

Prosecutions

'Poor Choice of Safety Control Measures' – £510k Fine

RWE npower and contractor AMEC Group Ltd must pay a total of £510,000 after a maintenance worker fell to his death at a South Wales power station.

The firms were sentenced over the incident that saw agency worker Christopher Booker from St Athan, fall around 12 metres through an unprotected opening in a platform at Aberthaw Power Station in the Vale of Glamorgan on the evening of 10 June 2007.

Cardiff Crown Court heard that work was being carried out to insert equipment into a large deep pit in the water cooling system to hold back the seawater when the tide rose. Sections of the floor gratings at the top of the pit had been removed to allow the work to proceed.

Mr Booker was working with eight other workers who had been called in to carry out urgent modification work on the equipment in order to ensure an effective seal of the pit.

As the natural light faded, electric lights were turned to face those doing the grinding work which left the top of the pit in near darkness. Mr Booker fell through the opening in the walkway to the floor below. He died of multiple injuries to his chest and pelvis.

An investigation by the Health and Safety Executive (HSE) showed that a large opening in the walkway was left unprotected after the floor gratings had been removed, and inadequate precautions had been taken to protect people working near it.

The investigation also identified that there was confusion and misunderstanding between RWE npower and principal contractor AMEC Group Ltd as to who was responsible for controlling the work at the time of Mr Booker's death.

RWE npower Plc, of Windmill Hill Business Park, Whitehill Way, Swindon, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, and were fined £250,000 and ordered to pay £30,000 costs.

The principal contractors, AMEC Group Ltd, of Booths Park, Chelford Road, Knutsford, Cheshire, pleaded guilty to breaching regulation 11(1) of the Management of Health and Safety at Work Regulations 1999. They were fined £200,000 with costs of £30,000.

After the hearing, HSE Inspector Caroline Bird said:

"This tragic case highlights the consequences of failing to do something as simple as adding protection to an opening in a walkway.

"Inadequate planning and a poor choice of safety control measures meant that a very obvious hazard remained.

"Both companies had a duty of care to Mr Booker that they failed to meet - with catastrophic consequences. This awful incident could so easily have been prevented had the correct safety measures been taken.

"Employers have a duty to manage the risk of falls from height, including providing protection around the edge of openings. It is completely unacceptable this sort of risk was not managed."

£202,000 in Fines after M25 Worker Death

Construction firm Carillion Highway Maintenance Limited and its traffic management subcontractor have been fined a total of £202,000 after a worker employed by another subcontractor was killed while working on the M25 motorway.

Christopher Lewis, was carrying out fencing work close to the Holmesdale Tunnel section of the M25 near Enfield, when he was crushed between a van and a safety barrier after a lorry jack-knifed on the motorway.

During the Health and Safety Executive (HSE) prosecution Southwark Crown Court was told Carillion was carrying out repairs to overhead lighting in the tunnel in August 2004.

To allow the repair work to take place, Carillion arranged with Traffic Management (North East) Limited (TMNE) to set up an overnight contraflow. CD Fencing and Construction Services Limited were removing and restoring wire rope safety fencing in the central reservation.

The court heard after the repair work had been completed, Mr Lewis and colleague Simon Reid, both employees of CD Fencing, were in a closed lane waiting to reinstate the safety fencing so the traffic management equipment could be removed, allowing the tunnel to re-open.

Mr Lewis and his colleague were preparing their materials and equipment for the task when a lorry jack-knifed in the contraflow system. The lorry hit cones and a stationary CD Fencing van, sending the van careering towards the hard shoulder. The lorry passed within a metre of Mr Reid.

Mr Lewis was later found pinned between the van and a safety barrier at the rear of the hard shoulder. He was pronounced dead at the scene. Gavin Shaw, an employee of TMNE, was knocked over by a traffic cone and suffered a broken wrist.

Carillion Highway Maintenance Limited pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £200,000 with £50,000 costs. Traffic Management (North East) Limited was found guilty of breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and fined £2,000 with costs of £120,000, it is in administration. The jury did not agree on the charge against CD Fencing Ltd under Section 2(1) of the Health and Safety at Work etc Act 1974 and was formally acquitted when the prosecution concluded it was not in the public interest to proceed to re-trial.

The driver of the lorry had been previously convicted of driving without due care and attention in a case brought by the Crown Prosecution Service.

After the hearing, HSE Principal Inspector Andy Beal said:

"Although the lorry driver was not blameless, Carillion and TMNE failed to do enough to protect Mr. Lewis and others working in the road that night.

"Speed limits were too high, there was a poor cone layout through the contraflow and there was inadequate management of subcontractors.

"Had both firms met their legal responsibilities, this collision could have been avoided. The risks associated with work on high speed roads are well known and it is vital traffic management systems are correctly set up and well established safe guards are followed when people are working within them."

Severed Fingers Lead to Food Firm Fine

Swancote Foods has been fined £10,000 by the Health and Safety Executive (HSE) after a cleaner lost two fingers in a potato processing machine.

The HSE said the 38-year-old was reaching inside an outlet pipe to remove a piece of raw potato at the cooked potato company's Telford factory in mid-February.

Investigators found that a guard on the machine had not been maintained properly, and Telford Magistrates' Court subsequently fined Swancote £10,000 and ordered them to pay £5,614 costs at a court appearance.

The employee has since returned to the factory in a different role, said the HSE, but suffers restricted movement and reduced grip in his hand, which means that everyday tasks are difficult.

HSE inspector Liz Mizen said: "This was a very serious incident, which was entirely preventable. As a result of Swancote Foods' failings, a man has suffered permanent, life-changing injuries to his hand.

"Companies must ensure they have robust procedures in place to provide and maintain suitable, effective guarding."

Swancote Foods general manager David Farley said, "Swancote Foods takes the health and safety of all staff very seriously, and we deeply regret the incident that occurred and the injury sustained.

"We are confident that the action we have taken collectively and the measures we have implemented as a management team mean that such an incident will not recur."

News

Safe Maintenance Campaign – Partnership Grows

In the second year of EU-OSHA's Healthy Workplaces Campaign on safe maintenance, the number of official campaign partners has now risen to 52 as seven more pan-European organisations and multinational companies from a range of public and private sectors have joined: AEIP, CPME, Dupont, ECTA, EORNA, Golder Associates and UEPG.

The Agency notes that as many as 20% of all workplace accidents in Europe are connected with maintenance, with organisations across the continent increasingly aware that action is necessary to combat maintenance related hazards. With this in mind, over a quarter (26.8%) of the partners have cited the improvement of safe and healthy work conditions for employees and employers alike, as the main reason for their participation in the Campaign. The partners identified further reasons for their participation, such as aiming to engage their own workers and/or members in managing safety and health (16.01%), or sharing good practices (5.39%). Other partners associated their participation as an opportunity to work closely with other like-minded organisations (14.4%).

"Renowned companies, organisations and associations from a wide range of sectors such as the chemical industry, pharmaceuticals, healthcare, manufacturing and construction, among many others, have joined our Campaign," Jukka Takala, Director of EU-OSHA said. "We are delighted that the issue of safe maintenance has been incorporated in industries and workplaces across Europe helping transform the daily lives of workers. I'd like to welcome our 7 new 'ambassadors' and look forward to working in cooperation with them for the remainder of the campaign."

Since the start of the campaign on 28 April 2010, good practice in safe maintenance has been promoted by the partners all around Europe through a wide variety of activities. The many seminars and conferences across Europe touched on specific topics, such as the latest OSH products and services available to help improve

conditions in workplaces throughout the continent. One of the partners also invented a scheme that develops, assesses and certifies the competency of personnel responsible for the installation and maintenance of equipment in hazardous areas. Today this tool is operated not only within the EU but in locations across the globe.

Guidance

Asbestos Risks

The HSE has issued information relating to asbestos exposure.

Risks are most likely when:

- you are working on an unfamiliar site
- the building you are working on was built before the year 2000
- asbestos-containing materials were not identified before the job was started
- asbestos-containing materials were identified but this information was not passed on by the people in charge to the people doing the work you don't know how to recognise and work safely with asbestos
- you know how to work safely with asbestos but you choose to put yourself at risk by not following proper precautions, perhaps to save time or because no one else is following proper procedures.

As long as the asbestos is not damaged or located somewhere where it can be easily damaged it won't be a risk to you:

- you can't see or smell asbestos fibres in the air
- the effects of asbestos take many years to show up - avoid breathing it in now
- smoking increases the risk many times
- asbestos is only a danger when fibres are made airborne.

Occupations

The information highlights a number of occupations that, if working on a building built or refurbished before 2000, contact with asbestos may occur. Occupations include:

- heating and ventilation engineers
- demolition workers
- carpenters and joiners
- plumbers
- fire and burglar alarm installers
- shop fitters
- gas fitters
- computer installers.

Dealing with asbestos waste

Asbestos waste should be double-bagged and labelled as asbestos waste. The Local Authority or Environment Agency should then be contacted to find out if they will assist in disposing of it; they may charge for this service.

Reports

Routes to Competence in the Construction Sector

The health and safety record of the UK construction sector is a prime focus of the HSE, due to the combination of high fatality and injury rates and relatively high rates of work-related ill-health. Persuasive proof of the link between competence and health and safety is difficult to demonstrate however, 'competence' has been central to improving the sector's health and safety performance since the late 1980s.

The key questions of this research focused on whether current routes to competence - qualifications (both work-based and college-based), short courses, safety passport courses, competent person development, as well as on-the-job mentoring and general experience - are adequate for the sector, and whether the understanding of what makes a construction worker 'competent', in the deepest health and safety sense, remains sufficiently robust for current-day needs.

The report notes that competence is evidenced directly by competence-based qualifications or indirectly by a plethora of card and passport schemes.

Some of the key messages from this report include the following:

- health & safety education in the UK construction industry is underpinned by two main conceptual approaches: a systems and regulatory approach (since the mid-1960s) and a "competence" approach (since about the late 1980s). Building on these underpinning approaches, the construction industry developed a system of regulations, qualifications, courses, skills cards, safety passports and competent person schemes. This research has shown that there are in existence 300 cards from over 40 certification schemes. In addition, take up of the industry's NVQs/SVQs has increased substantially over the last ten years, although a significant proportion remains without such a qualification. This situation may be having counter-productive impacts including hidden costs, and creating, for many employers, the semblance of 'competence' where it may not exist
- the construction industry should move to this new phase and the 'the new competence' approach which requires not just occupational (job) competence, but more robust general health & safety competence and behavioural/human factors implementation throughout an operative's working life
- the industry should consider establishing a single "Construction Industry Card Registration Authority" as an independent agency whereby all cards are recognised as having value commensurate with an independently researched/objective set of metrics.

The research also highlights other safety-critical industries that require 'job competence', enhanced health and safety awareness, and, critically, 'human factors'. It concludes that the industry's current understanding of 'competence' may warrant an extension to develop an 'industry-specific' definition and broadening to encompass both situational awareness and the sustaining of appropriate behaviours.