



Prosecutions

£160,000 Fine After Worker Falls Through Open Window Frame

Kier North West has been fined £160,000 after a labourer fell to his death while building Everton FC's new training academy.

Karl Davis, from Wallasey, was working on the first floor of a building on the Finch Lane site in Halewood when a guardrail gave way and he fell out of an open window frame.

Mr Davis lay in a coma for three months before he died on 29th May 2007, less than a week after his 43rd birthday.

Kier North West, part of the Kier group which has an annual turnover of more than £2.4bn, was prosecuted by the Health and Safety Executive (HSE) after the incident on in February 2007.

Liverpool Crown Court heard how a rubbish chute had been attached to a temporary guardrail at the window frame, leading to a skip below.

Kier North West's site management team had failed to ensure that the guardrail could withstand the weight of the chute and materials being thrown down it.

HSE inspector Robert Hodgkinson said: "What is incredibly sad about this incident is that a man lost his life when equipment installed to make the work safer failed.

"Kier North West should have planned and managed the use of the rubbish chute on the site to make sure it was safe."

In 2008/9, there were 35 deaths and more than 4,000 major injuries caused by falls from height.

Mr Hodgkinson added: "Falls from height are the biggest single cause of death and serious injury at work and employers must make sure not only that they provide suitable safety equipment, but that it is also installed, used and maintained properly.

"If Kier North West had ensured the rubbish chute was attached to a structure which could support its weight then Mr Davis would still be alive today."

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 for failing to ensure the safety of workers.

Kier North West, which is based in Tempsford Hall in Sandy, Bedfordshire, was ordered to pay £43,993 costs in addition to the fine



Worker Killed in Mixing Machine

A building materials manufacturer and its director have been fined a total of £20,000 after a former soldier was killed by an industrial mixing machine blade.

The Health and Safety Executive (HSE) prosecuted Bury-based Building Chemical Research (1984) Ltd (BCR) and company director Stuart Reich, 62, following Paul Palmer's death at the company's premises on Sion Street in Radcliffe

The 44-year-old father of one from Radcliffe had climbed into the machine - a powerful, slow speed mixer - to clean it on 30 August 2005 when it was switched on by another employee. Bolton Crown Court heard that it should have been impossible to switch on the machine while someone was inside.

Mr Palmer was brought up in Holywell in North Wales and served in the Falklands, Bosnia and Kuwait during his 13 years in the army. His brother, Ted Palmer, said:

"My other brother, John, died from an asbestos disease a few years before Paul, and their deaths have really devastated our family.

"Paul was just a happy-go-lucky chap. Not a lot fazed him; he just took everything in his stride. It just seems wrong that he survived over a decade in the army and then was killed by a machine in a factory.

"I can't understand how manufacturing companies can become complacent over health and safety in this day and age. I just hope highlighting Paul's death will stop it happening to someone else."

BCR was fined £16,000 and ordered to pay £8,000 towards the cost of the prosecution on 20 September 2010. The company's director, Stuart Reich of Gisburn Road, Gisburn, Lancashire, was fined £4,000 and ordered to pay costs of £2,000.

Both admitted breaching Section 2(1) of the Health and Safety at Work etc Act 1974 by failing to ensure the safety of employees.

HSE inspector Alan Meyer said:

"This was a totally avoidable incident that resulted in the tragic death of an employee. The guard on the mixer was totally inadequate and both the safety switches failed.

"Had the machine had a proper guard and a working cut-out switch, Mr Palmer would still be alive today."

Premier Foods Fined £20,000

The UK's largest food manufacturer, Premier Foods, has been ordered to pay over £20,000 after a worker at its Manor Bakeries site was seriously injured.

In July 2008, maintenance engineer Thomas Williams and a colleague were removing concrete pillars at the site by cutting them free with an angle grinder. One came free unexpectedly and hit Mr Williams, causing him severe traumatic brain and spinal injuries and hospitalizing him for six months. He now reports difficulties in moving and speaking and his wife is his full time carer.

The incident was investigated by independent regulator the Health & Safety Executive (HSE) which then sought prosecution, citing Section 2(1) of the Health and Safety at Work etc Act 1974.



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"A man's life has been turned upside down because basic health and safety procedures weren't followed. Mr Williams has been permanently disabled from his injuries and will never be able to return to work," said Phil Redman, investigating inspector at HSE.

"Premier Foods could have brought in specialists to carry out the work but instead Mr Williams and a colleague were just told to get on with the job.

"Mr Williams did not have any previous experience of carrying out this kind of work, and he should not have been put in a position where he had to make decisions about how to do it. There really is no excuse for a company the size of Premier Foods to make this kind of error when it comes to health and safety."

Premier Foods said it 'sincerely regrets' what happened and has taken steps to prevent a similar incident occurring in the future.

The company was ordered by a Magistrates' court to pay a fine of £14,000 and costs of £6,808.

Company Breaches 'Unacceptable'

A home improvement company has admitted breaking a health and safety law after a worker was seen on a house roof with nothing in place to stop him falling.

Viewline Northwest Ltd was prosecuted by the Health and Safety Executive (HSE) after inspectors saw the man working on the roof of a home in Timperley on 16 September last year while standing on a platform with no guardrail.

Trafford Magistrates' Court heard that the company, which has its headquarters in Bury New Road in Prestwich, did not do enough to stop its workers falling from height which could have caused a serious injury or even proved fatal.

Viewline Northwest Ltd had previously been warned by HSE about putting workers at risk when working at height after a similar incident in March 2009 at a house in Middleton, Rochdale. HSE ordered the work to stop immediately until the company addressed its concerns.

HSE Inspector, Helen Mansfield, said:

"There were clear failings that left employees at risk of falling a significant height from the working platform. If the worker had slipped or stepped back a few inches too far, we could have easily been dealing with a fatality.

"Falls from height are the biggest cause of death and serious injury at work and employers must make sure that they plan and manage jobs properly to keep workers safe.

"It is simply unacceptable that this company had not heeded previous warnings from HSE, and it is lucky that this incident did not result in injury."

In 2008/9, there were 35 fatalities and more than 4,000 major injuries caused by falls from height.

Viewline Northwest pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005, for failing to take suitable and sufficient measures to prevent a fall from a roof. The company was fined £5,000 and ordered to pay costs of £2,274 on 17 September.



News

HSE/BCA Agreement to Improve Site Health & Safety

The Health and Safety Executive (HSE) has signed an agreement with the Building Control Alliance (BCA), in a bid to work more closely to improve health and safety standards in the construction industry.

The agreement sets out how HSE and building control professionals will cooperate to help and support each other, for example in providing health and safety advice to the construction industry, but clearly distinguishes their separate regulatory roles and responsibilities.

The BCA represents those Building Control professionals responsible for ensuring compliance with Building Regulations, whether in Local Authorities or the private sector, and the professional bodies that accredit them. Building Control professionals regularly visit sites and are in an excellent position to promote good health and safety practice to duty holders.

Philip White, HSE's Chief Inspector of Construction, signing on behalf of HSE said:

"This agreement clearly sets out how HSE and BCA members can work more closely together. It is a further example of how everyone involved in the construction industry can spread the health and safety message, especially to the hard to reach small sites where the majority of fatal accidents take place.

"Today's agreement does not change a duty holder's responsibility to protect workers health and safety but has created another opportunity to get potentially life saving advice to those responsible for health and safety standards on construction sites."

Diane Marshall, Group Head of Building Control at NHBC who signed the agreement as Chair of BCA said:

"Building Control professionals are ideally placed to raise awareness of health & safety issues on construction sites during the course of their inspections. This agreement creates a mechanism for Building Control professionals to discharge their professional duty of care in a simple and straightforward manner by working closely with our HSE colleagues."

Construction is one of Britain's most dangerous industries. Over the last 25 years, 2800 construction workers have died. Despite a welcome reduction in construction fatal accidents in recent years, a large number of construction workers still die or suffer major injury or serious ill health as a result of their work.

People Responsible for Legionnaires could face Corporate Manslaughter Charges

The company responsible for a fatal outbreak of legionnaires' disease in the South Wales Valleys could face corporate manslaughter charges, a legal specialist has warned.

The comments came as the Shadow Minister for Health and Social Services, Andrew RT Davies, called for an inquiry to be held into the handling of the outbreak.

But he emphasised his call was not intended as a criticism of the way the outbreak has been dealt with. One woman has died and 18 people have been hospitalised after the disease spread in the Heads of the Valleys area. Another case remains under investigation.

Seven other cases – including two deaths – are not linked to the outbreak, experts have said.

Wayne Dunning, health and safety manager at Employment Law Advisory Services (ELAS), said directors of any companies responsible for causing the deaths could face jail terms.



Three companies have shut parts of their operations for cleaning as experts try to establish where the outbreak originated.

A Public Health Wales spokesman said: "None of the three sites has been confirmed as the source of the outbreak.

Asbestos Survey Results

The majority of local authorities in England with 'system build' schools have procedures and precautions in place to manage asbestos safely, according to a survey and follow-up inspection programme.

Of the 152 councils in England that have responsibility for providing education, 110 satisfied the Health and Safety Executive (HSE), via an online survey, that they have systems in place to meet their duties under the Control of Asbestos Regulations 2006.

The other 42 authorities were visited by HSE inspectors to ensure that they were also managing the risks from asbestos. These inspections resulted in 32 councils being given further advice about practical improvements and 10 authorities receiving enforcement notices to improve asbestos management standards - covering issues such as training and the need to provide information for tradespeople carrying out work at the schools.

Rosalind Roberts, the head of HSE's public services sector, said:

"We are satisfied that most local authorities were taking their responsibilities seriously when it comes to managing asbestos in system build schools.

"Where local authorities had fallen below acceptable standards, we took action to secure improvements. There are key lessons for the whole education sector. Those responsible for managing asbestos must be properly trained and management plans which set out the measures to be taken to manage the risks must be in place and readily available.

"If asbestos is properly managed, remains undamaged and undisturbed then its presence alone should not be a cause for concern. However, there is no room for complacency; managing asbestos in buildings needs effective and ongoing attention. Those most likely to be exposed are tradesmen who may disturb it through their work - so it is essential that their work is carefully planned and managed."

The survey and inspection programme were carried out in conjunction with the Department for Education (DfE), and is the latest in a series of initiatives to ensure that local authorities and schools responsible for system buildings are managing the risks from asbestos.

In 2006, the Asbestos in Schools Working Group was established and produced guidance on managing asbestos. This was followed by an inspection programme in 2007/08 to check compliance with the duty to manage asbestos requirements.

Another survey and inspection initiative will be undertaken between October 2010 and March 2011 to check compliance with the Control of Asbestos Regulations 2006 in those schools that fall outside local authority control.



Ladder Exchange 2010

This annual initiative, run by the HSE in partnership with Local Government Regulation (LGR) (formerly LACORS), provides UK businesses with an easy and simple way to replace broken, damaged or bent ladders and trade them in for safe new ones. Since its launch, Ladder Exchange has resulted in nearly 7,000 defective ladders being removed from use.

This year's programme runs for three months from 1 September until 30 November.

The importance of planning and precautions in jobs involving work at height has been highlighted by the case of an Atherton roofer, who has appeared in court after being spotted working on roofs with no safety equipment to prevent him and his staff falling off.

Mark McKernan was prosecuted by the HSE after he and three employees were seen working on two residential properties with nothing to stop them plunging to the ground below if they slipped.

An HSE inspector also watched workers throwing slates from the roofs of the houses in Yew Tree Avenue into a skip below, just a few feet away from a busy pavement on 16 December last year.

Trafford Magistrates' Court heard that the company should have erected a guardrail around the roof or used scaffolding to prevent potential falls or serious injuries. A rubbish chute or other suitable equipment should have been used to transport waste safely to the ground.

Mark McKernan pleaded guilty to breaching Sections 6(3) and 10(3) of the Work at Height Regulations 2005 by failing to take suitable measures to prevent a fall from the roofs, and for failing to provide suitable equipment to remove waste material from the roof. He was fined £2,000 and ordered to pay £2,000 costs.

HSE Inspector Robert Hodgkinson said:

"Around 11 roofers are killed each year in the UK as a result of falls from height, and the majority of these deaths could have been prevented if those carrying out the work had planned the job properly and taken adequate precautions.

"There was absolutely nothing in place at this site to stop Mr McKernan or his employees falling to the ground below and sustaining serious injuries or even being killed.

"Roof slates and other waste materials were also being thrown from the roof into a skip next to a busy public pavement, which put passersby at serious risk of being struck by flying debris."

Last year, two workers were killed in Greater Manchester as a result of falls from height and 521 suffered serious injuries

Guidance

Risk Management of Machinery and Work Equipment

This book, published by the British Standards Institute, addresses the key changes brought about by the Machinery Directive, giving guidance on the steps to take and the standards to use to help meet the responsibilities.

This book can help with the management of machinery risk by providing:

- answers to the most frequently-asked machinery safety questions
- practical health and safety solutions in a simple and straightforward format
- a common sense approach on how to meet the stringent legal requirements
- guidance in line with the Supply of Machinery (Safety) Regulations 2008 (implementing Directive 2006/42/EC), in force from December 2009.

The book includes real-life case studies, and examines common queries arising from the various standards, regulations and best practices relating to the safe design and use of work equipment in industry.

Guidance on the following is included:

- Supply of Machinery (Safety) Regulations 2008
- Machinery Directive 2006/42/EC
- Provision and Use of Work Equipment Regulations 1998
- Harmonised standards, including BS EN ISO 13849.

The book is for anyone concerned with machinery safety and risk management, and especially within industries with higher risk profiles, including:

- managers and/or engineers
- health and safety consultants
- risk management professionals
- students taking the NEBOSH General Certificate in Occ. Health and Safety or Safety
- Risk Management Diplomas.

Contents of Risk Management of Machinery and Work Equipment include:

- corporate risk management
- risk manager vs insurance manager
- health and safety and the law
- the use of harmonized standards
- ISO 13849-1, Safety of machinery. Safety-related parts of control systems. General principles for design
- high-risk environments
- why systems fail
- costs of non-compliance.