

# Construction Newsletter July 2016

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## Construction Safety Solutions Ltd

### Associations Urge PM to Publish Brexit Plans to Assure Worker Safety

By Roz Sanderson

The British Safety Council and IIRSM have written a letter to the prime minister urging the government to publish a schedule and structure for exit negotiations following the EU referendum, in order to assure the safety of the UK workforce.

In an open letter to the new prime minister, Theresa May, the International Institute of Risk and Safety Management (IIRSM) and the British Safety Council said: "We are concerned that the level of uncertainty related to political restructuring and the lack of any firm structure or schedule for withdrawal, is already resulting in unintended consequences which could adversely affect the safety, health and wellbeing of workers in the UK."

Philip Pearson, chief executive, IIRSM and Mike Robinson, chief executive, British Safety Council, explained that employers in the UK need a firm and clear schedule for exit negotiations so that they are able to develop plans to assure the safety, health and wellbeing of workers in the short and medium term, while formal negotiations take place.

The letter continued: "In sectors with a heavy reliance on skilled labour from EU countries, such as healthcare construction, facilities management and hospitality, there is a potential for a skills gap to develop as competent workers choose not to work in the UK.

"Reduced availability of competent staff will increase the pressure on those that remain causing fatigue and potential for an increase in accidents and poor mental health."

For over 40 years Britain has been working hard to manage safety and reduce occupational diseases in the workplace, becoming a recognised world leader. Since the UK has voted to leave the EU, it is possible that there will be calls for changes to the established framework of legislation. "If this does occur, caution will be required to maintain current standards and protect the health and safety of workers in the UK," urged the British Safety Council and IIRSM.

"The objective must be to judge each element of the legislative framework on its own merits and effectiveness, not just on its origin, in order to retain an effective framework which doesn't place unnecessary burdens on business."

The full letter to the prime minister can be read below:

Dear Prime Minister

Please accept our congratulations on your appointment.

These are challenging and exciting times for the UK. As professional and membership bodies representing the health and safety sector, we are committed to the supporting the negotiation process on behalf of our members, and would like to take this opportunity to highlight some key themes for your consideration.

The last 40 years have seen a significant improvement in the health, safety and wellbeing of workers in the UK. This has been driven and structured by our collective approach to risk management developed from our legislative and regulatory framework.

Some of the legislation that comprises this framework has, since the mid-nineties, had its origins in European Directives, but all are now discrete items of UK law. The Framework has been subject to several independent critical reviews and is widely accepted to be robust and effective.

Now that the UK has voted to leave the EU it is possible that the legislative framework may come under review. If this does occur, caution will be required to maintain current standards and protect the health and safety of workers in the UK.

The objective must be to judge each element of the legislative framework on its own merits and effectiveness, not just on its origin, in order to retain an effective framework which doesn't place unnecessary burdens on business.

For over 40 years the UK has focused on the management of safety and occupational diseases in the workplace. We have made excellent progress and are recognised as world leaders in health and safety. We must of course retain our focus on these important issues, but the nature of work is changing and technology is blurring the boundaries between life and work

People are at the heart of the UK economy; they are one of our most significant assets. If we are to thrive outside the EU, employers will need to focus on developing and supporting the workforce.

Whilst commencement of formal negotiations is still some way off, we are concerned that the level of uncertainty related to political restructuring and the lack of any firm structure or schedule for withdrawal, is already resulting in unintended consequences which could adversely affect the safety, health and wellbeing of workers in the UK.

Uncertainty over the future work status of EU nationals in the UK is already causing anxiety and stress, which could adversely impact on the mental health of affected individuals.

In sectors with a heavy reliance on skilled labour from other EU countries, such as healthcare, construction, facilities management and hospitality there is potential for a skills gap to develop as competent workers choose not to work in the UK. Reduced availability of competent staff will increase the pressure on those that remain causing fatigue and potential for an increase in accidents and mental ill health.

Similar outcomes could result as employers seek to consolidate their position in the light of market pressures. A slowdown in recruitment and reductions in expenditure and investment, may adversely impact the condition of equipment, working environments and the quality and availability of consumables.

Whilst the process of exit negotiations will be vital in ensuring the long term future of the UK, we urge the Government to recognise that the current uncertainty is already impacting the health and safety of our workers. We call on Government to prioritise publication of a schedule and structure for exit negotiations so that employers can develop plans which will assure safety, health and wellbeing for their workers in the short and medium term whilst the formal negotiations take place.

Throughout history, the UK has had a reputation for strength and resourcefulness. We need to draw on this now and look to the future. The next few years are going to represent a time of significant change, but this offers a great opportunity to reshape our understanding of health and safety. By placing greater focus on health and wellbeing we can maximise the effectiveness of our workforce and help to prepare the UK economy for a future outside the EU.

We are confident that your appointment will provide the political stability that is required to move our country forwards towards a new future, and we look forward to engaging with your government and officials to support discussion about proportionate health, safety and wellbeing as an enabler for UK business.

Yours sincerely

**Mike Robinson**  
Chief Executive  
British Safety Council

**Philip Pearson**  
Chief Executive  
IIRSM

## New Minister for Health and Safety

Penny Mordaunt MP has been appointed as Minister of State for Disabled People, Health and Work with responsibility for oversight of HSE, at the Department for Work and Pensions.

This new title reflects the broader portfolio she is taking on, which will include all areas related to supporting disabled people and those with long-term health conditions.

The appointment follows the announcement of the Rt Hon Damian Green MP being appointed Secretary of State for Work and Pensions.

Penny forms part of a DWP ministerial team which also includes Damien Hinds MP as Minister of State for Employment. Part of his remit includes EU and international affairs and support to the Secretary of State on devolution.

Penny worked for Conservative Central Office, becoming Head of Broadcasting under William Hague. In 2000 she served as Head of Foreign Press for George W. Bush's presidential election campaign.

In Parliament, Penny served on the European Scrutiny Committee, Defence Select Committee, and as chairman of the APPGs for Life Science and for Ageing and Older People. In autumn 2013 she was appointed Parliamentary Private Secretary to the Secretary of State for Defence, Rt Hon. Philip Hammond MP. She served as Minister of State for the Armed Forces from May 2015 until July 2016.

## Worker Injured Falling Down a Service Riser Shaft

A construction company in Gateshead has been fined after a worker suffered injury when he fell down a service riser shaft. Newcastle upon Tyne Magistrates' Court heard how Meldrum Construction Services Limited (MCS) was the principal contractor for refurbishment work at premises in Percy Street, Newcastle Upon Tyne.

MCS failed to plan for the requirement for temporary platforms to be installed in the service riser to provide a safe work area. Subsequently, temporary floors were installed to specifications they had not been designed for. A worker stepped onto the temporary wooden floor on the first floor riser which collapsed and he fell 4.5 metres to the floor below, spraining both ankles.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred on 6 July 2015 found that MCS failed to plan and manage the construction phase of the project in that they failed to plan and manage the temporary works within the service riser.

Meldrum Construction Services Limited of Panteon Building, Lancaster Road, Dunston, Gateshead, pleaded guilty to breaching Regulations 13(1) of the Construction (Design and Management) Regulations 2015, and was fined £120,000 and ordered to pay costs of £1969.

## National Steel Firm Fined £1.98million for Safety Failings

Tata Steel has been fined after two workers suffered injuries to their hands in two separate incidents involving machinery.

Northampton Crown Court heard how a 26-year-old employee lost two thirds of his left hand and his middle and ring fingers whilst trying to clear a blockage on a steel tube manufacturing line which had unsuitable guarding, and in a separate incident, a 52-year-old team leader lost part of his little finger when his left hand was caught, again in an inadequately guarded machine, whilst he was receiving refresher training.

An investigation by the Health and Safety Executive (HSE) into the incidents which occurred on 12 September 2014 and 19 February 2015 found that there was a failure to appropriately guard and manage the risks arising from dangerous parts of these items of machinery.

Tata UK Limited, of Millbank, London, pleaded guilty to two counts of breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined a total of £1.98million (£185,000 was for the first offence and £1.8m for the second offence) and ordered to pay costs of £22,500.

HSE inspector Mark Austin said after the hearing: "Guarding of dangerous parts of machinery is a fundamental of ensuring workers safety, HSE will not hesitate to hold those accountable who do not fulfil their legal obligations, especially if that results in someone receiving life changing injuries."

The HSE decision to prosecute is always made in line with the principles set out in the published Enforcement Policy Statement. The level of fine is a matter for the courts.

## Essex School Fined after Refurbishment Disturbs Asbestos

An Essex school has been fined after poorly-planned and managed refurbishment and maintenance activities exposed school staff and others to asbestos.

Chelmsford Crown Court heard that managers at The Boswells School, Chelmsford, decided to convert an old boiler room at the school into a cleaning store. During the course of this work, asbestos residue on the walls was disturbed and caretakers swept contaminated debris from floors. Their exposure to risk only came to light after a later asbestos survey was completed in the area.

The Health and Safety Executive (HSE) investigated this incident and learned that asbestos containing materials (ACM's) were also present in other areas. School caretaking staff and contractors disturbed the fabric of school buildings over many years without being alerted to the presence of ACM's. Persons who entered potentially contaminated areas were placed at risk of developing serious ill health conditions arising from exposure to airborne respirable asbestos fibres. The school also failed to ensure that spread of asbestos was prevented or reduced.

The Boswells Academy Trust, of Burnham Road, Chelmsford, Essex, pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 – Sections 2(1) & 3(1). The trust was fined £26,000 and ordered to pay costs of £20,000.

HSE Inspector Glyn Davies said after the hearing: "The Boswells Academy Trust should have controlled this potentially lethal risk by identifying the type, location and condition of any asbestos-containing-materials within the fabric of the school, and by implementing suitable precautions to prevent its disturbance. It should then have ensured that such information was shared with anyone liable to disturb this fabric. It may also have arranged for a licensed asbestos contractor to remove any dangerous asbestos safely before commencement of any work.

"This prosecution should act as a reminder, not just to schools but to all persons in control of the repair and maintenance of non-domestic premises, of the need to ensure that a suitable and sufficient assessment of risk from asbestos is carried out, and that correct control measures are put in place to ensure that exposure to asbestos is prevented, so far as is reasonably practicable."

## Construction Safety Solutions Ltd

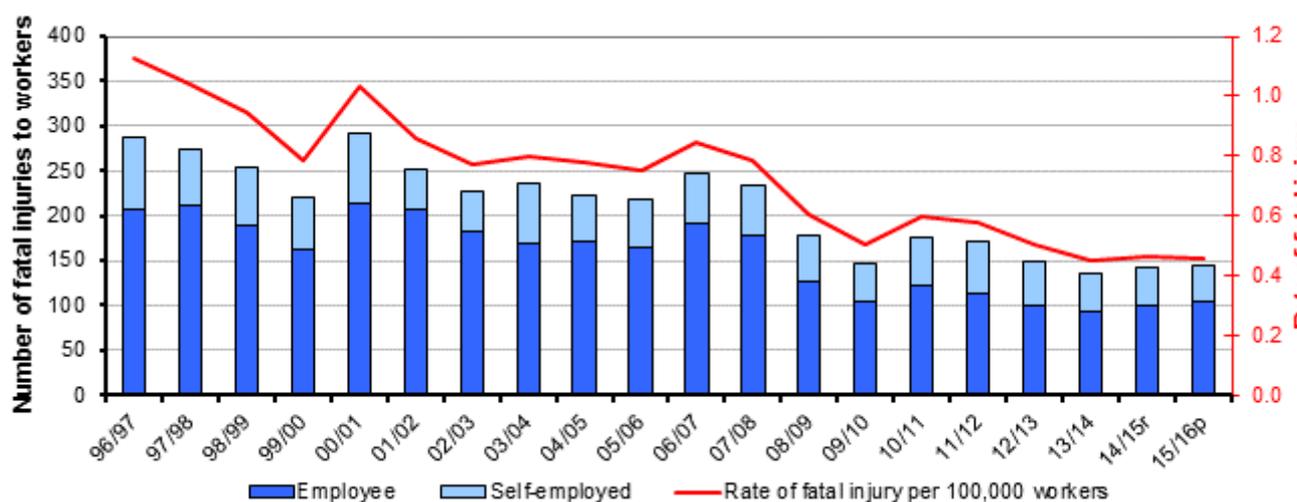
We would welcome the opportunity to demonstrate our capabilities and work with you on your future construction projects, if you would like to discuss projects or our service provision in more detail please contact us directly and we will be happy to help.

# Fatal Injury Statistics

## Summary for 2015/16

- The provisional figure for the number of workers fatally injured in 2015/16 is 144, and corresponds to a rate of fatal injury of 0.46 deaths per 100,000 workers.
- The figure of 144 worker deaths in 2015/16 is 7% lower than the average for the past five years (155). The latest rate of fatal injury of 0.46 compares to the five-year average rate of 0.52.
- The finalised figure for 2014/15 is 142 worker fatalities, and corresponds to a rate of 0.46 deaths per 100,000 workers.
- Over the latest 20-year time period there has been a downward trend in the rate of fatal injury, although in recent years this shows signs of levelling off.
- There were 67 members of the public fatally injured in accidents connected to work in 2015/16 (excluding incidents relating to railways, and those enforced by the Care Quality Commission).

Figure 1: Number and rate of fatal injury to workers<sup>1</sup>, 1996/97 – 2015/16p



p = Provisional

r = Revised

<sup>1</sup>The term 'workers' describes both employees and self-employed combined.