



Safetyform Monthly Newsletter - August 2021

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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Work-related Lung Disease



As an employer, you're obliged by law to control the risks to your workers from exposure to hazardous substances.

Breathing in dusts, gases, fumes and vapours in the workplace can cause serious, long-term lung damage. Often, this can be due to being exposed to a substance many years before.

By protecting your workers effectively now, you can prevent them from suffering from severe, often incurable, lung-related health problems in the future.

If your workers could be exposed to hazardous substances, you must assess and manage the risk to them.

Some common hazardous substances are:

- silica dust – found in stone, rock, sand and clays
- welding fumes
- flour dust
- wood dust
- asbestos.

Each workplace has unique risks which can depend on a number of factors, including:

- the type of substances workers are exposed to
- the tasks being performed
- the work environment.

Even if you work with the same substances used by others, the risks in your workplace can be different to theirs.

Contact Safetyform for expert specialist advice.

Can Safetyform assist you with your Construction Projects?

we can help

Our Services:

- Assist Client, Designers, Principal Designers, & Principal Contractor comply with their duties
- Contractor Competence Assessments
- Notification of project to the HSE
- Compilation of pre-construction information
- Review design information for design risk registers
- Compile the Construction Phase Plan
- Carry out site inspections during construction phase
- Compile the H&S File
- Undertake site specific risk assessments & develop method statements.

[Find out more today.](#)

What's in the News?

Construction company fined after worker falls from domestic garage roof

A construction company has been fined for failing to comply with work at height regulations after a worker fell from a garage roof in Worcester.

Kidderminster Magistrates' Court heard that on 4 February 2020, the worker had accessed the roof using a ladder and was working on his knees with his side to the open edge whilst fitting a rubber trim. There wasn't any edge protection in place and he fell from the roof. He sustained a broken hip, fractures to his foot and knee damage as a result of the fall.

An investigation by the Health and Safety Executive (HSE) found that the work was not suitably planned. Although the company owned edge protection and suitable equipment to provide access to the roof, it was not used to carry out work on the garage. There was no suitable audit system to monitor what equipment was being used.

A.E.S. (Roofing Contractors) Ltd of Ankerdine Road, Worcester, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £30,000 and ordered to pay costs of £510.30.

Speaking after the hearing, HSE inspector Aaron Fisher 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.

"Companies should be aware that unsafe work at height without suitable and sufficient controls in place is not acceptable. HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Roofer and scaffolder sentenced following fatal fall from height

A roofer and a scaffolder have been sentenced following a fatal fall from height at a two-storey terraced house on Rosevine Road, Wimbledon. Southwark Crown Court heard that on 26 November 2018, Philip Drinkwater and Anthony Bradley were working on the roof, which was accessed using a ladder and scaffolding that had been erected by Dean Glen. Later that day, Mr Drinkwater asked his co-worker, Mr Bradley, to help him move some slates up onto the roof using an electric hoist. While he was carrying out this operation, he fell approximately six metres through a gap, which was adjacent to the hoist and landed on the ground where he died almost immediately.

An investigation by the Health and Safety Executive (HSE) found that Mr Glen had erected the scaffold leaving a 1.17m gap in the edge protection at the ladder access point without fitting a scaffold gate. Mr Glen had erected the scaffold when not fully qualified to do so and it did not comply with industry standards or legal requirements. Mr Drinkwater was in charge of the roof work, which he allowed to proceed despite the gap and unsafe ladder access. He lacked the training to manage health and safety on the site and failed to appoint a suitably qualified scaffolder to erect the scaffold. Philip Drinkwater (trading as Prestige Roofing) of Meldone Sheephouse Way, New Malden pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc Act 1974.

He was fined £5,000 and ordered to pay costs of £6,318. Dean Glen (trading as DDP scaffolding) of Woodroyd Avenue, Horley pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £5,000 and ordered to pay costs of £6,318.

Speaking after the hearing, HSE inspector Kevin Smith: "The tragedy of this incident was that it was totally avoidable."

Preventative measures were inexpensive and required little time or effort. Reducing the size of the opening in the guard rails and installing a self-closing scaffold gate would have stopped this man from falling to his death. A scaffold gate costs around £40 and only takes a few minutes to install.

“Those involved in scaffolding and roof work on smaller sites need to be aware of the potentially devastating consequences of failing to put basic safeguards in place.”

Principal contractor fined after worker suffered electrical burns



A vertical farming, glasshouses and energy company has been sentenced after a worker came into contact with an 11kV overhead power line.

Beverley Magistrates' Court heard that on 3 December 2018, a subcontractor scaffolding worker was unloading some scaffolding poles near power cables in Willerby, Hull, when one of the poles caught the overhead line. He sustained burns to his leg and foot and was hospitalised.

An investigation by the Health and Safety Executive (HSE) found that the site was very muddy, and operatives were unable to park their vehicles on site near the work area, meaning they had to move the materials onto the site by hand. There were also inadequate controls on site to warn of the overhead cables.

Cambridge Glasshouse Company Limited of Wallingfen Park, Main Road, Newport Brough, East Yorkshire pleaded guilty to breaching Section 14 of the Electricity at Work Act 1989. The company was fined £333,333 and ordered to pay costs of £1,235.

Speaking after the hearing, HSE inspector Sarah Robinson said: “The company should have planned the work to mitigate the risks and had better signage and controls around the site for overhead cables.

“This was a very serious incident and could have easily been fatal.”

Company fined after worker falls from height through cement sheet roof

An asbestos removal company has been fined after a worker fell off a garage roof and fractured a vertebrae bone in his back.

Aberdeen Sheriff Court heard that, on 15 August 2017, whilst replacing a garage roof at a domestic property in Inverurie, David Ross an employee of NJS (Scotland) Limited, fell approximately two metres through the roof whilst removing bolts, resulting in a back injury.

An investigation by the Health and Safety Executive (HSE) found that NJS (Scotland) Limited failed to provide a suitable work platform from which to work to prevent employees falling from or through the roof of the garage. The Company ought to have been able to anticipate and solve the challenges presented by a double skinned roof given their extensive experience of working at height including roof dismantling and replacement, its health and safety procedures manual and its equipment such as a mobile elevated work platform (MEWP), crawl boards and fall arrest harnesses, which the operatives were appropriately trained and certified to use. The HSE inspector considered that the company was complacent in its approach to this much smaller scale domestic job. There would normally be a pre job toolbox talk and all operatives would be required to sign that they had received and understood the plan of work before the job began, but that did not happen on this occasion.

NJS (Scotland) Limited of Pinefield Parade, Pinefield Industrial Estate, Elgin pleaded guilty to breaching Regulation 4 of the Work at Height Regulations 2005 and were fined £8,000.

Speaking after the hearing, HSE inspector Elizabeth Hunter 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.”

Prison sentence for builder that undertook illegal gas work

A self-employed fitter has been jailed after carrying out gas work at a residential address whilst he was not competent to do so, leaving a gas boiler in an ‘at risk’ condition.

Southampton Crown Court heard how Michael Smithers, who traded under the name of Bournemouth & Verwood Builders, was contracted to carry out the construction of a new build house in the New Forest between 2017 and June 2018, which also included the installation of new gas appliances. Mr Smithers installed a new gas central heating boiler and the homeowner subsequently experienced problems. They contacted the Gas Safe Register and an inspection of the

gas installation was carried out, the boiler installation was classed as 'at risk' and removed from service.

The HSE's investigation found that Mr Smithers was not competent to complete gas work and was not Gas Safe registered at the time he carried out this work. Mr Smithers had previously been prosecuted by the HSE and found guilty in April 2014 for unregistered gas work.

Michael Smithers of Nightingale Close, Verwood pleaded guilty to breaching Regulations 3(1) and 3(3) of the Gas Safety Installation and Use Regulations 1998. He was sentenced to nine months in prison, ordered to pay £2,500 in compensation and £12,529 in costs.

Speaking after the hearing, HSE Inspector Nicola Pinckney said: "Mr Smithers conducted gas work while he was not competent to do so and whilst not Gas Safe registered. Given his previous conviction, this defendant should have been fully aware of what the law requires to protect the public.

"To help ensure the highest standards of gas safety are met and to prevent injury and loss of life, all gas work in domestic premises must be done by people who have been properly trained and are registered Gas Safe engineers.

"HSE will not hesitate to take enforcement action against people who break the gas safety rules, which are in place to protect the public. We would encourage anyone who is asking for gas work to be done to make sure they check the engineer has the right skills and is registered with Gas Safe Register. Homeowners can ask to see the engineer's Gas Safe Register identification card, which contains key information."

Building contractor fined following the death of worker on house building site

Nickell and Richmond Limited has been prosecuted following a case brought by HSENI, and fined £40,000.

The Bangor based company pleaded guilty at Belfast Crown Court to a total of four health and safety offences which resulted in the death of a worker at a house building site in Jordanstown.

The prosecution arose as a result of an HSENI investigation into the incident which took place on 22 June 2018 when Mr Terrence McCloud from Belfast, 46, fell approximately 2.8 metres through an opening on the first floor where a staircase was to be built. Mr McCloud died later as a result of his injuries.

Speaking after sentencing, HSENI Principal Inspector Kyle Carrick, said: "Working at height incidents are avoidable. All contractors must ensure that robust measures are put in place to prevent falls which can all too often result in serious injury or death."

The HSENI investigation found that the company had earlier placed trestles and barrier tape to mark out and prevent access to the stairwell. The safety measures in place at the time of the incident were not sufficient to prevent Mr McCloud or any other person from falling.

Kyle Carrick added: “Internal openings represent a serious hazard but simple measures such as fitting guardrails or secure boarding may be all that is required to prevent a tragedy.”

The investigation also found that the company had not carried out a suitable and sufficient risk assessment and had failed to plan, manage and monitor the construction phase of the house building project.

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