

Construction Newsletter

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Construction Safety Solutions Ltd

British Safety Council Commits to Helping GB Work Well

The British Safety Council welcomes the Health and Safety Executive's (HSE's) engagement with enterprises and other interested parties in light of its new strategy for health and safety – Helping Great Britain Work Well – re-affirming its view that good health and safety is good for business, and that there is work still to be done.

The British Safety Council were delighted to have been invited to speak at the recent strategy roadshow in Bristol, and Neal Stone, Policy and Standards Director, highlighted the need to get the message across to all businesses, regardless of size, that having fit, healthy, present workers enables business, making it productive and competitive.

Neal Stone said: "We recognise the tremendous achievements in reducing the number and incidence of injuries and ill health occurrences over the last forty years. But there is much more still to be done. Let us recognise that many people are alive and well today due to the commitment of many thousands of workers and managers dedicated to keeping us healthy and safe.

"The British Safety Council remains committed to highlighting the immense, some would say unsustainable, cost of work-related ill health. One of our priorities is getting the message across that health and safety, managed in a sensible, targeted and proportionate way brings not only immense financial benefits to workers, employers and the public purse but social benefits too. The evidence is there, and is supported by our members.

"The British Safety Council is committed not only to pledging support for #HelpingGBWorkWell but adding flesh to the bones. We will continue to work with our members, HSE and other stakeholders to gather and publicise the evidence to help bring the strategy and the six themes to life. We pledge our wholehearted support not just for now but for the long term."

National Grid fined £1m after worker gets trapped in gas cloud

One of the UK's largest national gas distributors has been sentenced after a worker became trapped in a ruptured gas main.

The HSE said that the company failed to follow and its own processes and to carry out risk assessments to protect workers.

On 24 June 2014, National Grid Gas (Plc) were supervising repairs to a gas mains when a worker was trapped between two gas pipes after one of them burst, breaking his femur. He was part of a team trying to repair a reported leak on Ashby Road, Scunthorpe, when the pressure behind the escaping gas increased and ruptured the pipeline.

Footage of the incident shows how the fire service had zero visibility as they worked for an hour to rescue the trapped engineer, as the escaping gas was creating a cloud of dust and debris around the excavation. The fact the worker was wearing breathing apparatus undoubtedly saved his life.

Ashby Road was closed to traffic and local residents had to be evacuated for fear of an explosion while it took three hours to get the gas under control and pipe repaired.

Recalling the incident, Steve Fraser of Humberside Fire and Rescue Service, said: "The priority when we arrived was the injured man, and getting him out of immediate danger. The visibility was virtually zero due to air being dense with gas and dust, and the man had been working 10 feet below ground. The crews put themselves in a position which showed courage and bravery of the highest order.

They were dealing with gas of an unknown quantity with potential for another explosion. They used pneumatic bags to prise the pipes apart and release his legs, all done in demanding circumstances."

Sheffield Crown Court was told of a number of failings by National Grid Gas (Plc) including not complying with its own gas escape procedures, not carrying out sufficient risk assessments, not communicating effectively with the contractors carrying out the work and not managing the handover of key personnel.

The company was fined £1 million and ordered to pay costs of £26,296 for breaching Section 3 of the Health and Safety at Work etc Act 1974.

HSE Inspector Ian Redshaw, said: "This incident could easily have become a fatality. National Grid Gas (Plc) failed to follow its own processes and carry out sufficient risk assessments to protect workers and the sub-contractors fixing the leak.

“This whole incident should act as a stark warning to all those involved in hazardous work – you can have all the written policies in place but if you do not follow them, if you do not carry out the risk assessments for the task, people could die.”

By Lauren Applebey (SHP)

New Sentencing Guidelines Are Now In Force

Following the Sentencing Council’s publication of the definitive sentencing guidelines for health and safety offences, corporate manslaughter and food safety offences on 3 November last year, the guidelines are now in force (1 February) and apply to any case sentenced in courts in England and Wales on or after today’s date.

Described as the most dramatic change to health and safety legislation since the introduction of the Health and Safety at Work etc. Act in 1974, the guidelines have been introduced to give courts comprehensive guidance for these offences. They introduce a structured nine step approach that the Court should follow, so as to calculate sentences.

This involves plugging culpability and harm factors into a series of tables to reach recommended starting point fines, as well as ranges of fines above and below the starting points.

They can involve highly complex cases that do not frequently come before the courts and therefore the Sentencing Council decided that existing guidance should be expanded and revised to ensure that fair and proportionate sentences are given to offenders.

It has stated that in some cases, the guidelines will result in higher penalties, although the council does not have any intention that the guideline should increase fines across the board, or that they will be significantly higher in the majority of cases to those currently imposed.

However, large organisations that have been convicted of the most serious offences, where they have flagrantly breached the law and created a very high risk of serious harm, or where serious harm has actually been caused, can expect to receive a fine proportionate to the seriousness of the offence and to their financial means.

Courts have been preparing for their introduction and a training pack has been produced by the Judicial College for magistrates and legal advisers to ensure they are familiar with this new approach to sentencing.

Dr Simon Joyston-Bechal a director at Turnstone Law summarised the changes for SHP. He said that the sentencing guidelines adopt a range of well-intentioned and apparently rational changes.

He said however: “I am concerned the outcome will be very much more dramatic than intended, with much greater fines across the board and more individuals being imprisoned for offences that would not previously have been regarded as sufficiently serious to merit a custodial sentence.

“It remains to be seen whether these changes will improve prevention and save lives, or drive hazardous industries abroad and bring public perceptions of over-zealous enforcement to new heights”.

By Lauren Applebey (SHP)

Firms Fined After Asbestos Failings

A food company and their contractor have been fined after asbestos was disturbed during building work and only identified by chance when an asbestos removal contractor attended site.

Stafford Crown Court heard no asbestos survey had been carried out by Mizkan Euro Ltd or D H Welton & Co Ltd and either company could have commissioned a refurbishment/demolition before the work commenced.

An investigation by the Health and Safety Executive found Mizkan Euro Ltd were undertaking a project to remove tanks from a factory which required the demolition of an external wall.

They failed to provide an asbestos survey to enable their contractor DH Welton to quote and plan appropriately for the work to be undertaken.

However, it also found DH Welton could have commissioned a survey when they discovered that Mizkan only had access to a management survey for the building.

When the wall was demolished asbestos insulation board at the top of the wall was unknowingly broken up. A skip of demolition debris was found to contain asbestos insulation board, which had been identified by an asbestos contractor who had been called to site.

For the work to be undertaken correctly, a licensed asbestos removal contractor should have been appointed to remove the asbestos under controlled conditions prior to the wall being demolished.

Mizkan Euro Ltd of Chiswick Park, Chiswick High Road, Chiswick, London pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc Act after failing to plan and manage the work carried out under their control without ensuring that risks to health and safety are prevented. It was fined £60,000 for each charge (£120k) and ordered to pay costs of £13,589.

D H Welton & Co Ltd of Corn Street, Failsworth, Manchester admitted breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act and regulation 5(1)(a) Control of Asbestos Regulations 2012 after failing to carry out a suitable and sufficient assessment as to whether asbestos was present or liable to be present during the removal of a wall. It was fined £15,000 for each charge (£45k) plus costs of £4,529.

HSE's Five-Year Health & Safety Strategy Plans

Employers and employees are among those invited to have their say in the development of the HSE's new five-year strategy, a move that has been welcomed by IOSH.

The new strategy will apply from 2016 to 2020 and cover six themes. HSE is looking to engage with relevant parties, including employers, workers, local and central government, unions, other regulators and key representative groups.

The six themes are: promoting broader ownership of workplace safety and health; highlighting and tackling the burden of work-related ill health; supporting small firms; enabling productivity through proportionate risk management; anticipating and tackling the challenges of new technology and ways of working; and sharing the benefits of Great Britain's approach.

HSE will announce how people can join in discussions about developing the strategy in the coming weeks. Its plans include events across the country, as well as digital discussion groups and a campaign hashtag – #HelpGBWorkWell.

Richard Jones, IOSH's head of policy and public affairs, said: "IOSH welcomes the opportunity to contribute to the development of Great Britain's new five-year health and safety strategy.

"We also welcome the proposed focus on working together, tackling occupational ill health, supporting SMEs, keeping pace with change and sharing success.

"The OSH profession has a leading and influential role to play in working with others and helping more organisations to deliver safe, healthy and sustainable working environments – this is good for individuals, good for employers and good for our economy."

Information about how people can get involved in discussions on the strategy will be posted on www.hse.gov.uk/strategy

Construction Firms Fined Over Electric Shocks to Workers

Two companies have been sentenced after a construction worker suffered life changing injuries when he received an electric shock from an overhead power line. Ashley Coe, an agency worker, working on site for Pascon Limited was part of a group of workers laying cables in a trench when the incident happened on the 13 March 2013.

An excavator being used for the task tracked underneath a 33kV overhead power line and struck the power line. Mr Coe was helping to control a cable drum suspended from the arm of the excavator when the incident occurred.

The Health and Safety Executive (HSE) prosecuting, told Exeter Crown Court that work was taking place by British Solar Renewables Limited (BSR) to install a solar farm on site at Knockworthy Farm, Great Torrington, Devon.

However, despite the high risk work being undertaken, BSR failed to install goal posts and signage to warn of the presence of overhead power lines in the area.

Subcontractor Pascon Limited who were installing the cables in the trench had failed to assess the risks of working under the overhead power lines, and subsequently had not appropriately planned, managed and monitored the work in order that it could be carried out safely. As such they were using an unsafe method of installing the cables in the trench which ran underneath the overhead power lines.

As a result of the 33kV electric shock Mr Coe suffered a life changing brain injury and had to be resuscitated by attending paramedics. The court heard he has been affected in many different ways.

As a result of his injuries he suffers with short term memory loss, has some mobility issues and now no longer feels pain. His speech has been affected and he has lost much of his independence. He is unlikely to ever work again. Two other workers received shocks but escaped serious injury.

Principal Contractor British Solar Renewables Limited of Higher Hill Farm, Butleigh Hill, Butleigh, Glastonbury, Somerset, was charged with breaching Regulation 34(2) of the CDM Regulations 2007 and received a £250,000 fine and was ordered to pay full costs of £72,466.

Subcontractor Pascon Limited, of Unit 1 Hayhead Farm, Longwood Lane, Walsall, West Midlands was fined £30,000 plus £25,000 contribution to costs after admitting a breach of Regulation 13(2) of the CDM 2007.

Speaking after the hearing HSE Inspector James Lucas said: "This incident was entirely preventable and arose from clear failures to plan, manage and monitor the work and to ensure that the construction site was set up with appropriate measures to control the risks of working under overhead power lines. "Luckily Mr Coe was resuscitated, but he now suffers from life changing complications due the electric shock he received. He was extremely close to losing his life and this is down to the failure of both construction companies involved in the work."

The New Rules of Safety – Talking About a Resolution

It's that time of year isn't it? Over the last few weeks you might have sat down with paper and pen, perhaps a glass of something seasonal in hand, and considered how you'd make 2016 a good year.

Setting resolutions has become a time-honored tradition for many of us – eating better, going to the gym more, losing weight, and learning a language often feature in top tens around the world. But new research from Harvard University reveals that less than 10% of us actually stick to our resolutions. And most of us don't even make it to the end of February! So before you start planning your safety resolutions for 2016, let's consider how you can improve your chances of success.

Reflect

On the 24th December I was getting ready for the festive holidays: that last, mad rush to the finish line, trying to tick off as many items as I could from my to-do list. Now, following a bit of downtime, and a couple of weeks back into work, I realize that I have this 'sprint to the finish' not just in December, but almost every month. In a world that craves instant gratification do we really take enough time to reflect fully upon the work we've done? Those problems that seemed impossible but somehow worked out, the technical issues that seemed beyond our grasp... despite the challenges we somehow managed to succeed.

What business-lessons did you learn? In which areas do you want to focus more attention this year? And how can you build in some regular reflection time Scientists at the University of California found that the act of reflecting on what we've done deepens our learning, makes us more appreciative, and increases our positive bias So look back before you look forward this year: What did last year teach you? What new skills did you develop? What business-lessons did you learn? In which areas do you want to focus more attention this year? And how can you build in some regular reflection time each month?

Recalibrate

Last year many organisations asked us to help improve their safety performance. Expectations were high and one particular manager stands out (though she's not unique): after listening intently to our proposal for safety culture assessment and the implementation of a behaviour-based safety program she nodded sagely and said: "It sounds perfect, but instead of 2 years, can you complete it 3 months? We need a difference much sooner."

In another global multinational I listened to a board presentation on safety. The H&S manager explained that the LTIR (Lost Time Injury Rate) was now 0.316 – a significant improvement for them. The Operations Vice President countered with: "Well, it's really not good enough, we're not really at zero yet". The safety manager offered that the rate was 30% better than industry average but the VP wouldn't budge.

The notion of 'doing more with less' is here to stay and there are no magic pills or silver bullets in safety – organisational change takes time and effort. A new year is the perfect time to recalibrate expectations. What do your stakeholders' expect this year? Does this match your view of reality? What do you need to do to ensure alignment?

Simplify

Our lives have become busier and busier: we work tirelessly to make things safer, but our 'to do lists' are longer than ever before! As we begin 2016, consider the Pareto Principle and work out where the biggest bang for your buck is. Each day I review my to-do list and choose the three things I believe will make the most difference. How will you simplify your list and focus on what's most important in the year ahead?

Create Safety

A new year provides a clean canvas on which we can design the future. Help people move from 'having to' to 'wanting to' do safety by starting with a mindset shift from the traditional attitude of 'preventing accidents' to a more forward-facing one of 'creating safety' and get innovative with your resolutions.

Finally, Robert Cialdini, Professor of Psychology at Arizona State University reckons the act of simply setting goals for your resolutions significantly raises your chances of achieving them so grab your pen and get scribbling.

By Andrew Sharman - Andrew Sharman is Chief Executive of RyderMarshSharman, a global consultancy specialising in organisational culture and leadership.