

### Prosecutions

#### **Construction Company fined after Worker Suffers Severe burns from Electrical Explosion**

**A worker sustained serious burns in an electrical explosion after a North London company failed to carry out basic Health and Safety checks.**

On the 30 April 2010, the injured man was working on a construction site at Leonard Street, Islington, when the electrical blast occurred. City of London Magistrates' Court heard that the explosion was caused when a main electrical supply cable to the site was cut during its removal.

The employee was working as a subcontractor on a large construction project which involved the refurbishment of three adjacent buildings at Leonard Street to include apartments and commercial use. The man, 35, from East London, worked as sub-contractor for Pineview Interiors Ltd in Havering, London.

At the time of the incident, a 415 volt 3 phase temporary electrical supply had been provided to the site. The Court heard that on the morning of the incident the worker approached his supervisor, to explain that the electrical cable would need to be removed so that plaster board could be installed.

The Health and Safety Executive (HSE) investigation revealed that Pineview Interiors Ltd undertook very limited enquiries as to whether this cable was in fact still live. Pineview workers then proceeded with its removal on the false assumption that the cable being described must have been one of the old, redundant cables from the pre-existing installation.

The worker climbed a step ladder with a hammer and chisel to attempt to remove the cable. After a couple of hits, the court heard that the worker recalls waking up on the floor with another employee putting flames out from the top half of his body. The worker was taken to hospital, suffering burns to between 30 to 35 percent of his body. He has had to have a skin graft from his legs to his body and arms. It is expected to take up to two years for his skin to recover.

Pineview Interiors Limited of Rainham, Havering, London, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. It was fined a total of £10,000 and ordered to pay costs of £4,183.

Speaking after the prosecution, HSE Inspector Dominic Elliss said:

**"Refurbishment works continue to contribute a high proportion of the serious and fatal injuries reported within the construction industry.** The defendant company were aware that their works within 9-15 Leonard Street would require the removal of an electrical head. They were, or should have been, aware that this well labelled system remained live at the time that they instructed their employees to commence work in this location.

"They were made aware of the intention to remove this electrical head by their employees who held no electrical training or relevant experience. The defendant company then allowed these operatives to attempt to remove the live electrical system with nothing but the most cursory attempt at seeking confirmation that the system was in fact dead.

"As a direct result of the defendant's failure to identify or control the risk of short circuit their employee suffered extensive burn injuries from the resulting explosion."

### Worker Crushed in Potato Harvester

A Cupar farming partnership has been fined £112,500 after a worker was killed when he was crushed between the rollers of a potato harvester.

Keith Wannan, 34, from Cupar, died as he was replacing rubber sleeves on the rollers of a potato harvester to prepare it for the new harvesting season.

His employers, GJ Orr of Foodieash, were sentenced at Cupar Sheriff Court after an investigation by the Health and Safety Executive (HSE) into the death on 6 September 2009.

The court heard that to replace the sleeves, the rollers needed to be removed and reinstated in the harvester. On the morning of 6 September 2009, one of the partners, George Orr, assisted Mr Wannan. In order to put the rollers in the correct place he turned on power to the harvester using the controls of the tractor to which it was attached at the time. He then left Mr Wannan to complete the work.

When Mr Orr returned approximately an hour and a half later, he saw the tractor was running but could not see Mr Wannan. As he got closer he saw Mr Wannan trapped between the rollers.

Mr Wannan was transferred by air ambulance to Ninewells Hospital in Dundee but was pronounced dead on arrival.

The HSE investigation found GJ Orr had not conducted a proper assessment of the risks involved in carrying out maintenance and testing work on the potato harvester. As the work Mr Wannan was doing required the removal of fixed guarding, GJ Orr should have identified the risk of exposure to dangerous moving parts.

The investigation also found that there was no safe system of work in place for maintenance to be carried out. There were no measures to prevent lone workers gaining access to moving parts of the harvester when the guarding was removed and the power was not isolated.

HSE Inspector Peter Dodd said: "Mr Wannan went to work that day fully expecting to come home safe. But now his partner and his family have to come to terms with their loss.

"If GJ Orr had taken simple steps to protect their employees by thinking about hazards and risks, putting measures in place to prevent their employees being able to come into contact with dangerous parts of the harvester, this incident would not have happened.

"This case should act as a timely reminder to farmers of the very real dangers posed by their machinery when they are preparing it for harvesting, undertaking repairs or maintenance, or attempting to clear blockages."

GJ Orr, of Foodie Farm, Foodieash, Cupar pleaded guilty to breaching Section 2 of the Health and Safety at Work Etc. Act 1974.

### Street Light Worker Fined over Toddler Injury

A toddler was injured when part of a streetlight was dropped by a workman in Hackney as she was passing underneath, a court has heard.

One-year-old Taahyra Kasham was being pushed along a London street in her pram by her mum, Rajna, when a reflector from a streetlight hit her on the head.

Street light operative Joseph Parker, 25, who at the time of the incident lived in Romford, Essex, was fined after the Health and Safety Executive (HSE) found he had not erected temporary barriers around the lamp while he was working.

City of London Magistrates' Court heard Mr Parker was instructed by his employers, Volker Highways Limited, to investigate a faulty street lamp on Gillett Square in Hackney on 20 January 2010.

However, when he detached the reflector at the top of the lamp post it fell toward the mother and daughter below. The one-year-old needed stitches to her wound, but her mum escaped unhurt.

The HSE investigation found the incident was entirely preventable. Temporary barriers should have been used to segregate pedestrians from the work area around the lamp before Mr Parker dismantled the reflector.

HSE Inspector, Zameer Bhunnoo said, "This was a serious incident that needlessly injured a small child and caused her mother understandable distress.

"No blame can be attached to Volker Highways as Mr Parker had been properly trained by his employer to carry out this kind of work safely.

**"Individual employees must realise that they face criminal prosecution by the HSE if they show a reckless disregard for health and safety, putting others at serious risk."**

Joseph Parker, who at the time of the incident lived in Boxmoor Road, Romford, Essex, pleaded guilty to breaching Section 7(a) of the Health and Safety at Work etc. Act 1974. He was fined £2,250.00 and ordered to pay costs of £2,888.00

### News

#### **Campaign for Maximum Workplace Temperature Launched**

The Bakers, Food and Allied Workers Union (BFAWU), in conjunction with the Trade Union Co-ordinating Group (TUCG), has recently launched the "Cool It!" campaign, aimed at pressurising the government into legislating for a maximum working temperature.

The BFAWU General Secretary, Ronnie Draper, has now launched an Early Day Motion, calling on the Government "to provide clear, coherent and enforceable requirements for employers about how to combat heat in the workplace."

It calls for the introduction of a maximum working temperature of around 30 degrees Celsius and 27 degrees Celsius for those doing strenuous work. So far the EDM has 32 signatures.

Ronnie Draper said: "It is high time that Government, whatever colour, recognises the misery that is heaped upon UK workers by working in extremely hot temperatures. We have to get across the message that we are not seeking legislation that stops the job, but desperately need a consistent approach to control measures being triggered."

#### **Road Transport Industry Worst for Fork Lift Safety**

The road transport industry now has by far the UK's worst fork lift truck safety record, accounting for around a quarter of the overall UK injury toll, according to new figures revealed for National Fork Lift Safety Week.

The figures from the Fork Lift Truck Association (FLTA) show a 237% increase in lift truck-related injuries to road freight employees since 2001/02. According to the FLTA analysis, the industry has gone from having the UK's fifth worst figure just seven years ago, to having more lift truck accidents than the next four industries combined today.

The research shows that 384 haulage employees were injured by fork lift trucks in 2009/10, compared to just 114 in 2001/02. At the other end of the spectrum, the storage and warehousing industry – previously the UK's worst for fork lift safety – saw a 77% improvement, from 308 injuries to 71, over the same timescale.

The figures, extracted by the FLTA from RIDDOR reports published by the HSE, include injuries that required workers to take three days or longer off work, as well as hospitalisations and fatalities. Overall, industries surveyed saw an average 28% improvement in the safety record since 2001; several of these recorded some extremely impressive changes – notably the textile industry, which recorded no accidents whatsoever in 2009/10.

FLTA chief executive David Ellison commented: "Although the economic downturn will obviously have had some bearing on materials handling activity levels, the wide variance between industries show that awareness and management attitude can have a far greater impact. Storage and warehousing in particular once had the worst fork lift safety record of any industry, so it is good to see them get to grips with the issue – long may the improvements continue.

"Sadly, there are obviously some other industries where the safety message has yet to be fully understood, and where workers face unacceptable risks. Fork lift truck injuries are frequently extremely serious – sometimes fatal – and managers have a legal and moral duty to ensure safe working systems, good equipment and proper training are in place."

The FLTA has made a number of resources freely available on its website to mark Fork Lift Safety Week.

### Paralysed Worker urges Merseyside Firms to Stay Safe

A father-of-two, who was paralysed in a fall, is urging small construction firms in Merseyside to make sure they stay safe.

Jason Anker made the plea to nearly 400 construction bosses and self-employed workers at a free event at Haydock Park Racecourse in Newton-le-Willows. Specialists from the construction industry and the Health and Safety Executive (HSE) were also on hand to give the latest safety advice.

Jason was paralysed at the age of 24 while working for a small roofing firm in the Midlands. He was climbing down a ladder after carrying out repairs to a flat roof when the ladder slipped, and he fell ten feet to the ground below.

Jason, now aged 43, said: "The job had overrun so we were rushing to finish it quickly which meant risks were taken. The ladder I used was not tied to the building and slipped away as I was climbing back down.

"I remember I could not feel my legs when I was lying on the ground and the doctors basically ended up telling me I would never walk again. I was absolutely devastated. I just thought something like that would never happen to me.

"I think there is a temptation for small construction firms to take risks if they have got a deadline to meet, and another job to get to. But it's important they take on board that what happened to me could happen to their employees as well."

A total of 42 construction workers were killed while at work in 2009/10, accounting for more than a quarter of all workplace deaths. More than 3,000 also suffered major injuries.

As well as safe work at height, the safety event at Haydock Park Racecourse also included practical demonstrations on harness safety, asbestos and other dust-related diseases, power tool vibration injuries and working in confined spaces.

Mike Cross, HSE's Head of Construction in the North West, said: "It is vital we are able to get the message out to small construction firms that the risks their workers face are real, and it is great that Jason was able to help us do that at the Haydock event.

"If the ladder he was using had been tied to the building then it is unlikely he would have fallen. It would have taken just a few minutes to do this and would have meant Jason would still be able to walk today.

"We hope construction bosses and self-employed workers will continue to come to free events, like the one at Haydock, and take advantage of the advice available to make sure they stay safe."

The free safety event at Haydock Park Racecourse on 15 September was held as part of the Working Well Together initiative - a partnership between the HSE and the construction industry - which aims to improve health and safety in the sector.

## Guidance

### Guidance on Lone Working in the Healthcare Sector

The Health and Safety Authority (HAS) has published guidance on lone working for those in the healthcare sector. This document gives advice on how employers and employees should work together to assess and manage the risks faced by those whose job (either in a healthcare establishment or out in the community) involves some degree of working alone.

#### Lone workers

The term 'lone worker' describes someone who works by themselves without close or direct supervision for all, or part, of their working day. In the healthcare sector such workers include:

- a technician working alone in a laboratory out of hours
- maintenance personnel working in isolated areas
- people working away from their fixed base, eg a security person on patrol
- those employed to work in the community, eg psychiatric nurses
- those working outside normal hours, eg GPs on call
- a receptionist administering a clinic
- people who visit patients/clients in their own homes, eg social workers, doctors and home helps.

#### Key tasks

This guidance explains that it is imperative that:

- employers conduct a lone working risk assessment (in accordance with the provisions of Section 19 of the Safety, Health and Welfare at Work Act 2005) where one or more members of their staff are obliged to work alone as part of their job
- the potential hazards and risks identified in the aforementioned assessment are properly managed. They must also be discussed with the employee(s) concerned as part of the recognised consultation process, so as to ensure that the risks and any necessary precautionary measures are fully understood
- the risks are removed or appropriate controls are implemented
- there is recognition that if the risks cannot be removed or adequately controlled, then it may not be appropriate for a person to work alone
- the risk management process and the risk assessments are included in the Safety Statement
- an incident reporting system is in place. This system should be monitored and revised as necessary
- the lone worker risk assessment is reviewed when circumstances change.

The guidance is supported by a series of appendices and these include specific examples of hazards and related controls for lone healthcare workers and a safety checklist for such employees.

### Employers' duties

Employers have a clear duty to help keep their employees safe and should give proper consideration to the necessity for introducing some (or all) of the following controls, so as to protect their lone workers:

- a system for ensuring client history data is both available to lone workers and is up to date
- implementation of an effective incident reporting procedure which includes an agreement to share information appropriately (particularly in relation to aggressive clients). Such a system should record incidents that did, or could have, resulted in an incident affecting the health and safety of a lone worker
- the supply of emergency contact equipment to lone workers, eg mobile phones with speed dial emergency contacts, emergency code words and duress alarms
- a system requiring lone workers to inform their fixed base (or contact person) of their clients' names, visit locations and projected arrival/departure times. It may be also appropriate for lone workers to phone in their whereabouts at agreed intervals
- development of an effective action plan to deal with the scenario of a lone worker failing to return or report in keeping any vehicles provided roadworthy and in good repair
- ensuring lone workers are provided with appropriate training, eg in first aid, emergency procedures and de-escalation techniques
- conducting a review of building security arrangements where there is a lone worker
- involvement of occupational health if there is a likelihood of an employee's medical condition impacting on their working alone
- ensuring lone workers fully understand the risks and precautions associated with their job; this includes their being aware at what stage they should withdraw from a situation
- making appropriate provision to support lone workers who have been subjected to an abusive or violent incident and ensuring such employees know how to access these services.

### Action required from employees

Employees have a duty to co-operate with their employers on matters of health and safety and should also take action themselves to minimise the risks associated with working alone. In practice this means that they should:

- keep in contact with their fixed work base and ensure people know where they are
- report any defects in company vehicles and ensure they are kept fuelled read the risk assessments relevant to their job duties
- know how to respond in emergency situations and how to operate emergency communication devices
- participate in training provided by their employer
- be alert to their surroundings and withdraw if they feel a situation is unsafe
- avoid being tired when travelling
- report hazards, incidents and near misses in keeping with agreed procedures.

### Conclusion

Employers must conduct a lone working risk assessment to identify the hazards associated with lone working and respond appropriately to its findings so as protect employees who work alone either in buildings or remotely.