



SAFETY UPDATE

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THIS ISSUE

NEWS

HSE TARGETING CANCER RISK

CASES

CDM PRINCIPAL DESIGNER IN COURT

TEMPORARY WORKS FELL ON
PEDESTRIAN

INEXPERIENCED WORKER FELL
THROUGH OPENING

RISK OF DERMATITIS SUFFICIENT
PROSECUTION

COSHH FAILINGS CAUSE ASTHMA
AND PROVE COSTLY

COLLAPSE OF PUMP SET TRAPPED
WORKMAN

FATEL FUEL TANK EXPLOSION

ARM OF WORKMAN AMPUTATED IN
CONVEYOR

NEWS

HSE TARGETING WELDING FUME CANCER RISK

Inspections to enforce improved controls required by new risk evidence

HSE has issued a reminder to all employers that they must protect the health of workers by controlling the risks from welding fume – including fume generated during mild steel welding fume which evidence has shown can cause cancer.

The regulator is presently undertaking a programme of inspections which will review standards across the country. Businesses are encouraged to read and act on the revised HSE Guidance which explains changes to the controls HSE expect to be adopted regarding welding fume.

Effective LEV and suitable RPE

Employers should be using local exhaust ventilation where effective and provide suitable respiratory protective equipment where necessary.

The HSE inspections follow a [Safety Alert](#) issued in February 2019 after new evidence showed exposure to mild steel welding fume can cause cancer.

HSE has a [range of guidance](#) to help you protect workers and COSHH advice sheets to help you control risk from the hazardous substances in welding.

John Rowe, Head of Manufacturing at HSE said:

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"Employers and workers should know the risk, plan their work and use the right controls when welding activity is carried out. If they are not HSE will use enforcement to bring about improvements."

"It is our mission that all workers are protected and are not made ill or killed by their work. Everyone should be able to leave work and go home healthy and safe."

CASES

CDM PRINCIPAL DESIGNER IN COURT OVER FIRE RISK

Designers and contractor prosecuted for risk management failings

Three companies have been prosecuted for failing to take adequate precautions against fire risk during construction of a timber frame extension to a sheltered accommodation residential home in Pershore, Worcestershire.

Worcester Crown Court heard that in the months leading up to October 2017 the appointed designers and contractors were working on the project which involved the installation of the timber frame three-storey construction with a timber frame link extension to an occupied sheltered accommodation residential home.

Adequate fire prevention controls were not in place thereby putting members of the public at risk.

Major fire risks not avoided by design and management

HSE investigators found that the defendants failed to fulfil their respective duties to plan, manage and monitor construction work in a manner that prevents risks from fire and protects persons who may be affected by the project.

All defendants pleaded guilty to breaching the HSW Act 1974 Section 3.

The project Principal Contractor from Birmingham was fined £26,000, the timber frame Designer, manufacturer and installer of from Leicester was fined £20,000 and the project Principal Designer from Birmingham was fined £8,000.

Speaking after the hearing, HSE inspector Christopher Gregory said:



“ These cases highlight the need for all duty-holders to take proactive action to ensure they are not putting workers and others at risk from foreseeable fire risks by taking reasonably practicable actions.”

TEMPORARY WORKS HOARDING FELL ON PEDESTRIAN

Member of the public struck when site fence collapsed suddenly

A construction company has been fined £100,000 after a member of the public was struck by site hoarding which collapsed into a busy street in Hammersmith West London in October 2018.

Westminster Magistrates heard that the temporary hoarding surrounding the construction site collapsed and struck a member of the public, resulting in a broken pelvis.

The defendant was carrying out refurbishment works to a shop. The hoarding was erected to segregate the site from the footpath outside in order to provide security and public protection.

TW must be properly designed, installed and maintained

HSE investigators found that the company failed to ensure that the [temporary hoarding](#) was designed, installed and maintained in such a manner as to withstand any foreseeable loads which may be imposed upon it.

The defendant from Eastleigh, Hampshire, pleaded guilty to a breach of CDM Regulation 19(2) and was fined £100,000. Speaking after the hearing, HSE inspector Adam Thompson commented:

“The incident could have been avoided if the site hoarding had been [properly designed](#) and installed.”

Temporary works (TW) FAQs

- ▶ What are permanent works?
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- ▶ Are temporary works different to permanent works?
- ▶ Can I organise the temporary works myself?
- ▶ Do I have to appoint a 'temporary works coordinator'?
- ▶ Do I need to provide calculations for every temporary works situation?
- ▶ Can all structural engineers design temporary works?
- ▶ If I get a structural engineer to design the temporary works will they be the project Temporary Works Coordinator?

Resources

-  Health and safety in construction HSG 150
-  CDM Regulations 2015 – Legal Series Guidance (L153)
-  The Absolutely Essential Health and Safety Toolkit INDG 344

INEXPERIENCED WORKER FELL THROUGH OPENING

No physical protection or warning of opening and fragile covering

A construction firm has been fined after a 17-year-old worker fell over 3m through a roof opening on a project in Gloucester during August 2018.

Cheltenham Magistrates heard that the young man fell through a sheet of insulation covering a rooflight opening whilst walking across an unmarked and unguarded area on the first floor of the structure. He suffered multiple broken bones in his right leg and foot and, after two operations, was advised it was unlikely he could work in construction again.

HSE investigators found that the inexperienced young employee was not supervised properly and was unaware of the risks on site.

Failures continued after incident

Despite the incident, the company continued to fail to ensure work at height was planned and managed on site. Numerous failings were identified by HSE during later visits to the construction site.

The company from Cheltenham pleaded guilty to breaching CDM 2015 Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and was fined over £55k.

Speaking after the hearing, HSE inspector Laura Banks said:



"This serious incident and devastation could have been avoided if basic safe guards had been put in place. Falls from height remain one of the most common causes of injuries in the country and the risks associated with working at height are well known."

RISK OF DERMATITIS SUFFICIENT FOR PROSECUTION

Company failed to implement controls and surveillance required by COSHH

An engineering company has been fined for failing to control the risk of employees developing dermatitis following exposure to metalworking fluid.

West Hampshire Magistrates heard that, between October 2017 and January 2019, employees were exposed to metalworking fluid whilst working on lathes and milling machines at the company site in Lymington.

Exposure to metalworking fluid can lead to the development of [dermatitis](#) and asthma and can have serious, life-changing health effects.

Suitable overalls, gloves and effective skin care regime absent

HSE investigators found the company failed to ensure adequate measures were in place for the control of exposure to metalworking fluids, exposing their employees to the risk of contracting dermatitis.

The defendant from Rickmansworth pleaded guilty to breaching The COSHH Regulation 7(1), fined £20,000 and ordered to pay costs of £4,447.46.

Speaking after the hearing, HSE inspector Nicola Pinckney said:



"This case could so easily have been avoided by simply implementing correct control measures and appropriate working practices. Appropriate controls could include provision and use of well-fitting overalls, use of gloves in contact with contaminated work pieces, avoidance of the use of airlines for cleaning activities, and the provision of an effective skin care regime."

COSHH FAILINGS CAUSE ASTHMA AND PROVE COSTLY

Uncontrolled exposure to isocyanates during paint spraying operations

A car retailer operating across the South East of England has been fined after a car bodywork sprayer developed occupational asthma.

West Hampshire Magistrates heard that, between October 2011 and March 2018, the employee was [spraying using paints containing isocyanates](#) without adequate controls measures in place.

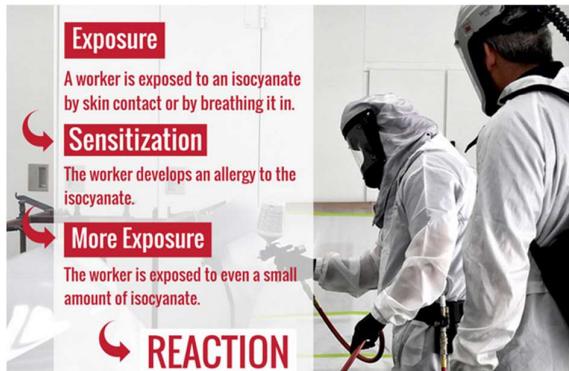
Isocyanates are classed as substances hazardous to health and exposure can lead to the development of asthma with serious life-changing effects.

Spray booth and suitable air-fed RPE needed

HSE investigators found the company failed to ensure adequate control measures were in place to minimise exposure to paints containing isocyanates, therefore exposing the employee to the risk of asthma.

The company from Worthing pleaded guilty to breaching COSHH Regulation 7(1), £120,000 and ordered to pay costs of £2,657.55.

Speaking after the hearing, HSE inspector Nicola Pinckney said:



"This serious health condition could so easily have been avoided by simply implementing correct control measures and appropriate working practices. Appropriate controls could include use of a spray booth to carry out the paint spraying, use of a suitable air-fed respirator, checks to ensure equipment was adequately maintained and training provided to ensure the employee knew the risks and how to control them."

COLLAPSE OF PUMP SET TRAPPED WORKMAN

Unsafe system of work transferring from pallet to a raised platform

A construction company has been fined after a workman was injured when a water pump set, weighing over 700kg, fell on him at a London construction site in January 2016.

Southwark Crown Court heard that the pipe fitter was working on the transfer of a pump set from a pallet to a raised platform when the pump set fell on him. He was "pinned beneath" the unit and sustained serious injuries including multiple fractures and dislocations.

Failure to communicate safe system

HSE investigators found that the defendant was contracted to undertake mechanical and engineering works on the project which included the installation of the pump set.

The company had failed to ensure that a safe system of work for the moving and positioning of the pump set was communicated to the operatives undertaking the work.

The company from Luton pleaded guilty to breaching CDM 2015 Regulation 15(2) and was fined £36,000 with £34,235.45 costs.

Speaking after the hearing, HSE inspector Gabriella Dimitrov 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."

FATAL FUEL TANK EXPLOSION DURING CUTTING

Companies failed to meet known, established and clear standards

Two companies have been fined after a workman died following an explosion on a demolition project in March 2017 at a site in Camden, North London.

Westminster Magistrates heard how the death occurred when a redundant fuel storage tank exploded whilst the vessel was being "cut up". The end of the vessel struck a workman causing fatal injuries.

Workers left to devise own methods of working

HSE investigators found both contractors failed in their duties to effectively plan, manage and monitor control measures to address the risks associated with the demolition of a site that contained fuel tanks.

The standards for this type of work are well known, established and clear.

The contractor and labour supplier both pleaded guilty to breaching CDM 2015 Regulation 15(2), fined £33,000 and ordered to pay costs of over £7k.

Speaking after the case, HSE inspector Ian Shearring said:



"Neither company adequately assessed and controlled the risks of this highly dangerous work. It was left to the workers to devise their own methods of working, which was compounded by no site management."

ARM OF WORKMAN AMPUTATED IN CONVEYOR

Major construction materials supplier fined heavily over unsafe system

A construction materials company has been fined after the arm of an employee was amputated at the company plant in Leicestershire in August 2017.

Loughborough Magistrates heard that two employees were clearing rock that had built up around a conveyor belt. The belt had become so compacted it was difficult to remove the material by hand.

The start/stop button was activated whilst the arm of the other worker was in close proximity to the rotating drum and his arm was drawn in to the dangerous part of machinery.

Failure to properly assess risk and apply effective controls

HSE investigators found there was no risk assessment or safe system of work in place for clearing rock safely from tail-end drums.

The defendant from Coventry pled guilty to breaching HSW Act Section 2(1), fined £400,000 and ordered to pay costs of £12,945.62. Speaking after the case HSE inspector Michelle Morrison said:



"This injury could easily have been prevented, had the risk have been identified. employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery".