

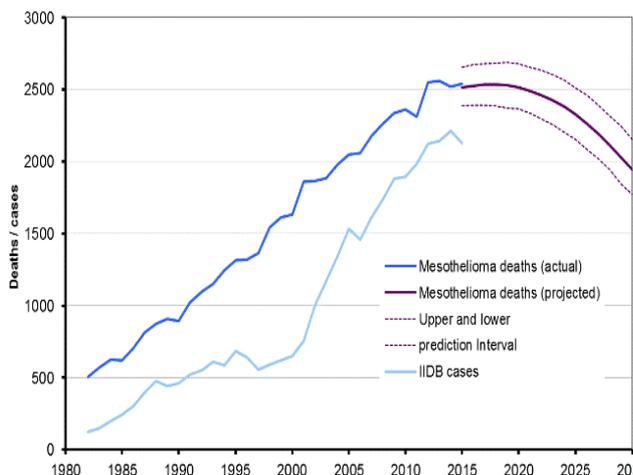
### Mesothelioma

Mesothelioma is a form of cancer that takes many years to develop following the inhalation of asbestos fibres, but is usually rapidly fatal following disease onset. Annual deaths in Britain increased steeply over the last 50 years, a consequence of mainly occupational asbestos exposures that occurred because of the widespread industrial use of asbestos during 1950-1980.

The latest information shows:

- There were 2,542 mesothelioma deaths in Great Britain in 2015, a similar number to the previous three years.
- The latest projections suggest that there will continue to be around 2,500 deaths per year for the rest of this current decade before annual numbers begin to decline.
- The continuing increase in annual mesothelioma deaths in recent years has been driven mainly by deaths among those aged 70 and above.
- In 2015 there were 2,135 male deaths and 407 female deaths, similar to the annual numbers in among males and females in the previous three years.
- There were 2,130 new cases of mesothelioma assessed for Industrial Injuries Disablement Benefit (IIDB) in 2015 compared with 2,215 in 2014.
- Men who worked in the building industry when asbestos was used extensively are now among those most at risk of mesothelioma.

#### Mesothelioma in Great Britain: annual deaths, IIDB cases and projected future deaths to 2030.



### £1m Fine for Crossrail Contractor Following Three Incidents

A joint venture comprising of three companies established to support the Crossrail tunnel construction has been fined a total of more than £1m following three separate incidents on the project, including the death of a worker.

Southwark Crown Court heard Renè Tkáčik died after being crushed by falling wet concrete on 7 March 2014. Two other men were injured following separate incidents within six days of one another, on 16 and 22 January 2015. All three incidents took place in the tunnels around the Fisher Street area.

The three workers were operating under Bam Ferrovial Kier (BFK), an unincorporated joint venture made up of three companies; BAM Nuttall Limited, Ferrovial Agroman (UK) Limited and Kier Infrastructure and Overseas Ltd.

Renè Tkáčik, 43 from Slovakia, was working on a team enlarging the tunnel by removing rings of the existing pilot tunnel and spraying walls with liquid concrete. During this operation, a section of the roof collapsed, fatally crushing Mr Tkáčik.

On 16 January 2015 Terence 'Ian' Hughes was collecting some equipment from inside one of the tunnels when he was struck by a reversing excavator. He suffered severe fractures to his right leg and crush injuries to his left knee and shin.

Six days later worker Alex Vizitiu, who was part of a team tasked with spraying liquid concrete lining, was assisting with the cleaning of the pipes that supply the concrete. Due to a lack of communication one of the lines was disconnected and he was hit by pressurised water and concrete debris. He suffered head and hip injuries as well as a broken finger and was hospitalised for six days.

A Health and Safety Executive (HSE) investigation found a failure to provide a safe system of work relating to the operations Renè Tkáčik and Alex Vizitiu were working on. It was also found there was a failure to properly maintain the excavator which reversed into Ian Hughes.

On all three occasions, the investigation found a failure to properly enforce exclusion zones that would have helped protect workers from foreseeable harm.

Bam Ferrovial Keir, of the corner of Charterhouse Street and Farringdon Road, London has pleaded guilty to three offences. In relation to the death of Renè Tkáčik, it has admitted to breaching Regulation 10(2) of the Work at Height Regulations 2005. It has today been fined £300,000 in relation to this offence.

BFK has pleaded guilty to two separate breaches of Section 22 (1a) of the Construction (Design and Management) Regulations 2007, relating to the two incidents in January 2015. The joint venture has been fined a £600,000 for the incident involving Ian Hughes on 16 January, and £165,000 for the incident relating to Alex Vizitiu on 22 January.

The total fine is therefore £1,065,000. The defendant was also ordered to pay costs of £42,337.28.

HSE Head of Operations Annette Hall said: "The omission to implement exclusion zones in a high hazard environment was a consistent failure in this case. Had simple measures such as these been taken, all three incidents could have been prevented, and Renè Tkáčik may not have died.

"We believe every person should be healthy and safe at work. Here, all three workers were taking part in one of the most important and challenging infrastructure projects of the decade. It was this joint venture's duty to protect its dedicated and highly-skilled workforce. On these three occasions, BFK failed in its duty, with tragic consequences for Renè Tkáčik and his family."

## Sentencing Guidelines: How Accidents Assessed 'Crucial' to Understanding Culpability

High culpability for accidents can result despite training and risk assessment of hazards, consultant John Southall warned the audience at the Safety and Health Expo (SHE) 2017.

Southall said if you document numerous incidents, and constantly assess the risk of hazards, but incidents keep occurring, it increases a company's risk of high culpability – and the subsequent size of a fine a business could receive.

"If you look at the sentencing guidelines, and the issue of culpability, it is about how you document harm. If you are aware of a hazard, and then have multiple incidents, and have still done all the training, and then still have another accident – that is the definition of high culpability." He said.

Ex-enforcement officer turned health and safety advisor, John Southall, was speaking at SHE as part of his seminar talk on accident investigations.

He said it was important for businesses to realise it was 'less about the individuals involved in the incident, and more about the process', and it was 'sad' that massive fines since the change in sentencing guidelines were having a bigger impact than several decades-worth of legislation.

### Behavioural Safety

He said it was 'really important' that internal discussions happened and that it was crucial to avoid blame.

"Everyone is talking about behavioural safety, but for some directors that is really hard, yet there needs to be an open conversation.

"Without removing the blame culture you won't be able to improve as a company."

Southall then used the infamous Einstein quote to illustrate that 'the definition of insanity is doing the same thing over and over again and expecting different results'.

### Journey

During his talk, Southall also said the Health and Safety Executive will come to an incident knowing there has been a negative outcome on an individual, regardless of the 'innocent until proven guilty' maxim.

He said it was important to use the terminology 'incident' rather than accident, as there is 'always someone to blame'.

He said: "A small child knocking over a cup – that is an accident. But if you look at the terminology the police now use – it is no longer a road traffic accident, it is a road traffic incident."

He said there were a number of issues that it was worth thinking about following an incident: the 'knowledge piece' to the press, suppliers and customers; the root cause, and finding out what happened and why; and communicating with the business in order to avoid such incidents happening again.

### Investigation

He also took the seminar audience through the whole cycle of investigation journey: applying first aid and individuals' wellbeing; making an area safe; gathering information – physical, verbal and documentary; and collecting people's versions of events.

He said it was crucial to collect information at the earliest possible opportunity, as over time documents may go missing and people's recollection of the events may change.

"You will have to demonstrate in a linear fashion the process that should have been used." He said.

## Sentencing Guidelines: Local Authority Health and Safety Fines Rise 1,870%

New research has shown fines from the Health and Safety Executive (HSE) have increased 74% in a year with local authority fines rising by a staggering 1,870%.

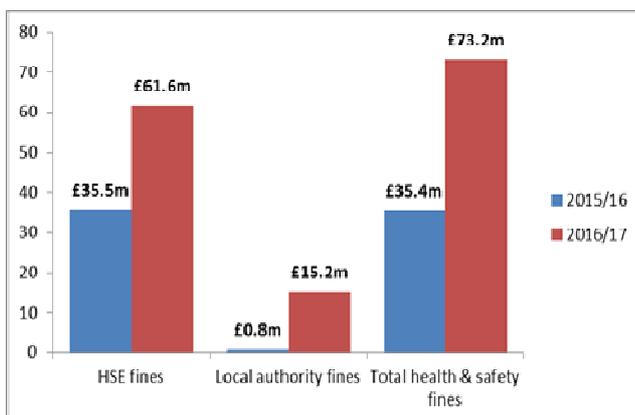
The report from global law firm Clyde & Co was taken from data obtained directly from the HSE and more than 300 local authorities. It shows a total value of fines increased to £73.2m in the first year of the new guidelines (year to 31 January 2017). This was against a sum of £35.4m in the previous 12 months. From this sum, the HSE collected £61.6m in fines, and local authorities fines rose from £0.8m to £15.2m.

### Impact of New Guidelines

The new guidelines introduced in February 2016 saw tougher penalties for health and safety and corporate manslaughter offences. The scale of fines varies according to the turnover of the company. It potentially can exceed £20m for the worst cases of corporate manslaughter in the largest companies.

Head of compliance and strategic support in Clyde & Co's safety, health and environment team, Rhian Greaves, said the new sentencing guidelines had made health and safety a 'top priority for the boardroom'.

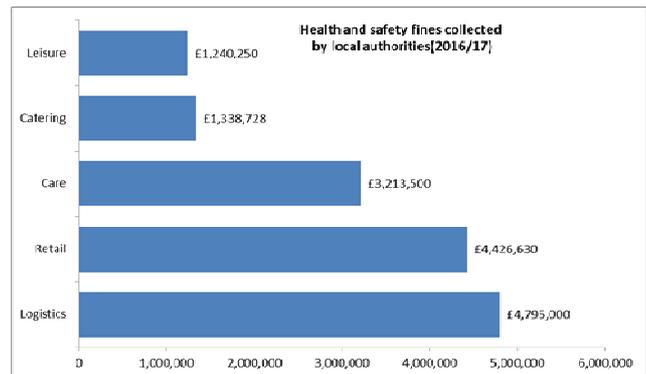
"Our research confirms what we have been seeing in practice – the new sentencing guidelines are biting hard," she said. "Good health and safety management is morally right. It also makes good business sense. When the potential reputational damage is added to the cost of the fine, it's clear that health and safety failures are now a major business risks."



Manufacturing and construction bear brunt  
The study revealed manufacturing and construction sectors paid the most in fines as a result of health and safety breaches.

The amount of fines increased to £13m from £7m – an increase of 83%. Manufacturing alone was 37% of the overall total collected by the HSE this year with a sum of £22.8m overall, up from £11.4m in 2015/16 – A 99% rise. The highest fine was £3m for Cristal Pigment UK following two toxic gas cloud incidents.

Construction represented 21% of the total collected fines from the HSE this year. The highest fine imposed on the sector was £2.6m, ordered to be paid by Balfour Beatty. More fines have exceeded £1m this year than in the previous 15 years combined.



### Local Authority Enforcement

Greaves described the local authority increase as 'staggering' – and said it 'reinforced the dramatic effect the new sentencing regime is having on defendant organisations'.

The logistics sector has been hit the hardest by enforcement in the first year of the new guidelines. Warehousing organisations have paid out six times as much as the total figure for all local authority cases in the previous year.

Greaves said the large number of risks at distribution centres places them at the top of the local authorities' agendas, and it was 'arguably the highest risk industry within their jurisdiction'. She said: "The logistics sector represents the most challenging risk for the local authority to manage. The public's growing preference for internet shopping has seen huge distribution centres spring up nationwide. With high level racking, mechanical handling equipment and large numbers of employees, agency and gig economy workers, the area presents something of a perfect storm."

### Key statistics:

- Total fines collected by the HSE in 2016/17: £61,579,949.21
- Total fines collected by the HSE in 2015/16: £35,473,823
- Total fines collected by local authorities in 2016/17: £15,150,664
- Total fines collected by local authorities in 2015/16: £768,883