

# CONSTRUCTION HEALTH AND SAFETY NEWS



## LEGISLATION & GUIDANCE

### Vibration exposure monitoring Q&A

On Tuesday, 23 August 2011 the HSE provided a Q&A Sheet on vibration exposure monitoring on its webpage containing the advice to employers on vibration.

HSE inspectors commonly come across companies that are engaged in routine continual monitoring or logging of workers' vibration exposure (e.g. using log books, in-line electrical and pneumatic timers, or more sophisticated electronic timers), which is not legally required.

The Q&A sheet can be viewed, printed and downloaded, and other useful information on vibration obtained, from:

[hse.gov.uk/vibration/hav/advicetoemployers/index.htm#monitoring-vibration-exposure](http://hse.gov.uk/vibration/hav/advicetoemployers/index.htm#monitoring-vibration-exposure)

## NEWS

### The Occupational Safety and Health Consultants Register (OSHCR)

The [Occupational Safety and Health Consultants Register \(OSHCR\)](#) is now open to the public. OSHCR is a register of consultants who can offer general advice to UK businesses to help them manage health and safety risks.

Businesses will be able to search the database for consultants according to keyword(s), county, industry or topic, free of charge. OSHCR meets several of the aspirations for improved competence in external health and safety advice, outlined in the Government commissioned report on UK health and safety.

Many businesses develop in-house competence to manage their health and safety risks and do not need to use health and safety consultants. Other employers,

however, may need to purchase additional help. Health and safety consultants registered on OSHCR will have a status recognised by the [participating bodies](#) in the OSHCR scheme.

If organisations are not confident in their ability to manage all health and safety in-house; or they need to know that what they are doing is necessary, sensible and proportionate for their business, the OSHCR will help in finding a consultant with experience the organisations particular work areas. The register enables a search on different categories and provides a profile of each consultant registered.

It is an employer's responsibility to ensure that if they use a consultant; the consultant is competent and suitable, based upon the particular business needs.

### Chris Grayling MP responds to Butlins' decisions to ban dodgems for 'health and safety reasons'

The following press release was made by the Minister for Employment and posted on the HSE website:

Dear Dermot King  
Managing Director, Butlins

I was disappointed to read in the papers today that Butlins has banned bumping in dodgems or 'bumper cars' at three of its resorts, citing health and safety reasons.

While I fully appreciate the need to operate dodgems in such a way as to minimise serious impacts, I wish to make it clear that there is nothing in health and safety legislation or guidance to ban 'bumping' in dodgems.

Health and safety legislation plays an important part in the prevention of death, injury and ill health to those at work and those affected by work activities, but, all too often, it is used as a convenient excuse to

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justify decisions that have been made for other reasons.

I hope Butlins will make it clear publicly that its decision to ban bumping in dodgems has no basis in health and safety rules and that it has absolutely no obligation to take what I suspect will prove to be an extremely controversial decision.

Given the public interest in this issue I am releasing this letter to the media.

With best wishes,

**Rt Hon Chris Grayling MP  
Minister for Employment**

## Another chance to attend the APS Design Risk Management course

Callsafe Services Limited is running another of these public courses in Lichfield on Wednesday & Thursday, 28 & 29 September 2011. This is likely to be final public course in 2011.

This two-day course is designed to provide Designers and Design Risk Managers with the necessary knowledge and confidence in the performance of the task to ensure compliance with the designers' duties under CDM2007.

The course is highly interactive and includes presentations, notes, syndicate exercises, delegate discussions, and an examination to ensure learning outcomes. The course programme can be seen at:

[www.callsafe-services.co.uk/training.asp](http://www.callsafe-services.co.uk/training.asp).

For further details and to book onto this course, contact Gemma Esprey at: [gemma.esprey@callsafe-services.co.uk](mailto:gemma.esprey@callsafe-services.co.uk), or by telephone: 01889 577701.

## PROSECUTIONS

### Roof fall leads to fine

A mechanical engineering company has been fined on 3 August 2011 after a subcontractor suffered serious back injuries falling through a roof.

Self-employed roofer, Michael Hawkins, fell approximately six metres through a fragile roof at a large industrial building at Cotes Park Lane, Somercotes, Derbyshire. He underwent six operations in just six months including a large skin graft to his back and has been unable to return to work since the 16 June 2009 incident.

Mr Hawkins had been subcontracted by Mechanical Solutions Ltd, of Mansfield, which had been employed by the building's owners to help cover the asbestos cement roof with steel cladding. It was his first day on site.

Derby magistrates were told by the Health and Safety Executive (HSE), prosecuting, the company had failed to ensure the work was properly planned, appropriately supervised or carried out in a safe manner.

The HSE investigation found part of the roof was only single thickness and therefore considerably weaker in some areas than others, yet the company failed to identify how fragile it was.

The court heard the company's own method statement stated that harnesses were to be used near unprotected edges, however no provision had been made for use of harnesses in either the single thickness area where the incident occurred or the adjacent unguarded roof edge.

The method statement also stated all skylights and openings must be protected, but no evidence of this was found.

Guard rails for access boards used to move about the main asbestos cement roof, were either missing or incomplete. There was also no safety protection underneath, which was made more significant because there was no

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netting to prevent workers from falling through the roof into the factory below.

A Prohibition Notice was served after the incident preventing a return to work on or near the fragile roof until a safe system was in place to prevent another fall.

Mechanical Solutions Ltd pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £10,000 and ordered to pay full costs of £5,366.

Further details of this case and other cases can be found at:

<http://news.hse.gov.uk/category/prosecution/>

### Prosecutions over asbestos exposure

A Norfolk company and a contractor from Manchester have been fined after failing to manage asbestos removal work at a renovation site in Great Yarmouth.

Mohammed Zahid was employed in May 2009 by Azam Bros Ltd of Hunstanton to clear damage caused by a fire at two commercial units they owned in Regent Street, Great Yarmouth.

Complaints were received by Great Yarmouth Borough Council that a skip outside the premises had no cover to prevent dust contaminating surrounding work units or being exposed to the general public.

The council issued a Prohibition Notice to stop work and asbestos was later found to be present. The HSE and the local authority launched a joint investigation which resulted in prosecution.

HSE inspectors told Norwich Magistrates' Court that Mr Zahid failed to order an asbestos survey, as required by law, before starting renovation work, was not trained in asbestos removal and did not possess the required licence.

Mohammed Zahid, from Manchester, was fined a total of £1,000 after being found guilty of breaching regulations 4, 5, 8(2) and 10 of the Control of Asbestos Regulations 2006 and ordered to pay costs of £500.

Azam Bros Ltd admitted breaching Regulation 4 of the Control of Asbestos Regulations 2006 and was fined £2,500 and ordered to pay costs of £2,500.

### Two companies and contractor fined for releasing asbestos at Birmingham office

Two Worcestershire companies and a contractor from Hall Green have been prosecuted for releasing asbestos fibres during an office refurbishment project in Birmingham city centre.

HSE Inspectors uncovered a series of failings during the refurbishment of 114-116 Colmore Row, work that included upgrading a lift containing asbestos insulating board.

Birmingham Magistrates' Court heard how the building owners, Evanacre Colmore Row Ltd, and the project managers, Marchment Consulting, hired builder, Roland Morewood, to carry out work over the weekend of 29 January 2010.

When lift engineers arrived, they found pieces of asbestos insulating board spread around the lift shaft area and refused to carry on working.

HSE inspectors stopped all workers from going into the building until it had been decontaminated. Air tests taken on several floors of the premises revealed significantly high levels of asbestos fibres, which were also found in several vacuum cleaners.

Asbestos insulating board was found stored in Roland Morewood's van, which itself was heavily contaminated with raised levels of asbestos fibres in the air. By law it should have been disposed of by a licensed contractor.

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Speaking after the hearing, HSE principal inspector Richard Lockwood said: "Evanacre Colmore Row had an asbestos survey which clearly showed that asbestos was present in the lift. Marchment Consulting, which has expertise in building work, should have known how to deal with asbestos and materials containing its fibres in refurbishment projects."

"These companies decided not to use a licensed contractor to remove the asbestos insulating board but to get the work done over a weekend by an unlicensed contractor for a tenth of the cost."

"It is against the law for anyone to remove asbestos insulating board without a licence. Roland Morewood should never have carried out the work and did not take enough precautions to prevent the spread of asbestos fibres."

"Asbestos fibres were found to be at significant levels and if the alarm had not been raised, it is likely that people working on the refurbishment and office workers would have been breathing these fibres for some time."

Evanacre Colmore Row Ltd pleaded guilty today to breaching Regulations 11(1)(a) and 16 of the Control of Asbestos Regulations 2006 and was fined £7,000 and ordered to pay £1,500 costs.

Marchment Consulting Ltd pleaded guilty to breaching Regulations 11(1)(a) and 16 of the Control of Asbestos Regulations 2006 and was fined £7,000 and ordered to pay £1,500 costs.

Roland Morewood pleaded guilty to breaching Regulations 8(1) and 16 of the Control of Asbestos Regulations 2006 and fined £1,000 and ordered to pay £823 costs.

### Handyman survives fall through leaking roof

A Burnley handyman had a lucky escape when he fell through a fragile roof at a

factory in the town, a court has heard.

Engineering firm Lupton and Place was prosecuted by the HSE following the incident at its factory on Athletic Street on 23 September 2010.

Reedley Magistrates' Court was told the company, which employs almost 150 people, allowed the contractor to work along a section of the roof without anything in place to stop him falling.

The 67-year-old, who has asked not to be named, was fixing a leak on the roof when he lost his balance, stepped backwards and fell through one of the roof panels. He escaped injury after landing on a machine cover more than four metres below.



**The roof from which the worker fell**

Lupton and Place Ltd admitted breaching Section 3(1) of the Health and Safety at Work etc Act 1974 by failing to ensure the safety of workers. The company, which produces parts for the automotive, defence and electronics industries, was fined £6,000 and ordered to pay £6,250 in prosecution costs on 11 August 2011.

Speaking after the hearing, the investigating inspector at HSE, Matt Lea, said: "The contractor had been employed by the firm for more than 30 years, but nothing was done to monitor or control the work he was doing."

"A company the size of Lupton and Place should have requested method statements and risk assessments from him to make sure the work could be done safely. It would have been much more sensible to use a cherry picker to fix the leak, instead of allowing

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someone to walk along the roof and work on the fragile surface.”

“The handyman was very lucky to come away from the incident with just bruising. He could easily have suffered a major injury or even been killed in a fall of that distance.”

### Satellite firm sentenced after fatal roof fall

Satellite TV installation firm Foxtel Ltd, has been prosecuted following the death of a worker who fell while carrying out work on a roof.

Engineer, Noel Corbin, suffered fatal head injuries after falling 13.5 metres from a four-storey house onto a side patio in Belsize Park, London on 3 February 2008.

The Old Bailey heard safety equipment found in Mr Corbin's van was unsuitable for the type of work he was undertaking.

A HSE investigation after the incident exposed a number of failings at Foxtel Ltd including failure to ensure work at height was properly planned, organised and monitored.

The Old Bailey heard Mr Corbin was working on a satellite TV dish on the property's roof apex and had accessed the roof via a dormer window. Before his fall he was also seen working on another satellite dish located on a flat roof. Evidence suggests Mr Corbin fell from the flat roof itself or while walking across the sloping roof.

The court was told when Mr Corbin was first employed by Foxtel Ltd, references were not sourced from his previous employer, nor were any training certificates provided. Mr Corbin was also not accompanied on any initial visits so therefore no assessment could be made of his competence.

As a result, the HSE investigation concluded as soon as Mr Corbin stepped onto the roof, he was at high risk of slipping, tripping or falling. Most of the work on satellite dishes

Mr Corbin undertook involved work at height on large properties with more than two storeys.

Foxtel Ltd pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The firm is no longer trading and was shown to have no assets. The court fined the company £1.

### Lives risked on slippery roof in Wirral

A roofing firm has been prosecuted after it allowed two of its employees to work on a slippery roof in Wirral without anything in place to stop them falling.

The two workers from Rainsafe Protect Ltd were spotted pressure washing the sloping house roof on Spital Road in Bebington during a routine visit by an inspector from the HSE on 26 March 2010.

On 16 August 2011 Wirral Magistrates' Court heard no safety barriers or scaffolding had been put up around the edge of the roof to stop the employees being seriously injured in a fall.

The court was told that the company had received advice about working at height from HSE on four separate occasions during the previous month, but had still allowed the roof to be recoated without safety measures in place.

During February 2010, inspectors visited two Rainsafe sites and the company's head office in Liverpool, and managers from the firm also attended a safety awareness event organised by HSE.

Rainsafe Protect Ltd pleaded guilty to a breach of the Work at Height Regulations 2005 after it failed to make sure the work was planned and carried out safely at the house in Bebington. The company, of Stanley Street in Liverpool, was fined £2,000 and ordered to pay £2,069 in prosecution costs on 16 August 2011.

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## Roof fall results in suspended prison sentence

A self-employed roofing contractor from Essex has been given a suspended prison sentence after an incident in which a friend fell through the roof of a domestic garage, and later died of his injuries.



**The gap in the roof through which Mr Waughman fell**

Steve Mason had been contracted to replace a flat roof on a double garage at a house in Well Lane, Stock, near Chelmsford, and James Waughman was accompanying him.

While on site Mr Waughman suffered a stroke and fell through a gap in the rafters on to the garage floor, suffering multiple injuries. He died in hospital on 17 July 2009, just over three weeks after the incident on 24 June.

Steve Mason received an eight month prison sentence, suspended for 12 months, and was ordered to pay £500 costs at Chelmsford Crown Court on 25 August 2011 after admitting breaching section 3 (2) of the Health and Safety at Work etc Act 1974.

**The gap in the roof through which Mr Waughman fell**



After the hearing, HSE Inspector Lesley Balkham said: "This sends out a powerful message to roofing contractors. Steve Mason failed to properly consider the risks of the job and act to limit the chances of injury or even death. He should have put guard-rails

around the edge of the roof and taken measures to prevent anyone falling through it, but he chose not to."

"No matter what size the business, everyone in the construction industry should be very familiar with the risks of working at height and appreciate the importance of ensuring that the right precautions are put in place, however small the job. Falls from height remain one of the biggest causes of workplace deaths in the UK."

## Glasgow demolition worker fatally injured

Whiteinch Demolition Limited, a Glasgow demolition contractor has been fined after a worker was killed when a weight from a face shovel machine fell on him.

On 12 May 2008 Bernard McCarroll was dismantling a hydraulic excavator at the company's yard in Glasgow by the process known as burning, using a flame torch. The machine weighed seven tonnes and had a weight at the rear to assist stability. Whilst flame cutting the bolts that held this weight to the frame of the machine, part of it fell onto Mr McCarroll who suffered serious injuries and died.

A HSE investigation found the dismantling operation had not been properly risk assessed or planned by the company. The court was told that a safe system of work had not been provided to those carrying out the dismantling task. It was also found that insufficient information and instruction had been made available by the company with regard to the assembly of this large machine.

At Glasgow Sheriff Court yesterday (29 August 2011) Whiteinch Demolition Ltd pleaded guilty to breaching Section 2 of the Health and Safety at Work Etc Act 1974. It was fined £15,000.

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### Two Companies prosecuted for a dangerous building site

Two companies have been fined for "appalling" standards at a building site in the London Borough of Merton. The HSE prosecuted principal contractor, Kubik Homes Ltd, and the subcontractor, Bellway Developments Ltd after visiting the site in Wimbledon on several occasions.

Kubik Homes Ltd had already been served with four Prohibition Notices, one of which was actually breached while HSE Inspectors were on site.

City of London Magistrates' Court heard there had been no safe access to the first floor under construction at the St Mary's Road site. Instead, there was a makeshift 'staircase' formed from a bag of sand and piles of blocks, leading to the roof of a hut. The first floor was accessed from the hut roof via wooden planks, spanning the gap between them. There was no edge protection to prevent falls.

On a visit to the site, HSE inspectors found a wooden gangway built the day before to provide access to the first floor was inadequate. There was also a 2.5 metre-deep excavation with no precautions taken to prevent people falling into it or the sides of the excavation collapsing in on anyone working within it.

The work areas around the site were uneven, littered with obstructions and trip hazards. Building materials had been stacked excessively high and stored haphazardly. Welfare facilities on-site were also extremely poor. The toilet was filthy and had a leaking cold water supply.

HSE served three Prohibition Notices to Kubik Homes ordering all work on site to cease until health and safety standards had been improved. On returning to the site, HSE Inspectors found an attempt had been made to erect edge protection around the first floor, but it was inadequate. Representatives of neither company had

sufficient training, experience or a recognised qualification in site management.

While inspectors were on site, two men were seen walking on the first floor in breach of one of the Prohibition Notices. It became clear that work was still continuing in an unsafe manner, so another Prohibition Notice was served. This ordered all work on the site to stop until competent site management was put in place.

Kubik Homes Ltd pleaded guilty to breaching section 3(1) of the Health and Safety etc at Work Act 1974. The firm was fined £8,000 and ordered to pay costs of £2,426.50.

Bellway Developments Ltd also pleaded guilty to breaching section 3(1) of the Act 1974. It was fined £8,000 and ordered to pay costs of £2,384.50.

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## Contact details of organisations mentioned in this and other Newsletters

Ai Solutions Ltd  
PO Box 5025, Leighton Buzzard LU7 1ZN  
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Association for Project Safety (APS)  
12 Stanhope Place, Edinburgh EH12 5HH  
Tel: 0845-6121-290  
[www.associationforprojectsafety.co.uk](http://www.associationforprojectsafety.co.uk)

British Approvals for Fire Equipment (BAFE)  
Bridges 2, The Fire Service College, London Road  
Moreton in Marsh, Gloucestershire GL56 0RH  
Tel: 0844-335-0897  
Email: [info@bafefire.org.uk](mailto:info@bafefire.org.uk)  
[www.fiaf.co.uk](http://www.fiaf.co.uk)

British Occupational Hygiene Society (BOHS)  
Tel: 01332-298101

British Safety Council (BSC)  
70 Chancellors Road, London W6 9RS  
Tel: 020-8741-1231  
Email: [mail@britsafe.org](mailto:mail@britsafe.org)  
[www.britsafe.org/](http://www.britsafe.org/)

BSI Customer Services  
BSI Standards  
389 Chiswick High Road, London W4 4AL  
Tel: 020-8996-9001  
<http://shop.bsigroup.com>

Container Handling Equipment Manufacturers Association (CHEM)  
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<http://chem.uk.com/>

CITB ConstructionSkills  
[www.cskills.org](http://www.cskills.org)

Construction Industry Publications  
c/o BTB Mailflight Ltd  
2B Viking Industrial Estate, Hudson Road, Bedford  
MK41 0QB  
Tel: 0870-078-4400  
Email: [sales@cip-books.com](mailto:sales@cip-books.com)  
[www.cip-books.com](http://www.cip-books.com)

Construction Plant Hire Association  
27/28 Newbury Street, Barbican, London EC1A 7HU  
Tel: 020-7796-3366  
[www.cpa.uk.net](http://www.cpa.uk.net)

Department for Communities and Local Government  
PO Box 236, Wetherby, West Yorkshire LS23 7NB  
Tel: 0870-839-7099  
Email: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)

Engineering Employers' Federation (EEF)  
Tel: 020-7222-7777

Electrical Contractors Association  
Tel: 020-7313-4800

F-Gas Support  
P O Box 481, Salford, M50 3UD  
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Health and Safety Executive (HSE)  
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Health and Safety Executive for Northern Ireland (HSENI)  
[www.hseni.gov.uk](http://www.hseni.gov.uk)

[info4fire.com](http://info4fire.com)  
[www.info4fire.com](http://www.info4fire.com)

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Tel: 01543-420000

National Underground Assets Group (NUAG)  
[www.nuag.co.uk/](http://www.nuag.co.uk/)

Office of Public Sector Information  
[www.opsi.gov.uk](http://www.opsi.gov.uk)

Occupational Safety and Health Consultants Register (OSHCR)  
[www.oshcr.org](http://www.oshcr.org)

The Fibre Cement Manufacturers Association  
Ghyll House, Cock Road, Cotton, Stowmarket  
IP14 4QH  
Tel: 01449-781577

The Loss Prevention Council  
Tel: 020-8207-2345

The Stationery Office Ltd (TSO)  
Tel: 0870 600 5522  
[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

TUC Publications  
Tel: 020-7467-1294

National Access and Scaffolding Confederation (NASC)  
Tel: 020-7397-8120  
[www.nasc.org.uk](http://www.nasc.org.uk)