

MSM SAFETY MANAGEMENT SERVICES



NEWS UPDATE ISSUE 1 2020

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MSM is a registered
Training provider for:

Refresher Courses

IOSH courses

NEBOSH courses

Editors Comments

Michael J Errington CMIOSH OSHCR

As we start a new year now is a good time to review your health and safety procedures together with training requirements.

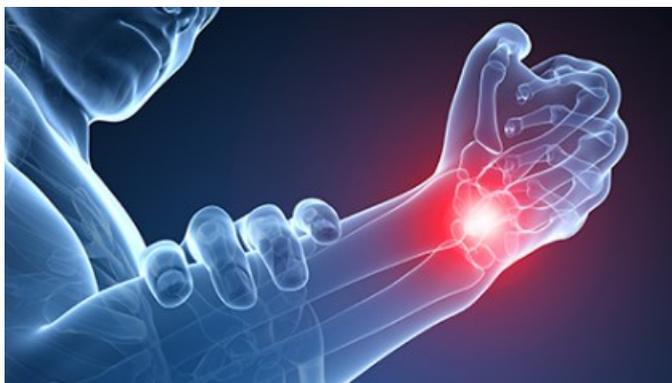
This is also important as last year also saw the increase in the levels of fines imposed by the HSE for material breaches on premises or sites of health and safety, increasing to £154 an hour.

Remember **PLAN DO CHECK ACT** on any Health and Safety issues.



Council Fined £100k Over Seven HAVS Injuries

Dacorum Borough Council has been fined £100,000 for failing to protect its employees from hand-arm vibration syndrome (HAVS) after seven cases were reported to the Health and Safety Executive (HSE) over a single year.



The case relates to seven employees who worked for the council's grounds maintenance and street care team looking after the public spaces in Hertfordshire. An HSE investigation was sparked after cases were reported under RIDDOR.

HAVS can be caused through the over use of hand-held power

tools where vibrations can lead to neurological, vascular and musculoskeletal damage resulting in conditions such as Raynaud's syndrome, carpal tunnel syndrome and tendinitis. The HSE estimates there are two million workers at risk and currently 288,000 sufferers in the UK.

Luton Magistrates' Court was told how Dacorum Borough Council had reported seven cases of HAVS to the HSE between May 2015 and June 2016.

The HSE found that the council had both failed to adequately plan its working methods to prevent HAVS and had not informed employees of the potential risks. The council also had no surveillance system in place to identify problems at an early stage and had failed to limit employee exposure to the duration and magnitude of vibrations.

Dacorum Borough Council pleaded guilty to breaching reg 5 of the Control of Vibration at Work Regulations 2005. In addition to the fine, it must pay £28,673 costs.

Following the court case HSE inspector Rubeena Surnam said: "This was a case of the council failing to identify the risk from hand-arm vibration which is a recognized health risk with potentially disabling consequences.

"Unless vibration is identified and properly assessed, an employer won't know the level of risk and whether action is needed to protect workers."

FINES PROSECUTION AND LEARNING FROM EVENTS

Karro Food's £1.8m Fine After Workers Fall Through Roof Light

A Yorkshire food manufacturer has been fined £1.8m after two employees sustained serious injuries after falling through a roof light while fixing a leaky roof.



Image credit: HSE

The incident occurred in April 2016 when the workers had climbed up on the roof of a pig processing plant at Karro Food's Malton site to fix the leak over an area where the live animals enter the abattoir.

The roof, made of asbestos cement, had several roof lights set into it made of plastic sheeting to originally allow light into the building. The roof lights were not visible from the inside because of the presence of an inner skin and could not be seen from the outside due to a build-up of moss and dirt that had accumulated over the years.

The accident happened when the two men, who were walking closely together, stepped on the same roof light, which then gave way under their weight plunging them 4 m onto the floor below.

One worker sustained four fractured ribs, a punctured lung and muscular contusions to his outer right thigh. The other sustained a fractured skull, muscular injuries to his right leg and injuries inside his ear which caused ongoing problems with his balance, memory and mental health.

HSE inspector Mark Slater said the company was aware of the fragility of the roof and the presence of the roof lights due to a historic asbestos survey having been carried out. However, the workers did not know it was an asbestos roof or the risks posed by the roof lights before climbing onto it.

"With asbestos cement and asbestos roofs, you have to presume them to be fragile until you can prove otherwise as it is known they lose integrity over time. When work at height is carried out we expect the company to know the state of the roof and carry out risk assessments to ensure safe systems of work are in place," he said.

The investigation found that there were systemic failings in the company when it came to work at height and that although there were health and safety procedures in place, the food manufacturer's application had faded away over quite a long period of time.

Karro Food, of Hugden Way, Norton Grove Industrial Estate, Malton, Yorkshire pleaded guilty to breaching s 2(1) of the Health and Safety at Work Act. The food manufacturer has been fined £1.87m and must pay £8,019 costs.

A spokesperson from Karro Food said: "Karro Food accepts the fine imposed by the court following the Health and Safety Executive's investigation and the company's early guilty plea in this case"

Safety Alert for Platform Lifts.

HSE urges better maintenance

The Health and Safety Executive (HSE) has published a new safety alert on platform lifts used by people with impaired mobility.

The alert explains that platform lifts or vertical lifting platforms, like traditional passenger lifts, provide access between floors. Platform lifts are hydraulically or electrically powered and usually operate over two to three floors at slower speeds than conventional passenger lifts.

HSE says it is aware of a number of incidents involving tampering with safety devices or inappropriate maintenance of door switches or unlocking zone bypass switches during maintenance.

Combined with deterioration of the doors and their hinges, landing doors have opened when the platform or lift car is not at that landing. This, the safety alert warns, has resulted in people potentially accessing the lift well when the lifting platform was not at the same floor level/landing. This has led to people falling down the open lift well or becoming trapped beneath a descending platform.

According to the alert, three incidents occurred on early model Nami-lift 400 platform lifts in the serial number range from 2433 (installed in September 1999) to 4225 (installed in December 2006).

The health and safety watchdog has identified a number of issues as a result of wear or inappropriate maintenance on the lifts, for example with respect to bent door lock switch contacts, missing screws and damage to doors and door frames resulting in poor alignment.

FINES PROSECUTION AND LEARNING FROM EVENTS

WHSmith fined after customer fell through open basement hatch

Stationery retailer WHSmith has been sentenced after a customer fell almost 3 m through an open trapdoor and into a basement at its Taunton branch in Somerset.



The 64-year-old customer sustained serious injuries and underwent three operations to rebuild her heel.

WHSmith was fined £337,500 and ordered to pay £135,492 costs on 31 October after it pleaded guilty at Taunton Crown Court in May to breaching ss 2(1) and 3(1) of the Health and Safety at Work Act. The company reported a turnover of £1,234m in 2017.

The injured person was shopping for a birthday card on 16 February 2014 when she fell. The trapdoor had been left open while staff fetched stock that was kept in the basement.

An investigation by Taunton Deane Borough Council, which brought the prosecution, found that the procedure had not been risk assessed and there was no signage or edge protection around the hatch.

The staff member on the shop floor who was receiving items up from a colleague in the basement was also supposed to keep customers away from the hatch.

She sustained bruising to her arms when she tried to catch the woman before she fell, but “was lucky that the outcome was not worse” the council said.

After the accident WHSmith moved items from the basement to a storeroom. It locked the trapdoor and completed a written risk assessment for staff who need to access the basement.

His Honour Judge Ticehurst said: “There was a lapse in focus of the corporate mind.” He described the accident as the “foreseeable” result of the offending and said that “any other shopper” would have been “exposed to a risk of falling” through the trapdoor when it was open, given the “lack of protection”.

He said that it was “abundantly clear” that the woman’s injuries had had a “devastating effect” on her and on her way of life.

Third Party Accreditation

This is a method of enhancing your health and safety profile with clients.

There are many ways of achieving this and some certification schemes are interchangeable e.g. if you achieve CHAS which is a SSIP member and you have a client that requires SMAS certification this can be obtained off the back of your CHAS certification.

However be aware as Construction online does not achieve the same standard as SMAS and as such will require further information to obtain full certification.

MSM are fully versed in all systems and are available to assist you with your applications contact us today.



FINES PROSECUTION AND LEARNING FROM EVENTS

Property Giant Fined £1.3m After 'Serious Failings' Led to Death of Passer-by, 29

A property management company that failed to inspect, maintain or even notice insecure structures on the roof of a Wolverhampton shopping center has been fined £1.3m after a tank cover broke free in high winds, striking and killing a young university worker.

Tahníe Martín, 29, was killed on 23 February 2017 while walking past Wolverhampton's Mander Centre, on Dudley Street.

The wooden tank cover, which had been secured to the brick tank casing by "rotten and weather-damaged" clasps, fell six story's from the roof, causing fatal head injuries.

A University of Wolverhampton colleague who was with Martín at the time, Raman Sarpal, was also knocked to the ground by the panel, and suffered a serious injury to her leg.

Cushman and Wakefield Debenham Tie Leung, which had been the managing agent for the Mander Centre since 2012, was this week fined £1.3m plus £375,000 in costs at a sentencing hearing at Wolverhampton Crown Court.



Employers Urged to Protect Workers from Cancer-Causing Welding Fumes

The Institution of Occupational Safety and Health (IOSH) is urging employers to ensure workers are protected from cancer-causing welding fumes as enforcement of raised control standards take effect this week.

The enforced control measures for welding operations have been introduced by the Health and Safety Executive (HSE). The change follows an announcement from the International Agency for Research on Cancer (IARC), classifying welding fumes and UV radiation from welding as Group 1 carcinogens. IARC published their findings in Lancet Oncology in 2017 in a paper titled 'Carcinogenicity of welding, molybdenum trioxide, and indium tin oxide'.

Details of HSE's announcement on the raised enforced control standards include:

- All forms of welding fume can cause cancer.

Control is required where:

- Indoor welding tasks require the use of LEV. If LEV is unable to control fume capture then Respiratory Protective Equipment (RPE) is also required.
- Outdoor welding requires use of RPE.
- Enforcement of the raised control standards is with immediate effect under Control of Substances Hazardous to Health (COSHH) Regulation 7.

The HSE will issue a 'Safety Alert' in the near future and control requirements will be communicated through the HSE website. The HSE is also currently developing an intervention plan

The Health and Safety at Work Act requires organizations that own or manage properties to protect both their own staff together with third parties and members of the public.

Regular inspections and audits of sites and premises would have assisted in preventing this incident having occurred.

Should you have a requirement for this service do not hesitate to contact our office for assistance.

01362 854 647

FINES PROSECUTION AND LEARNING FROM EVENTS

BA Maintenance Arm Exposed Workers to Vibration Risk for Eight Years

British Airways Avionic Engineering (BAAE) failed to reduce the risk of hand-arm vibration at its Talbot Green plant in south Wales between 2005 and 2013, Cardiff Crown Court was told.

The wet-blasting cabinet had not been risk assessed

The company, which maintains aircraft components, pleaded guilty to breaching reg 5 of the Control of Vibration at Work Regulations. It was fined £80,000 and ordered to pay costs of £25,297.

The Health and Safety Executive (HSE) visited the site in June 2015 after the company reported under RIDDOR that an agency worker had developed bilateral carpal tunnel syndrome. It found that up to six workers carrying out maintenance on aircraft vacuum toilets had been exposed to hand-arm vibration from a Vapormatt wet-blasting cabinet. This is an enclosed unit with gauntlet openings for a worker to clean the toilet components using a foot pedal-operated blast gun that sprays hot water and abrasives.

HSE inspector Helen Turner found BAAE had not risk-assessed the blasting cabinet's use because it "hadn't recognized that there was a potential risk from vibration".

She told *IOSH Magazine* "there is no safe level" after the investigation revealed exposure to vibration was likely to have been below the action value of 2.5 m/s² A(8) – A(8) is the average exposure over an eight-hour shift.

An occupational health nurse identified that the agency worker had a problem with his hand and organized a specialist referral, after which he was diagnosed with the condition.

Soon afterwards BAAE implemented a safe system of work to control the gun's water pressure, limited its use and provided staff with clear instructions and training. It also improved the pre-cleaning of components to minimize how long they had to be treated in the cabinet.

"Those measures reduced the need to hold [the components and the gun] so workers are not directly in contact with the vibration," Turner said.

Judge Jeremy Jenkins determined that BAAE's culpability was medium and set the harm category as 4. In fixing the fine, he started at £130,000 – the top end of the range for a medium-sized firm – before reducing it to £120,000 to reflect its good health and safety record. He awarded a full discount for the early guilty plea.

Gosport Father Dies of Asbestos Related Cancer Mesothelioma

Phil Moreton was diagnosed in August with mesothelioma, a rare form of cancer linked to asbestos exposure.

Five-and-a-half weeks later, the 36-year-old father from Gosport in Hampshire died.

The disease usually affects people aged 65 and over, making him one of the youngest people in the UK to die from mesothelioma.

It is thought he came into contact with asbestos when he fell through a garage roof aged 10.

His widow Kirsty is now hoping to raise awareness of the disease in younger people and campaign to ensure that asbestos is removed from all older buildings.

TIP: ASBESTOS

- Check you have an asbestos register for the premises and that all staff and contractors underlining work on the building have been inducted into the contents of the register.
- If asbestos is present where ever possible indicate this with signage.
- Prior to any construction activities taking place remember a refurbishment and demolition survey is required to be commissioned and both any maintenance. Staff or constructors briefed into its contents.



FINES PROSECUTION AND LEARNING FROM EVENTS

Waste Firm and Director Sentenced for Continuing to Operate Baler Unsafely After Fatality

A Liverpool-based waste and recycling company has been fined £700,000 and its director handed an eight-month prison sentence after an employee died clearing a blockage in a baling machine.



Gaskells (North West) and its director Jonathan Gaskell were sentenced both for their part in the death of Polish national Zbigniew Galka in 2010, and for continuing to operate the baler unsafely for up to five years after the fatality.

A joint Health and Safety Executive (HSE) and Merseyside Police investigation found that the 39-year-old worker was able to get into the machine at Gaskells (North West) site in Bootle on 23 December 2010 without switching off and isolating the machine.

Liverpool Crown Court was told on 26 October that Galka had entered the baler, which is used to compact paper and cardboard, to remove a blockage that had stopped it.

When Galka had cleared the blockage, the baler started and he was crushed in the compaction chamber by the hydraulic ram. He sustained hemorrhaging, shock and severe traumatic injury to both legs. He died before reaching hospital.

The investigation found that the compaction chamber's access door was fitted with an interlock to stop the baler when the

door was opened. However, Michael Cunliffe, a maintenance engineer employed by the company, had fitted a bypass to its faulty switch board which had disarmed the interlock guard but allowed the baler to continue operating. The bypass had been installed because of defective and damaged wiring, which had most likely been caused by rats chewing through exposed wires. Cunliffe had informed management by email of the unsafe modification two months before the incident.

Phil Redman, HSE inspector, told *IOSH Magazine* that the modification was also noted on the company's daily defect report sheets, which only emerged when Merseyside Police raided the site and confiscated computers and other electronic devices and found email trails.

"The fact that the guarding wasn't working was reported daily, so everyone in the management team knew about it," he said. "There was common knowledge there was an issue with that guard."

The baler was also poorly maintained, often due to reactive rather than proactive maintenance, which meant that operators frequently had to intervene to clear blockages and other faults. Investigators found that another worker had previously sustained a broken leg when the machine was turned on after they had climbed inside.

Redman said that one of the most shocking revelations, which came to light after Merseyside Police seized equipment was that management had ordered a replacement interlock switch for the baler within an hour of Galka's death.

After a tip-off that the operator was continuing to use the same machine and that additional safety systems had been defeated, HSE inspectors visited the Bootle site on 16 July 2015. They found the baler could be operated while the guarding was open, putting the operator at risk of serious injury



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FINES PROSECUTION AND LEARNING FROM EVENTS

Gaskells (North West), of Foster Street, Liverpool, pleaded guilty to breaching s 2(1) of the Health and Safety at Work Act.

Judge Robert David Trevor-Jones determined the company's culpability as high. He said that the lack of training, supervision, risk assessments and standard operating procedures; together with a deliberate decision to bypass the safety features; putting profit before safety; the longstanding nature of the defects; and its failure to act on repeated complaints placed the firm at the top end of the category. (See box below for how the sentencing guidelines were applied).

Jonathan Gaskell of Peckforton Hall Lane, Tarporley, Cheshire, pleaded guilty to breaching s 37 of the HSW Act. Judge Trevor-Jones determined Gaskell fell into the high culpability category and set the starting point as one year's custody, reduced to an eight-month immediate custodial sentence. Gaskell must also pay £80,000 in costs (reduced from £105,454) and a hearing on his ability to pay has been suspended until 3 December.

Redman told *IOSH Magazine*: "It would appear on the face of it that they have now got suitable procedures and management systems in place. However, we need to put that to the test, so any future visits to the site will be assessing that they have been implemented correctly."

Michael Cunliffe, who'd pleaded guilty to breaching s 7 of the HSW at a sentencing hearing in November 2016, was handed a four-month prison sentence, suspended for two years.

On 25 January 2018, Paul Jukes, former transport and operations manager at Gaskells (North West), failed to have his conviction overturned at the Court of Appeal in London. Jukes had been jailed for nine months and ordered to pay £7,000 in costs at Liverpool Crown Court in November 2016 for failing to discharge the duty to take reasonable care of the health and safety of other employees, contrary to s 7 of the HSW Act.

The HSE had brought a case against Jukes because he had taken over responsibility for safety and maintenance of the baling machine after second in command, and former health and safety manager Des Brown was made redundant and left the company earlier in 2010. Jukes had been aware (as had Jonathan Gaskell) that the interlock had been bypassed and had failed in his duties.

Representing Jukes, James Ageros QC, argued his conviction was "unsafe" due to two pieces of prejudicial evidence being put before the jury.

However, Lord Justice Flaux, who sat with Justice Nicola Davies and Judge Neil Bidder QC, concluded: "Neither of the grounds of appeal even begins to establish that this conviction is unsafe, and this appeal is dismissed."

Sentencing guidelines application	
Culpability:	High
Seriousness of harm risked:	Level A
Likelihood of harm:	High
Harm category:	1
Turnover:	£17m (medium)
Starting point for fine:	£950,000
Penalty:	£700,000 plus £99,887 costs

FINES PROSECUTION AND LEARNING FROM EVENTS

Director jailed for company's REACH violation

A founder and sole director of a Midlands company has been handed a 10-month custodial sentence for the sale of a plant protection product and a paint stripper which contained banned substances

Image credit: HSE. The paint stripper that Abel (UK) was selling online

The Health and Safety Executive (HSE) had been alerted that Nuneaton-based Abel (UK) was selling a weed killer containing sodium chlorate by a complainant in August 2014. Sodium chlorate is not approved for use in weed killers because a safe level of use has not been established.

The business was also selling paint stripper containing dichloromethane (DCM) a restricted substance under Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) Regulation.

DCM's use has been restricted because its use can be harmful to human health and has resulted in fatalities when it is not used properly.

The HSE found Abel (UK) had also failed to check at the point of sale that the paint stripper containing DCM was either being sold for use in industrial installations or, after October 2016, to appropriately certified professionals, a condition of



its sale.

The regulator worked with online resellers to remove advertisements for these products and served enforcement notices to prohibit further supply. However, Abel (UK), whose services included mobile truck and fleet washing and pressure-washer street cleaning before it was dissolved on 30 January 2018, ignored the notices.

Nicholas Corbett, who currently runs Abel Group (Midlands) in Atherstone, Warwickshire following the closure of Abel (UK), pleaded guilty to breaching regs 9 and 18 of the Plant Protection Products Regulations 2011 and reg 10 of REACH Enforcement Regulations 2008 at Warwick Crown Court.

HSE Issues Warning Over

Electrical Supply

Connections After

Worker's Flashover

Burns



A worker who threw a crowbar at live electrical equipment that he thought had been isolated sustained severe burns when this caused a flashover.

A principal contractor and its subcontractor have both been fined over the incident on 12 April 2017.

Chelmsford Magistrates' Court was told that two demolition workers employed by subcontractor R B Haigh and Sons were removing electrical distribution equipment from a switchgear room at the former Molecular Products site in Thaxted, Essex. One of the employees, Alan Banks, had been told by A J Wadhams and Co, the PC for the demolition work, that the electrical equipment had been isolated. To reassure his colleague that it was safe, he threw a crowbar at the 400V ac equipment. However, the power supply had not been isolated and the crowbar came into contact with live exposed wires. This caused a flashover with temperatures of more than several thousand degrees and a subsequent fire. Banks sustained serious burn injuries and was

hospitalised immediately. Investigating, the Health and Safety Executive (HSE) found that the work had not been properly planned and suitable control measures were not in place to ensure the power supply had been isolated. It said that A J Wadhams and Co had failed to follow "clear procedures" outlined in its risk assessments and method statements, which required all equipment to be treated as live unless written authorisation proved otherwise.

The company, trading as Wadham Homes, pleaded guilty to breaching s 3 (1) of the Health and Safety at Work Act and was fined £80,000 plus £3,816.

Russell and Stuart Haigh, partners of R B Haigh and Sons, pleaded guilty to breaching reg 3(1) of the Electricity at Work Regulations and were also fined £80,000.

FINES PROSECUTION AND LEARNING FROM EVENTS

Council's CDM Regs Violation Led to Falling Roof Trusses

A local authority in the north east of England that was the principal contractor (PC) for a construction project in Darlington, County Durham, has been sentenced after a worker was struck by falling roof trusses.



Darlington Borough Council was fined £28,000 after the Health and Safety Executive (HSE) found it had not properly monitored work activities at the building site on Allington Way.

The council's failure to ensure the safe storage of trusses was a contributing factor to the accident, the HSE said, along with its failure to manage the volume of materials on site. Vehicle operations had not been planned or managed, and housekeeping was poor.

Newton Aycliffe Magistrates' Court was told that the injured person was a self-employed labourer working for two self-employed bricklayers, who in turn were contracted by Darlington Borough Council.

On 5 October 2017 the worker crossed the front of the building plot when a pack of roof trusses fell on him, trapping him by the head and right arm, to which he sustained serious injuries.

Darlington Borough Council pleaded guilty to breaching reg 13(1) of the Construction (Design Management) Regulations 2015, which requires PCs to plan, manage and monitor the construction phase of a project.

It was fined and ordered to pay £1,648 in costs.

TIP: CDM REGULATIONS

The CDM Regulations require the Principal Contractors to:

- PLAN
- Manage
- Monitor

All construction activities under their control. Consider the following:

- Are method statements and risk assessments available for all activities in progress and have all persons been briefed into the contents.
- All activities require to be managed in accordance with both legislation and best practice.
- A system requires to be in place of regular inspections and check to identify both good practices and where remedial action is required to be improved

Have you considered MSM Safety Management services to carry out an audit or inspection?

Engineer Sustains Burns From Hi-Vis Shirt



A doctor is warning of the dangers of wearing hi-vis shirts in direct sunlight after a field environment engineer sustained first degree burns that matched the reflective strip of his shirt after a days work in western Australia. In a letter to *The medical journal of Australia*, Dr Iona Vlad said she had never seen anything like it and could not find a similar case in medical literature.

FINES PROSECUTION AND LEARNING FROM EVENTS

Worker Suffered Significant Head Injuries Falling 10 Meters From Racking



Two companies have been fined after a worker fell from a warehouse racking system, suffering serious head injuries.

Liverpool Magistrates' Court was told how, on 1 February 2016, recommissioning work of a warehouse racking system was being carried out at premises on Stopgate Lane, Simonswood. While working on this project, one of the workers fell 10 metres from the top of the racking system onto the concrete floor below, sustaining significant head injuries.

The HSE's investigation found the main contractor Ortec BV had subcontracted the work to Mechantech Limited to undertake. There was no safe system of work in place as none of the workers had safety harnesses and there were no physical barriers to prevent anyone from falling. The investigation also found Mechantech Limited had failed in its duty to ensure the health and safety of its own employees as it had not undertaken any risk assessment for working at height (incorrectly assuming that main contractor Ortec BV had done so). Ortec BV of Houtsingel 5, Zoetermeer, in the Netherlands pleaded guilty to breaching Section 2 (1) and Section 3 (1) of the Health and Safety at Work Act 1974 and was ordered to pay fines of £300,000 with costs of £4,742.75.

Mechantech Limited of, Rossington, Doncaster pleaded guilty to breaching Section 2 (1) and Section 3 (1) of the Health and Safety at Work Act 1974 and were ordered to pay fines of £36,666 and costs of £4,742.75.

Speaking after the case, HSE Inspector Jane Carroll said:

"Those in control of work have a responsibility to develop safe working methods and to ensure that their workers have the necessary information, instruction and training in that safe way of working. Had such a safe system of work been in place prior to the incident, the serious injuries sustained by the employee could have been prevented".

Builder Jailed Over Digger Death

Robert Harvey was operating the machine when Nicholas Hall was pinned against a wall by the excavator bucket, causing fatal injuries.

The court heard Harvey's company, Front Row Builders, was building a vehicle wash bay for Peter Lawless Road Planing at an industrial estate in Blantyre, South Lanarkshire, on 7 May 2016

Harvey was using the digger to lower cement and blocks into the excavation pit for the three men working there, including Hall, to use in building a wall. He tipped the bucket to empty the mortar contents and shouted to Hall to "scrape the rest out with a shovel".

Hall was pinned against the wall by the excavator bucket and died of blunt force injuries to his chest and abdomen.

The Health and Safety Executive (HSE) investigation found Harvey failed to undertake a sufficient assessment of the risks to those who had been instructed to work with him and was not appropriately trained to use the excavator.

He pleaded guilty to breaching S 7(a) and S 33(1)(a) of the Health and Safety at Work Act and was jailed for ten months at Hamilton Sheriff Court.

"Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working," warned HSE inspector Helen Diamond after the sentencing.

"If a suitable safe system of work had been in place prior to the incident, the death of this worker could have been prevented."



FINES PROSECUTION AND LEARNING FROM EVENTS

Company Director Convicted Under Section 37 After Telehandler Crush

The director of a waste management firm has been ordered to carry out 120 hours of unpaid work after an employee was seriously injured by a faulty telehandler

In April 2017, Justin Tinsley, who had been employed by Michael Toon for a few weeks, was working at the company's yard in Poole where it processed and recycled builders' waste and soil.

Tinsley was struggling to maneuver a telehandler, and it became stuck. With the engine running and the door blocked, he climbed out through the

window to allow company director Toon to free the machine.

Poole Magistrates' Court heard that the telehandler moved unexpectedly, crushing Tinsley between the machine and a gate post. He was in hospital unconscious for weeks and has not fully recovered from his injuries.

HSE investigators found Tinsley was being trained by Toon to drive the



telehandler which had several serious long-term faults, some relating to braking.

Toon pleaded guilty to breaching s.37 of the Health and Safety at Work Act . Under s.37, if an offence is committed by a company with the consent or connivance of a director, then the director will be guilty of that offence and can be proceeded against accordingly.

As well as the unpaid work he must carry out, he was also ordered to pay a fine of £1,500.

Speaking after sentencing, HSE inspector Ian Smart said: "Michael Toon was well aware of the unsafe condition of the telehandler yet allowed it to be used by an inexperienced employee.

TIP: PLANT AND EQUIPMENT

Plant and Equipment has always had a high incident rate of accidents in the industry. The Health and Safety at Work Act together with the provision and Use of Work Equipment Regulations place specific requirements on employers.

The following outlining points for consideration to ensure compliance:

- Check that all persons requiring to operate equipment are competent and appointed in writing.
- Keep records of maintenance carried out together with any remedial work.
- Where there are statutory inspections and thorough examinations keep these records available on site or with the equipment.

IF EQUIPMENT IS DEFECTIVE - STOP!

Mental Ill Health in Construction

Survey

A new study has revealed that almost six in ten people in construction have work-related mental ill health, and more than one third have had to take time off work as a result. The UK Construction Week Survey found that more than half of workers have had mental health issues at some point, most often stemming from financial problems (45%), long hours (41%) and the physical strain of the job (41%).



TRAINING COURSES 2020

1 Day CITB Health & Safety Awareness:

£115 + VAT per person

15th January 2020

27th February 2020

1st April 2020

3rd June 2020

2 Day CITB Site Supervision:

£225 + VAT per person

22nd & 23rd January 2020

25th & 26th February 2020

29th & 30th April 2020

10th & 11th June 2020

1 Day CITB Site Supervision

Refresher:

£150 + VAT per person

16th January 2020

10th March 2020

12th May 2020

1 Day IOSH Leading Safety:

£295 + VAT per person

5th February 2020

8th April 2020

4th June 2020

1 Day IOSH Working Safety:

£175 + VAT per person

24th January 2020

17th March 2020

5th May 2020

4 Day IOSH Managing Safety :

£450 + VAT per person

17th to 20th February 2020

25th to 28th May 2020

1 Day IOSH Managing Safely

Refresher:

17th January 2020

11th March 2020

5th June 2020

1/2 Day Fire Marshal/Warden:

£60 + VAT per person

26th March 2020

26th June 2020

1/2 Day Asbestos Awareness:

£60 + VAT per person

6th February 2020

26th March 2020

13th May 2020

26th June 2020

1/2 Day Emergency First Aid at Work:

£80 + VAT per person

31st January 2020

12th March 2020

6th May 2020

1/2 Day Manual Handling:

£60 + VAT per person

6th February 2020

13th May 2020

5 Day CITB SMSTS:

£550 + VAT per person

14th, 21st, 28th January, 4th & 11th

February 2020

31st March, 7th, 14th, 21st & 28th

April 2020

2nd, 9th, 16th, 23rd & 30th June

2020

2 Day CITB SMSTS Refresher:

£295 + VAT per person

29th & 30th January 2020

24th & 25th March 2020

17th & 18th June 2020

All of our courses can be held at our Dereham training Centre or at a location to suit you with dates and prices dependent on number of delegates. So please call for further information.

Please find enclosed in this issue a separate sheet Detailing all the course availability we have for the entire 2020.



MSM SAFETY MANAGEMENT SERVICES