

Design-Out Risks to Improve Construction Health

By Nick Warburton

There is a growing momentum in the construction industry to combat ill health and occupational diseases but more work needs to be done to protect workers, particularly around designing-out risk.

Speaking at the Safety and Health Expo 2015 Ian Strudley, Health and Safety Executive's head of health risk management unit, said that he had seen improvements in the sector since HSE had refocused its efforts on health a few years ago.

However, he argued that much more needed to be done to control risks at source rather than simply treat the symptoms of exposure. Mr Strudley highlighted HSE's 'health initiative', which ran from 23 June to 4 July 2014 and was the first time that the health and safety watch dog had dedicated significant resources to health issues.

Over the two-week period, HSE carried out 500 inspections and issued 13 prohibition notices and 108 improvement notices. Mr Strudley told delegates that the initiative had revealed that many construction companies were relying on respiratory protective equipment to control risk when they should be looking at other preventative measures.

Designers, he added, should do more to design out risk before construction projects began so that workers weren't exposed to hazardous materials like silica and dust when materials were cut up.

The HSE's head of health risk management unit concluded that the Construction Industry Advisory Committee (CONIAC) would soon be publishing its 'managing occupational health in construction' guidance to help the sector control risks more effectively.

EEF Calls For New Approach To 'Fit Note'

The government's flagship 'fit note' scheme for getting people back to work has failed to deliver five years on from implementation, seriously hampering the UK's attempts to improve its sickness absence performance and reduce unnecessary sickness absence.

That is the overriding message from EEF and Jelf Employee Benefits in their survey of 345 manufacturing companies, published earlier this week. The findings reveal that far from aiding economic growth and improving productivity by getting people back to work earlier, the situation has failed to improve.

According to EEF, only around 5,000 GPs have been trained in health and work out of 40,584 (September 2014 census) while only a small sum has been spent on GP training compared to the £170m the government is investing in the new 'Fit for Work' service over five years.

In response, and among a number of recommendations, EEF is urging government to set a fixed date by which all GPs and medical professionals will be trained in the use of the 'fit note'.

"We have supported the 'fit note' since day one and wanted it to succeed," said Terry Woolmer, EEF's head of health and safety, who presented the survey's findings at this year's Safety & Health Expo on Tuesday.

"However, the evidence is now clear five years on that it's not delivering on helping people back to work earlier. In fact, the evidence suggests that the quality of advice being given by GPs to help people back to work is deteriorating."

Mr Woolmer added that the 'fit note' could still be made to work but argued that the government needed to invest greater resources into making it a success.

"The first step must be to ensure that all GPs and hospital doctors are trained in health and work issues so they feel confident in giving proper advice. Without this as a basis there is little prospect of the 'fit note' ever delivering genuine improvement in return to work performance and absence reduction."

As part of its response, EEF is also calling for a step up in efforts to create greater interaction between GPs, employers and employees.

To aid this process, EEF has developed a template for use by employers so that employees will be able to take this to consult with their GP on what the employer is able to do to aid return to work.

To view the survey and access EEF's full story please visit: www.eef.org.uk

Judith Hackitt's 'Risk Assessment' The Kids are Alright

My experience of today's young people is very different from the oft portrayed image of a cosseted, over-protected generation of social media-addicted couch potatoes.

That image is perpetuated by a number of related myths. Two, in particular struck me. The first is the implication that young people lack the drive and enthusiasm to make a difference in society. Most want to make a difference and are looking for opportunities to do so. They run marathons, do ice-bucket challenges and a whole host of other creative activities to raise money for all sorts of charitable causes.

The second is that there are numerous rules and regulations which get in their way and wrap them in cotton wool to ensure they don't put themselves at any risk of any sort. I wince when people lay the blame (as they sadly often do) at the door of 'elf 'n safety'.

Anyone who's been involved with activities where young people volunteer, as I have, knows what a difference they can make, bringing energy and creativity to the task in hand. And while some volunteering roles carry an element of risk beyond the everyday ones we all live with, a testing environment is often a learning one.

If young people's enthusiasm sometimes needs close supervision and direction, the opportunities to develop leadership and teamwork skills that social action brings amply repay the investment.

Step Up To Serve's #iwill campaign is a great way of promoting and recognizing that spirit of enthusiasm to help others and make a difference. HSE is pleased to pledge its support to the campaign and make it clear that our message is 'You can'.

Let's get the 'young people' conversation onto the other track. The one where we unshackle young talent for the common good and keep a healthy sense of proportion about health and safety - our guidance explains more about this. I look forward to hearing about lots of #iwill projects where this approach makes a real difference. www.iwill.org.uk

Construction Firm Sentenced Over 'Life Changing' Fall

A Construction company has been sentenced after pleading guilty to safety failings after a 55 year old employee fell through a skylight roof. Southwark Crown Court heard that Armenian national, Petros Pogosyan fell through a skylight from a unit roof on a London industrial estate while working for Race Interiors Ltd on 18 January 2013.

Mr Pogosyan fell four and half meters on to a concrete floor at Unit 1, Roseberry Industrial Estate, London and suffered life changing injuries including a fractured back. He is now partially deaf, has damage to his brain, is paralysed from the waist down and psychologically traumatised.

During the Health and Safety Executive (HSE) prosecution case, the court was told he will need personal care for the rest of his life, and will never work again. His wife has given up work to care for him full time. Since the incident the couple have been living on state benefits.

Judge May QC described the accident as highly foreseeable, pointing out there was no protection to prevent a fall from or through the roof. She ruled that the company fell far short of the required standards for managing risks at work as the supervisor was not trained and there was a complete lack of planning with no risk assessment or method statement for the work.

HSE inspector Simon Hester said: "This tragedy should not have happened. Nobody should work on a roof without proper planning. "It is the employer's responsibility to ensure that all reasonable precautions are taken to prevent a fall. Mr Pogosyan could have been killed by his fall and now suffers massive and irreversible life-changing injuries."

Race Interiors Limited appeared at and was fined £60,000 with costs of £7,784 after pleading guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

However, in a highly unusual move the fine was converted into a compensation order of £60,000 to be paid directly to Mr Pogosyan. The judge described this as "an exceptional case" as Race Interiors are in dispute with its insurance company and Mr Pogosyan is unlikely, if at all, to receive compensation for his injuries.

More information about fragile roofs:
www.hse.gov.uk/pubns/geis5.pdf

Developer In Court After Workers Potentially Exposed To Asbestos

A construction firm has been fined after exposing workers to potentially deadly asbestos fibres during the conversion of an office block into residential flats in Witham, Essex.

In July 2012, Marden Homes Ltd was commissioned to convert an office block into residential flats, this involved removing a disused boiler and its pipes from the building's former Plant Room.

During the refurbishment work, employees of Marden Homes Ltd disturbed pipe lagging which contained asbestos fibres.

The Health and Safety Executive (HSE), prosecuted Marden Homes Ltd at Chelmsford Magistrates Court after finding the company had not arranged for a Refurbishment and Demolition Asbestos Survey to be available to the workers on site.

The Marden Homes Ltd employees were therefore unable to identify the presence of asbestos before removing the disused boiler and associated pipework and potentially exposed themselves, and other workers, to asbestos fibres. One of the workers involved had not received any training to enable him to identify whether the materials he was removing were liable to contain asbestos.

The company had, in 2013, received advice from HSE regarding the need for a refurbishment and demolition asbestos survey to be carried out prior to work liable to disturb asbestos taking place. The company also received an Improvement Notice requiring them to provide their employees with asbestos awareness training.

Marden Homes Ltd of 275 Prince Avenue, Westcliff on Sea, Essex was fined £50,000 with costs of £1413 after pleading guilty to three breaches of the Control of Asbestos Regulations 2012.

Speaking after the hearing, HSE Inspector David King said: "Exposure to asbestos fibres is a serious and well known health risk, so it is essential that duty-holders take suitable and sufficient measures to prevent the disturbance, spread and exposure to asbestos.

"Guidance on managing the risks of asbestos is widely and freely available. Asbestos has been subject to regulations since 1931 and relevant to the construction industry since 1969.

"Therefore failing to take action to identify the location and type of asbestos present during planning of the work, not communicating that information to workers/contractors who may disturb the asbestos and then not taking appropriate measures to protect the health of those exposed is absolutely inexcusable."

Around 4,500 people die every year as a result of breathing in asbestos fibres, making it the biggest single cause of work-related deaths in the UK. Airborne fibres can become lodged in the lungs and digestive tract, and can lead to lung cancer or other diseases, but symptoms may not appear for several decades.

Construction Firm Fined After Workers Injured

A Worcestershire firm has been sentenced for safety failings after four workers were injured, one of them seriously, when a roof truss in a new extension collapsed during construction causing several others to fall.

Four men working on the extension were caught in the collapse at premises in Brandon Court, Binley, Coventry, on 26 June 2014. One man was trapped by his legs, two suffered minor injuries and the fourth, a 37-year-old who does not wish to be named, suffered severe grazing and a fracture to his lower spine which led to many painful months off work.

Nuneaton Magistrates' Court heard today (Monday 15 June) that the principal contractor for the project was DP Designs Ltd, which was prosecuted for safety failings following an investigation by the Health and Safety Executive (HSE).

The court heard that due to an omission during the planning and procurement process of the project, a critical structural truss had been overlooked. This led to the workers attempting to install the trusses in an unstable manner, but as soon as they realised it was an issue they stopped working in that area.

However, the following day, one of the trusses broke, causing a domino effect as several other trusses collapsed above the area where the men were currently working.

The investigation found that had the work been properly planned, organised and monitored the collapse would not have occurred. Also, if appropriate fall prevention measures had been implemented correctly, the outcome would have been less severe.

DP Designs Ltd, of Millennium Court, Buntsford Park Road, Bromsgrove, Worcestershire, was fined a total of £24,000 and ordered to pay costs of £1,106.15 after pleading guilty to two offences, one breach of Regulation 25(1) of the Construction (Design and Management) Regulations 2007 and the other a breach of Regulation 6(3) of the Work at Height Regulations 2005.

After the case, HSE Inspector Chris Gregory, said: "As the principal contractor DP Designs Ltd should have ensured the roof truss installation was properly planned, appropriately supervised and, above all, safe.

“The company had a duty to inform those, who may be affected, of any changes to the plan that may impact on their work, in this case the company failed to inform workers of changes that led to the structure becoming unstable.

“Where work at height is involved, companies should also provide suitable measures to prevent falls and, secondly, provide equipment to mitigate the outcome of any falls. However, as a result of the DP Design Ltd’s failings, four men were injured.” Falls from height are responsible for around a third of workplace deaths every year, with 25 people losing their lives in 2012/13.

Company Fined £140,000 After Worker Crushed Under Forklift Truck

A Leicestershire aluminium fabricator was sentenced today (3 June) after a worker was crushed under a lifting truck which tipped over while lifting extruder dies from storage racks.

Stefan Durina, 33, of Beeston, Nottinghamshire, died following the incident at Boal UK Ltd in Shepshed, near Loughborough, on 23 June 2013. Leicester Crown Court heard that Mr Durina was trapped underneath an overturned hi bay order picker truck he was using to collect or return aluminium extruder dies, types of metal mould, to the racked storage system.

Mr Durina suffered fatal chest and abdominal crush injuries and died from his injuries in hospital the next day.

An investigation by the Health and Safety Executive (HSE) concluded that the incident was entirely preventable and stemmed from three material breaches of health and safety law. These were inadequate risk assessment for collecting and replacing dies in storage racks, an inadequate safe system of work for the use of a Narrow Aisle High Level Reach Truck and the company’s organisation of lifting operations in the die storage area.

Boal UK Ltd of Ashby Road East, Shepshed, Loughborough, was fined £140,000 and ordered to pay £32,251.31 in costs after pleading guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974.

In his sentencing remarks, the Judge stated that Boal UK Ltd fell far short of the applicable standards and in particular, there was a prolonged and very substantial failure on the part of the company in relation to its monitoring, supervision and enforcement of safe working procedures in the die shop.

After the hearing, HSE inspector Berian Price said: “Mr Durina’s death was entirely preventable and his life was needlessly lost.

“This incident happened because of management’s failure to ensure a safe system of work was in place that was clearly understood and adhered to by employees and supervised by departmental management. This stemmed in part from the lack of appropriate controls to prevent the lifting truck coming into contact with overhead beams, and from poor control of working practices.

“In addition, there was a failure on behalf of management to record and learn from previous near-miss incidents. “Lifting operations, which often present severe risks to workers, must be properly planned, controlled and adequately supervised. Serious and fatal incidents have occurred due to workers being crushed by lifting equipment

“It is therefore important to properly enforce, plan and organise lifting operations so they are carried out in safe manner. Each of these elements requires a person or people with sufficient competence to be notified at each step.

“For complex and high-risk operations, the planning and organisation should be extensive and meticulous. Dutyholders should also consider ‘foreseeable misuse’, such as overloading.”

Free Health & Safety Guidance

The HSE have a wide range of leaflets available on their web site giving easy to follow information on a wide range of health and safety topics.

These leaflets can be downloaded at no cost and are available in 15 languages. For further information go to:www.hse.gov.uk/pubns/index.htm

Construction Safety Solutions Ltd

Introduction: The information provided here can help you keep up to date with the latest legislation, changes in working practices, HSE strategies and give examples of where some companies or individuals got it wrong.

We would welcome the opportunity to demonstrate our capabilities and work with you on your future construction projects, if you would like to discuss projects or our service provision in more detail please contact us directly and we will be happy to help.