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HEALTH AND SAFETY NEWS

Published by **ARKSAFE LTD.** Bars Hill, Costock, Leicestershire, LE12 6XY

E-mail: enquiries@arksafe.co.uk

No.69

KEEPING YOU INFORMED ON HEALTH & SAFETY ISSUES

Summer 2014

HSE PROPOSES RADICAL CHANGES TO CDM 2015

The HSE has been consulting on its proposals to replace the Construction (Design and Management) Regulations 2007 (CDM 2007) and to withdraw the Approved Code of Practice.

The proposals will implement the requirements of Directive 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites, apart from certain requirements which are implemented by the Work at Height Regulations 2005.

It is claimed that the proposals, due to come into force next year, support the strategic objectives of improved co-ordination, better value for money, improved efficiency and use of technological changes in *Construction 2025*, the Government's industrial strategy for construction.

The main proposed changes aim to:

- *Make the Regulations easier to understand.*
- *Replace the CDM co-ordinator role with the Principal Designer.*
- *Replace the ACOP with several publications of targeted guidance.*
- *Replace the detailed and prescriptive requirements for individual and corporate competence with a more generic requirement.*
- *Align notification requirements with the Directive and apply the Regulations to domestic clients, but in a proportionate way.*

The proposals will affect clients, (including householders who - under the proposals - will have client duties), designers, principal contractors, contractors, sub-contractors including the self-employed, CDM co-ordinators, safety representatives and anyone else with an interest in construction projects.

Copies of the proposals (CD261r) and accompanying literature are available to download from HSE's website. The current objective is to for the new CDM Regulations to come into force in the Spring of 2015.

HOUSEBUILDER FINED AFTER WORKER SUFFERS SERIOUS INJURY IN FALL

A Tyneside house builder has been fined after a worker was seriously injured in a fall when a temporary handrail gave way as she leant on it.

The 23-year-old, from Gateshead, who does not want to be named, was working for Bellway Homes Ltd at a site in Earsdon View, Shiremoor, when the incident happened on 4 December 2012.

The agency worker broke her right wrist, fractured her forehead, jaw and cheekbone, and sustained a hairline fracture to her right hip. She also severed tendons in her left hand and suffered extensive bruising to her face, neck and back.

She had to have a metal plate inserted into her right arm and required further surgery to ease later complications.

She was unable to return to work as a labourer for six months and still suffers constant pain. It is unlikely she will ever return to her usual trade working as a plasterer.

The Health and Safety Executive (HSE) prosecuted Bellway Homes Ltd on 4th April for safety failings after investigating the incident.

North Tyneside Magistrates' Court heard how the worker had been clearing rubbish on the first floor of a property nearing completion and was on the landing talking to another worker in the ground floor hallway. As she leant on a temporary handrail on the landing it gave way, causing her to fall around 2.6 metres to the floor below.

The HSE investigation found that the temporary handrail was a single piece of timber fixed to the protective cover of an upright post at one side and nailed with one nail into a timber door frame at the other side, which was where it gave way. There was no mid-rail to provide additional support.

WORKER IN COURT AFTER ASBESTOS EXPOSURE

A supervisor in charge of removing asbestos from a Canterbury school boiler house was recently prosecuted at Canterbury Magistrates' Court, after he recklessly exposed himself to the potentially-dangerous material in May 2013.

Jack Conn, then working for a Medway company, licensed to remove asbestos, was observed within a sealed enclosure at the site at Canterbury Academy by a Health and Safety Executive Inspector. He was not wearing his essential respiratory mask, and had the hood of his protective overalls down. A second worker within the enclosure was wearing the correct personal protective equipment.

The HSE Inspector had already observed the thorough and correct preparations the firm had in place, including a fenced-off site compound with restricted access warning signs; a decontamination unit with three separate cleaning areas and the sealed boiler house with a three-stage air lock.

The Inspector then went down to the basement where work was underway and was able to see within the sealed enclosure via a CCTV monitor. She saw Mr Conn without his respiratory protection and tried to get his attention by shouting through an airlock.

When that failed, she then phoned his company telling them to remove the worker from the enclosure. She recorded some of the CCTV footage before the firm managed to make contact with the site and the supervisor was told to leave the enclosed working area.

Mr Conn later admitted his respiratory equipment was in the enclosure with him, on the floor, and that he was aware of the risks and the duty to wear it. He also confirmed he had undertaken the training to be a supervisor.

Jack Conn, 23, of Brissenden Close, Upnor, Rochester, Kent, was fined £1,000 with £1,500 towards costs after admitting a breach of the Health and Safety at Work etc. Act 1974.

FINES IMPOSED FOR RECKLESS LADDER WORK

In March 2013, roofer George Nicholls, 25, was observed footing a double extension ladder on a transit van in order to access a third floor façade to paint a shop frontage in Southampton.

His reckless exploits were captured on camera by a council environmental health officer following a tip-off from a concerned member of the public.

The Health and Safety Executive investigated and prosecuted Mr Nicholls for safety failings, alongside the company that paid him to undertake the work.

Southampton Magistrates' Court heard Mr Nicholls, trading as Laser Roofing London and South East Roofing Limited, had been sub-contracted by maintenance contractor, 24-7 Ltd., to undertake the work.

Ladders were specified as the chosen method of work, but after finding the façade was higher than the ladder he had with him, the roofer opted to improvise, placing the ladder on the roof of his van and working from it fully-extended some eight metres above the ground, with a labourer providing the footing.

This system was fraught with risk. Not only could Mr Nicholls or his labourer have fallen, but there was no form of segregation to prevent vehicles or pedestrians from passing under or near the work area. So they could have been struck by falling equipment or materials. The van was also parked over a bus stop on a busy road with double yellow lines.

A pavement licence should have been obtained to create a properly segregated safe-working area, and scaffolding or a mobile elevated work platform selected as a safer option for accessing the façade.

Maintenance 24-7 Ltd, of King's Lynn, was fined £10,000 with £784 in costs, and George Nicholls, of Newdigate, Surrey, was fined £4,000 with £666 in costs for breaches of the Health and Safety at Work etc Act 1974 and the Work at Height Regulations 2005.

OBTAINING HSE PUBLICATIONS

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COLLEGE PROSECUTED AFTER STONEMASON DEVELOPS LUNG DISEASE

In May, Preston Crown Court fined a private school in Clitheroe £100,000 with £31,000 costs, for breaches of the Health and Safety at Work Act, after one of its stonemasons developed a potentially fatal lung disease.

The 55-year-old, who has asked not to be named, was employed by Stonyhurst College for almost 12 years, where he was exposed to high levels of silica dust. He was diagnosed with silicosis in July 2011 – 4 months before being made redundant by the college.

Stonyhurst College was prosecuted by the Health and Safety Executive (HSE) on 29th May after an investigation found that he and other stonemasons may have been exposed to more than 80 times the daily limit for silica dust.

Preston Crown Court heard that the college employed the stonemason as a member of staff in June 1999 as the 200-year-old college buildings needed extensive repairs.

Two other stonemasons were recruited to help with a major project to build a new four-storey building. The 21-month project required more than 400 tonnes of sandstone and the stonemasons spent their time working intensively with powered hand tools cutting, shaping, chiselling and finishing the sandstone.

The HSE investigation found the College failed to take any measures to monitor or reduce the exposure of workers to silica dust, despite sandstone containing between 70% and 90% of crystalline silica, and failed to recognise the risks, or to provide equipment to remove, capture or suppress the dust created by the use of the stonemasons' tools.

Two of the stonemasons worked regularly in the college workshop with no windows and no dust extraction system, despite a system being fitted in the School's joinery workshop in 2004.

The stonemason with silicosis has suffered serious and irreversible health effects as a result of his exposure. He has a reduced lung function, suffers from breathlessness and can no longer continue with his profession.

LEICESTERSHIRE FIRM IN COURT AFTER ROOF FALL

In April, Leicester Magistrates' Court fined a roofing company after a worker was injured by falling more than five metres through a fragile roof light.

In October 2013, a sub-contractor working for K & DE Barnett and Sons was lifting a roof sheet from a stack on top of a loading bay canopy at a warehouse in Melton Mowbray. The 29-year-old Blaby man overbalanced and stepped on to the roof light. It shattered and he plummeted to the concrete floor below.

The casualty suffered several fractures to his wrist and pelvis and bruising to his lungs and spine, and was unable to work for three months. He has since returned to work, although not in roofing.

A Health and Safety Executive (HSE) investigation found that prior to the roofing work taking place, a risk assessment and method statement was prepared by an employee and signed off by a director of K & DE Barnett. However, it was not checked or discussed with the sub-contractor before he started work.

The court was told the company's plan was vague about the presence of fragile material or the safe system of work to be used. There was no mention of the use of safety nets or the need for personal protection such as a harness for working at height.

K & DE Barnett and Sons of Rearsby, pleaded guilty to breaching the Work at Height Regulations 2005 and was fined a total of £6,666. The company was also ordered to pay costs of £523.

After the hearing, HSE inspector Tony Mitchell, said: "K & DE Barnett has a fairly well-defined health and safety management system and is used to producing risk assessments and method statements for all types of roof work. However, in this instance it was wholly inadequate and did not properly identify the presence of the fragile roof light or what fall protection measures were required.

"As a result a worker fell some five metres and could well have been killed in what was an entirely preventable incident."