



Safetyform Monthly Newsletter - August 2019

Welcome to the latest edition of the Safetyform monthly newsletter, bringing you up to date with all the latest construction health & safety news.

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Unsafe use of step ladders - Why risk it?



Safetyform carry out numerous site inspections on construction sites and have found that there is an unhealthy culture of undertaking work at height from step ladders as opposed to other more safer forms of work equipment, such as MEWPS or podium steps.

The use of step ladders on construction sites are not banned, but their use should only be permitted following a suitable and sufficient assessment of the risks associated with the task and following the hierarchy of control measures, which eventually determines that their use is the only option. All other options must be considered before opting to use step ladders.

When step ladders are used they must be used in accordance with the HSE guidance document - indg402 - Safe use of ladders and step ladders. This document sets out the criteria for safe use of ladders and step ladders and must be followed at all times.

As a guide, only use a ladder or stepladder:

- In one position for a maximum of 30 minutes;
- For 'light work' - they are not suitable for strenuous or heavy work. If a task involves a worker carrying more than 15 kg (a bucket of something) up the ladder or steps it will need to be justified by a detailed manual handling assessment;
- Where a handhold is available on the ladder or stepladder;
- Where you can maintain three points of contact (hands and feet) at the working position. On a ladder where you cannot maintain a handhold, other than for a brief period of time, other measures will be needed to prevent a fall or reduce the consequences of one.
- On stepladders where a handhold is not practicable a risk assessment will have to justify whether it is safe or not.

What's in the News?

Company fined following multiple safety failings on construction site



A construction company has today been fined after failing to ensure the safety and welfare of workers on site during the renovation of a property.

Preston Magistrates' Court heard how, between 12 December 2015 and 14 June 2018, Navkaar Limited put its workers at serious risk of personal injury or death at a construction site in Blackpool. The company failed to prevent risks from falls from height, exposure to asbestos and dangerous electrical systems. There were no suitable welfare facilities and no measures to prevent fire on site.

An investigation by the Health and Safety Executive (HSE) found that workers on site had carried out work in an unsafe manner without the appropriate measures in place to ensure their health, safety and welfare. The employees and contractors on site did not have the appropriate skills, knowledge and experience to complete the work. Navkaar Limited failed to comply with their duty as principal contractor to plan, manage and monitor the work being carried out on site.

Navkaar Limited of Station Approach, Northwood pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £35,000 and ordered to pay costs of £3,860.

Speaking after the hearing, HSE inspector Jacqueline Western, said: "These risks could so easily have been avoided by simply carrying out correct control measures and safe working practices. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

"Duty holders should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards".

West Midlands companies sentenced after workers exposed to risk of falling from height

Two companies have been fined after putting workers at risk of falling whilst accessing a roof to repair pipework.

Dudley Magistrates' Court heard how, on 12 April 2016, contractors who worked for Kingswinford Engineering Co Limited had been hired to repair a section of pipework on the roof of a warehouse in Bilston owned by James Durrans & Sons' Limited.

The court heard how workers had climbed onto the roof from a 'man-cage' lifted into position by a fork lift truck. The 'man-cage' fell short of the roof level by about three feet and there was a gap between the cage and the roof which workers needed to climb across. Once the workers were on the roof, it was slippery and wet, with no barrier in place to prevent a fall.

An investigation by the Health and Safety Executive (HSE) identified failings in relation to how the work, specifically access to the roof, was planned, managed and monitored. In particular, neither company had undertaken a suitable and sufficient risk assessment, nor had they agreed a safe system of work for the repair of the pipework which required access to the roof. Instead each company had assumed that the other had put into place systems that would protect workers from the risks of working at height.

Kingswinford Engineering Co Limited of Shaw Road, Dudley pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £18,000 and ordered to pay costs of £9,000.

James Durrans & Sons Limited of Anchor Road, Bilston pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and has been fined £100,000 and ordered to pay costs of £20,000.

Speaking after the case, HSE inspector Edward Fryer commented:

"This incident highlights the need for contractors to be managed properly. Both the contractors and those engaging them must assess the risks of the site and the specific work to ensure it can be done safely. In this case, no risk assessment was carried out and arrangements made to access the roof put workers at significant risk of falling from height.

Construction company and employee sentenced after worker killed



A construction company and one of its employees have been sentenced for health and safety breaches after another worker was struck by an excavator and was killed.

Southwark Crown Court heard how, on 2 March 2014, during night work at a construction site in Stratford a site operative, Kevin Campbell, was struck by an excavator mounted vibrator (EMV) attached to a 35-tonne excavator that he was working in close proximity to. Mr Campbell had been disconnecting lifting accessories from a metal pile that had just been extracted from the ground when he was crushed against a concrete wall a short distance away. Mr Campbell died from his injuries. Another site operative who was directly next to him also faced a risk of being struck.

An investigation by the Health and Safety Executive found the construction company which was the principal contractor; Clancy Docwra Limited, failed to ensure the safety so far as is reasonably practicable of its employees and of others who were not their employees working on the site. The investigation also found that Daniel Walsh, who was the site supervisor for the site and the person operating the excavator at the time, failed to take reasonable care for other persons on site at the time.

Clancy Docwra Limited of Coppermill Lane, Harefield, Middlesex pleaded not guilty to breaching Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974. The company was fined £1,000,000 and ordered to pay costs of £108,502.30.

Daniel Walsh of Eastcote, Orpington, Kent pleaded not guilty to breaching Section 7(a) of the Health & Safety at Work etc. Act 1974 and was given a 6 month custodial sentence, suspended for 12 months and ordered to pay costs of £15,000.

Speaking after the hearing, HSE inspector Darren Alldis said:

“This death was wholly preventable and serves as a reminder as to why it is so important for companies and individuals to take their responsibilities to protect others seriously and to take the simple actions necessary to eliminate and minimise risks.

“If the risks had been properly considered by the company, and simple and appropriate control measures were put in place, then the likelihood of such an incident occurring would have been significantly reduced. Informing all site operatives of the specific risks they face when carrying out such

tasks and the control measures required of exclusion zones, the importance of communication and the mandatory use of excavator safety levers were simple actions that should have been put in place and their effectiveness monitored.

“All those with legal responsibilities must be clear that HSE will not hesitate to take appropriate enforcement action including where appropriate prosecution against those that fall below the required standards”.

Company and director sentenced after multiple workers diagnosed with hand arm vibration syndrome

A company providing specialised services in rock drilling, cliff stabilisation and rock anchors, and its director, have been sentenced after a number of workers were diagnosed with hand arm vibration syndrome (HAVS).

Plymouth Magistrates’ Court heard how three employees had developed and reported symptoms of HAVS but no action was taken. The employees used tools such as rock drills and jack hammers for cliff stabilisation work which is often carried out by abseiling down a cliff and using the tools horizontally while working from ropes. The affected persons began to experience symptoms such as pins and needles and aching hands, in one case since 2000. An occupational nurse was employed in 2016 and the HAVS problem was identified.

An investigation by the Health and Safety Executive (HSE) found the risk assessment did not identify the actual exposure to vibration and had used out of date vibration data. The investigation also found there was no health surveillance in place until 2016 and employees were not made aware of HAVS and its symptoms. When symptoms were reported, the company had failed to take action.

Celtic Rock Services Limited of Bossell Road, Buckfastleigh, Devon pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974. The company has been fined £36,667 and ordered to pay costs of £3,560.

Alwyn Griffith Hughes Thomas, director of the company, also of Bossell Road, Buckfastleigh, Devon pleaded guilty to breaching Section 37 of the Health and Safety at Work Act 1974. He has been given a 12 week custodial sentence, suspended for one year, a 12 week curfew and ordered to pay costs of £3,560.

Speaking after the hearing, HSE inspector Caroline Penwill said: “This was a case of the company and its director completely failing to grasp the importance of HAVS risk assessment and health surveillance.

“If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor workers health and the employees’ conditions would not have been allowed to develop, one of which was to a severe, life altering stage.”

Two companies fined after employee falls from height

Two firms have been fined after an employee of a construction company fell through a roof onto a concrete floor below.

Lincoln Magistrates' Court heard how on 23 January 2018 an employee of Italian construction company Zamperoni F.lli srl was refurbishing a shed structure at casting company Bifranghi UK, Lincoln.

As the man worked on the roof he stepped backwards from metal sheeting he was standing on onto a fragile roof light. The plastic material broke under his weight and he fell 5.44 metres to the ground. He sustained two broken arms and three broken ribs.

An investigation by the Health and Safety Executive (HSE) revealed both companies failed to risk assess and plan all aspects of the construction work on site, and failed to ensure the risks from the fragile roof lights were adequately controlled. Both companies also failed to ensure there was adequate safe access onto the roof of the shed. There was inadequate supervision and management checks throughout the work. They also failed to act on the previous instances of unsafe work to ensure safety.

Bifranghi UK of Shardlow Works, Grange Mill Lane, Sheffield pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc Act and was fined £140,000 and ordered to pay costs of £2,607.

Zamperoni F.lli srl of Via Strada Muson, 17-31011 Asolo (TV) Italy was not present in court, but in its absence was fined £54,000 and ordered to pay costs of £1,240.

Speaking after the hearing HSE inspector Martin Giles said:

"Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"In this case the use of simple protective measures to prevent falls from and through the fragile roof light would have prevented the injury to this worker. Contractors working in host employers' premises require adequate supervision and controls to ensure that they are working safely."

Working at height must be properly planned and carried out by trained and competent workers. When working at height, employers must provide the most appropriate work equipment to enable operatives to carry out their work safely.

Construction firms fined after director blown off roof



Three construction companies have been fined after the director of one of the firms received serious injuries after falling 11 metres when a gust of wind blew him off a roof.

The three firms, Bowmer and Kirkland Ltd, Advance Roofing Ltd and JKW Roofing were working on the roof of the new three storey teaching block of Abbotsfield School for Boys in Hillingdon.

Westminster Magistrates' Court heard how on 23rd February 2017 Storm Doris was moving across the UK bringing gusts of wind up to 94 mph. Because of the winds there were numerous warnings on site and many activities had been suspended. The roof works continued however, until the early afternoon when a gust of wind blew JKW Roofing company director John Whitham, 52, off the roof, along with freestanding A-frame barriers and stacks of insulation. Mr Whitham sustained severe injuries to his pelvis, vertebrae and tibia, from which he continues to suffer.

Bowmer and Kirkland were the principal contractor on the project. Advanced Roofing were contracted to carry out the roofing works on the project and had sub-contracted the substantive roofing works on the main building to JKW Roofing while using its own workers on other areas.

An investigation by the Health and Safety Executive (HSE) found all three contractors had failed to ensure that a suitable and sufficient system to assess the effects of high wind when working at height was being followed. The companies had taken an informal approach to assessing weather conditions which was not in line with industry standards.

Bowmer and Kirkland Limited, of High Edge Court Street, Belper, Derbyshire, pleaded guilty to breaching Regulation 4(3) of the Work at Height Regulations 2005 and were fined £350,000 and ordered to pay £6,190.28 in costs.

Advanced Roofing Limited, of Littlewell Lane, Stanton-By-Dale, Derbyshire, pleaded guilty to breaching Regulation 4(3) of the Work at Height Regulations 2005 and were fined £29,300 and ordered to pay £6,187.88 in costs.

J.K.W. Roofing Services Limited, of Gedling Road, Arnold, Nottinghamshire, pleaded guilty to breaching Regulation 4(3) of the Work at Height Regulations 2005 and received 12 month conditional discharge and ordered to pay £6,159.48 in 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 the workers in the safe system of working. If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by Mr Whitham could have been prevented.”

Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

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