



HEALTH & SAFETY NEWS

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Prosecutions

Company Fined Following Severe Injuries to Two Workers

A Hexham-based chipboard manufacturer was fined over £25,000 and ordered to pay nearly £12,000 in costs after pleading guilty to six breaches of health and safety legislation.

The conviction followed two staff members from Egger UK being seriously injured. The first was crushed by a set of clamps (known as a Pessa machine) leaving him with serious injuries. The second man became trapped between a conveyor and processing machine. This caused injuries which left the man forced to have his leg amputated.

HSE Inspector of Health and Safety Bruno Porter, said: "Employers must prevent or control risks to people's health from equipment they use at work. An employer must ensure that appropriate risk assessments have been carried out, and that all work equipment is suitable for use. Any assessment and safe working practice must include safe isolation of all sources of energy, electrical and mechanical."

The Regulations that were breached were:

- Regulation 3 of the Management of Health and Safety at Work Regulations 1999 Regulation 19 of the Provision and Use of Work Equipment Regulations 1998
- Regulation 3 of the Management of Health and Safety at Work Regulations 1999, in that it did not carry out a suitable assessment of the risks arising from use of the line
- Regulation 4 of the Management of Health and Safety at Work Regulations 1999, in that it did not comply with the hierarchy of control measures to control risk
- Regulation 11 of the Provision and use of Work Equipment Regulations 1998, in that it failed to guard dangerous parts of the machine
- Regulation 16 of the Provision and use of Work Equipment Regulations 1998., in that it failed to have stop devices in place that brought the machine to a safe stop.



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HSE Warning over Asbestos Removal during Demolition

The Health and Safety Executive (HSE) has warned contractors about employing licensed asbestos companies and carrying out suitable asbestos checks before starting demolition works.

This follows the prosecution of an Uxbridge-based construction company, Waite Construction Ltd, who pleaded guilty to contraventions of Regulation 8(1) of the Control of Asbestos Regulations 2006 and Section 2(1) of the Health and Safety at Work etc Act 1974 at the City of London Magistrates' Court.

A complaint made in November 2006 led to HSE inspectors visiting a site in Hackney where it was said workers were removing asbestos with no protection for themselves or others in the area. Inspectors also discovered that pipes clad with asbestos had been removed and cut, even though local authority officers had advised that work be brought to a halt.

After a Prohibition Notice and a 'Notice to Leave Undisturbed' (referring to articles within a skip) were served; the company arranged for licensed asbestos removal.

The company was fined £15,000, with costs of £26,488.



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Scaffolding Guidance from NASC

The National Access and Scaffolding Confederation (NASC) has launched a guidance note, TG20:08, which is a guide to good practice for scaffolding with tubes and fittings.

The guidance can be used as practical guidance for scaffolding contractors, designers and construction professionals working with scaffolding contractors.

With testing, calculations and best practice; it is hoped it will be adopted by the whole of the UK (including Scotland).

TG20:08 describes how to comply with the European standard BS EN 12811-1, which supersedes BS 5973. Whilst with its first release many contractors wanted the document's immediate implementation, the HSE are yet to fully enforce the guidance.

HSE Guide to Developing Property

The Health and Safety Executive has developed and published new guidance for individuals and businesses who are involved in the property developing business. In particular, the guidance highlights the legal duties that anyone developing property and having construction or building work carried out must follow (excluding domestic clients) under the Construction (Design and Management) Regulations 2007 (CDM 2007). The new guidance is featured on the HSE website and includes a quick guide that can be downloaded as well as detailed information on three specific areas of responsibility:

- get the right people for the job
- know your building
- plan a successful project.

There is also a detailed excerpt from the CDM Regulations, giving guidance on legal responsibilities as a client under the CDM Regulations – who needs to know about the Regulations, when they apply to construction and building projects, and the main responsibilities they impose on those carrying out projects such as these.

As well as this the HSE has included a Frequently Asked Questions section and some Case Studies for information.

Get the Right People for the Job

- you need to make sure that the people you employ to carry out the work are competent and have the resources necessary to do the job. To be regarded as competent, the organisation/individual must have sufficient knowledge of the specific tasks to be undertaken and the risks which the work will entail. As well as this, they will need to have sufficient experience and ability to carry out their duties in relation to the project, to be able to realise their limitations and take appropriate action in order to prevent harm to those carrying out construction work, or those affected by the work
- if the project lasts for more than 30 days or will involve more than 500 person days of work then this would be regarded as 'notifiable' under the CDM 2007 Regulations, and would therefore be subject to the additional, more stringent legal requirements the CDM 2007 impose
- notifiable projects require that you appoint a CDM co-ordinator to advise and assist with the CDM 2007 duties required for the project. Essentially, they will advise you on selecting



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competent designers and contractors, help identify what they need, coordinate health and safety arrangements during the planning phase, ensure notification of the project to the HSE, advise you if your initial construction phase is suitable and prepare and take charge of the health and safety file for the project

- notifiable projects also require that a principal contractor is appointed. The principal contractor's duties are to plan, manage and coordinate work while the construction work is being carried out. Principal contractors are normally the main or managing contractor for the work. The principal contractor also has to produce a construction phase health and safety plan.

Know Your Building

In order to ensure the building is safe to build, safe to use and safe to maintain, you will need to provide adequate information to the construction team. The scope of works and intended use of the building are essential requirements, as well as details of any existing structures or hazards, such as asbestos. The amount of information necessary should be proportionate to the risk of the work in question, however, typically it should include:

- proposed start and finish of the construction phase and the minimum time to be allowed between appointing the contractor and instruction to commence work on site
- details of the location of existing services
- ground conditions, overhead lines, underground structures or water courses where this has the potential to affect the safe use of plant e.g. cranes and overhead power lines;
- any hitherto structural alterations made to the structure (weakening or strengthening of the structure)
- details of existing structures – stability, structural form, fragile or hazardous materials
- possible and actual health hazards – asbestos, survey results (especially where demolition has taken place)
- contaminated land, including results of surveys
- site security information
- fire precautions, emergency procedures and means of escape
- parking and smoking restrictions
- any restrictions, such as delivery times, and also adjacent land uses e.g. schools etc.

Plan a Successful Project

In planning a successful project it will be essential to ensure that enough time is allowed for the design, planning and construction work – a realistic timescale must be identified. You and your team must work together and ensure lines of communication are open and in use at all times to ensure everyone knows what is expected of them. The project must be adequately managed throughout, and it is vital to ensure that the work is carried out safely and without risks to health. Adequate welfare facilities are also necessary, and should be put in place prior to work starting. Workplaces must also be designed in order that they comply with the Workplace (Health, Safety and Welfare) Regulations 1992.