



Prosecutions

Construction Companies Fined £125,000

Two UK construction companies have been fined a total of £125,000 after a worker was seriously injured when he fell 21 metres from a hospital building under construction in Newcastle-upon-Tyne.

Laing O'Rourke Construction Limited and Expanded Structures Limited were prosecuted by the Health and Safety Executive (HSE) following the incident at the Royal Victoria Infirmary (RVI) on 20 October 2006.

Steven McColgan, 37, from Edinburgh, was working on the construction of the adult block of the RVI at the time. Newcastle Crown Court heard that part of an unsupported working platform broke away when he stood on it, causing him to fall 21 metres to the ground.

Mr McColgan suffered serious multiple injuries to his head and body in the fall and his injuries continue to be life-changing.

The HSE investigation revealed that sections of the falsework, acting as a temporary structure supporting the working platform, were removed before work on the concrete slab was complete.

Both companies, which are based at Bridge Place, Anchor Boulevard, Admiral's Place, Crossways in Kent, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. Laing O'Rourke Construction Ltd was fined £50,000 and ordered to pay costs of £13,756 and Expanded Structures Ltd was fined £75,000 and ordered to pay costs of £14,154.

After the case, HSE Inspector Victoria Wise said:

"Laing O'Rourke Construction Ltd and Expanded Structures Ltd failed in their duty of care to Mr McColgan, who was lucky to survive the fall.

"Falls from height are the single biggest cause of work-related deaths in Great Britain. It is imperative that such a high risk activity is subject to a high degree of overall management and control.

"In the last three years there were 142 work-related fatalities resulting from a fall from height. It is tragic that Mr McColgan's injuries could so easily have been avoided if those in a position of responsibility had effectively discharged their duties".

"Laing O'Rourke Construction Ltd had a duty as principal contractor to ensure that safe systems of work were in place and were being implemented on their site. The company had received previous advice from HSE on this specific matter, at another Newcastle site only two years earlier.

"Specialist contractor Expanded Structures Ltd had a duty to ensure that the risks associated with their work had been adequately assessed and that day to day controls and systems of work were effective"



Construction - Worker's Leg Impaled

A Workington company has been fined £15,000 after a steel cable shot through a worker's leg, leaving him with a hole through his shin.

A.C.P (Concrete) Ltd, which produces concrete panels, was prosecuted by the HSE following the incident in their factory in the Derwent Howe Industrial Estate, which left worker Jamie Graham, 25, from Cockermouth in a hip to toe full leg cast for six weeks and on crutches for another four months.

Workington Magistrates' court heard that steel cables were threaded through concrete moulds and stretched to 2000 lbs tension. On 19 March 2009, a grip holding one of the tensioned cables failed, releasing a 200-foot long cable.

When Mr Graham went to re-thread that cable, another grip failed, releasing a second 200-foot-long steel cable, the end of which passed straight through his lower right leg, leaving him impaled on the 9mm steel cable.

The fire and rescue service had to cut the cable to release him and he was taken to hospital with the end of the cable still imbedded through his shin.

An HSE investigation found the company did not have any system in place for inspecting and maintaining the grips, and that an average of eight grips failed each week at the premises.

HSE also concluded that A.C.P did not have a safe system of work in place for re-threading the steel cables and fixing new grips when they failed on tensioned cables. This meant that workers could be crouching directly in line with the ends of tensioned cables whilst making repairs.

HSE Inspector Mike Griffiths, said: "This terrifying incident should have been prevented. The lack of any inspection or maintenance of the grips meant that problems with them were only detected when a grip failed and that could sometimes result in a cable being released at high speed.

"The fact that the grips had to fail before they were replaced meant that there were significantly more failures under tension and the chances of a serious injury were increased.

"The company should have ensured that the task of re-threading the cables was properly assessed and that the significant risks to their employees were properly controlled."

The court heard that Mr Graham, who is a keen weight trainer, was significantly immobilised for six weeks after the incident and still suffers pain and weakness in his right leg.

The company pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc Act 1974 and was also ordered to pay £6,638 costs.



Warehousing - £12,000 Compensation for Argos Worker Suffering from Tinnitus

A former warehouse worker has been awarded £12,000 by Argos Direct after claiming his hearing was damaged by 'deafening' noise. He was awarded the amount, after the company admitted liability for his noise-induced hearing loss.

His condition is so bad that he will have to wear hearing aids for the rest of his life.

The dad-of-seven, 46, from north east Manchester, started working for the firm at its Heywood base in 2001 and was quickly transferred to the company's Trafford Park warehouse.

His job involved taking pallets of goods from the back of newly-arrived lorries over to an area where they could then be moved to another part of the warehouse for storage.

Mr Greatorex said: "The noise was constant, mainly from a battery operated 'pump truck' which I operated to lift pallets from the back of trucks.

"The pump truck had hard nylon wheels and had to run over a kind of metal bridge between the warehouse floor and the rear of the lorry.

"There was additional noise from things like metal carrying cages which rattled along and the cumulative effect was literally deafening.

"Despite this, we were given no form of ear protection until we suddenly got given some in the summer of 2007."

He worked at Trafford Park until the warehouse shut in October last year but he had already noticed 'buzzing' in his ear and suspected something was wrong.

"I noticed buzzing noises in my ear towards the end of 2008, particularly when it was quiet or I was trying to sleep," he said.

"My wife had also said I was turning the TV and radio up really loud and kept asking her to repeat anything she said.

"I went to my GP and subsequent tests have confirmed I am suffering from tinnitus, which is very difficult to live with."

After his condition was diagnosed, he decided to take legal action and his fight was taken up by Madelene Holdsworth, a specialist in hearing loss cases, at Manchester law firm Pannone LLP.

She said: "At only 46, Tony is really quite young to suffer hearing loss like this. Argos admitted liability for their negligence and we were able to reach a settlement of £12,000 in compensation for his injuries.

"The amount also includes a sum allocated for him to be able to purchase hearing aids which I sincerely hope will improve the quality of his life."



News

Accreditation Scheme for H&S Consultants

It has been confirmed that a new UK scheme to accredit safety consultants is due to be announced in the coming weeks.

The new scheme has been developed by a group of health and safety bodies, chaired by Geoffrey Podger, Chief Executive of the HSE. It will be a voluntary scheme that aims to help raise the standard of safety advice being given by consultants to employers. It will also make it easier for those employers who do need to use external safety advice to find consultants in whom they can have confidence. A joint announcement about the scheme will be made in late summer when details have been decided.

The starting point for the scheme is the accreditation of safety consultants. At this stage the scheme will be for consultants dealing solely with traditional safety issues. It does not presently address occupational hygiene issues such as chemical hazards.

The accreditation scheme for safety consultants will be voluntary and a fee will be charged to cover administration. There will be a publicly available register accessible online.

IOSH is one of the organisations involved in the development of the scheme. IOSH Chief Executive Rob Strange said: "We agree with Lord Young's view that 'cowboy consultants' have given health and safety a bad name with ridiculously OTT advice. And, worse, we believe that unqualified advice can lead to lives being put at risk.

"It's vital that businesses looking for help – often small firms – get sound, proportionate advice on health and safety, and that they have confidence in those advising them.

"Research shows that there is support from both bona fide consultants and small businesses for this sort of scheme.

"We see the scheme as setting the standard for competent, qualified and experienced health and safety consultants, and helping to restore confidence in health and safety."

Pre-Employment Medicals Ruled Out

The use of pre-employment medicals to weed out applicants on health grounds is to become illegal.

Changes introduced under the Equality Act 2010 and that take effect from October 2010 mean prospective employers cannot ask health questions of applicants 'until the applicant has been able to successfully pass an interview, or some other assessment, to show that they meet some of the non-health requirements of the job,' says a TUC briefing. There are some limited exceptions, the new TUC briefing adds, including questions designed to assess whether an applicant 'would be able to carry out a core function of the job, with reasonable adjustments having been made as appropriate' and positive efforts to employ workers with disabilities.

TUC head of health and safety Hugh Robertson commented: "Far too many employers still ask potential employees to fill in a health questionnaire or even take a medical examination before they are offered a job. The TUC welcomes the ban on this which will stop employers weeding out people with a disability or illness before the interview process. Instead they will have to justify any decision not to employ someone on health grounds and show why they cannot be accommodated with adjustments.

"We know of numerous cases of where someone has been made ill because of stress or bullying, but is unable to get another job because potential employers ask about their sickness absence. It will also help give more disabled people the confidence to apply for a job without the fear that their application will be automatically rejected."