



Prosecutions

Worker Killed in Building Collapse

Two demolition companies have been fined a total of £115,000 after a labourer was killed by a falling steel prop.

Essex based John F Hunt Demolition Ltd and Bayoak Demo Ltd of London both pleaded guilty to Health and Safety breaches concerning the death of 29-year-old Rafal Przestrzelski in 2005.

The Central Criminal Court, (Old Bailey) heard Mr Przestrzelski, 29, of Wood Green, London N22, was employed as a labourer by demolition sub-contractor Bayoak Demo Ltd. The project was managed by John F Hunt Demolition Ltd, acting as principal contractor.

On 25 July 2005, Rafal Przestrzelski was told to remove a number of steel (Acrow) props supporting a slab of concrete, during the demolition of Telstar House in Paddington, London. Originally there were 13 props, but as each one was removed the load increased on the remainder until the final one was carrying the entire load.

When the props were removed, the concrete slab fell to the ground and an overloaded prop struck Mr Przestrzelski causing fatal internal injuries.

The subsequent joint Metropolitan Police and Health and Safety Executive (HSE) investigation found a full structural survey of the section of the building being worked on was not undertaken.

The investigation discovered a section of a partially demolished link-bridge structure collapsed when the props supporting it were removed by Mr Przestrzelski. They found a collapse was inevitable as the structure was not physically tied onto the building as was assumed by the management.

John F Hunt Demolition Ltd of Europa Park, London Road, Grays in Essex pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act etc 1974, at the Central Criminal Court, (Old Bailey), on 27 January 2010. The company was fined £85,000 and ordered to pay £25,000 in costs.

Bayoak Demo Ltd, of Clare Gardens, Barking in London, also pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974, at the Central Criminal Court, Old Bailey, on 1 February 2010. The company was fined £30,000 and ordered to pay £8,000 in costs.

After the sentencing HSE Inspector Giles Meredith said:

"This was a lengthy joint investigation between the Metropolitan Police and HSE, which found Rafal Przestrzelski was the innocent victim of a basic error of judgement by others that cost him his life.

"There are lessons to be learned both about the importance of carrying out detailed surveys and also about making sure that the right people are consulted at the right time. The price of making an ill-informed decision about the structure was enormous."

Howard Cohen, reviewing lawyer for the Crown Prosecution Service (CPS), said:

"This case clearly demonstrates that there will be consequences for companies if they do not uphold the necessary safety standards. The breaches in this case had the most serious and tragic of outcomes.

The CPS takes health and safety offences very seriously and will consider prosecution of any company that fails to protect employees and others with whom they come into contact."



£130,000 Fine Following Worker's Death

A refuse company has been fined £130,000 after a worker was killed near Aylesbury when a 1,100-litre recycling bin fell on his head.

David Ives, 56 from High Wycombe, an employee of Veolia ES (UK) Ltd (formally known as Onyx UK Ltd) was collecting refuse outside a pub in Easington, near Aylesbury when the incident happened on 5 May 2004.

Aylesbury Crown Court heard that a recycling bin fell from the bin hoist on the recycling lorry and landed on Mr Ives' head, killing him.

The Health and Safety Executive (HSE) prosecuted Veolia ES (UK) Ltd, of Veolia House, Pentonville Road, London over the incident. On 11 February the jury found the company guilty of breaching sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £130,000 and ordered to pay costs of £220,000.

Dennis MacWilliam, HSE inspector, said:

"This was an extremely tragic incident which has now left Mr Ives' widow to continue life without a loving husband. It could have been avoided if only a few simple measures had been in place.

"Employers are legally required to make sure their equipment is regularly maintained and is fit for use by their workers. If the bin hoist on the recycling lorry had been maintained this incident would never have happened."

In the same trial, Brian Currie Milton Keynes Ltd of Norfolk House Centre, Milton Keynes, was found not guilty of breaching section 3(1) of the 1974 Act.

Employee's Finger Sliced Off

A window manufacturer has been fined £10,000 after an employee had a finger sliced off at its Dudley factory.

M&M Windows Ltd, which has its head office in Droitwich Spa, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969. As well as the fine, Dudley Magistrates also ordered the company to pay £2,500 towards costs.

The court heard how on 19 May 2009, at the factory in Quarry Bank, Brierley Hill, employee Jeremy Adams was cutting window frames on a double pivoting head mitre cutting saw when his hand was caught by the blade. His left index finger was amputated and his middle finger needed major surgery and reconstruction. Mr Adams has been unable to work since the incident.

It later emerged that the company was not insured against injuries to its employees, as it believed it was exempt because it employed mainly agency staff.

HSE inspector Jenny Skeldon said:

"This worker has been severely let down by his employer. It was an injury that could have easily been prevented but the company failed to ensure the saw machinery was fully guarded to prevent access to dangerous parts. The company should have recognised the obvious safety defects with the saw and taken action to prevent injury.

"Also, not having insurance in place was a gross failure of duty to its employees. It is crucial that all companies look at the relationship they have with its workers, agency or not, and the degree and extent of control they have over the work done as this will indicate if insurance is required.



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Salus Be Wise

The Employers' Liability (Compulsory Insurance) Act 1969 requires every employer in Great Britain to insure, and maintain insurance, against liability for injury or disease sustained by employees, and arising out of and in the course of their work in that business. Employees based abroad are not covered by such insurance under English law. Salus' Guide Insurance Requirements for Employers provides information and help on this issue.

Last week, the Government launched a consultation on proposals to improve support for people who need to trace Employers' Liability Insurance policies in order to obtain compensation for an accident or industrial disease sustained in the workplace.

Work equipment can cause injury or ill health to workers as a result of faults in the equipment, misuse or over use, poor equipment selection, etc. The Provision and Use of Work Equipment Regulations 1998 (PUWER) require risks to people's health and safety, from equipment that they use at work, to be prevented or controlled. Guidance and information on this is available on the Barbour service from a range of sources including:

- Salus Guides (Work Equipment)
- Legislation (PUWER)
- Forms and checklists
- Model Policies
- Key reference documents (Safe Use of Work Equipment – L22)

Safety Failures Lead to Worker Injury

A UK construction company has been fined £185,000 after an Oldham worker suffered life-threatening injuries when he was run over by a reversing truck.

The Health and Safety Executive (HSE) prosecuted Carillion JM Ltd following the incident at the Kingsway Business Park in Rochdale on 11 November 2008. A Ford Transit truck was reversing on the construction site when it hit Michael Gresty.

Carillion JM Ltd, of Birch Street in Wolverhampton, pleaded guilty to three health and safety offences at Manchester Crown Court on 12 February 2010. The company, which is part of the multinational Carillion plc group, was ordered to pay £9,821 towards the cost of the prosecution in addition to the fine.

Mr Gresty, from Chadderton, was helping to build a new track around a large pond at the business park when he was run over by the truck. The 56-year-old was in hospital for four weeks following the incident and is unlikely to ever return to work due to the extent of his injuries.

He lost his left kidney, broke seven ribs, left shoulder and right foot, fractured his spine, dislocated his right hip and required a pin through his right knee. He has lost one inch in height, has four needles in his spine and still suffers constant pain in his back and ribs more than a year later.

The court heard that no one was responsible for guiding the truck, which was regularly reversing up to 400 metres to drop off construction materials for the project. A pedestrian walkway to separate vehicles from pedestrians had also not been marked on the track.

Carillion pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 by failing to ensure the safety of workers. It also admitted breaching Regulation 3(1)(b) of the Management of Health and Safety at Work Regulations 1999 by failing to carry out a suitable risk assessment.



News

Tower Cranes – Registration Scheme

New laws to improve the safety of tower cranes on construction sites have been laid before Parliament, which pave the way for the start of a statutory registration scheme.

The regulations, developed by the Health and Safety Executive (HSE), will come into force on 6 April. They include a register of conventional tower cranes which is being set up in response to increasing concerns about crane safety.

Eight people have been killed in incidents involving tower cranes since 2000, including one member of the public, and more have been injured. The register is part of a package of measures being taken to improve tower crane safety. The HSE is working closely with the construction industry to achieve this.

The new regulations place a 'duty to notify' on the employer. Employers will have to notify the HSE of relevant information, including the site address and the name and address of the crane owners. HSE will have to be notified within 14 days of a thorough examination of the crane, which must be carried out following installation or re-installation on a site before it can put into service.

Cranes already erected when the regulations come into force will have to be registered within 28 days. Electronic notification will be available via the HSE website.

All information notified to the HSE will be contained in the register and the public will be able to request details.

The package of measures the HSE and the construction industry are working on to improve tower crane safety includes:

- creating a competency requirements framework for crane erectors and dismantlers
- undertaking more research into the effect of wind loading on cranes
- consideration of the adequacy of crane design standards
- greater research to improve understanding of crane accidents at an international level
- greater promotion of the industry safe crane campaign to improve public confidence in crane safety.

How to Secure Loads Safely

Unsafe loads on vehicles injure more than 1,200 people a year and cost UK businesses millions of pounds in damaged goods. This part of the HSE campaign 'Load Safety' aims to show haulage firms how to secure loads safely on vehicles.

It is stressed that securing loads safely is good for business – the product is delivered intact and on time. In order to secure a load safely, it must be:

- restrained – tied firmly down to the load bed; and
- contained – it can't move around (shift) inside the vehicle.

The only way to do this is with strong chains or webbing straps (lashings) attached directly to the vehicle.

If the load shifts in transit, contact the depot and agree a safe way to sort it out.



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Silica Dust Warning

Construction workers in Liverpool have been warned they could be putting their lives in danger if they regularly cut stone, concrete or masonry.

Silica dust kills more than 500 construction workers every year but the Health and Safety Executive (HSE) is concerned that many people are unaware of the dangers.

HSE arranged an event in Liverpool last Wednesday to raise awareness about the dust, which is the second biggest cause of lung disease in workers after asbestos.

Companies are being urged to use methods to break materials which do not create dust, to damp materials when cutting to stop dust getting into the air, use dust suppressant tools or to use special vacuums to suck up dust. Workers should also wear high-quality protective masks.

Moira Caddick, Health and Safety Awareness Officer at HSE, said:

"The lives of hundreds of workers and their families are devastated every year by lung diseases caused as a result of breathing in silica dust.

"But many people simply don't realise they're releasing potentially deadly particles when they cut into kerbing, paving or other block materials. Silica dust can get onto your lungs and cause breathing problems, which can eventually lead to lung cancer.

"Construction companies should therefore avoid creating dust from stone, concrete or masonry wherever possible, and make sure workers always wear suitable dust masks.

"I hope construction workers will come along to the free awareness event in Liverpool on Wednesday to find out more about silica dust and get advice which could end up saving their lives."

The drop-in event was organised as part of the Working Well Together initiative - a partnership between HSE and the construction industry - which aims to improve health and safety in the sector.



Reports

A Review of Workplace Transport Safety

An updated literature review was carried out in the areas of workplace transport safety and manual handling and delivery of goods conducted. Generally, the work set out to establish whether there have been any significant developments in the area of workplace transport safety. In terms of the manual handling and delivery of goods, the work aimed to summarise the information concerning practical measures for controlling risks, and identify outstanding issues.

Main Findings

Workplace transport safety

A limited number of studies were identified that specifically examined workplace transport safety between 2005 and 2008. Specifically:

- several studies were found that focused on the characteristics and causes of workplace accidents mainly, although not exclusively, in the construction industry
- recent research on forklift truck safety has highlighted the importance of considering vehicles' emergency braking times and distances when managing workplace transport activity. This line of research, however, has not been replicated across other types of workplace transport vehicles
- there has been an increasing emphasis on examining potential applications of Intelligent Transport Systems (ITS) to enhance workplace transport safety
- several studies were identified that examined the long-term effects of working with workplace transport equipment. The emphasis has been on the prevalence of musculoskeletal disorders among fork-lift drivers in particular. This line of research suggests that vehicle design, driver skills and behaviour may all contribute to the development of musculoskeletal disorders
- the broader transport literature suggests that personality characteristics, such as agreeableness and conscientiousness, are associated with more positive safety attitudes and lower levels of accident involvement. Additionally, individuals who are motivated to act safely tend to experience fewer work-related accidents. Managers and supervisors may influence subordinates' safety motivation by valuing and endorsing the importance of safety.

The report highlights the importance of safety climate in the prevention of workplace accidents and a number of studies were found within the general transport literature that confirmed this. However, no studies were identified in the academic literature that examined the effects of safety climate in the context of workplace transport.

Manual handling and delivery of goods

One hundred and thirty-six reports were identified of which 87 were considered most relevant to workplace transport. These covered the subjects of risk factors, risk assessment, control and prevention measures, guidance and worker training.

The reports indicate that the HSE's use of ergonomics specialist resources has been focused on repeated handling operations, which occur at a single workplace rather than during peripatetic work.

The report makes a number of recommendations in both areas, for example more research in the area of driver fatigue and work demands, individual (eg agreeableness; safety motivation) and organisational factors and their influence on driving behaviour, attitudes toward safety and accident involvement, and into the role safety climate plays in accident prevention.