



SAFETY UPDATE

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HSE TO HELP DITCH 'UNNECESSARY PAPERWORK'

Board considers forthcoming HSE guidance on navigating H&S rules

HSE defines *Blue Tape* as health and safety 'rules' or obligations imposed by businesses or business intermediary organisations and not by Government.

On the 12th June the HSE board met to consider an HSE internal report on Blue Tape and the way forward proposed by the regulator.

Key findings

The board heard that the report finds:

- A substantial proportion of SMEs report a considerable health and safety burden in that the policies and procedures they have to have in place are excessive and disproportionate (39%) and that there is no real link between what they have to do for health and safety and actually keeping employees safe (35%).
- 39% of businesses reported feeling that taking responsibility for health and safety just feels like more and more paperwork, with no obvious health and safety benefit.

The paper concludes:

"Forthcoming HSE guidance on navigating the rules will be an important component in driving reform, and in giving businesses the confidence to dispense with unnecessary paperwork.

Key will be developing a system-wide understanding of what good/proportionate use of rules looks like, with examples of good/bad practice.

Sharing our understanding of this with health and safety professionals at the 'sharp end' of putting it into practice with the SMEs most affected by the current rules culture will also be important."

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HSE CONSTRUCTION HEALTH RISKS INITIATIVE 2019

Regulator visits to focus on asbestos, RCS, wood and other dusts

From 10th June 2019 HSE is carrying out a construction inspection initiative focusing on health risks.

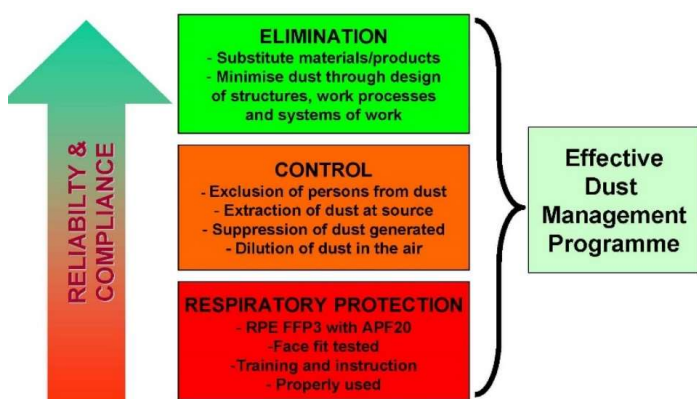
Measures to protect workers from occupational lung disease caused by asbestos, respirable crystalline silica (RCS), wood and other dusts when carrying out common construction tasks will be the primary target.

HSE believe that whilst priority is often given to 'safety' "thousands more workers suffer ill-health at work than are harmed by at-work accidents."

Health hazards are 'slow killers'

Asbestos and other dusts are what HSE call 'slow killers' and it is estimated that annually there are around 8,000 work-related cancer deaths. The construction industry accounts for around 3,500 of these deaths with asbestos and RCS the major causes.

HSE inspectors are looking to ensure those involved with construction projects know the risks, properly plan their work and use the right controls. Sarah Jardine, HSE's chief inspector of construction said:



"We are carrying out this series of inspections to ensure businesses are fulfilling their legal duties to protect workers from harm. This includes controlling the levels of dust in workplaces.

We want to ensure employers and their workers are aware of the risks associated with any task that produces dust. Such work needs to be properly planned and use the right controls, such as water suppression, extraction and masks.

CASES

EXCLUSION ZONE ABSENT DURING LIFTING OPERATION

Builder given prison term after timber falls on three-year-old girl

A self-employed builder has been given a suspended jail sentence after a three-year-old girl suffered severe head injuries when a length of timber struck her whilst it was being hoisted on the outside of a scaffold in July 2018.

Brighton Magistrates heard that as the girl and her mother passed the scaffolding on the pavement the length of timber fell from approximately 10m striking the girl on the head causing life changing injuries.

Unsuitable knot used to secure timber

HSE investigators found that the builder in control of the works tied the length of timber to a rope for lifting outside the scaffold using a pulley system. The knot was unsuitable and the timber slipped out and fell to the ground and there was no exclusion zone in place.

The builder from Brighton, was sentenced to six months imprisonment, suspended for 18 months, plus 220 hours of unpaid work. He was also ordered to repay full costs of £5727.92.

Speaking after the hearing HSE inspector Stephen Green said:



"This horrendous incident would have been the last thing on the minds of this little girl and her mum as they set off for a fun day out at the beach."

MISSING PEDESTRIAN BARRIER TRIGGERED DEATH

Workman walked from building into path of moving lorry

A company has been fined £180,000 following the death of a worker who was struck by a lorry at their premises in Linton, Cambridgeshire in July 2016.

Peterborough Crown Court heard how the employee left the control room to walk across the site. On leaving the building he walked in front of a moving lorry.

The lorry driver checked the vehicle mirrors but he did not see the employee and moved the vehicle forward striking the workman.

Wholly avoidable incident

HSE investigators found that the defendant failed to ensure that pedestrians and vehicles could move safely around the site and that they had not provided measures to prevent employees walking into areas where large vehicles are moving.

The defendant company from London Road, Balsham pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974. The company has been fined £180,000 and ordered to pay costs of £20,000.

After the hearing HSE inspector Stephen Faulkner said:



"Being struck by vehicles is one of the most common causes of workplace fatal accidents.

This was a tragic and wholly avoidable incident caused by failure of the host company to undertake a number of simple measures."

FIRM FAILED ON SILICA RISK MANAGEMENT

Dust exhaust ventilation, RPE and health surveillance all absent

A stone masonry company has been sentenced after failing to adequately control employee exposure to respirable silica dust which resulted in an employee developing silicosis at premises in Accrington.

Burnley Magistrates heard that prior to 2017 cutting and working with stone been carried out without any suitable and sufficient dust extraction. In addition, RPE was not adequately controlling dust inhalation.

Systems and health surveillance lacking

The company did not have appropriate work processes, systems or control measures in place and had no health surveillance to identify any early signs of effects on workers' health.

The company pleaded guilty of breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £8000 and ordered to pay costs of £10,000.

HSE inspector Sharon Butler said after the hearing



"Silica is found in most rocks, sand and clay and in products such as bricks and concrete. In the workplace these materials create dust when they are cut, sanded or carved.

Some of this dust may be fine enough to breathe deeply into your lungs and is known as respirable crystalline silica. Exposure to this dust can cause silicosis, leading to impaired lung function, breathing problems and is life threatening.

Simple steps to stop workers breathing in the dust must be taken."

WORKMAN INJURED WHEN STEEL FELL FROM FORKLIFT

Lifting not properly planned, supervised and carried out safely

A fabrication company has been fined after an employee was injured when he was struck by a steel gantry which fell from a forklift in October 2017.

Reading Magistrates heard how the workman and his colleague were moving a steel gantry with a forklift in Iver Heath when it fell from the forks of the forklift onto him, crushing both of his legs.

Adequate control measures missing

HSE investigators found the company failed to ensure that the lifting was properly planned by a competent person, appropriately supervised and carried out in a safe manner.

The fabrication company of Pinewood Studios, Iver Heath pleaded guilty to breaching Section 3 (1) of Health and Safety at Work etc Act 1974. The company was fined £6000 and ordered to pay costs of £2960.75.

After the hearing HSE inspector Stephen Faulkner said:



"This incident could so easily have been avoided if the company had properly planned the work and implemented the control measures identified.

Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards".

TWO DEFENDANTS HANDED PRISON TERMS OVER FALL

Company, two directors and contractor sentenced

A company and two directors have been sentenced after an electrician fell two storeys through an unprotected stairwell in December 2016.

Manchester and Salford Magistrates Court heard how the workman was carrying out electrical work at premises in Nantwich, Cheshire.

The electrician was exiting the loft when he fell from a damaged staging board spanning the stairwell. He landed on the concrete floor below and suffered multiple fractures, a bleed on the brain and facial nerve damage.

Directors aware dangerous board

HSE investigators found that two directors and contractor were fully aware of the dangers faced and the lack of precautions. The risks had not been assessment control measures needed identified and implemented.

The development company of Liverpool, pleaded guilty to breaching CDM Regulation 15 and was fined £20,000 and ordered to pay costs of £2,548.28.

The individuals prosecuted were handed suspended prison sentences and / or ordered to pay fines and prosecution expenses.

After the hearing, HSE Inspector Deborah Walker said:



"This incident could have so easily have been prevented. Falls from height remain one of the most common causes of work-related injuries and the risks associated with working at height are well-known. Those in control of work have a responsibility to devise safe methods of working and to provide the necessary safety measures"

MAJOR FIRM FINED £800K OVER LIFTING ERRORS

Workman injured by falling heavy expanded polystyrene block

A major UK construction business has been fined more than £800,000 after a workman suffered three fractured vertebrae when he was struck on the head by a large expanded polystyrene block which fell from an excavator bucket in January 2017.

Brighton Magistrates heard how the company was constructing a piling platform at Redhill Station, Surrey, which was built using expanded polystyrene blocks. The block fell from the excavator used to lower the block in place.

The block struck an employee who as a result is still suffering the effects of the injury and is likely to be on pain medication for the foreseeable future.

Inappropriate lifting accessories

HSE investigators found that the lifting operation was being carried out without appropriate lifting accessories to transport the load. The operation involved trapping the load with the bucket against the dipping arm of the excavator.

The major contractor from Camberley pleaded guilty of breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £833,333.

After the hearing, HSE inspector Andrew Cousins commented:



"This incident could so easily have been avoided by simply using appropriate lifting accessories such as chains and strops to carry out the lifting operation. Failure to do so has resulted in serious injury."

ENERGY BUSINESS FINED OVER LIFTING FATALITY

Firm failed to train in lorry mounted crane remote control risk

An electricity and gas utility company has been fined £334,000 after a workman died after being struck by lorry mounted crane in East Claydon, Bucks in November 2016.

Aylesbury Crown Court heard how the sub-station craftsman was involved in moving a delivery crate containing a compressor with the help of a colleague using a "remote-controlled" lorry loader crane.

As the workmen were attaching the slings to the crane hook the crane struck Mr Marsden resulting in fatal injuries.

Remote control generates 'own risks'

HSE investigators found that the company failed to ensure the lift was properly planned, effectively supervised and carried out safely. Adequate training in the new lorry loader crane was not provided, in particular concerning the additional risks due to the remote-control unit.

The company from London, pleaded guilty to breaching HSW Act Section 2(1) and LOLER and was fined £334,000 and ordered to pay costs of over £17k.

HSE inspector Stephen Faulkner, speaking after the sentencing said:



"This tragic incident could have been avoided if the company had properly planned the movement of the crate involved.

Employers must recognise operating remote-controlled plants carry their own risks and should be managed appropriately, including through providing adequate training for employees."

WOMAN DIED TRAPPED IN POWERED ROLLER DOOR

Firm did not check the operation of the safety sensors

An electrical company has been fined after a woman was fatally crushed by a roller shutter door in Cambridge in August 2016.

Peterborough Magistrates heard how the woman pressed the button to open the roller-shutter door at Ruth Bagnall Court, Cambridge. She held onto the grille as it raised and became trapped as it wound around the roller, causing fatal crushing injuries.

Inspection one month before death

HSE investigators found that the sensors at the top of the door were incorrectly wired and no longer functioned as the door opened.

The defendant carried out work on the roller shutter door since 2012, including an inspection one month before the incident. The company did not check the operation of the safety sensors and failed to identify the fault.

The contractor from Ramsey, Cambridgeshire pleaded guilty to breaching HSW Act Section 3(1) and was fined £25,000 and ordered to pay costs of £6,500.

Speaking after the hearing, HSE inspector Graeme Warden commented:



"This tragic and distressing incident has had an untold impact on all those who knew Heidi. It could have been avoided if the company had ensured employees were suitably trained to inspect the doors and the functioning of the safety sensors."

PUBLICATIONS

BCI Horizon Scan Report 2019

Continuity and resilience professionals reveal their top threats and disruptions.

What are the top concerns for 2019? Find out in this year's Business Continuity Institute (BCI) Horizon Scan Report.

Outlining the biggest disruptions from the last twelve months, as well as perceived threats in the year ahead, this invaluable research report is ideal to support you to build continuity and Organizational Resilience. From technical concerns, to those frequent underlying threats, this year's findings present interesting considerations for organizations as they look ahead to a year with many uncertainties.

Download from BSI:

https://page.bsigroup.com/e/73472/l-73472-2019-06-25-k6sq3l/k7p32n/721058869?h=c_RSPopEea14BvAbYQc8zem-sxlhvKBxxkKc1HAWY

Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC

This mainly applies to manufacturers, importers and distributors, but users also need to be aware of the limitations to be applied to use of PPE after April 2019.

The PPE Regulation is mandatory - covering any type of product that falls within its scope listed earlier. If you are therefore in the PPE industry, it is a legal requirement to comply. Previously the PPE Directive focused on manufacturers placing products onto the market, but now the new Regulation is effective the whole supply chain will be involved. This means importers, distributors or anyone involved in the supply and distribution chain should take appropriate measures to ensure that PPE meets standard requirements and that they make available on the market only products which comply with the Regulation, and keep relevant documents for at least 10 years.

Download the Regulations:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0425>

Download the BSI explanatory Whitepaper:

<https://www.bsigroup.com/LocalFiles/en-GB/product-certification/Personal-Safety/BSI-PPE-Whitepaper-UK-EN.pdf>