

CONSTRUCTION HEALTH AND SAFETY NEWS



LEGISLATION & GUIDANCE

Health and safety made simple

The Health and Safety Executive (HSE) continue to provide guidance to industry on how to comply with health and safety legislation without creating a paper mountain and oppressive bureaucracy.

'Health and safety made simple - The basics for your business' contain guidance and templates for simple risk assessments, etc. can be viewed, downloaded and printed from:

www.hse.gov.uk/simple-health-safety/manage.htm.

NEWS

Murray Mount closed on health and safety grounds'

Judith Hackitt, the Chair of the HSE has responded to a number of news articles which stated that 'Murray Mount', formally known as 'Henman Hill' was closed due to health and safety concerns due to it raining.

The written open letter response was made to Roger Draper, the Chief Executive of the Lawn Tennis Association (LTA), and Ian Ritchie, the Chief Executive of the All England Lawn Tennis and Croquet Club (AELTC), as follows:

Dear Roger Draper / Ian Ritchie,

I was particularly disappointed to discover that the LTA / AELTC chose yesterday to explain its decision to ban spectators from Murray Mount as being 'on health and safety grounds'.

There is nothing in health and safety legislation which prohibits the continued broadcasting of centre court action to the crowds on the hill during the rain.

Health and safety is concerned with the proportionate management of real risks caused by work, not attempting to eliminate every minor risk from every moment of people's lives.

People have been walking up and down wet grassy slopes for years without catastrophic consequences. If the LTA was concerned about people slipping and suing for their injuries the message should have made clear the decision was 'on insurance grounds'.

Health and safety excuses are becoming as much a feature of the British sporting calendar as the rain. You will understand that while we can do nothing about the weather, we will not let the excuses pass unchallenged.

I am releasing a copy of this letter to the media.

Yours sincerely,
Judith Hackitt
Chair
Health and Safety Executive

New statistics on construction fatalities

New official statistics published on 28 June 2011 show the number of workers killed in the construction industry last year has increased.

The HSE has released provisional data for the year April 2010 to March 2011, which shows the number of workers killed was 50, an increase on the previous year, when 41 died.

Philip White, HSE's Chief Construction Inspector, said "The construction industry continues to see more deaths than any other industrial sector. We must not lose sight of the fact that 50 construction workers failed to come home last year, and that will have devastated those they leave behind."

"The increase in fatalities is extremely disappointing. However, figures for a single

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year should not be viewed in isolation. Numbers and rates of fatal injuries in construction have seen an overall downward trend in the last five years.”

“HSE will continue to work to reduce the number of fatal accidents, however, it is ultimately the responsibility of those who create health and safety risks to control them and prevent people being killed and injured.”

“The majority of deaths continue to be on small construction sites. Big construction companies have shown steady improvements over the last decade, and we want to see smaller firms take a similar lead. This is not about money, it's about mindset; planning jobs properly, thinking before you act and taking basic steps to protect yourself and your friends.”

The rate of fatal injury has increased to 2.4 per 100,000 workers compared to 1.9 per 100,000 workers in 2009/10. This compares to an average rate of 2.8 for the previous five years.

Further information on workplace statistics can be found at: www.hse.gov.uk/statistics

The Red Tape Challenge

The Government and the HSE are calling for people to give their thoughts on red tape.

The Red Tape Challenge is seeking views about regulations from the public, business and others like industry bodies and volunteers. The contributions to the Red Tape Challenge will draw on the experience and ideas of those businesses and members of the public who deal with regulation every day.

Health and safety regulation is one of six cross-cutting themes on the Red Tape Challenge website and the public will be able to give comments on health and safety throughout the whole of the Red Tape Challenge campaign. But, from 30 June 2011 there will be a special three-week focus on

health and safety regulation to encourage people to get involved and have their say.

Comments received will provide the Government with a clear picture of how regulations are perceived and will help them decide which regulations should stay, which change, and which go entirely.

Geoffrey Podger, HSE's Chief Executive, said: “The Red Tape Challenge is an ideal opportunity for people to give their views on health and safety regulation and we hope people get involved in the debate.”

“The HSE is committed to protecting people from genuine risk and ensuring businesses don't face unnecessary bureaucracy.”

“This is a genuine consultation which will capture the views of people who are affected by health and safety regulations. We want to hear from all those with an interest with the aim of simplifying health and safety and making it more effective and proportionate for the benefit of business and the workforce of Britain.”

All health and safety regulations will be available for comment on the site, under the following four areas:

- general health and safety
- major hazard industries
- higher risk workplaces
- dealing with hazardous chemicals and materials

If you have an opinion, get online between 30 June and 21 July 2011 at: www.redtapechallenge.cabinetoffice.gov.uk.

PROSECUTIONS

Company fined after scaffold collapse

A Surrey-based company has been fined after a large section of scaffolding collapsed at a site in Walton-on-Thames. The HSE

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prosecuted Johnson Scaffold Services Ltd for breaching health and safety laws which led to the incident on the 18 December 2009.

Staines Magistrates' Court heard how Johnson Scaffold Services Ltd erected sheeted scaffolding around a building in Copenhagen Way, Surrey, to enable a separate contractor to refurbish the roof.

On work completion, the structure was partially removed on 17 December 2009, leaving some of the sheeted scaffolding still standing. During the early hours of the following morning, a 200 foot long, 40 foot high section of the scaffolding was blown to the ground.

The HSE investigation showed the scaffolding was not installed according to the original drawings and had not been adequately tied. It was left in an unsafe condition overnight while being dismantled.

Johnson Scaffold Services Ltd pleaded guilty of breaching Section 2(1) and Section 3(1) of the Health and Safety at Work Act 1974. It was fined £7,500 and ordered to pay costs of £7,000.

After the hearing, HSE's inspector Denis Bodger said: "This was a serious incident that could have resulted in severe injury or worse, it was sheer luck that meant no one was in the way of the scaffolding when it collapsed."

"Scaffolds should be designed by a competent person or built to a recognised standard. At no stage during erection, use or removal should they be left in an unstable state where they could collapse. They should be adequately tied or other effective means taken."

"This should serve as a warning to other companies that HSE will not hesitate to take action against anyone that fails to build safe scaffolding."

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

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

Family firm prosecuted after fatal roof fall

A family firm from Norfolk, renting out business units, has been prosecuted by the HSE, after a company director died after falling through a fragile roof at one of its properties.

Keith and Nigel Ragan, joint owners of Allenbrooks Developments Ltd, were replacing skylights in the roof of one their units at Fitzmaurice Court, Wymondham, Norfolk along with employee, Stephen Cullum.

While carrying out the installation on 6 April 2010, Keith Ragan fell 10m through the corrugated asbestos cement sheet roof and the impact of the fall caused his death.

Although edge protection had been put in place along the roof, a safe working platform had not been installed, meaning the men had to walk along the horizontal beams of the roof. In addition to this, there were no safety nets or harness systems being used.

The lack of a safe system of work and the failure to ensure the health, safety and welfare of Stephen Cullum while he was at work, led the HSE to prosecute the firm.

Allenbrooks Developments Ltd pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £1,500 and ordered to pay costs of £2,320.

Sentences after worker killed in 12 metre fall

Energy giant, RWE npower, and contractor, AMEC Group Ltd, must pay a total of £510,000 after a maintenance worker fell to his death at a South Wales power station.

The firms were sentenced over the incident that saw agency worker, Christopher Booker, fall around 12 metres through an unprotected opening in a platform at Aberthaw Power Station in the Vale of

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Glamorgan on the evening of Sunday, 10 June 2007.

Cardiff Crown Court heard that work was being carried out to insert equipment into a large deep pit in the water cooling system to hold back the seawater when the tide rose. Sections of the floor gratings at the top of the pit had been removed to allow the work to proceed.

Mr Booker was working with eight other workers who had been called in to carry out urgent modification work on the equipment in order to ensure an effective seal of the pit.

As the natural light faded, electric lights were turned to face those doing the grinding work which left the top of the pit in near darkness. Mr Booker fell through the opening in the walkway to the floor below. He died of multiple injuries to his chest and pelvis.



The unguarded opening through which Mr Booker fell

The HSE investigation showed that a large opening in the walkway was left unprotected after the floor gratings had been removed, and inadequate precautions had been taken to protect people working near it.

The investigation also identified that there was confusion and misunderstanding between RWE npower and principal contractor, AMEC Group Ltd, as to who was responsible for controlling the work at the time of Mr Booker's death.

RWE npower Plc pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. On 3 June 2011 at Cardiff Crown Court they were fined £250,000 and ordered to pay £30,000 costs.

The principal contractor, AMEC Group Ltd, pleaded guilty to breaching regulation 11(1) of the Management of Health and Safety at Work Regulations 1999. They were fined £200,000 with costs of £30,000.

Refurbishment firm fined over asbestos exposure

A refurbishment company exposed two of its workers to dangerous asbestos-containing materials at a site in Oswestry, a Shrewsbury Magistrates Court heard on 3 June 2011.

The HSE prosecuted John Todd Ltd over the incident at Mile Oak Industrial Estate, Maesbury Road. The firm had been commissioned to refurbish a building on the estate but when licensed asbestos removal contractors arrived on site on 18 October 2010, they found two self-employed workers and company director John Todd had already started to remove the material.

The court heard that the company had taken no precautions to prevent the spread of fibres. Asbestos insulation boards had been prised off and timber studding with broken fragments of asbestos had been placed into an unprotected skip, together with broken floor tiles which also contained asbestos.

The HSE attended the site and immediately stopped all work due to the risk to those working there.

John Todd Ltd pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £10,000 and ordered to pay £10,000 costs.

Firms fined after worker killed on M25

Construction firm, Carillion Highway Maintenance Limited, and its traffic management subcontractor have been fined a total of £202,000 after a worker employed by another subcontractor was killed while working on the M25 motorway.

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Christopher Lewis, was carrying out fencing work close to the Holmesdale Tunnel section of the M25 near Enfield, when he was crushed between a van and a safety barrier after a lorry jack-knifed on the motorway.

During the HSE prosecution Southwark Crown Court was told Carillion was carrying out repairs to overhead lighting in the tunnel in August 2004. To allow the repair work to take place, Carillion arranged with Traffic Management (North East) Limited (TMNE) to set up an overnight contraflow. CD Fencing and Construction Services Limited were removing and restoring wire rope safety fencing in the central reservation.

The court heard after the repair work had been completed, Mr Lewis and colleague Simon Reid, both employees of CD Fencing, were in a closed lane waiting to reinstate the safety fencing so the traffic management equipment could be removed, allowing the tunnel to re-open.

Mr Lewis and his colleague were preparing their materials and equipment for the task when a lorry jack-knifed in the contraflow system. The lorry hit the cones and a stationary CD Fencing van, sending the van careering towards the hard shoulder. The lorry passed within a metre of Mr Reid.

Mr Lewis was later found pinned between the van and a safety barrier at the rear of the hard shoulder. He was pronounced dead at the scene. Gavin Shaw, an employee of TMNE, was knocked over by a traffic cone and suffered a broken wrist.

Carillion Highway Maintenance Limited pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £200,000 with £50,000 costs.

Traffic Management (North East) Limited was found guilty of breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and fined £2,000 with costs of £120,000, but has since gone into administration.

The jury did not agree on the charge against CD Fencing Ltd under Section 2(1) of the Health and Safety at Work etc Act 1974, who was formally acquitted when the prosecution concluded it was not in the public interest to proceed to re-trial.

The driver of the lorry had been previously convicted of driving without due care and attention in a case brought by the Crown Prosecution Service.

After the hearing, HSE Principal Inspector Andy Beal said: "Although the lorry driver was not blameless, Carillion and TMNE failed to do enough to protect Mr. Lewis and others working in the road that night."

"Speed limits were too high, there was a poor cone layout through the contraflow and there was inadequate management of subcontractors."

"Had both firms met their legal responsibilities, this collision could have been avoided. The risks associated with work on high speed roads are well known and it is vital traffic management systems are correctly set up and well established safe guards are followed when people are working within them."

Contractor fined after injuries to public

Brendan Flynn Construction Limited has been sentenced on 8 June 2011 after poorly secured panelling fell from a building under refurbishment and injured two passers-by.

The company was sub-contracted to carry out carpentry work on a residential project in Crawley.

Crawley Magistrates' Court heard how the cladding the firm was using on Peglar House in the borough was not effectively secured, which resulted in it being blown off the building to the pavement below.

One piece struck a pensioner on the ankle, causing serious injury. The woman, who was

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in her eighties, was hit so hard by the cladding it almost severed her foot. Another piece of cladding hit a passing man causing bruising from wrist to shoulder.

During the HSE prosecution, the court heard how a number of vehicles in a nearby supermarket car park and busy road were also struck on the same day, 3 November 2009. The HSE told the court that Brendan Flynn Construction Limited had failed to use the correct nails to safely secure the cladding product.

Brendan Flynn Construction Limited pleaded guilty of contravening section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined a total of £8,000 and ordered to pay costs of £14,760.

Site Foreman fined after worker killed in trench collapse

A site foreman has been fined after a labourer in his team was killed when a trench collapsed.

Graeme Scott, 30, was part of a team working for Cameron and Stevenson (Scotland) Ltd, a company that is now in liquidation. He was walking along the side of a 3-metre-deep trench dug to replace a sewer in Cranhill Park, Glasgow, on 3 April 2008 when it collapsed beneath him and he fell into the trench. He began to make his way out but as he did so part of the trench wall collapsed on top of him.

Mr Scott's colleagues made frantic attempts to dig him out, and when emergency services arrived on scene they continued these efforts. But when Mr Scott was found, there were no signs of life and he was pronounced dead at the scene. A post mortem examination established that he had died of chest injury and probable suffocation.

The HSE investigation established that there was no edge protection to the trench and that the sides of the trench had not been supported to make them safe. HSE

inspectors also found that even though trench boxes were available on site to help keep workers safe, they had not been using them.

The HSE investigation found that Mr Parry, as foreman, had put himself and his colleagues at risk by not using the safety measures his employers had told him to use.

William Parry, 33, of High Valleyfield, Fife, pleaded guilty at Glasgow Sheriff Court to breaching Section 7 of the Health and Safety at Work Etc Act 1974, and was fined £240.

Demolition company fails to meet basic gas and electricity safety regulations

A demolition company has been fined following a dangerous occurrence involving the release of over half a tonne of gas. It also carried out work while electricity supplies to the buildings undergoing demolition remained live.

Kane Haulage Ltd was contracted to carry out demolition work at Oldfield Trading Estate in Sutton in preparation for the construction of a new self storage facility on the site. Although some work had been undertaken by the utility companies EDF Energy (EDF) and Scotia Gas Networks (SGN) to disconnect the electricity and gas supplies at the site, neither had completed the process. Meters had been removed from various building units on the estate but the electricity and gas supplies up to the meters remained live.

City of London Magistrates Court heard that EDF engineers were called to the site on a number of occasions between May and July 2009 as a result of damage to live cables, EDF had warned Kane Haulage not to continue with work until all the electricity supplies had been disconnected. Despite this warning, demolition work continued and EDF made a complaint to the HSE when it was again called to the site on 15 September 2009.

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Prior to this, on the 13 September 2009, a resident of Oldfield Road reported the smell of gas in his garden and garage to SGN. The source of the gas smell was traced to the demolition site where up to 20 severed live gas pipes were found. The polyethylene pipes had been bent over and tied with wire or duct tape, releasing gas at full pressure when they were untied. Steel pipes had been filled with mud which had dried out and cracked allowing gas to escape.

Kane Haulage Ltd pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. It was fined a total of £11,700 and ordered to pay costs of £6,936.50.

Lift installation left man with severe brain injuries

Two construction firms were fined on 24 June 2011 at Bristol Crown Court after a Bristol man suffered severe head injuries when a scaffolding tube fell on him from 15 stories.

Richard Chodkiewicz, 53, was working for Hoistway Ltd on a lift installation at the construction site for a new Radisson Blu hotel in Marsh Street, Bristol, when the incident happened on 22 July 2008.

The court heard that three men had been working on the lift installation, with Mr Chodkiewicz and a colleague at the bottom of the shaft. Another man was positioned 18 stories up, at the top of the shaft, and was raising a 7lb scaffolding tube tied to a length of piano wire up the shaft.

Mr Chodkiewicz had come away from the lift shaft but had returned before the tube had been lifted from the shaft. The tube had reached the 15th floor, when the piano wire became untied and the tube fell onto him, hitting his head. He survived, but has suffered permanent brain damage as a result of his injuries.

The HSE investigation following the incident found that both Hoistway Ltd and the main

building contractor on site, Miller Construction (UK) Ltd, had failed to ensure that a safe system of working was in place for the installation of lifts on the site.

The investigation found that there had been inadequate site management and insufficient risk assessments carried out before the work was undertaken. Openings had been left unguarded and not enough had been done on the site to prevent the risk of falling objects.

Hoistway Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £70,000 with £14,616 costs. Miller Construction (UK) Ltd pleaded guilty to breaching Section 3(1) of the same Act and was fined £40,000 plus £17,232 costs.

Legionella prosecutions

Fines and costs totalling nearly £250,000 have been imposed on two firms after workers and members of the public were put at risk of exposure to the potentially fatal waterborne Legionella bacteria. The HSE prosecuted multinational automotive parts manufacturer Eaton Ltd and water treatment services provider, Aegis Ltd, after an investigation in 2006.

Wolverhampton Crown Court heard HSE inspectors found Eaton Ltd had failed to properly manage the water cooling systems used in manufacturing processes at its plant in Thorns Road, Brierley Hill.

Aegis Ltd, which had been contracted to provide water treatment services (now trading as Aegis Water Treatment Ltd), was also found to have failed significantly in its duties.

There was no comprehensive and up-to-date risk assessment in place and neither company had taken reasonable steps to control the potential spread of Legionella by assessing the risk or properly cleaning and maintaining the water cooling system. Employees had not been properly

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supervised, and the management failings by both companies were present over a prolonged period of time.

Eaton Ltd pleaded guilty and was fined £80,000 for breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Section 3(1) of the Act and ordered to pay £45,000 costs.

Aegis Ltd was found guilty at a trial in May and was fined £40,000 for breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and ordered to pay £80,000 costs.

After the hearing HSE Principal Inspector Paul Billinger said: "It is vital that companies who use water cooling treatment as part of their manufacturing processes have plans in place to make sure the level of Legionella bacteria in their systems does not become unsafe."

"Legionnaires' disease is a potentially fatal form of pneumonia, which can affect anyone coming into contact with it. Neither Eaton Ltd nor Aegis Ltd, which was specifically contracted to manage the water system, took the Legionella risk seriously. They failed to deal with their own risk assessment and service agreement in respect of cleaning the system. These were persistent and systemic failures, which put people's health at risk."

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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

Association for Project Safety (APS)
12 Stanhope Place, Edinburgh EH12 5HH
Tel: 0845-6121-290
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@bafef.org.uk
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
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)
David Buxton, Honorary Technical Secretary
3 Berry Close, Farringdon, Oxfordshire. SN7 7FL
Tel: 01367 244992
Email: enquiries@chem.uk.com
<http://chem.uk.com/>

CITB ConstructionSkills
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
www.cip-books.com

Construction Plant Hire Association
27/28 Newbury Street, Barbican, London EC1A 7HU
Tel: 020-7796-3366
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

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
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FPA Publications Department
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Infoline: 0845-345-0055
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Health and Safety Executive for Northern Ireland (HSENI)
www.hseni.gov.uk

info4fire.com
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
www.iirsm.org

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

National Underground Assets Group (NUAG)
www.nuag.co.uk/

Office of Public Sector Information
www.opsi.gov.uk

Occupational Safety and Health Consultants Register (OSHCR)
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

TUC Publications
Tel: 020-7467-1294

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