

# CONSTRUCTION HEALTH AND SAFETY NEWS



## LEGISLATION & GUIDANCE

### Turning concern into action

The Health and Safety Executive (HSE) have published this hard-hitting video, which illustrates the tragic cost in human terms of construction accidents and ill-health.

The video can be viewed and/or downloaded by following the link:

[www.hse.gov.uk/construction/resources/turning-concern-into-action.htm](http://www.hse.gov.uk/construction/resources/turning-concern-into-action.htm)

### Traffic management interactive case studies

The HSE has put together some 'before-and-after' interactive case studies to help you think and talk about vehicle safety in the workplace. They are all based on events that HSE inspectors have reported.

The case studies contain panoramic views, allowing you to drag the viewer through 360° and select different viewing points. These examples require Flash reader, which can be downloaded from:

<http://get.adobe.com/shockwave/>

The interactive case studies can be viewed at:

[www.hse.gov.uk/workplacetransport/sitesafe/interactive-case-studies.htm](http://www.hse.gov.uk/workplacetransport/sitesafe/interactive-case-studies.htm)

The case studies include the following:

- Narrow street
- Loading bay
- Newspaper depot
- Untidy crossing
- Poor paving
- School entrance
- Construction site
- Waste station
- Farm campsite
- Wrong way
- Difficult reversing

- Dangerous unloading

Other case studies are also available.

### CD237 Proposals for revised Control of Asbestos Regs

The consultation summary report was published on 15 February 2012.

The consultation, completed on 4 November 2011, contained the HSE's proposals to introduce revised Control of Asbestos Regulations to implement the changes required to comply with the European Commission's reasoned opinion on the UK Government's transposition of Directive 83/477/EEC as amended by 2003/18/EC on the protection of workers from the risks of exposure to asbestos at work.

The reasoned opinion confirms the European Commission's view that the UK has not fully implemented Article 3(3) of the Directive which provides for the exemption of some types of lower risk work with asbestos from three requirements of the Directive: notification of work; medical examinations; and record keeping.

The required changes mean in future fewer types of lower risk work will be exempt from the three requirements.

The summary report can be viewed/printed/downloaded from:

[www.hse.gov.uk/consult/condocs/cd237responses.pdf](http://www.hse.gov.uk/consult/condocs/cd237responses.pdf)

## NEWS

### APS Design Risk Management course

Still places left on this course to be presented by Callsafe Services Limited in Lichfield on Tuesday & Wednesday, 6 & 7 March 2012.

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

# CONSTRUCTION HEALTH AND SAFETY NEWS



compliance with the designers' duties under CDM2007, and is accredited by the Association for Project Safety (APS). 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).

An individual who successfully completes this course can claim points allocated in the Qualifications and Experience table towards meeting Full Membership of APS.

An individual who meets the above criteria will also be exempt from sitting the examination for admission to the APS Register of Designers for a period of three months from the date on which APS issues a certificate confirming successful completion of the course.

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.

## Changes to the Building Regulations

The proposed changes to the Building Regulations and the Approved Codes have been made available as part of the consultation process.

The Department of Communities and Local Government (DCLG) launched at the end of July 2010 an exercise to identify what changes are needed to ensure the Building Regulations continue to operate effectively in the future.

Ordinary people, businesses and local authorities were invited to submit their ideas about what needs to be done. In particular, the DCLG were keen to look for where regulation could be removed, either because it is unnecessary or because there are other ways to achieve the same outcomes.

These views helped decide on the priority areas for further work, as set out in the Statement made by Building Regulations Minister, Andrew Stunell, on 16 December 2010.

This has now led to the development of a detailed package of proposals for changes to the Building Regulations.

These proposals contain a significant deregulatory element as well proposals to further improve the energy efficiency and safety aspects of the Building Regulations. The consultation is presented in four sections which you can access from the links below:

- ❑ Section one provides an overview of the consultation package and sets out proposals on various technical aspects of the regulations.  
[www.communities.gov.uk/publications/planningandbuilding/brconsultationsection1](http://www.communities.gov.uk/publications/planningandbuilding/brconsultationsection1)
- ❑ Section two outlines proposals to increase the energy efficiency of buildings (Part L)  
[www.communities.gov.uk/publications/planningandbuilding/brconsultationsection2](http://www.communities.gov.uk/publications/planningandbuilding/brconsultationsection2)
- ❑ Section three contains proposals in relation to electrical safety in homes (Part P)  
[www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3](http://www.communities.gov.uk/publications/planningandbuilding/brconsultationsection3)
- ❑ Section four outlines changes to the building control system  
[www.communities.gov.uk/publications/planningandbuilding/brconsultationsection4](http://www.communities.gov.uk/publications/planningandbuilding/brconsultationsection4)

An "Easier to read summary" has also published, and is available at: [www.communities.gov.uk/documents/planningandbuilding/pdf/2077415.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/2077415.pdf)

The consultation remains open until **27 April 2012**, although responses on aspects that link to Green Deal proposals in Section 2 are requested by **27 March 2012**.

## BSI to develop a standard for Subsurface Utility Engineering

It is well recognised within the construction industry that existing underground utilities and their related structures pose considerable risks to new projects and hinder the development of new activity.

During January the British Standards Institution (BSI) brought together a number

# **CONSTRUCTION HEALTH AND SAFETY NEWS**



of influential decision makers from the built environment sector to determine the requirement for a new standard for collecting and depicting existing underground utility data. This workshop took place on 4<sup>th</sup> January at BSI's group headquarters in Chiswick.

The interest in BSI's workshop demonstrates the significant role of underground utility mapping. It also indicates that the industry still suffers from a lack of clarity and a consistency of approach. It is apparent that clients have an ongoing need for assurance with respect to reliability of data and consistent service levels.

The detection and mapping of underground utilities is a rapidly growing industry. It has evolved over the last 30 years from almost a 'cottage industry' with only a few companies to an extensive network of providers collectively turning over around £30 million a year in survey fees.

As the construction industry faces ever more complicated and congested utility networks, extensive brownfield redevelopment, increased legislation, tighter budgets and timescales, it is easy to see why any potential project needs accurate underground utility survey data.

The workshop identified an industry need for a standard on Sub Surface Engineering (SUE) within the UK. Since the market is largely unregulated, the development of a best practice standard would help increase market confidence regarding not just the definition and delivery of the SUE process but also the further professionalisation of the industry.

BSI is currently consulting industry on the best route to develop such a standard or standards and it is hoped and anticipated that standardisation work will start in the coming months.

The scope of the standard is yet to be determined and is likely to be developed through an initial launch workshop with all sponsors and key stakeholders in attendance.

If you are interested in being involved or informed of future developments, contact Jonathan Moyce at BSI:  
[Jonathan.moyce@bsigroup.com](mailto:Jonathan.moyce@bsigroup.com)

## **HSE clampdown to reduce death and injury on construction sites**

Construction sites are being put under the spotlight as part of an intensive inspection initiative aimed at reducing death, injury and ill health.

Between 20 February and 16 March, inspectors from the HSE will be visiting sites where refurbishment or repair works are being carried out. This is part of a national month-long drive to improve standards in one of the Britain's most dangerous industries.

Their primary focus will be high-risk activity such as working at height and also 'good order' such as ensuring sites are clean and tidy with clear access routes.

The purpose of the initiative is to remind those working in construction that poor standards are unacceptable, and could result in enforcement action.

During 2010/11, 50 workers were killed while working in construction and 2298 major injuries were reported.

## **PROSECUTIONS**

### **Firm fined after lack of welfare facilities**

A Bristol building firm has been fined after a court heard it failed to provide basic washing and welfare facilities for workers despite enforcement action at another of its sites.

The HSE visited CR Construction (SW) Ltd on 16 June 2011 at its building site at Pembroke Road in Clifton, Bristol, and found completely inadequate washing and

# CONSTRUCTION HEALTH AND SAFETY NEWS



bathroom facilities.

On 30 January 2012 Bristol Magistrates' Court heard managers of the company knew exactly what the requirements were, as an Improvement Notice was earlier issued at another site run by the company in Thornbury.

On further investigation, the HSE inspectors found the failings had been apparent at the Clifton site for the whole year it had existed. The court heard up to sixteen building people worked on site and facilities were way below the minimum requirements.

HSE inspector Sue Adsett said: "Workers on sites such as these need access to clean and working toilets and hand washing facilities with hot and cold running water, soap and towels, as many materials used on such sites can cause skin problems."

"It is also a legal requirement to have a heated room on site where workers can change, rest, and make hot drinks and food if required."

CR Construction (SW) Ltd pleaded guilty to breaching regulation 22(1)(c) of the Construction (Design and Management) Regulations 2007 and were fined £2,000 and ordered to pay costs of £2,014.

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

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

## Death at Hampstead site leads to prosecution

A construction company and director were fined on 31 January 2012 following the death of a worker at a site in Hampstead.

Craig Page was working on a building site in Denning Road, when a mini-crawler crane was in the process of lifting a skip onto the site.

The skip, containing liquid concrete, overturned and the boom of the crane struck

Mr Page causing crush injuries to his upper body. He died at the scene.

Harris Calnan Construction Co. Ltd and its director, Neil Harris, were prosecuted by the HSE for breaching health and safety legislation. The HSE investigation showed the company failed to properly plan or supervise lifting operations on the site.



**The overturned mini-crawler crane which crushed Mr Page**

The Central Criminal Court heard the construction site was poorly managed by the company who failed to ensure the lifting operation was carried out safely.

HSE Inspector, Dominic Ellis, said: "From the start of this project the defendants failed to control even the most basic of risks on the construction site. These failings ultimately resulted in the tragic and entirely avoidable death of Mr Page."

"The defendant's failure to appropriately plan, manage and supervise lifting operations on site led to this incident."

"The attempted lift of a liquid concrete load at a distance far in excess of the crane's safe working parameters was wholly inappropriate. The potential for overturn in these circumstances is well known, entirely foreseeable and could have been simply prevented."

Harris Calnan Construction Co. Ltd pleaded guilty to breaching regulation 8(1)(c) of the Lifting Operations and Lifting Equipment Regulations 1998. It was fined £80,000 and ordered to pay costs of £66,244.

The firm's director, Neil Harris, pleaded guilty by virtue of Section 37(1) of the Health and Safety at Work etc Act 1974 to regulation 8(1)(a) of the Lifting Operations

# **CONSTRUCTION**

## **HEALTH AND SAFETY NEWS**



and Lifting Equipment Regulations 1998. He was fined £7,500 and ordered to pay costs of £25,000.

### **Developer fined after failing asbestos regulations**

A Kent-based partner of a development company was prosecuted on 31 January 2012 after dangerous conditions were found at a demolition site in Dover.

The HSE prosecuted Allan Smith for failing to undertake an asbestos assessment and for not securing a demolition site.

Canterbury Magistrates' Court heard that on 19 April 2010 the Royal Oak Public House, Sandwich Road, Whitfield, Dover, was purchased for development. Over the next six months, Mr Smith from ATS Developments acted as the principal contractor to demolish the building.

On 4 October 2010, HSE was contacted by a member of the public who complained that the site was insecure and children were playing on the building site. An HSE inspector visited on 7 October 2010 to find the pub partially demolished and the site unfenced, despite there being a public footpath running across the land.

The HSE investigation found that no asbestos survey had been carried out prior to demolition, which remained the case even after HSE sent a letter to the partners stating that a survey needed to be undertaken. An Improvement Notice was served on 8 October 2010 about site security.

Allan Smith pleaded guilty to Regulation 5 of the Control of Asbestos Regulations 2006 and Regulation 27(2) of the Construction (Design and Management) Regulations 2007. He was fined £7,000 and ordered to pay costs of £7,000.

### **False identity leads to prosecution for Peterborough man**

A self-employed plumber has been fined for posing as a registered gas fitter to try to carry out work on gas appliances at a Peterborough take-away.

Francesco Vaira, 61, admitted breaching health and safety laws by carrying out illegal gas work by using a false identity and misleading council officials when he appeared at Peterborough Magistrates' Court.

During the HSE prosecution, the court heard Mr Vaira was working at the Balti Hut in Fitzwilliam Street, Peterborough in March 2011 when environmental health officers from Peterborough City Council visited.

He claimed to be a registered gas fitter and told officials he had worked with on a previous project in an attempt to convince them he was legitimate. However, the council checked his credentials and photograph on the Gas Safe Register website and found the defendant was posing as someone 30 years younger.

The HSE investigation found that this was not a one-off incident and that Mr Vaira had carried out similar illegal work on a number of occasions.

Mr Vaira admitted breaching Regulation 3(7) of the Gas Safety (Installation & Use) Regulations 1998 and was fined £3,000 and ordered to pay full costs of £2,094.40.

### **Plumber jailed for carrying out illegal gas work**

A Suffolk plumber who put lives at risk by illegally working on domestic gas appliances has been sentenced to six months in prison. Paul Jowett admitted five breaches of gas and health and safety regulations when he appeared at Ipswich Crown Court on 1 February 2012.

# CONSTRUCTION

## HEALTH AND SAFETY NEWS



The HSE investigation found Mr Jowett carried out work on gas fittings and appliances at a number of addresses in the Lowestoft area between May 2009 and October 2010 without being registered to do so. Mr Jowett falsely told householders he was registered and used an invalid registration number on the safety certificates he issued.

One piece of work carried out by Mr Jowett at the Red Rose Indian restaurant in Lowestoft was judged by a qualified engineer to be so dangerous it represented "an immediate danger to life or property." As a result of leaking gas, the restaurant was forced to close for two days.

In addition, the court heard that Mr Jowett continued to do work on gas appliances despite a written warning from HSE and being served with a Prohibition Notice on 22 April 2010.

Mr Jowett admitted three charges of breaching Regulation 3(3) of the Gas Safety (Installation & Use) Regulations 1998, one offence under Regulation 3(1) of the same regulations, and a separate charge of breaching section 33(1)(g) of the Health and Safety at Work etc Act 1974. He was sent to prison for six months.

### Workers seriously injured after fall from formwork

Two workers fell eight metres from a temporary structure that collapsed while they were upon it, Cheltenham Magistrates Court heard on 6 February 2012.

Spencer Gosney and Matthew Brewer had been sub-contracted to build a concrete core as part of a new factory building at GlaxoSmithKline's premises in Coleford, Forest of Dean. Chalcroft Ltd was the principal contractor on site.

On 12 August 2009, the two men were building the core using a large piece of climbing form work, a type of frame used to set the concrete in place. As the tower got higher, the form work was lifted up and fixed

in place enabling the men to work at the top to set more concrete.

However, one of the anchor points holding the section of form work where the men were standing came out of alignment before the concrete was poured in. The men used a bolt not suited for this use in its place, but fixed it at an acute angle. The bolt was unable to withstand the weight of the concrete and broke, tipping the platform upon which the men were standing, sending them falling to the ground.

Mr Gosney suffered a laceration to his head and severe bruising to his internal organs and leg. Mr Brewer fractured his hip and pelvis. Mr Brewer's injuries were so severe that he has still not returned to work.

Chalcroft Ltd admitted breaching Construction (Design and Management) Regulations 2007 Reg 22(1)(a) and was fined £14,000 with £23,236.28 in costs.

### Unsafe asbestos removal put people at risk

A building company in Bradford-on-Avon has been fined after it removed an asbestos insulation board (AIB) ceiling in an unsafe manner, leaving workers and residents at risk of exposure to asbestos fibres.

The HSE told Chippenham Magistrates' Court that DB Construction (West Wilts) Ltd carried out unsafe work while refurbishing a house in Bradford-on-Avon between 29 November and 10 December 2010.

An AIB ceiling was removed in an uncontrolled manner, which put employees, subcontractors and the homeowners and their young children at risk of asbestos exposure.

The court heard an electrician on site raised concerns the ceiling boards being removed from could contain asbestos and he arranged for the material to be analysed before beginning work.

# **CONSTRUCTION**

## **HEALTH AND SAFETY NEWS**



An analyst visited the site and advised work should cease until the contaminated area had been cleaned of asbestos debris. HSE later confirmed the ceiling boards contained both white and the more hazardous brown asbestos.

HSE found that DB Construction had failed to investigate whether asbestos was present in the building before work started and when removing the ceiling boards its employees and sub contractors failed to identify the material and broke up the boards releasing airborne asbestos fibres. The boards and debris were then removed in open bags and left in the garden in a breach of safety rules.

D B Construction (West Wilts) Ltd pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2006 and was fined £7,000 with £3,617.50 in costs.

### **Fatality when unloading materials**

Two construction companies were fined a total of £65,000 on 7 February 2012 after a man was killed when a steel beam weighing more than a tonne fell on him while it was being unloaded from a lorry.

Fisher Engineering Ltd and CM Structural Services Ltd had pleaded guilty at an earlier hearing to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 over the June 2008 incident.

The HSE announced its intention to prosecute the two companies as a result of the incident which resulted in the death of a French national, Hugues Makambila, who was working as a cleaner on the construction site at Harlequin Avenue, Brentford.

On the morning of 5 June 2008, a lorry load of steel beams arrived on site and parked adjacent to a pedestrian walkway in an area not designated for unloading.

The HSE investigation found that a company director of CM Structural Services Ltd had noticed a steel beam was hanging over the

right side of the lorry, but no measures were taken to restrain the load or to prevent the beam from falling.

CM Structural Services Ltd began unloading the steel using a forklift truck but it did not put any measures into place to prevent people walking down the pavement nor did it put up any signs warning people that unloading was taking place.

During unloading, a steel beam weighing 1.382 tonnes fell from the lorry onto the pedestrian walkway and onto Mr Makambila who was on the pedestrian walkway of the site. He died instantly.

Fisher Engineering Ltd was responsible for the manufacture, delivery and installation of the structural steelwork. In turn Fisher Engineering had contracted CM Structural Services Ltd to erect the steelwork.

Fisher Engineering Ltd, of Northern Ireland was fined £50,000 and ordered to pay costs of £16,595. CM Structural Services Ltd, of Northern Ireland was fined £15,000 and ordered to pay costs of £12,692.

### **Worker badly injured by fall from roof**

On 15 February 2012 a construction company in Harrow was fined after a worker suffered life-changing injuries when he fell seven metres from an unguarded roof.

The HSE prosecuted R & G Construction Ltd of Harrow as a result of the incident on 7 March 2011.

Vasile Ionel Vatca, a 28-year-old Romanian, had been working on a major refurbishment project at Eaton Mews North in Belgravia. The project included the construction of a basement, and a roof replacement. Mr Vatca was on top of the roof and had been clearing up debris left over from construction work which had been carried out on the roof.

HSE's investigation found that work on the roof had been carried out by employees and subcontractors who had previously been protected from falling off the roof by

# **CONSTRUCTION**

## **HEALTH AND SAFETY NEWS**



scaffolding, but this had been removed the previous month. Although the site's fall safety equipment was used after the 7 March incident, it was deemed to be entirely inadequate, and workers remained at risk of falling from height.

Westminster Magistrates' Court heard that on the day of the incident, Mr Vatca was on the top of the roof, and the only way to get there was using a ladder which only reached to the lower part of the roof. While he was climbing down, the ladder fell away from the building, Mr Vatca lost his footing and fell about seven metres, suffering a broken leg, heel and wrist. He was hospitalised for a week and is still not working. When sentencing, the judge commented on the severity of Mr Vatca's injuries and the fact that he is now registered disabled.

R & G Construction Ltd pleaded guilty to breaching Regulation 4(1)(a), Regulation 5 and Regulation 6(3) of the Work at Height Regulations 2005. The company was fined £30,000 and ordered to pay full costs of £7,515.

### **Property manager fined for asbestos failings**

A property manager from Cardiff has been fined for failing to properly manage the risks from asbestos at one of his premises.

Richard Hayward was prosecuted by the HSE on 17 February 2012 over failings at the former Rhondda Pressing building, located on the Penygraig Industrial Estate.

Mr Hayward, trading as Richard Hayward Properties, managed the property on behalf of a company called Guinevere Holdings Limited.

Pontypridd Magistrates' Court heard that Mr Hayward had let out part of the building in 2007 but it was only in 2008, when a request to provide an asbestos survey for insurance purposes was made, that the presence of asbestos insulating board (AIB)

roof tiles and brown and blue asbestos was identified in the premises.

A subsequent HSE investigation confirmed there was a risk of exposure to asbestos due to the poor condition of the asbestos.

The court was told that between 2005 and 2008, three companies occupied the building. During this time, structural work to install a partition wall was completed and contractors were hired to carry out electrical works at the site.

In addition to those undertaking the work, any person in the vicinity, including tenants, were at risk of exposure to asbestos.

The HSE investigation found Mr Hayward did not take steps to discover whether asbestos was present or liable to be present and he failed to effectively identify and manage the risks arising from asbestos containing materials at the building.

Mr Hayward pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. He was fined £12,000 and ordered to pay costs of £20,000.

### **Workers exposed to asbestos at Redditch industrial unit**

A Redditch freight firm, its managing director and a Birmingham contractor have been prosecuted for putting at least 20 people at risk of lung disease from asbestos fibres.

The HSE prosecuted Avon Freight Group Ltd (AFG) and its managing director Simon Poole, together with builder Ronald McPhee, over the exposure during work to convert the unit in Hemming Road, Redditch, into a new storage centre and headquarters for AFG.

AFG's architect commissioned a survey that identified asbestos insulation board in a number of partition walls, which the company wanted to demolish, and obtained

# **CONSTRUCTION**

## **HEALTH AND SAFETY NEWS**



estimates for its removal from three licensed contractors.

However, Worcester Crown Court heard, Simon Poole instructed builder Ronald MacPhee, who was carrying out minor refurbishment work on the premises, to carry out the work even though he did not have a licence.

Mr MacPhee and two other workers removed almost 1.5 tonnes of asbestos insulation board from the site and disposed of it as asbestos cement, which can be removed without a licence, sometime between 24 April and 16 May 2008.

Five months later, two other companies, who had been commissioned to demolish parts of the building and build an extension, discovered pieces of asbestos insulation board on the floor and still attached to retaining screws on the walls and alerted HSE.

Analysis of the area revealed that it was contaminated with asbestos fibres and required decontamination by a specialist licensed asbestos contractor.

HSE's investigation into the incident found that at least 20 people, including contract workers on the project, employees of AFG and workers for a tenant who had been using the site for storage, could have inhaled asbestos fibres during the five months.

Avon Freight Group Ltd pleaded guilty on 22 February 2012 to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £30,000 and ordered to pay £26,147 costs.

Simon Poole pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £30,000 and ordered to pay £26,147 costs.

Ronald MacPhee pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £2,500 and ordered to pay £500 costs.

### **Worker injured during lifting of beam**

A Llanelli construction firm was fined on 24 February 2012 after a worker suffered serious injuries when he was hit by a concrete beam.

The employee, from Carmarthen, was working with a colleague for WA Bowler Ltd on the installation of a beam and block floor at Hillside Care Home in the Uplands area of Swansea on 10 March 2010.

The man, who does not want to be named, was at one end of a 174 kilogram beam, and his co-worker was at the other end. They were using lifting straps to manually hoist the beam into position when the colleague accidentally let go of one end of the beam, causing it to fall downwards and hit the concrete beneath.

The see-saw effect created caused the end of the five-metre long beam he was holding to hit him in the groin and throw him upwards. He suffered a hairline fracture to his pelvis and paralysis to the nerve endings in his left leg.

The HSE prosecutors told Swansea Crown Court W A Bowler Ltd had been contracted by another firm to carry out work at the site.

The court was told that the defendant did not provide suitable equipment for the job to be done safely, which resulted in his employees undertaking potentially dangerous manual handling works.

WA Bowler Limited pleaded guilty to breaching Regulation 4(1) of the Manual Handling Operations Regulations 1992. It was fined £3, 000 with costs of £4,847.35.

### **Serious burns from cable strike**

An employee of an Oxfordshire-based engineering company sustained life-threatening burns after striking a high

# CONSTRUCTION

## HEALTH AND SAFETY NEWS



voltage electric cable during construction work on the new Crossrail railway.

Fugro Engineering Services Ltd was appointed principal contractor to deliver a series of ground investigations, known as Package 16, as part of the multi-billion pound project to connect Maidenhead, Shenfield and Abbey Wood to central London.

At the sentencing hearing on 27 February 2012, the Central Criminal Court heard that on 7 February 2008, a Fugro employee was using a hydraulic breaker to create an inspection pit for a borehole outside 1 Hanover Street, London, when he struck a high voltage electric cable.

The employee, who was 63 at the time of the incident, suffered severe injuries as he was treated for 60 per cent burns.

The investigation by the HSE found that the system of work in place at the time of the incident did not ensure that the roles of those involved in the project were clearly defined. Effective lines of communication were not established and appropriate training in safe digging techniques was not provided to operatives.

Furthermore, key safety documentation showing the presence of the cable was not kept at the borehole location. Although the site was scanned with a cable avoidance tool to detect underground services, no markings were made on the road to indicate where cables were found.

Fugro Engineering Services Ltd had pleaded guilty at an earlier hearing to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 in relation to the incident. The company was fined £55,000 and ordered to pay £30,000 in costs.

### Another fall from height leads to fines

Two Nottingham companies have been fined after a worker fell more than nine metres, injuring his back.

The 38-year-old employee of M-tech Engineering Limited fell from a mobile tower scaffold being used to install a steel staircase at a building in Convent Street, Nottingham, on 15 April 2009. He fractured two vertebrae and was off work for almost seven months.

The building was undergoing extensive refurbishment. Thomas Long & Sons Limited was the principal contractor and M-tech Engineering Limited had been contracted to install the staircase. The system of work was developed by M-tech Engineering.

The HSE investigation found the scaffold tower had not been erected to the manufacturer's instructions or industry guidelines, the tower was supported on a platform that was not sufficiently rigid to provide a suitable base and the working platform was not fitted with adequate guardrails to prevent falls.

M-tech Engineering Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 for failing to ensure the health, safety and welfare of its employees. On 27 February 2012 Nottingham magistrates fined the company £8,000 and ordered it to pay costs of £4,000.

Thomas Long & Sons Limited pleaded guilty to breaching Regulation 22(1)(a) of the Construction (Design and Management) Regulations 2007 for failing to plan, manage and monitor construction in a way that ensured it was carried out without risks to health and safety. Magistrates fined the company £6,000 with costs of £3,000.

# CONSTRUCTION HEALTH AND SAFETY NEWS



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

Ai Solutions Ltd  
PO Box 5025, Leighton Buzzard LU7 1ZN  
Tel: 01525-850080  
[www.aisolutions.co.uk](http://www.aisolutions.co.uk)

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.org.uk](http://www.fiaf.org.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  
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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  
Tel: 0161 874 3663  
[www.defra.gov.uk/fgas](http://www.defra.gov.uk/fgas)

FPA Publications Department  
Tel: 020-8207-2345

Health and Safety Executive (HSE)  
Incident Contact Centre Tel: 0845-300-9923  
[www.hse.gov.uk](http://www.hse.gov.uk)

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)

International Institute of Risk and Safety Management (IIRSM)  
Suite 7a, 77 Fulham Palace Road, London, W6 8JA  
Tel: 020-8741-9100  
Email: [info@iirsm.org](mailto:info@iirsm.org)  
[www.iirsm.org](http://www.iirsm.org)

Keeleys Solicitors  
28 Dam Street, Lichfield, Staffordshire WS13 6AA  
Tel: 01543-420000

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