



# SAFETY UPDATE

Issue 09 September 2019

## THIS ISSUE

### NEWS

IMPROVING CDM DESIGNER  
HAZARD AWARENESS

NFDC STATEMENT OF AWARENESS

### CASES

FAILURE TO RECONISE HAVS RISK

UK FIRM FINED USING UNSAFE  
OVERSEAS CONTRACTOR

CDM PC £1M FINE OVER DEATH

HSE PROSECUTE FIRMS FOR RISKS  
OVER HARM:-

HEIGHT, ASBESTOS, ELECTRICAL  
RISKS

NON-INJURY PROSECUTION  
WORKING AT HEIGHTS

SOLAR PANEL FRAGILE ROOF RISK

### PUBLICATIONS

HEALTH IN CONSTRUCTION  
LEADERSHIP GROUP

## NEWS

### IMPROVING CDM DESIGNER HAZARD AWARENESS

#### Research explores power of “multi-media digital tool” for design hazards

IOSH has published the findings of a research study aimed to improve how designers involved in construction projects learn about how their design influences health and safety risks during construction, maintenance, cleaning and use of structures once the design is implemented.

The research method involved the development of a “multi-media digital tool” for educating designers on typical design-related hazards. Designers are required by CDM 2015 to avoid hazards and reduce risk during the design process.

#### Multimedia digital tool more effective than internet

The study was undertaken by researchers at the Glasgow Caledonian University supported by the IOSH Research and Development Fund. The researchers [concluded](#):

*“The results showed that all experimental groups out-performed control groups, with the novice groups demonstrating the greatest increase in both hazards spotted and quality of alternative options recommended. This means that using the multimedia digital tool was more effective than merely searching the internet, especially for inexperienced graduates”*

The Lift and Escalator Industry Association  
33-34 Devonshire Street  
London  
W1G 6PY  
P: 020 7935 3013  
F: 020 7935 3321  
E: [enquiries@leia.co.uk](mailto:enquiries@leia.co.uk)

## H. A. R. M. – PRE-CONSTRUCTION PHASE



### **Elimination and Substitution**

Eliminate: consider if hazards can be avoided e.g. silica free kerbs, water based paints.

Substitution: consider designs which substitute a less hazardous process or material



### **Reduce and Control**

Reduce: consider designs which reduce the risk from remaining hazards e.g. minimise work at height.

Control: consider designs which facilitate control e.g. provision to attach safety nets

## DEMOLITION FEDERATION ON RECENT INCIDENTS

### NFDC 'statement of awareness' follows unplanned collapses

The *National Federation of Demolition Contractors* (NFDC) has issued a "statement of awareness" via its website after an incident on a demolition site in Reading on Thursday 1st August 2019 in which three people were injured and two further collapse incidents where there are no reported injuries.

Investigations are now in process with HSE, contractors and others seeking to understand what caused the incidents.

### Three incidents in short period ... "unheard of"

The NFDC has stressed that:

"Today's demolition industry represents sophistication, professionalism, competence and qualification, high standards and exemplary safety records. Any incidents of this nature are unusual – for three to occur and within a short time period is unheard of.

Following the investigation of these incidents and establishment of the facts, the NFDC will work to support the prevention of future incidents."



## COMPLETE FAILURE TO RECOGNISE HAVS RISK

### Specialist drilling company and director sentenced over HAVS danger

A company providing specialised services in rock drilling, cliff stabilisation and rock anchors, and the company director, have been sentenced after workers were diagnosed with hand arm vibration syndrome (HAVS).

Plymouth Magistrates heard how three employees developed and reported symptoms of HAVS but no action was taken.

The affected persons began to experience symptoms e.g. pins and needles and aching hands, in one case since 2000. An occupational nurse was employed in 2016 and the HAVS problem was identified.

### Symptoms not acted upon

Health surveillance was not in place until 2016 and employees were not made aware of HAVS and the symptoms of the syndrome. When symptoms were reported, the company had failed to take action.

The company from Devon was fined £36,667 and the director given a 12-week custodial sentence, suspended for one year, a 12-week curfew and ordered to pay costs of £3,560. Speaking after the hearing, HSE inspector Caroline Penwill said:



*"This was a case of the company and its director completely failing to grasp the importance of HAVS risk assessment and health surveillance.*

*If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor workers health and the employees' conditions would not have been allowed to develop, one of which was to a severe, life altering stage."*

## UK CLIENT FINED OVER UNSAFE OVERSEAS FIRM

### Italian contractor found guilty despite failure to attend court

Two firms have been fined after the employee of an Italian construction company fell through a roof onto a concrete floor in January 2018.

Lincoln Magistrates heard how the workman was involved in refurbishing an industrial building at the premises of a casting company in Lincoln.

The workman stepped back from metal sheeting on which he was standing and stood on a fragile roof light which failed in under his weight. He fell over 5m to the ground sustaining two broken arms and three broken ribs.

## Host must ensure contractors work safely

HSE investigators found that both parties failed to risk assess and plan all aspects of the construction work on site, and failed to ensure the risks from the fragile roof lights were adequately controlled.

Access to the roof unsafe and there was inadequate supervision and management checks throughout the work. Previous instances of unsafe work were not acted upon by either party.

The UK company from Sheffield was fined £140,000 and the overseas contractor fined £54,000 in its absence. Speaking after the hearing HSE inspector Martin Giles said:



*"In this case the use of simple protective measures to prevent falls from and through the fragile roof light would have prevented the injury to this worker.*

*Contractors working in host employers' premises require adequate supervision and controls to ensure that they are working safely."*

## £1M FINE OVER DEATH CAUSED BY EXCAVATOR

### Vehicle driver found guilty at trial alongside CDM Principal Contractor

A construction company and an employee have been prosecuted after a workman died when he was struck by an excavator on a project in London, over 5 years ago, on 2 March 2014.

Southwark Crown Court heard how during night work on the site in Stratford the workman was hit by an excavator mounted vibrator (EMV) attached to the 35-tonne excavator.

He was working in close proximity to the moving excavator and was disconnecting lifting accessories from a metal pile which had been extracted from the ground.

He was crushed against a concrete wall and died from his injuries. A further site worker next to him also faced a risk of being struck.

### Exclusion, communication and safety levers absent

HSE investigators found that the project Principal Contractor (PC) failed to ensure the safety and that the driver of the excavator, who was also the site supervisor for the site, failed to take reasonable care for other persons on site at the time.

The PC from Middlesex was fined £1,000,000 and ordered to pay costs of £108,502.30 whilst the employee was given a 6-month custodial sentence, suspended for 12 months and ordered to pay costs of £15,000.

Speaking after the hearing, HSE inspector Darren Alldis said:



*"This death was wholly preventable and serves as a reminder as to why it is so important for companies and individuals to take their responsibilities to protect others seriously and to take the simple actions necessary to eliminate and minimise risks.*

*Informing all site operatives of the specific risks they face when carrying out such tasks and the control measures required of exclusion zones, the importance of communication and the mandatory use of excavator safety levers were simple actions that should have been put in place and their effectiveness monitored."*

## **HSE PROSECUTE FIRM OVER RISK NOT HARM**

### **Multiple safety failings land construction company in court**

A construction company has been fined after failing to ensure the safety and welfare of workers on site during the renovation of a property between December 2015 and June 2018 in Blackpool.

Preston Magistrates heard how the company failed to prevent risks from falls from height, exposure to asbestos and dangerous electrical systems. There were no suitable welfare facilities and no measures to prevent fire on site.

### **Skills, knowledge and experience found wanting**

HSE investigators found that employees and contractors on site did not have the appropriate skills, knowledge and experience to complete the work.

The company failed to comply with their duty as principal contractor to plan, manage and monitor the work being carried out on site, fined £35,000 and ordered to pay costs of £3,860. Speaking after the hearing, HSE inspector Jacqueline Western, said:



*"These risks could so easily have been avoided by simply carrying out correct control measures and safe working practices. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."*

## FALL PRECAUTIONS FELL BETWEEN TWO FIRMS

### Contractors fined after workers at risk of falling from roof

Dudley Magistrates have heard how workmen were engaged in the repair to a section of pipework on the roof of a warehouse in Bilston on 12 April 2016. The workers climbed onto the roof from a 'man-cage' which was lifted into position by a fork lift truck.

The 'man-cage' fell short of the roof level by about 1m and there was a gap between the cage and the roof which workers needed to climb across. Once the workers were on the roof, it was slippery and wet, with no barrier in place to prevent a fall.

HSE investigators identified failings in relation to how the work, specifically access to the roof, was planned, managed and monitored.

### Assumptions failed to secure precautions

The firms involved assumed that the other had put into place systems that would protect workers from the risks of working at height.

The contractor from Dudley was fined £18,000 and ordered to pay costs of £9,000. The client was fined £100,000 and ordered to pay costs of £20,000. Speaking after the case, HSE inspector Edward Fryer commented:

*"This incident highlights the need for contractors to be managed properly. Both the contractors and those engaging them must assess the risks of the site and the specific work to ensure it can be done safely. In this case, no risk assessment was carried out and arrangements made to access the roof put workers at significant risk of falling from height."*



## NON-INJURY PROSECUTION OVER WORK ON THE EDGE

### HSE routine inspection results in £25,000 fine for errant contractor

A construction company has been fined over £25k for failing to comply with work at height regulations thereby placing employees at risk of injury on a London project in May 2018.

Westminster Magistrates heard that during the inspection in Hounslow, a number of issues in relation to working at height were identified.

These included several unprotected edges, where a person could fall a significant distance and also a floor that was being removed by a handheld breaker whilst workers were standing on it.

No measures were in place to prevent them falling if the floor collapsed.

### **Assessed measures not implemented**

HSE investigators found that the risk assessment identified measures that needed to be implemented. These measures were not implemented and therefore created a significant risk of people falling, and causing serious or fatal injury.

The contractor from North London was fined £26,666 and ordered to pay costs of £1135.10. Speaking after the hearing, HSE inspector Matthew Whitaker said:



*"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. Work at height is dangerous and should be planned correctly and the required measures implemented"*

## **SOLAR PANEL FIRM AWARE OF FRAGILE ROOF RISK**

### **Workman suffered long-term injuries in 4m fall through rooflight**

A solar panel company has been fined after a worker fell through a skylight during the installation of solar panels on an East Sussex workshop in July 2018.

Brighton Magistrates heard how he was working on the roof when he stepped on an unprotected rooflight which failed under his weight causing him to fall 4m to the workshop floor below sustaining multiple and long-term injuries to his wrist.

### **Company knew risks from fragile surfaces**

HSE investigators found the company knew the risks from fragile surfaces and unprotected edges but failed to plan or supervise the work to ensure that access to hazardous areas was prevented. Workers were at risk from falls throughout the course of the job.

The contractor from Battle pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £40,000 and ordered pay costs of £2,000 in addition to a victim surcharge of £170.

Speaking after the hearing, HSE inspector Nicola Wellard said:



*"The risks associated with fragile roofs are widely known throughout this industry. Failing to protect workers from this risk is inexcusable. Simple safety measures could have prevented this incident and the long-term injuries to the worker"*

## PUBLICATIONS

The **Health in Construction Leadership Group** was set up in order to unite the construction industry to 'think health'. Its vision is:

*'By 2025, construction is a leading industry for occupational health, wellbeing and disease prevention'.*

The Group is looking at its future direction and strategy, and is welcoming feedback on its progress so far, as well as on where it ought to focus moving forwards.

What do you see as the key issues on health? What are the main obstacles preventing progress on tackling health? Is the industry making progress in its approach to health?

Share your views on these and other issues, by completing this [short survey](#)