to create and maintain the stockpile and its edges should be clearly demarcated with barriers.”*