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## NEWS

### HSE ALERT: MILD STEEL WELDING CANCER RISK

#### HSE announces enforcement action change based on new cancer evidence

The regulator has issued [Safety Alert STSU1 – 2019](#) – *Change in Enforcement Expectations for Mild Steel Welding Fume based on “new scientific evidence from the International Agency for Research on Cancer” that exposure to mild steel welding fume can cause lung cancer and possibly kidney cancer in humans.*

HSE has announced that in the light of this evidence general ventilation does not achieve the necessary control:

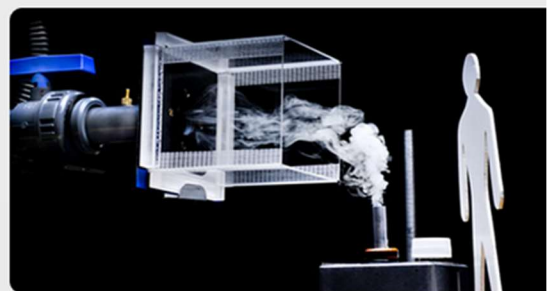
*“With immediate effect, there is a strengthening of HSE’s enforcement expectation for all welding fume, including mild steel welding; because general ventilation does not achieve the necessary control.*

Control of the cancer risk will require suitable engineering controls for all welding activities indoors e.g. [Local Exhaust Ventilation](#) (LEV).

### Local Exhaust Ventilation (LEV) workplace fume and dust extraction

Effective LEV or dust/fume extraction can carry away airborne contaminants before they can be breathed in.

This website provides practical advice for employers and employees on buying and using LEV and what to do to comply with the law. It will help designers, installers and examiners work with their customers to control airborne contaminants effectively.



## MAJOR FIRM FAILED TO IMPLEMENT SAFE SYSTEM

### Procedures for safe plant refuelling failed to prevent death of workman

A major civil engineering contractor has been fined after an employee was fatally injured when he was struck by a wheeled excavator on 13th January 2016.

Aberdeen Sheriff Court heard that the CDM Principal Contractor failed to ensure that the safe system of work for refuelling of all plant and equipment was fully implemented at the construction site of the Third Don Crossing in Aberdeen.

The deceased was working at the construction site when he was struck by a wheeled excavator which was slewing after being refuelled.

### Safe system of work identified but not used

HSE investigators found that refuelling of plant and equipment was identified and assessed as a high-risk activity by the Principal Contractor who created a task briefing document detailing a safe system of work.

However, whilst the procedures existed in documentary format the safe system of work and associated control measures had not been fully implemented at the construction site.

The company was fined £600,000. Speaking after the hearing HSE principal inspector, Niall Miller said:



*"This was a tragic and wholly avoidable incident, caused by the failure of the civil engineering company to implement safe systems of work, and to ensure that health and safety documentation was communicated and control measures followed"*

## CHILD INJURED BY WALL COLLAPSE INCIDENT

### Council failed to carry out "intelligence led" condition inspections

A local Council has been sentenced after a brick boundary wall (part-owned by the Council) collapsed and seriously injured a six-year-old girl in August 2016.

Basildon Crown Court heard how the wall spanning the back of two houses collapsed onto the girl during a family barbecue. She was placed in an induced coma after sustaining serious and life-threatening injuries.

### Low frequency high consequence event

HSE investigators found the council failed to take any action after receiving concerns about the condition of the wall from tenants, two years prior to the incident.

Wider concerns about the poor condition of brick walls in the vicinity, including council-owned walls, were not passed to building control or the Council inspection teams.

The council pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and was fined £133,333 and ordered to pay costs of £21,419.55.

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



*"Despite the low frequency of wall collapses, they are high consequence events requiring those with the responsibility for structural safety to take proactive measures to ensure that boundary walls and other structures are safely maintained."*

## **BOTTLE JACK SUPPORT FAILED TO PREVENT DEATH**

### **Director sentenced alongside company over death of engineer**

A commercial vehicle repair firm and its managing director have been sentenced following the death of an employee who was crushed by a bus in July 2017.

Cambridge Crown Court heard how the male employee was working in a vehicle inspection pit beneath a single decker bus at the company premises.

The rear of the bus was raised and supported on two bottle jacks, so that work could be carried out on the brakes. The coach fell from the jacks onto the employee, killing him instantly.

### **Lifting operation was unsafe**

HSE investigators found that the defendant company failed to plan and organise the lifting of the bus in a manner that ensured the safety of their workers.

The coach was inadequately supported by two hydraulic bottle jacks. It should have been supported so that it could not have fallen, using axle stands or other appropriate equipment.

The company pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974 and was fined £50,000. The director pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974 and received a custodial sentence of six months in prison suspended for 18 months.

HSE Inspector Paul Unwin commented:



*“ This tragic incident led to the avoidable death of a much-loved family man. Employers should make sure that they properly assess and apply effective control measures to minimise the risk from dangerous work activities.”*

## **TEMPORARY WORKS FAILURES CAUSED FATAL FALL**

### **Platform not designed and system for installation and inspection inadequate**

Two construction companies have been fined after a worker fell to his death when a temporary platform collapsed in July 2015.

Southwark Crown Court heard the deceased was working on the fifth floor of the construction site he walked onto a temporary platform covering a vertical shaft, which collapsed beneath him. He fell approximately 14m and died as a result of his injuries.

### **Failure to manage temporary works risk**

HSE investigators found there was no temporary works design for the platform and the company’s system for installing and inspecting it was inadequate.

The CDM Principal Contractor failed to plan, manage and monitor the work involving the temporary platform to ensure that, construction work is carried out without risks to health or safety.

The contractor was fined £360,000 and the Principal Contractor was fined £500,000 for breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015.

After the hearing, HSE inspector Owen Rowley said:



*“ All contractors involved must ensure that an effective system for managing the temporary works on site is established and adhered to. Crucially, all temporary works require a design to ensure that they are suitable for purpose.”*

## OIL DRUM EXPLODED DURING HOT CUTTING WORK

### Firm fined £400k after drum lid ejected causing loss of leg

A commercial vehicle dealer has been fined after a workman lost his leg from the knee down when an oil drum, he was cutting up, exploded in January 2017.

Reading Magistrates heard how the employee was injured when he used oxy-acetylene gas cutting equipment to cut up empty oil drums. The flame from the gas cutting equipment came into contact with the drum which exploded when the flammable vapour inside the drum ignited.

The explosion resulted in the drum lid hitting his lower right leg and the main body of the drum landed approximately 20m away.

### Safer disposal options not secured

HSE investigators found that the company failed to provide a safe system of work to dispose of the stockpile of empty oil drums.

The risk of fire and explosion from flammable vapour residues in the empty drums was not identified and safer disposal options were not secured.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and Regulation 5 of the Dangerous Substances and Explosives Atmospheres Regulations 2002 and have been fined £400,000 and ordered to pay costs of £9671.55.

Speaking after the hearing HSE inspector Nancy Harman 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.*

*If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented”*

## INEVITABLE COLLAPSE OF SCAFFOLD ON TO SCHOOL

### Scaffold not designed or installed to withstand foreseeable loads

A scaffolding company has been fined £24,000 after scaffolding erected by the company collapsed onto an adjacent primary school in Wales on 5th May 2017.

Cardiff Magistrates heard that the contractor had erected scaffolding 7m high and 8m long at the gable end of a residential property when the scaffold collapsed landing on a single storey roof above the school playground.

At the time of the collapse, a group of nursery children were in the playground only a few metres away and minutes before the collapse the playground had been full of children playing after their lunch break.

## Essentially a free-standing structure

HSE found the scaffolding was not designed or installed to withstand foreseeable loads. The structure was not tied to the adjacent building, nor did it have adequate buttressing or rakers. It was essentially a freestanding structure.

The investigation found that it was almost inevitable that the scaffolding would collapse, "even in unremarkable weather conditions".

The scaffolding company was found guilty of breaching Regulation 19(2) of the Construction Design and Management Regulations and was fined £24,000 and ordered to pay £3452.50 in costs.

Speaking after the hearing, HSE inspector Gemma Pavey commented:



*"Failure to adequately design and install scaffolding, so that it can withstand foreseeable loads, creates risk to workers and members of the public who could be injured by an uncontrolled collapse."*

## LORRY MOUNTED LIFTING OPERATION PROVED FATAL

### Steel staircase toppled from vehicle after sling snagged

Two companies have been prosecuted following the death of a 37-year-old worker workman on a Barrow-in-Furness industrial estate in March 2012.

Preston Crown Court heard how a metal fabricator died whilst assisting with a lifting operation involving two large metal walkways and a flatbed lorry fitted with an integral mounted crane.

The first of the two walkways were lifted onto the back of the lorry but not secured. When the crane moved to lift the second walkway a sling became snagged on the first walkway causing it to fall from the back of the lorry onto the workman causing fatal crush injuries.

### Lift not properly planned and supervised

HSE investigators found that the firm failed to recognise the risks involved and did not have a safe system of work for what was a complex lift. The lifting operation was poorly organised and controlled, placing those in the immediate vicinity at significant risk.

The two companies involved were fined £60,000 and £20,000 respectively.

Speaking after the hearing, HSE inspector Anthony Banks said:



*"Companies should always ensure that lifting operations are properly planned, organised and conducted safely. Had this lifting operation been properly planned and supervised, then this tragedy could have been averted"*

## **FINGERS CRUSHED BY METAL FOLDING MACHINE**

### **Steel cladding firm fined £600k over failure guard access to danger**

A Cumbrian-based steel cladding company has been fined £600k after a worker's hand became trapped in machinery in October 2015.

Carlisle Crown Court heard how the employee was using an electrically-powered folding machine to bend metal when his hand became trapped between the jaws of the machine.

The crush injuries sustained during the incident resulted in the worker requiring amputation of parts of four fingers on his left dominant hand.

### **Risk of crush injury known to defendant**

HSE investigators found the company failed to ensure workers only used the folding machine when the guards were in place, to prevent them reaching dangerous parts whilst it was in operation.

The company from Sheffield pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc act 1974 and has been fined £600,000 with costs of £23,593.83.

Speaking after the hearing, inspector Leona Cameron said:



*"This incident was entirely preventable. The risk of crush injuries from carrying out this type of work were known by the company. However, the practice had been allowed to continue and now an employee has suffered life-changing injuries.*

*Employers should ensure that the work equipment they provide is suitable for the task being performed and is safe to use."*

## SITE DUMPER PRECAUTIONS FAILED TO PREVENT DEATH

### Contractor fined £600k for poor management of vehicle/people interface

A Surrey-based construction company has been fined £600,000 after an employee died when he was run over by a dumper truck on the building site know as 'The Engine Yard' at Leith Walk, Edinburgh in December 2016.

Edinburgh Sherriff Court heard how the company was the CDM 2015 Principal Contractor on the construction site when an agency labourer was run over by the dumper truck.

### Deceased walking ahead of dumper

HSE investigators found that the defendant failed to organise the construction site in such a way to ensure that pedestrians were not carrying out work on or near traffic routes whilst vehicles were in operation.

It is thought that the deceased was spray painting a 'piling marker' in front of a dumper truck when the dumper moved forward drove over him causing fatal injuries.

The company plead guilty to breaching Regulation 27(1) of the Construction (Design and Management) Regulations 2015 and was fined £600,000.

Speaking after the hearing, inspector Rob Hirst said:



*"This was a tragic and wholly avoidable incident that arose due to the company's failure to ensure that pedestrians were not carrying out work on or near traffic routes whilst vehicles were in operation."*