

Health and Safety: An Election Issue?



The British Safety Council has written to six of the main political parties in advance of the General Election on the 7 May to find out more about their plans, if elected, for health and safety.

"With less than two months to the General Election," said Neal Stone, Acting Chief Executive of the British Safety Council, "we wanted to hear from the parties ahead of the election what their plans and priorities are for ensuring that those at work are kept healthy and safe.

"We focused on six political parties, namely the Conservative, Green, Labour, Liberal Democrat, SNP and UKIP. It is certain that one, or more, of these parties will be in government come 7 May. Their views on how they plan to help grow a sustainable economy, and the role that good health and safety will play in achieving that goal, are of vital importance to British Safety Council, our member organisations and their employees.

"We put three questions to them. The first concerned how health and safety is regulated, and in particular how each of the parties would support the Health and Safety Executive and Local Authorities, to ensure that risks are being adequately controlled. As budgets are tight and public spending on regulation and enforcement reduces, we want to hear from parties what they will do to ensure regulators are adequately resourced including their views on HSE becoming more commercial.

We also sought views on the role and responsibility of employers to help address the nation's health issues through workplace interventions.

"Health risks are always difficult to tackle and in many ways have been a second order priority as we focussed largely on the prevention of injuries at work. However our failure to effectively manage occupational health risks, costing some £8bn each year, is a huge burden for the country. The workplace can be a very convenient place to convey important health messages from occupational disease like cancer, to obesity and the dangers of physical inactivity.

"Finally, we wanted to hear party's ideas on how to we can incentivise employers to do more to invest in good health and safety. There are many innovations in the field of insurance and taxation, some already in operation other countries, which could encourage sound investment to help prevent workplace injury and ill health occurrences. Getting businesses to invest in effective health and safety measures, is critical. We know that investment in training and the proper maintenance of plant, equipment and machinery can help reduce lost time and maintain productivity whilst saving the public purse billions spent by the NHS on healthcare."

The British Safety Council is planning to publish the responses we received from the six parties in May 2015 edition of Safety Management.

Judith Hackitt's 'Risk Assessment' A Lasting Impression...

I do a lot of health and safety conferences. I have always enjoyed the public speaking that comes with being Chair of HSE and getting our messages across to our many stakeholders is a key part of my job.

I also get a great deal out of listening to other speakers at the conferences and seminars I attend, and one I heard last week stands out above all of the others I've heard – so, Jason Anker, if you're reading this, I'm talking about you.

We sometimes forget that our 40 year old health and safety at Work Act makes it clear that we are all dutyholders; "It shall be the duty of every employee while at work to take reasonable care for the health and safety of him/herself and of other persons who may be affected by his acts or omissions at work..."

I was reminded of that when Jason spoke to an assembled audience in Manchester last week about "choosing to be safe".

Jason was paralysed from the waist down due to an avoidable accident when he fell off a ladder. He was 24 years old at the time. That was in 1993.

Along with everyone in the audience, I was absorbed as Jason told us of his life before the incident and then described the day of the incident in detail. He spoke of the highs and the lows since that day, such as time spent in hospital and rehabilitation, his release from hospital and his struggle with life over the last 22 years and the effect the incident has had on his family and friends.

For more than a decade Jason was angry about what had happened to him, the life he had to get used to and the effect it had on his family.

He admits to still getting angry, but more often than not he channels that anger into his passion to prevent others making the same mistakes he made. What makes Jason's story so powerful is that he hasn't become a victim – he recognises that he took a decision to do something unsafe – and lives changed because of a decision he took, a choice he made.

Jason's presentation is more powerful than any I can ever make and the message is very simple – every single one of us has a choice to make about being safe – or unsafe - at work, and we bear responsibility for the consequences.

I've been onto Jason's website and "liked" his [Proud2Besafe](#) campaign. If you've got to this point in my blog go there now and read it for yourself – especially if you haven't heard Jason speak. I promise you it will make a lasting impression on you – it has on me.

Firm and Director Fined after Excavation Collapse

The director of a building firm suffered a broken ankle and leg after he was partially buried when the high sides of an excavation he was working on collapsed on him, a court has heard. As a director he was fined £15,000 and his company was also fined £15,000 for breaches to the Construction (Design and Management) Regulations.

Paul Connolly, director of Bushey-based PNT Contractors Ltd, had to be rescued by workers digging him out by hand after the excavation collapse at a site in Essex in July 2014. The incident was investigated by HSE, which prosecuted Mr Connolly and the company at Southend Magistrates' Court on 4 March.

The court heard PNT Contractors Ltd was carrying out extensive ground work at a site in Crays Hills, Bilericay, when the incident took place.

Paul Connolly had used an excavator to dig into the side of a slope, leaving unsupported excavation sides of up to 2.5 metres in height.

Mr Connolly and another employee were working in the sheer-faced excavation when it collapsed. The second worker managed to jump to safety but Mr Connolly was partially buried and trapped by the falling earth and had to be dug out by hand by his two employees.



HSE served a prohibition notice the following day stopping any work until the excavation was made safe.

PNT Contractors Ltd of Sparrows Herne, Bushey, Hertfordshire, was fined £15,000 and ordered to pay costs of £1,176 after admitting a breach of the Construction (Design and Management) Regulations.

Paul Martin Connolly of Lipton Street, Watford, was fined £15,000 and ordered to pay costs of £1,176 for a similar breach by virtue of being a director of the company.

After the hearing, HSE inspector Adam Hills said: "Paul Connolly not only endangered himself, but was reckless with the lives of his employees. Every year people are killed or seriously injured by collapsing trenches. The dangers here were obvious.

"A few simple and inexpensive precautions could have easily prevented this from occurring. To prevent a collapse you should shore, step, or batter back the sides. Do not assume ground will stand up unsupported."

How Asbestos Remediation Specifications Can Cut Costs

There is a typical scenario that we see time and again on major building works. The asbestos survey is completed and an inventory of asbestos is generated, which together with the reports is passed directly to a licenced asbestos removal contractor (LARC) to price.

HSE specifically states that the survey should not be used as the basis for pricing removal works. HSE guidance document L143 Managing and Working with Asbestos, Regulation 4, paragraphs 121-146 discusses what to do with the data gained from the surveys. The blanket assumption with R&D surveys is that materials will be removed, but that may not always be the most practicable way forward.

While the survey records the findings it doesn't necessarily assess the implications for ACMs identified in the areas likely to be disturbed by the works. For example, let's say asbestos contamination is identified in a boiler house, on the walls and on some of the pipes, plus the third floor riser. Does that mean that first and second floor risers are clear? Even if the survey reported negative findings at those locations, just how extensive was the survey?



What should happen is that the client arranges for an asbestos remediation specification to be prepared that assesses the risks and documents the preferred technique for managing each ACM within the context of the building works.

The document should be prepared in consultation with the building contractor and possibly the wider design team, so that it can take account of the locations, methodology and extent of the actual refurbishment activity which has been planned.

The document can be prepared in-house if there is knowledgeable person in the client's professional team. Alternatively this task can be outsourced to an asbestos consultancy, potentially the existing surveying company or a third party.

The key point here is that the specification should NEVER be completed by the removals contractor. This is not just a technical issue; there are some significant commercial benefits that the client can appreciate.

While the specification may take a few days to compile and complete, it could reduce the removal costs by as much as 50 per cent as well as generating significant associated programme savings and certainty.

How are these kinds of savings generated?

Let me provide you with a typical scenario: the contractor on a programme of social housing kitchen and bathroom replacements provides an inventory of works to the consultant who also has the new asbestos register and reports in their possession.

They are then in a position to cross-reference the two inventories to identify locations where ACMs have been found but where invasive refurbishment is not taking place e.g. some tenants may decline the offer of a bathroom refurb and, for example, Asbestos Insulating Board (AIB) identified in the bathroom riser can be encapsulated rather than removed – a significantly cheaper and faster method of remediating it.

Without a specification, the removals contractor has little choice but to price on a worst-case scenario i.e. removal of all ACMs even where this is not required, at significant cost uplift or they will price to remove what is on the register and after you have completed your cost proposal, you will find extras and programme delays as the predictable additional asbestos items come to light.

An asbestos remediation specification will provide a more forensic interpretation of the inventory of asbestos containing materials identified that in many cases could reduce the volume of removal work and also enable the contractor to dovetail refurb works around the remediation phase to generate programme savings.

Article by: Paul Clarke-Scholes is H&S Adviser at asbestos contractor, Clifford Devlin.

Road Construction Firms Sentenced after Road Worker Loses Arm

Three construction firms were ordered to pay over £400,000 in fines and costs for serious safety failings, after a worker lost his arm when it became trapped in poorly-guarded machinery during a road surfacing operation in Hertfordshire.

The 53-year old road worker was preparing a chip spreader – a machine used to scatter stone chips on asphalt – for resurfacing works on the A1001 in Hatfield when his left arm became caught in the machine's rotating auger, causing serious injuries.

The highly-experienced worker, from Rushden, Northamptonshire who does not wish to be named, had to have his arm amputated shortly after the incident and has been unable to return to work since.

The incident, on 8 March 2012, was investigated by the Health and Safety Executive (HSE), which prosecuted Amey LG Ltd, Lafarge Aggregates Ltd (acting as Amey Lafarge, a joint venture in charge of the operation) and Ashmac Construction Ltd, who provided workers to the joint venture, for multiple safety breaches at Watford Magistrates' Court.

The court was told that, in order to prepare the chip spreader for use, the worker placed on the site by Ashmac Construction started the machine and the rotation of its internal auger. He also repositioned the machine's distribution hopper from kerbside to roadside to allow chips to be loaded – an operation which involved moving the mesh safety guard from one side of the machine to the other.

As he was reaching to move the guard across he tripped and fell forward towards the still-rotating auger, entangling his arm in dangerous moving parts as he fell.



(Generic stock photo)

HSE's investigation revealed a series of safety failings on the part of all three companies. HSE found the worker, who was not formally trained in the use of the spreader, and his colleagues were only given one evening to familiarise themselves with the machine by Amey Lafarge when they started work on site six months before the incident.

Amey Lafarge did not give the workers any instruction or training in how to operate the machine safely, including how to secure guards, nor were they given a copy of the operator's manual for the machine. In addition, there was no safe system of work in place to ensure that the machine was set up and operated properly and that its use was restricted to those who were trained.

The joint venture did have a risk assessment and a site-specific method statement but these did not reflect the reality of the controls in place for the use of the chip spreader. Indeed, the risk assessment described a different type of chip spreader than the one used on site.

Ashmac Construction Ltd did not take reasonably practicable steps to ensure workers that it placed on site and allocated to operate the chipper had received appropriate information, instruction and training in the safe use of the plant.

Amey LG Ltd, of the Sherard Building, Edmund Halley Road, Oxford, was fined £150,015 and ordered to pay costs of £18,000 after pleading guilty to one breach of Section 3(1) of the Health and Safety at Work etc. Act 1974.

Lafarge Aggregates Ltd, of Portland House, Bickenhill Lane, Solihull, Birmingham, was fined £175,015 and ordered to pay costs of £18,000 after pleading guilty to one breach of Section 3(1) of the Health and Safety at Work etc. Act 1974.

Ashmac Construction Ltd of Pavillion Court, Pavilion Drive, Northampton, was fined £30,015 and ordered to pay costs of £18,000 after pleading guilty to a breach of section 3(1) the Health and Safety at Work etc. Act 1974.

Following the case, HSE Inspector Gavin Bull, said: "This tragic incident has left a worker with life-changing injuries. It was wholly avoidable. The risks associated with plant operating are well-known in the industry."

"This incident highlights the need for workers to receive the information, instruction and training they need to operate plant safely and for companies to put in place measures to ensure the plant is operated safely on site."

Useful Web Links/Information

- Institution of Occupational Safety and Health www.iosh.co.uk
- Health and Safety at Work On-Line Magazine www.healthandsafetyatwork.com
- HSE Website www.hse.gov.uk
- Safety & Health Practitioner Website www.shponline.co.uk
- Construction Industry Training Board www.citb.co.uk