



# SAFETY UPDATE

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## NEWS

### HSE TO OVERSEE NEW BUILDING SAFETY REGIME

#### **Government to deliver biggest change in building safety for a generation**

The Government has announced new measures to improve building safety including a new Building Safety Regulator within HSE, to be established immediately.

The Housing Secretary Robert Jenrick warned that “the slow pace of improving building safety standards will not be tolerated”.

To give effective oversight of the design, construction and occupation of high-risk buildings the new regulator will be at the heart of a new regime as part of HSE.

#### **Building owners to be named and shamed**

Mr Jenrick stated that from Feb 2020 he will start to name building owners where remediation has not started to remove unsafe Aluminium Composite Material (ACM) cladding from their buildings. Some building owners have been too slow to act.

He confirmed that the government will consult on extending the ban on combustible materials to buildings below 18m and seek views on how risks are assessed within existing buildings to inform future policy.

#### **Building Safety Regulator**

As the new regulator HSE will raise building safety and performance standards, including overseeing a new, more stringent regime for higher-risk buildings.



The government believes that “with a strong track record of working with industry and other regulators to improve safety HSE will draw on experience and the capabilities of other regulators to implement the new regime”.

## **CASES**

### **CONTRACTS MANAGER HANDED TWO YEAR PRISON TERM**

#### **Safety fall arrest netting would have saved life of deceased workman**

Manchester Crown Court has heard how a roof worker died from severe head injuries when he fell through the fragile roof on which he was working in September 2015.

The circumstances surrounding the death were investigated jointly by Greater Manchester Police and HSE. The investigators found “there had been fundamental breaches of duty on the part of those who organised the work to the roof”.

#### **Safety netting was required and practicable**

Practicable steps that could and should have been taken to ensure safety of those working on the site had not been taken thereby exposing the workforce to risks to which they should never have been exposed and which led directly to the death.

The practical preventive steps which could have been taken included providing safety netting to arrest any fall. Experts assessed the site after the fall and advised that such netting was necessary and would have prevented the death. The netting would have cost approximately £1250 to install.

#### **Risk assessment record altered**

A contracts manager for one of the companies involved altered the records “in order to mislead the investigation”. He presented a risk assessment document containing the forged signature of the deceased in order to mislead and attempt to justify his actions.

The contracts manager was sentenced to two years in prison for failing to take reasonable care of other persons. He also pleaded guilty to perverting the course of justice. The contractors were fined a total of over £100,000.



Perverting the course of justice is an offence committed when a person prevents justice from being served on him/herself or on another party. In England and Wales it is a common law offence, carrying a maximum sentence of life imprisonment.

## **MAJOR DEMOLITION CONTRACTOR FINED £500,000**

### **Collapse of concrete slab caused death of worker and excavator fall**

A construction company has been fined £500,000 after a father-of-two died when a concrete slab collapsed beneath him on a London demolition project in 2014.

Southwark Crown Court heard that the 33-year-old labourer was working with an excavator operator to demolish a multi-storey building.

He was burning through reinforcing steel bars with an oxy-propane lance in order to facilitate removal of part of the re-enforced concrete slab by excavator. A co-worker alerted the supervisor that this work made the structure unsafe and the demolition was halted.

The supervisor ordered the removal of props supporting the remaining slab and less than ten minutes later the slab collapsed. The Court heard that the excavator may have moved back onto the slab after the props were removed. The deceased and the excavator, with operator in the cab, fell with the slab.

### **Failed to pay attention to what was happening**

HSE found CCTV which showed that, in the weeks prior to the incident, "demolition work had been carried out unsafely". The deceased was not trained to use the oxy-propane lance. He was also not trained in use of fall arrest arrangements which were not used at the time.

The Principal Contractor from Wembley guilty to a breach of CDM 2007 Regulation 22 and was fined £500,000 with £66,236,22 in costs.

HSE inspector Andrew Verrall-Withers commented after the hearing:



*"In the weeks prior to this tragic incident workers were regularly put at an acute risk of falling. This is a case of a company wanting to have good systems to protect the workers, but not paying enough attention to what was actually happening at the site."*

## **FAILURE TO COMPLY WITH HSE NOTICE PROVES COSTLY**

### **Director given suspended jail term and company fined £60,000**

A company and its director have been fined after failing to comply with health and safety regulations and an HSE enforcement notice following a series of inspections at a construction site in South Woodford, London.

Westminster Magistrates heard that between May 2018 and February 2019 the HSE inspections found health and safety concerns at the site.

### **Planning, managing and monitoring required**

The company director was served with two Prohibition Notices and his company was served with two Prohibition Notices and two Improvement Notices.

The HSE notice concerning obtaining competent advice was not complied with.

The contractor pleaded guilty to breaching CDM 2015 Regulation 15(2) and the HSW Act Section 21. The company was ordered to pay a fine of £60,000 plus full prosecution costs of over £5k.

The director from London, pleaded guilty to breaching HSW Act Section 21 and was sentenced to an 18 weeks imprisonment term suspended for 12 months, 180 hours of unpaid work and was also ordered to pay full prosecution costs of over £5k.

After the hearing, HSE inspector David King commented:



*"This case highlights the need for suitable and sufficient planning, managing and monitoring, using the appropriate work at height equipment and having a competent site manager."*

## **CYLINDER LEAK TEST CAUSED FATAL INJURIES**

### **Corrosion inhibitor triggered failure and shrapnel ejection**

A company has fined £700,000 after a 64-year-old worker was fatally wounded by shrapnel ejected from testing equipment in June 2015 in Sheffield.

Sheffield Crown Court heard that the deceased was undertaking leak testing of eight 1500 litre cylinders involving injecting compressed air inside the cylinders. Whilst in the process of venting the air through the test manifold the manifold failed catastrophically.

## Manifold contaminated with oil

HSE investigators found that prior to installing the fittings, 1.5 litres of a mineral oil-based corrosion inhibitor were placed into each of the cylinders.

The incident occurred because the inhibitor contaminated the leak test manifold during venting of cylinders and was subjected to enough pressure inside the manifold to ignite and cause the test equipment to fail.

The company of Meadowhall Road, Sheffield was found guilty of breaching the HSW Act 1974 Section 2 (1) and was fined £700,000 with full prosecution costs of £169,498.82.

After the hearing, HSE inspector Eddy Tarn commented:



*"This was a tragic and wholly avoidable incident, caused by the failure of the company to identify any additional risks that arise when work processes are adapted.*

*Companies should accurately identify and [control all potential hazards](#) in the workplace and thereafter monitor performance through effective supervision."*

## FALL FROM LADDER WHILST CARRYING BUCKET

### Contractor failed to provide basic safe lifting aids

A roofing company has been fined over £28k after a worker suffered serious back injuries when he fell from a ladder whilst carrying broken tiles in a bucket in October 2018. He was involved in working on a roof in Ramsgate, Kent.

Folkestone Magistrates heard that workers were required to carry buckets of materials by hand down the scaffold access ladder. The 31-year-old worker was unable to maintain a constant three points of contact and he fell from the ladder.

### Risk could be eliminated

HSE investigators found the contractor had not provided basic lifting aids e.g. a wheel and pulley, which would have eliminated the risk from carrying the bucket and tiles on the ladder.

The contractor from Ramsgate, Kent pleaded guilty to breaching HSW Act Section 2(1) and fined £28,800.00 and ordered to pay costs of £4,213.70.

After the hearing, HSE inspector Andrew Cousins commented:



*"This incident could have been so easily avoided by simply providing basic and inexpensive lifting aids, which are industry standard."*

## **OVERHEAD CABLE STRUCK BY TIPPER TRUCK**

### **Company failed to report strike to HSE and take action on earlier incident**

A stone merchant has been fined £50,000 for safety breaches after a vehicle made contact with an uninsulated overhead electric power line at a ready-mix concrete site in July 2018.

Leeds Magistrates heard that a wagon delivering materials to the company's ready-mix plant was directed to tip its load close to the overhead power lines.

During the tipping procedure the vehicle moved forward and made contact with the power lines which were live at 11,000v, nobody was injured in the incident.

### **Repeat of incident could have been avoided**

HSE investigators found that two years previously, a wagon had made contact with the same power lines. No one was injured but the electricity supplier gave advice regarding avoiding a repeat incident. This first incident was not reported to HSE as required by the RIDDOR regulations.

The company from Settle pleaded guilty to breaching Regulation 3 of the Electricity at Work Regulations 1989 and Regulation 7 of the RIDDOR 2013. The company has been fined £50,000 and ordered to pay £621.42 in costs.

After the hearing, HSE inspector Julian Franklin commented:

## Avoiding danger from overhead power lines

Guidance Note GS6 (Fourth edition)



This general series guidance note is for people who may be planning to work near overhead lines where there is a risk of contact with the wires, and describes the steps you should take to prevent contact with them. The fourth edition makes the advice easier to follow and has brought the supporting visuals up to date. The guidance has not fundamentally changed from the previous version.

It is primarily aimed at employers and employees who are supervising or in control of work near live overhead lines, but it will also be useful for those who are carrying out the work.

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*This incident could have led to the death of the wagon driver. Standard industry-wide precautions should be followed to avoid the risk of making*

*contact with high-voltage overhead lines."*

*"Had the company reported the first incident to HSE and acted on the guidance from the electricity supplier, [effective precautions](#) could have been taken to avoid a repeat incident.*

## UNSAFE USE OF SKIP LIFTER CAUSED FATALITY

### Fork lift being lifted on to vehicle fell when winch wire failed under load

An auto-salvage company has been prosecuted after a customer was trapped and fatally injured when a lift truck, he had purchased, was being loaded onto his own recovery vehicle in February 2018 near Etterby.

Carlisle Crown Court heard that the lift truck was being lifted on to the recovery vehicle using a skip lifter lorry belonging to the defendant. A winch wire attached to a metal ring on the lift truck failed during the lifting operation causing the lift truck to fall and trap the customer against the skip lorry.

### Method fundamentally unsafe

HSE investigators found that a "complex lifting process" was not properly planned by a competent person and that the defendant failed in its duty not to expose customers to risk.

A competent person would have identified that this loading method with this equipment was "fundamentally unsafe".

The company of Etterby, Carlisle pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £23,000 and ordered to pay costs of £8,000.

Speaking after the hearing, HSE inspector Matthew Tinsley commented:



*"This incident could so easily have been avoided should the lift have been properly planned and appropriate equipment and safe working practices been employed as a result."*

## CAMBRIDGE COLLEGE ASBESTOS BLUNDERS

### Survey absent and asbestos awareness training not provided

A Cambridge College has been fined for failings which exposed employees and contractors to asbestos during refurbishment of a flat owned by the college in March 2018.

Cambridge Magistrates heard that college employees and contractors were carrying out a refurbishment of a flat when asbestos insulation debris was discovered in the floor voids after work had been carried out. An asbestos refurbishment survey was not carried out prior to the insulation debris being found.

The gloves and clothing of an employee were contaminated with loose asbestos debris and he had not received [asbestos awareness training](#). The asbestos was spread from his clothing to areas outside the flat.

### Planning and management inadequate

HSE investigators found that there was inadequate planning and management of the refurbishment work of the flat when asbestos insulation debris was discovered in the floor voids after work had been carried out.

The college pleaded guilty to breaching Regulations 5 and 16 of the Control of Asbestos Regulations 2012. It has been fined £12,000 and ordered to pay costs of £4,450.28.

Speaking after the hearing, HSE inspector Sandra Dias said:

*"Asbestos surveys need to be carried out prior to refurbishment works which disturbs the fabric of a building. Asbestos is still present in hidden locations in buildings and needs to be located before work starts that could potentially expose individuals."*