

MSM SAFETY MANAGEMENT SERVICES

NEWS UPDATE ISSUE 3 2020



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Refresher Course
IOSH courses
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Editors Comments

There is no escaping the current impact of COVID-19 procedures in the workplace, no matter the size, nature, or scope of the business.

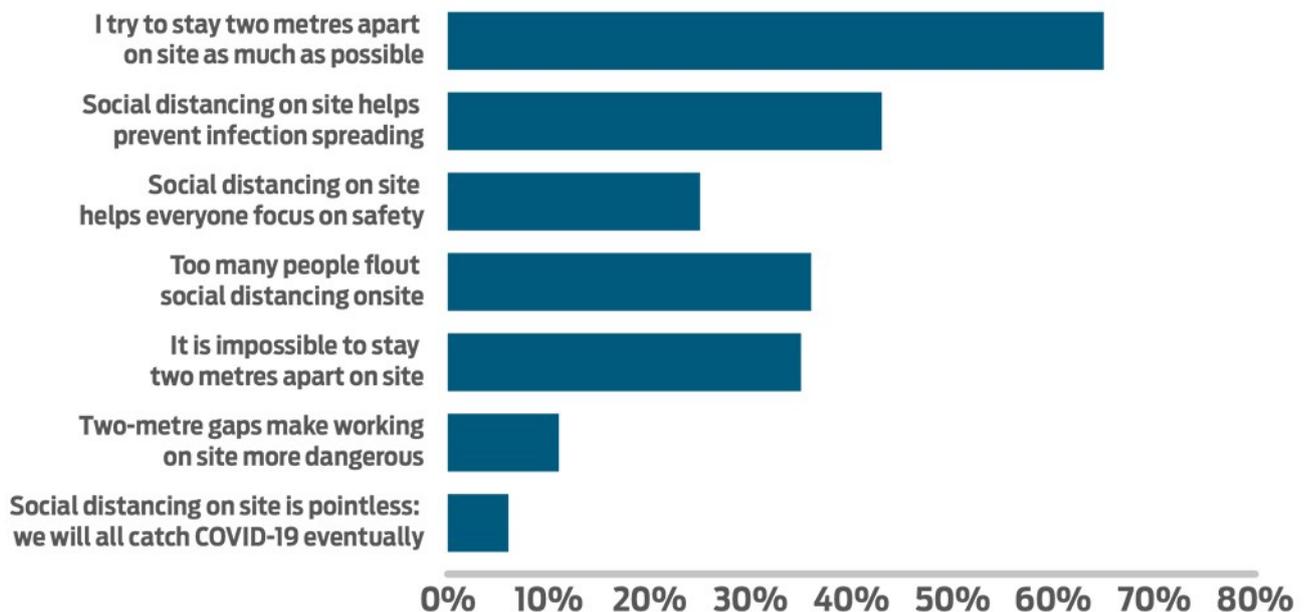
We at MSM are in the process of visiting our clients and ensuring they are continuing to operate in line with legislation and current guidelines, not only relating Covid-19, but to maintain statutory requirements for inspections on premises.

We will continue to provide up to date information to our clients. If you have missed any of the weekly mailers or advice and guidance issued recently, would like to be included on the mailing list or require inspections on your premises, please contact our office as we are glad to offer our assistance in these trying times.

Jamie Bach MSM Consultant

The Question is Simple: What is The Impact of COVID-19 Guidance on Safety?

WHAT IS YOUR OPINION OF SOCIAL DISTANCING ON SITE? SELECT ALL STATEMENTS YOU AGREE WITH



SOURCE: CN SURVEY, 431 ONSITE STAFF, MAY 2020

COVID-19 & STATUTORY INSPECTIONS

The COVID-19 pandemic has introduced a range of challenges for businesses with many restrictions on normal operations. This includes difficulty of getting support from contractors in carrying out statutory inspections, examinations and tests of plant and equipment or the need to close premises.

Failure to carry out a statutory inspection, examination and test would be a breach of legislation, which could lead to a range of potential enforcement actions including prosecution, although some requirements will not apply when premises are not in use.

However, failure to maintain some systems, particularly fire sprinkler systems and detection systems may invalidate the insurance for the premises even if the premises are not in use. Although the Health and Safety Executive is not carrying out any inspections of industries outside of the major hazard sector, they have made clear that the responsibility for ensuring that statutory inspection, examination and testing of plant and equipment remains with the duty holder (normally the owner or user).

There is a wide range of legislation that requires statutory inspections, examinations and tests. Much of this legislation is goal setting, detailing what is to be achieved without being prescriptive on how it is achieved. Compliance with these goals is often achieved by following HSE and industry guidance, British Standards and manufacturer information. While these may set recommended time frames for maintenance, inspection and testing of plant and equipment, they are not strict statutory requirements, and failure to follow them would not necessarily be a breach of legislation.

However, there are some statutory requirements for thorough examination and inspection or testing, for plant such as lifts, lifting equipment, pressure systems and local exhaust ventilation, which include

a set time frame e.g. Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), Pressure Systems Safety Regulations 2000 (PSSR) and Control of Substances Hazardous to Health (COSHH).

It should also be noted that a Director may commit an offence under Section 37 of the Health and Safety at Work etc. Act 1974 if there is a breach of legislation, which occurred with their consent, connivance or neglect. This could potentially lead to a prosecution of them as an individual when it has been proven that the company committed an offence due to their consent, connivance or neglect. Consent and connivance both imply knowledge and that a decision was made with such knowledge. The Court of Appeal has considered that consent required the defendant knowing the material facts that constituted the offence and having agreed to conduct business on the basis of those facts; in this case this could include knowingly using plant or equipment that is outside of maintenance.

Engineers working at the premises should follow current guidance on distancing and good hygiene as recommended by Public Health England, as well as any site rules. This is to protect the engineers carrying out the work as well as anyone who may be affected by their work or presence.

Duty holders should consider whether it is essential to continue to use plant and equipment in the current circumstances. It is not appropriate for persons to be put at risk to carry out statutory examinations, inspections and tests for plant and equipment, which is not essential for the safe operation of premises. If taking plant out of use is putting vulnerable persons at risk, a careful decision would need to be made and it may be prudent to seek further advice from the Health and Safety Executive for these specific circumstances. It is important that this should only be considered when failure to keep plant and equipment operating poses a genuine risk to vulnerable persons' safety rather than cause an inconvenience.

COVID-19 & STATUTORY INSPECTIONS

It is essential that irrespective of statutory inspection, examination or test that plant and equipment is maintained in good working order and is safe for continued use. If there are any identified faults with plant or equipment, which could lead to a risk from its operation, it should be taken out of use and securely isolated to prevent further use until the necessary repairs have been completed.

KEY POINTS

- Assess which plant and equipment require statutory inspections and examinations and when these are due.
- Make an assessment to determine if any plant or equipment is essential for safety or operation of the premises – if plant or equipment is not required, it could be taken out of use.
- Liaise with the relevant contractors who carry out statutory inspections and examinations to determine what level of service they can provide (for hospitals, care homes or infrastructure essential to the running of the country, it would be prudent to draw your contractor's attention to this).
- If a decision is made to continue to use plant or equipment despite it not having had the relevant statutory examination and inspection in order to safeguard life, it is essential that this reasoning is recorded.
- Inform your insurance company if any planned inspection and testing is not being completed or if premises or part of the premises are closed.
- If closing premises for a period of time, and where it is decided to shut off the power to services such as electrical, gas, water and ventilation systems, plant shutdowns should be undertaken in accordance with manufacturer instructions to ensure that it is done safely. On subsequent restart manufacturer guidance should be followed to ensure that the plant is re-energised safely and to avoid potential damage.
- Follow Public Health England recommendations

on hygiene and social distancing.

LEGAL DUTIES

- Construction (Design and management) Regulations 2015 (CDM)
- Control of Legionella Bacteria in Water Systems – Approved Code of Practice and Guidance L8 (HSE)
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Electricity at Work Regulations 1989
- Gas Safety (Installation and Use) Regulations 1998
- Health and Safety at Work etc. Act 1974
- Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- Pressure Systems Safety Regulations 2000 (PSSR)
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Regulatory Reform (Fire Safety) Order 2005
- Work at Height Regulations 2005 (WAH)
- Workplace (Health Safety and Welfare) Regulations 1992.



MSM are currently undertaking site inspections in order to ensure Clients compliance with existing legislation and the additional Covid-19 control measures that are required. If you require assistance or an inspection of your premises in this respect, in order to meet your statutory requirements, please call the office on 01362 854647

COVID-19—ANXIETY



DON'T PANIC
(and carry a towel)

The human brain is not wired to tolerate uncertainty, but it is wired to be alert to any threat. So, if you are feeling pandemic panic, it is only natural. Blame your brain. For most of us, life has never felt more uncertain, and uncertainty is, according to a 2016 study by neuroscientists at University College London, an even more stressful state to be in than actually knowing something bad will happen. It may explain – if you're young-ish and otherwise healthy – why you may be almost hoping to contract Covid-19, just to get out of that will I-won't I? mental tussle. Those of us who are older or more vulnerable don't have such a privilege.

According to Robert Leahy, the director of the American Institute for Cognitive Therapy and author of *The Worry Cure*, we are all locked in “an international human trauma, where everybody has a sense that their life, or the lives of people they love, is threatened”. When we are anxious, he says: “We tend to equate uncertainty with the worst outcome. For example, after 9/11, so many people said it's inevitable that there's going to be another major attack on New York City, or a nuclear attack by al-Qaida. That never happened. When we're anxious, we tend to treat the uncertainty as a bad outcome. But uncertainty is neutral – we don't know what's going to happen.”

We can look to what has happened in other countries with understandable horror, but we can also hold on to the fact that measures such as testing, social distancing, quarantining and travel restrictions seem to have some effect, and that at some point, there will be potential treatments. None of this is to underplay the seriousness of the pandemic, and the many lives that have already and will be lost. But the point is that at the moment, *nobody really knows what is going to happen*.

Most of us crave stability. “We want predictability,” says Daniel Freeman, a professor of clinical psychology at the University of Oxford. “We want to be assured that the way our world looks when we get up in the morning is the way it will look when we go to bed. And if change occurs, we prefer it to be on our terms.” But sometimes life has other ideas. “We have to come to terms with such uncertainty,” he says. After all, we already live with plenty of uncertainty and lack of control, even if it is on a much smaller scale, such as driving a car or being a passenger in one. “We have to accept that no action is 100% risk-free and that we can't totally control events, no matter how much we try. No matter how much we worry, we can't know what's in store for us. And we can't prevent problems happening just by worrying about them. In the end, it is best to concentrate on what is meaningful in our lives.”

“We know that this is a dangerous virus,” says Natasha Page, a therapist and member of the British Association for Counselling and Psychotherapy. “But are we catastrophizing about some things? Are we trying to predict what the outcome is going to be? It can be helpful to think about what the best-case scenario could be as well. Anxiety can be a helpful emotion to have – it can help us to keep safe and do the right things – but fixating on the worst outcome is not a healthy thing to do.” (Unless, of course, you're one of those in charge of stopping the spread.)

COVID-19—ANXIETY

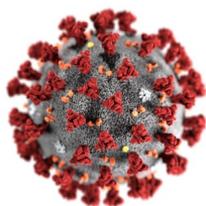
Constantly checking the news may feel like a way of asserting control over events, says Freeman, but it can exacerbate anxiety. “Knowledge is power. So make sure you get your information and advice from the very best sources. You’ll also have to keep checking in to make sure your plan fits with the expert advice. There is an obvious temptation to seek out information all the time, but although this may be helpful as you first orientate yourself to what is going on, a moment comes when we need to put limits on it.”

With understandable concerns about job security and how you will survive financially, “try to take as much control as you can over the situation,” says Page. “We know there are things being set up in order to help people with mortgage or rent payments, and help for businesses. Get yourself well-informed and think about what you might need to plan for.”

If you are reading this piece, chances are you are currently healthy. “Remind yourself that in this moment you are safe and well,” says the therapist Eve Menezes Cunningham. “Anxiety is defined by fears around the future. With a pandemic, no one’s imagining that future is going to be all sunshine and rainbows but at the same time we don’t know how it’s going to pan out.” When we’re anxious, she says, we typically try to control more, but so much is now beyond our control. “We can only control what we are doing – staying at home for the sake of more vulnerable populations, if you’re not already self-isolating because you are part of a more vulnerable population – not stockpiling. Be kind to yourself – anxiety is a normal reaction to have in a really unusual situation.”

Can you dare to think about the future? What if you had big plans that are now suddenly on hold – going to university, trying for a baby, moving house or changing career? Nobody can tell you what the best decisions for your life are right now, and it might be better to think no further ahead than a day or a week. “Don’t deny reality but remind yourself that this will pass, although we don’t know when,” says Cunningham. “For some people, being at home all of a sudden, there is time and space to think about what we want to do with our lives. A lot of people will be looking for more purpose and meaning. It might not be the best time to make big changes, but thinking about a happy future in which you’re doing work that you love or you have the family you’ve longed for will help. When we’re stressed and creating cortisol, it perpetuates stress.” Too much cortisol also compromises our immune systems. “When we think happy thoughts – imagining the love we’ll have for our future baby or the fulfilment we’ll have in our future career,” she says, “we might not only feel better, but we should also be boosting our immune function.”

Be aware that our emotional estimate of risk, says Leahy, “is extremely high. What we tend to do when we’re emotional is think about anecdotes, not probabilities. This is human nature – we’re not evolved to calculate baselines and probabilities. So we think about stories and how they’re related to us personally. The question is: what is the absolute probability that I’m going to die from Covid-19?” He believes someone is more likely to eventually die from cancer or heart disease.



The virus still seems an unknown quantity, and we still don’t know how much havoc it will wreak, how overwhelmed our healthcare system will get, or (if we do get a handle on it) when it will spring back again once the restrictions on our lives are lifted. So it comes back to building tolerance for uncertainty.

Continued.....

COVID-19 UPDATE

“There are things you can do to boost your ability to cope in these uncertain times,” says Freeman. “Our lives are becoming much more restricted, so it is absolutely crucial that we have enough activities that we really want to do. Ideally these activities will be meaningful to us and build on our strengths. We need to think about new ways to connect with and support our friends, family and neighbours. In these times, our relationships with others become even more important.”

Anxiety is contagious, as a 2014 study by researchers at the Max Planck Institute for Human Cognitive and Brain Sciences in Germany shows. “Empathetic stress” increased as a result of witnessing someone else in distress, whether they were a loved one or a total stranger. When we see worrying on a global scale, it is not surprising that we will be affected. So try to be the person who calms a friend or partner down, and you should both benefit. Don’t buy everything in the supermarket, don’t go out with symptoms, check on your neighbours, help each other out – because kindness is contagious, too.

RIDDOR Reporting of COVID-19

Below, taken from the HSE website is the current requirements for notifying the HSE in the event of known or potential exposure to COVID-19 on site:

You must only make a report under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) when:

- An unintended incident at work has led to someone’s possible or actual exposure to coronavirus. This must be reported as a dangerous occurrence.
- A worker has been diagnosed as having COVID 19 and there is reasonable evidence that it was caused by exposure at work. This must be reported as a case of disease.
- A worker dies as a result of occupational exposure to coronavirus.

What to report

Dangerous occurrences

Read about RIDDOR regulation 7, Schedule 2 – Section 10 on legislation.gov.uk

If something happens at work which results in (or could result in) the release or escape of coronavirus you must report this as a dangerous occurrence. An

example of a dangerous occurrence would be a lab worker accidentally smashing a glass vial containing coronavirus, leading to people being exposed.

Cases of disease: exposure to a biological agent

Read about RIDDOR regulation 9 (b) on legislation.gov.uk

If there is reasonable evidence that someone diagnosed with COVID-19 was likely exposed because of their work you must report this as an exposure to a biological agent using the case of disease report. An example of a work-related exposure to coronavirus would be a health care professional who is diagnosed with COVID-19 after treating patients with COVID-19.

Work related fatalities

Read about RIDDOR regulation 6 (2) on legislation.gov.uk

If a worker dies as a result of exposure to coronavirus from their work and this is confirmed as the likely cause of death by a registered medical practitioner, then you must report this as a death due to exposure to a biological agent using the ‘case of disease’ report form. You must report workplace fatalities to HSE by the quickest practicable means without delay and send a report of that fatality within 10 days of the incident.

COVID-19 UPDATE

They say necessity is the mother of invention. Here are some of the solutions being developed to try to deal effectively with the challenges thrown up by the coronavirus pandemic.

Virtual work experience

Morgan Sindall Construction has been providing school children with virtual work experience using free web service Google Classroom. More than 30 year-10 and year-12 students from 16 schools across the east of England experienced the world of construction virtually over the course of a week, taking part in a number of digital challenges in the process.

Free-standing sanitiser stations

Fit-out firm Lucas UK has designed, developed and manufactured prominent, free-standing hand wash stations for construction sites and elsewhere in response to the crisis. The business has put in place manufacturing arrangements that ensure a continuous supply of its own 80 per cent alcohol hand sanitiser, which is certified to international standards.

COVID-marshall training

COVID-19 courses, certified on the Register of Regulated Qualifications by Ofqual, have been launched by construction recruitment firm O'Neill & Brennan to provide coronavirus training for construction workers. The course provides contractors with the opportunity to have a fully qualified COVID-19 compliance marshal on site

Social-distanced coach service

Coach service Snap is providing customised local pick-ups for workers, avoiding tube, bus and train stations. Every vehicle is sanitised between each trip and offers free hand gel to its passengers. Each

seat is used only once on each journey, minimising risk further.

Canteen and stairwell screens

Partitioning supplier Westgate has developed a range of modular PVC partitions to enable social distancing. These and similar products from rivals rapidly create segregated spaces that help halt the spread of infection. They can be used to divide shared spaces such as canteens, locker rooms, stairwells and corridors.

Safe-distancing app

Technology provider iTWOsafe has developed an app and wristband combo to help workers measure safe distances. A user's smartphone connects it to a Bluetooth Low Energy (BLE) device, which can be worn around the wrist or attached to clothes, enabling workers to stay the correct distance apart.

The personnel distancing system

Interserve trialled a similar proximity technology to ensure social distancing on the final phase of the NHS Nightingale hospital build in Birmingham. The contractor's operatives wore a small device known as a personnel distancing system (PDS). Supplied by workplace-safety specialist Sitezone, it warns users if they are in breach of social distancing restrictions by triggering an alarm.



FINES, PROSECUTION AND LEARNING FROM EVENTS

Former British Gas Employee Fined for Illegal Gas Work

A former employee of British Gas has been sentenced today after conducting gas work he was not registered or competent to do and leaving it in a dangerous condition.

Truro Crown Court heard how Mark Cock undertook the installation of a liquid petroleum gas (LPG) boiler at a property in Cambourne in February 2017. A properly registered gas engineer later inspected the work and found it to be of an extremely poor standard and classed it as immediately dangerous.

An investigation by the Health and Safety Executive (HSE) found that Mr Cock was employed by British Gas at the time but that he was only employed and trained to undertake a very limited range of work on gas meters. Mr Cock carried out the illegal gas work out of his normal working hours but used his British Gas van and wore his British Gas uniform giving the homeowner the impression that he was doing the work on behalf of British Gas, without the company's knowledge.

Mark Cock of Penware Parc, Cambourne, pleaded guilty to breaching Regulations 3(1), 3(3), 3(7) and 26(1) of the Gas Safety (Installation and Use) Regulations 1998. For a breach of Regulation 26(1), relating to dangerous gas work, he was sentenced to 15 months in prison, suspended for two years; For a breach of Regulation 3(7), relating to falsely pretending to be a member of Gas Safe Register, he was sentenced to 10 months in prison, suspended for two years; For a breach of Regulation 3(3), relating to unregistered gas work, he was sentenced to 8 months, suspended for two years; For breach of Regulation 3(1), relating to incompetent gas work, he was sentenced to 8 months, suspended for two years. The sentences will run concurrently.

Speaking after the hearing HSE inspector Simon Jones said: "Mr Cock undertook gas work which he knew he was not registered to do and was of such a poor standard that it could have killed the homeowners and neighbours of the property. "All gas work must be done by a registered Gas Safe engineer to ensure the highest standards are met to prevent injury and loss of life."

Use the following examples of effective and ineffective health and safety management to check if you are doing what you need to do on competence.

What it looks like when done effectively

- All know the risks created by the business and understand how to manage them.
- Key responsible people/job holders are identified and there are clearly established roles and responsibilities.
- People have the necessary training, skills, knowledge and experience to fulfil their responsibilities and are given enough time to do so.
- Training takes place during normal working hours and employees are not charged.
- **Beyond compliance**
- Lessons learned and good practice are shared internally and externally.

What it looks like when done badly or not at all

- Lack of awareness of key hazards/risks.
- People lack the skills, knowledge and experience to do their job.
- Health and safety advice and training is irrelevant, incompetent or wrong.
- No standards set; people not held accountable.
- Insufficient action is taken to comply with the law.
- Knee-jerk reactions follow incidents/near misses.
- The organisation does not know what it needs to do to move forward.

FINES, PROSECUTION AND LEARNING FROM EVENTS

Client and Construction Company Sentenced After Failing to Control the Removal of Asbestos

Property owner Michael Cutmore and building contractors B and S BM Limited have both been sentenced after a refurbishment project of an old hotel was found to contain asbestos containing materials (ACMs) on site while work was still taking place.

Truro Crown Court heard that during September 2017 a property in Island Crescent, Newquay was to be partially demolished and refurbished under the control of one of its owners, Michael Cutmore. The hotel had been left derelict for several years, allowing it to be subject to vandalism and squatting and had been soft-stripped by its owner. Asbestos surveys identified the presence of ACMs, but these were not managed appropriately nor removed prior to the work. Local building contractors, B and S BM Limited were appointed by the hotel's second co-owner to carry out works in half of the property while Mr Cutmore himself also stripped asbestos from within the former hotel.



During a proactive inspection, the Health and Safety Executive (HSE) identified that the former hotel was being refurbished and partially demolished whilst ACMs remained in-situ. Some of these ACMs were licensable products (e.g. asbestos insulating board which contains amosite). Due to the extent of the spread of asbestos dust and debris throughout the building and the lack of adequate control measures,

workers and visitors to the properties were at risk of exposure to asbestos fibers.

B and S BM Limited of Prow Park, Newquay pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974. The company was fined £22,000 and ordered to pay costs of £5,000.

Michael Cutmore of Mount Wise, Newquay pleaded guilty to breaching S3(2) of the Health and Safety at Work Act 1974 and has been ordered to carry out 120 hours unpaid work and ordered to pay costs of £7,500. Speaking after the hearing HSE inspector Georgina Speake said, "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.

"The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

Some ACMs are more vulnerable to damage and more likely to give off fibres than others. In general, materials that contain a high percentage of asbestos are more easily damaged. The table above is roughly in order of ease of fibre release (with the highest potential fibre release first).

Sprayed coatings, lagging and insulating board are more likely to contain blue or brown asbestos.

Asbestos insulation and lagging can contain up to 85% asbestos and are most likely to give off fibres.

Work with AIB can result in equally high fibre release if power tools are used. On the other hand, asbestos cement contains only 10–15% asbestos.

The asbestos is tightly bound into the cement and the material will only give off fibres if it is badly damaged or broken, or is worked on (eg drilled, cut etc).

FINES, PROSECUTION AND LEARNING FROM EVENTS

Worker's Head and Upper Body Horrifically Crushed in Poorly Guarded Machine



A Northampton-based engineering firm has been fined after an operator was crushed while making moulds for a casting machine.

The RSM Castings employee, who has asked to remain anonymous, sustained extensive injuries on 11 April 2018, including a broken neck, back fractures, broken ribs, a fractured shoulder blade, a ruptured spleen and torn liver, a punctured lung, facial fractures and loss of teeth.

He has not yet been able to return to work due the severity of his injuries.

Northampton Magistrates' Court was told that the worker leant into the machine to light the burners when the pattern plate closed on his head and upper body.

The Health and Safety Executive (HSE) investigation found there was inadequate safeguarding on the piece of equipment to prevent access between the closing pattern parts.

RSM Castings pleaded guilty to breaching s 11 of the Provision and Use of Work Equipment Regulations. It was been fined £32,000 and ordered to pay costs of £1,740.

HSE inspector Neil Ward said: "This case highlights the importance of foundries checking guarding on their machines and not to be complacent about machinery safety. In this case RSM failed to ensure that the machine was guarded to the correct standard and it could have easily resulted in a fatal injury."

Roofing Contractor's £285k Penalty for Fatal Steel Beam Crush

A manufacturer of roofing, cladding and purlins has been ordered to pay over £300,000 after an employee sustained fatal crush injuries from a steel beam.

Worcester Crown Court was told on 31 August that Jeffery Warner, an employee at Thomas Panels and Profiles, died when a steel beam emerged from a machine and pushed another beam, which crushed him against a closing door.

A Health and Safety Executive investigation in to the incident, which took place on 27 April 2015, found that the machine did not have suitable safeguards in place to prevent such an incident from happening. The company, which manufacturers steel building components, had also failed to carry out an adequate risk assessment and its system of work was not safe. The machine had been in operation since 2013.

Thomas Panels and Profiles, of Leominster in Herefordshire, pleaded guilty to breaching s 2(1) of the Health and Safety at Work Act. The firm was fined £285,000 and ordered to pay £29,961 in costs.

FINES, PROSECUTION AND LEARNING FROM EVENTS

Waste Site Owner Jailed for Repeat Breaches

The owner of a waste disposal site has been disqualified from being a director or manager and jailed and the company fined £30,000 after putting employees and members of the public repeatedly at risk.

The Health and Safety Executive (HSE) first attended the site of Swansea-based waste disposal firm Crofty Point Metals in July 2013 after being notified of a fire and used gas cylinder explosions. The fire was the result of deliberate arson and followed two similar incidents.

Swansea Crown Court was told last week that the HSE had been contacted by South Wales Fire Service on 9 July 2013 following the third incident at Crofty Point's site on the Crofty Industrial Estate, Penclawydd, Swansea on 26 June 2013.

The HSE made four visits to the site between 17 July 2013 and 28 July 2014 and gave verbal and written advice on site security fencing to prevent the public gaining access to the premises, maintenance of a JCB excavator and thorough examination and testing of lifting equipment.

Site owner Robert Michael Collis and Crofty Points Metal failed to take action following the visits.

The HSE served two improvement notices requiring excavator training and introducing adequate welfare facilities, which were later complied with.

The court was told that the HSE returned to the site on 28 July 2014 and, two days later, served three more improvement notices. The notices related to site security fencing, maintenance on the same JCB 360 excavator and thorough examination and test on lifting equipment on a skip vehicle used on the public highway. An improvement notice was also served on Collis for thorough examination and test of the skip vehicle's hoist.

On 30 September 2014, inspectors told Collis and the company they had not complied with the four

improvement notices served on 30 July. Further HSE visits up to and including 7 December 2016 resulted in little improvement.

On the final visit, the HSE found the site was unattended with the gate left open and was full of waste and debris, including loose gas cylinders. There was no clear demarcation to enable workers to walk around safely. No maintenance had been undertaken on the excavator and no safety checks had been carried out on the lifting equipment on the skip vehicles.



Crofty Point Metals, of Crofty Industrial Estate, Swansea pleaded guilty to breaching s 2(1) and 3(1) of the Health and Safety at Work Act. The firm was fined £15,000 for each breach. In addition to the £30,000 fine it was also ordered to pay £8,000 in costs.

Robert Michael Collis of Dyffryn Road, Swansea, pleaded guilty to s 2(1), 3(1) and 37(1) of the Health and Safety at Work Act. He was sentenced to eight months' imprisonment in relation to the offences. A further four months were added in relation to environmental offences brought by Natural Resources Wales (NRW) with a previous suspended sentence added to be served concurrently. Collis was also disqualified from being a director or manager of a company for seven years.

FINES, PROSECUTION AND LEARNING FROM EVENTS

No exclusion zone allowed concrete pump hose to 'whip round' and kill worker



An Essex-based civil engineering firm has been fined after a construction worker was killed by concrete pumping hose.

Gary Louis, 58, was carrying out works to upgrade a container handling facility at the Port of Felixstowe, Suffolk, in 2015 when the hose suddenly swung round and fatally struck him.

The prosecution was brought following an investigation by the Health and Safety Executive (HSE), which found RW Hill (Felixstowe) had failed to implement a danger zone around the hose.

The company pleaded guilty to breaching regs 15(2) and 15(8) of the Construction (Design and Management) 2015. It was fined £15,000 and ordered to pay costs of more than £13,880 at Chelmsford Magistrates' Court on 24 May.

The court was told that RW Hill was the main contractor on the project to replace the roadway on berth 7 at the port's Trinity Terminal. Two specialist companies had been subcontracted to pump and lay the concrete respectively.

The flexible delivery hose that was being used to pump concrete became momentarily blocked, then cleared under pressure, causing the pump to violently whip round, the HSE said.

Louis, who was employed by the concrete laying subcontractor, was killed and another worker sustained cuts and bruising.

The HSE's investigation found that RW Hill had failed to enforce an exclusion zone around the flexible delivery hose.

It found the company did not adequately supervise, instruct nor provide suitable information to subcontractors, and failed to monitor the pumping operations to ensure the ongoing safety of workers.

HSE inspector Glyn Davies said: "This tragic incident could easily have been prevented had the company involved acted to identify and manage the well-documented risks involved in concrete pumping by the implementation of suitable safe systems of work.

In 2013 the HSE and the Construction Plant-hire Association published updated guidance on the safe use of concrete pumps following an increase in the number of accidents.

The *Code of Practice for the Safe Use of Concrete Pumps* states that the diameter of the danger zone around a delivery hose should be "twice the length" of the hose itself.

"Until concrete is flowing smoothly out of the end of the delivery hose, or when a blockage occurs in the boom pipeline, all personnel should remain clear of the delivery hose and the placing boom," it says.

FINES, PROSECUTION AND LEARNING FROM EVENTS

Steps employers can take to protect employees from HAVS



Given the serious nature of HAVS on individuals, enforcement action will almost certainly follow where it can be demonstrated that an organisation failed to adequately control exposure within the Exposure Limit Value and/or take appropriate action when the Exposure Action Value was reached. To successfully defend any prosecution, an employer will have to positively demonstrate that it reduced exposure and risk to the lowest level reasonably practicable.

So how does an organisation go about identifying, assessing and managing the risks from vibration?

Some basics to consider include:

- ◆ Developing a policy on managing the risks of vibration, which sets out how the organisation will approach the identification and

management of this risk and how individuals found to have HAVS will be supported;

- ◆ Carrying out a risk assessment to identify what work activities and which pieces of equipment present a risk. This should include identifying how long workers use particular tools in a typical day and whether the daily vibration exposure is likely to reach or exceed the Exposure Action Value set out in the Regulations;
- ◆ Sharing the findings of the risk assessment with exposed employees and their representatives;
- ◆ Identifying sensible, practical actions to eliminate the vibration exposure, or reduce it to as low a level as is reasonably practicable, including:
 - ◆ Looking at whether alternative working methods can be used to eliminate or reduce exposure;
 - ◆ Planning and managing work, where necessary sharing tasks between individuals to ensure that vibration exposure is controlled; and
 - ◆ Selecting suitable ergonomically designed and efficient tools, maintaining them in good condition and training employees in their correct use.
- ◆ Providing a health surveillance programme that provides systematic health checks to identify early signs and symptoms of the disease and to allow action to be taken to prevent its progression.

What the law says

The Vibration Regulations require you to make sure that risks from vibration are controlled; Provide information, instruction and training to employees on the risk and the actions being taken to control risk; and provide suitable health surveillance. The Vibration Regulations include an exposure action value (EAV) and an exposure limit value (ELV) based on a combination of the vibration at the grip point(s) on the equipment or work-piece and the time spent gripping it.

The exposure action and limit values are:

- a daily EAV of 2.5 m/s² A(8) that represents a clear risk requiring management; and
- a daily ELV of 5 m/s² A(8) that represents a high risk above which employees should not be exposed.

FINES, PROSECUTION AND LEARNING FROM EVENTS

Construction Company Fined After Worker Falls From Height

A construction company has today been fined after a worker fell through a roof window opening, suffering multiple fractures.

Luton Magistrates Court heard how the employee of Sunshine Lofts Limited was carrying out work on a new build extension when his foot slipped and he fell through a roof light gap, landing on the concrete floor below. The worker suffered two broken ribs and a broken hip.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on the 26 July 2016, found that although the company had identified in risk assessments suitable measures to

prevent falls, they had failed to implement these at the time of the injured persons fall.

Sunshine Lofts Limited of Holywell Hill, St. Albans, pleaded guilty to breaching Regulation 4 of the Work at Height Regulations 2005 and has been fined £30,000 and ordered to pay costs of £2,008.35. Speaking after the hearing, HSE inspector Samantha Wells said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well-known.

"In this case, by putting in place measures to prevent falls through the skylight including boarding over the gaps, or providing a scaffold platform under the roof under construction, could have removed the danger of falling."

Demolition Co-Fined After Reversing Plant Punctured Worker's Lungs

A Wolverhampton-based demolition firm has been fined after one of its employees was crushed by a reversing excavator.

The 39-year-old worker for Sterry Lane, trading as LPD Demolition, was part of a group working on a site in Staffordshire.

The men were removing debris near an excavator when it reversed. It ran over the employee and left him with punctured lungs, liver injuries and multiple fractures to his legs and pelvis.

He has not been able to return to work since the accident in May 2016.

A Health and Safety Executive (HSE) investigation found the company had failed to properly plan the demolition work and had not segregated pedestrian workers and vehicles on the site.

Sterry Lane admitted breaching reg 15(2) of the Construction (Design and Management) Regulations 2015, which states that construction work must be carried out without risks to safety so far as is reasonably practicable.

The company was fined £50,000 plus £1,727 costs.



FINES, PROSECUTION AND LEARNING FROM EVENTS

Tata Steel Fined £1.4m After Health and Safety Failings Lead to Death of Worker

A steel producer has today been fined after the death of 26-year-old maintenance electrician, Thomas Standerline.

Hull Crown Court heard how, on 23 April 2010, Mr Standerline, an employee of Tata Steel, was examining a crane as part of his inspection duties as a maintenance electrician. Whilst carrying out this work, an overhead crane travelled over the cage he was in, trapping and then crushing him. Mr Standerline died instantly.

An investigation by the Health and Safety Executive (HSE) found Tata Steel had failed to enforce its own safety procedures, despite having two previous incidents before Mr Standerline's death. The HSE investigation also found Tata Steel failed to put in place essential control measures which would have prevented the overhead crane that killed Mr Standerline from even being in operation.

Tata Steel UK Limited of Millbank, London, pleaded guilty to breaching Section 2 and Section 3 of the Health and Safety at Work Act 1974 and fined £1.4 million with costs of £140,000.

Speaking after the hearing, a member of Mr Standerline's family said: "Thomas' death has devastated us as a family. There's not a day goes by when we don't think about him. We miss him always, especially on family occasions when he should be with us. He was well loved by everyone who knew him, and had lots of friends. Every day we think about what might have been if he had still been here. We would like to thank, once again, all those who have helped and supported us over the course of the last eight years. It means a great deal to us."

HSE principal inspector Kirsty Storer said: "This tragic loss of life could have been avoided had the company adhered to and enforced its own safety procedures. Despite two previous incidents sharing features with the one which ultimately cost Mr Standerline his life, the company failed both to take these as a warning sign and to act on safety."

Have you seen the New MSM Website?

Visit

msm-safety.co.uk

For up to date information on courses and services we as a company offer that may be of benefit to you.

TRAINING COURSES 2020

1 Day CITB Health & Safety

Awareness:

£115 + VAT per person

17th July 2020

25th August 2020

30th September 2020

5th November 2020

2 Day CITB Site Supervision:

£225 + VAT per person

6th & 7th July 2020

13th & 14th October 2020

14th & 15th December 2020

1 Day CITB Site Supervision

Refresher:

£150 + VAT per person

8th July 2020

15th October 2020

18th November 2020

5 Day CITB SMSTS:

£550 + VAT per person

13th, 14th, 20th, 21st & 27th July 2020

8th, 9th, 15th, 16th, & 22nd

September 2020

3rd, 4th, 10th, 11th & 17th

November 2020

2 Day CITB SMSTS Refresher:

£295 + VAT per person

11th & 12th August 2020

6th & 7th October 2020

16th & 17th December 2020

1 Day IOSH Leading Safety:

£295 + VAT per person

4th August 2020

21st October 2020

20th November 2020

1 Day IOSH Working Safety:

£175 + VAT per person

9th July 2020

3rd September 2020

19th November 2020

4 Day IOSH Managing Safety :

£450 + VAT per person

17th to 20th August 2020

26th to 29th October 2020

1/2 Day Fire Marshal/Warden:

£60 + VAT per person

26th June 2020

15th July 2020

10th September 2020

2nd December 2020

1/2 Day Asbestos

Awareness:

£60 + VAT per person

29th July 2020

1st September 2020

20th October 2020

1st December 2020

1/2 Day Emergency First Aid at

Work:

£80 + VAT per person

28th July 2020

23rd September 2020

24th November 2020

1/2 Day Manual Handling:

£60 + VAT per person

22nd July 2020

2nd September 2020

19th November 2020

1/2 Day Safe Use of Ladders and

Step Ladders to Include

Inspections

£60 + VAT per person

13th August 2020

17th September 2020

25th November 2020

(Please note these courses are still currently available, but may be subject to change dependent on government issued guidance relating to social distancing—please contact the office directly for more information, thank you)

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.



MSM SAFETY MANAGEMENT SERVICES