

**HCS  
SAFETY**

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The UK construction industry is responsible for 32% of landfill waste.

A further 29% of waste to landfill is generated by mining and quarrying



# Safety News

**HCS  
SAFETY****June 2011**

## Site fatalities have risen to break a four-year period

**Site fatalities have risen to break a four-year period of declining deaths in the industry.**

According to the latest provisional figures from the Health and Safety Executive the number of construction deaths rose to 50 last year, up from 41 the year before.

Despite falling workloads there is now mounting concern that the industry's safety record is starting to slide in the downturn.

Big sites have maintained better safety records but smaller sites were still a problem warned the HSE's chief construction inspector.

The construction death toll equates to a rate of 2.4 deaths per 100,000 workers, compared to a rate of 1.9 recorded in 2009/10.

HSE chief construction inspector Philip White said: "The construction industry continues to see more deaths than any other industrial

sector. We must not lose sight of the fact that 50 construction workers failed to come home last year, and that will have devastated those they leave behind."

White said that while the increase was extremely disappointing, the figures for a single year should not be viewed in isolation.

He added that numbers and rates of fatal injuries in construction have seen an overall downward trend in the last five years where the average figure in 61. But this includes 2006/07, a dreadful year when 79 workers were killed.

"HSE will continue to work to reduce the number of fatal accidents, however, it is ultimately the responsibility of those who create health and safety risks to control them and prevent people being killed and injured. "The majority of deaths continue to be on small construction sites. Big construction companies have shown steady improvements over the last decade, and we want to see smaller firms take a similar lead.



The figures have prompted a demand from construction union Ucat for a rethink on safety funding cuts.

Acting general secretary George Guy said: "These latest figures must serve as an urgent wake up call for the Government and their policy of cutting safety laws and legislation.

"This rise in deaths occurred before the Government's cuts kicked in. By slashing the HSE's budget and the organisation's effectiveness the Government are in reality giving a green light to business to avoid taking safety laws seriously."

## HSE slams firms for 'not taking legionella risk seriously'

Two companies must pay more than £250,000 in fines and costs for exposing workers and members of the public to legionella bacteria.

In April 2006, the HSE visited automotive-parts manufacturer Eaton Ltd's factory in Tamworth, Staffordshire, after being notified by the Health Protection Agency that a worker at the site had contracted Legionnaires' disease. The victim later died from the illness. □ □

The investigation found that Eaton Ltd has contracted Aegis Ltd to provide water-treatment services for water-cooling systems on plastic moulding machines, which were used in manufacturing processes. Aegis was responsible for cleaning the machine and checking that the

correct level of diocide was added to the water to suppress microbiological activity in the system. But this procedure was not properly monitored and inconsistent levels of the chemical were added to the water, meaning an unsafe level of legionella bacterium was present in the system.

Eaton Ltd did not have a comprehensive risk assessment in place to ensure that the system was properly cleaned and maintained. The water towers on the system needed to be taken apart every six months to clear out sludge and sediment, but this had not been done for more than two years.

The HSE also found that both companies had failed to identify that the system's drift minimisers were damaged, which meant

that aerosol containing legionella was able to escape from the tower.

Eaton Ltd appeared in court on 28 June and pleaded guilty to breaching s2(1) and s3(1) of the HSWA and was fined £40,000 for each offence, plus £45,000 in costs.

Aegis Ltd was found guilty in its absence at a trial in May for breaching s3(1) of the HSWA 1974 and was sentenced at the same hearing as Eaton Ltd. It was fined £40,000 and ordered to pay £80,000 costs.

"Legionnaires' disease is a potentially fatal form of pneumonia, which can affect anyone coming into contact with it."

# Safety News

## New online safety tool for construction sector

The HSE has launched a new online tool aimed at helping construction contractors and managers learn how to make health and safety improvements in their businesses.

The Leadership and worker-involvement toolkit has been developed by the HSE, the Health and Safety Laboratory, and principal contractors in the construction sector. It is designed to help small and medium sized construction sites improve their health and safety performance by engaging with their workforce.

It was launched earlier this month and features guidance, checklists, questionnaires, video demonstrations, and downloadable toolbox talks.

The toolkit also features a diagnostic tool, which allows companies to measure the health and safety culture on their construction sites. Once this has been analysed it displays tips, and best practice advice provided by leading construction companies, to help improve safety at a site.

The tool provides seven steps to help improve safety culture, including:

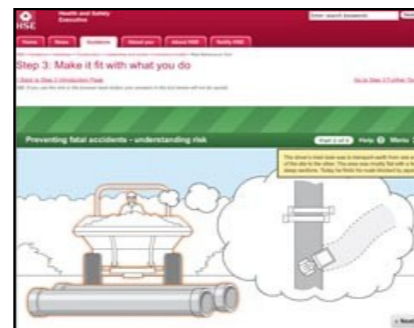
- Assess how you are doing;
- Find the root cause of your issues;
- Make it fit what you do;
- Lead this in your company;
- What's in it for your team;
- How your team can carry it out;
- And how to make it last.

HSE construction division inspector, Gordon Crick, explained that the toolkit has been rigorously tested by SMEs to ensure that it is easy to use. He went on to say that several principal contractors from the construction industry had been closely involved during the development. Companies involved during the process include: Bovis Homes, BAA, Bovis Lend Lease, Laing O'Rourke, Morgan Sindall, and Magnox.

Inspector Crick told SHP: "This initiative was born from studying the industry, and we have aimed to produce a toolkit that communicates messages about leadership and involvement. We believe that good leadership, when integrated with worker involvement, will lead to a better safety culture at construction sites.

"The toolkit is easy to use and has wide applicability that will transfer across all sectors of construction and will be of great interest to people who want to learn more about leadership and worker involvement." To access the tool visit [www.hse.gov.uk/construction/lwit](http://www.hse.gov.uk/construction/lwit)

We would like you to give us your views on this, we have had a go and find it quite interesting!



## Engineer left brain damaged by falling scaffold

A Bristol lift engineer suffered severe brain damage when a scaffold pole fell 14 storeys down a lift shaft.

Richard Chodkiewicz, 53, was working on a lift installation for a new Radisson Blu hotel in Bristol, when the half-metre length of scaffold pole struck him in July 2008.

Chodkiewicz and a colleague were at the bottom of the lift shaft. Another man 18 stories up was lifting the 3.7kg section of pole on a piano wire to use as a plumb line to help align the lifts. But the tube slipped the tie, struck Chodkiewicz, and left the father of two needing round-the-clock care.

Miller Construction, which was running the project, was fined £40,000 at Bristol Crown Court. The engineer's employer Somerset-based contractor Hoistway was fined £70,000.

Both firms had previously admitted breaches of health and safety regulations.

A HSE investigation found that there had been inadequate site management and insufficient risk assessments carried out before the work was undertaken. Openings had been left unguarded and not enough had been done on the site to prevent the risk of falling objects.

Steve Frain, HSE Inspector, said: "The contractors involved should have had effective arrangements in place to ensure that Mr Chodkiewicz was not in the bottom of the lift shaft while anything was being raised or lowered.

"Even a smaller object falling on him from that height could have killed him or his colleagues.

"As it was, he was struck with such force by the pole that he now has severe brain damage and requires 24-hour care."



## In the Courts: a round-up of recent prosecutions

### Mechanic fell 10ft from unsecured ladder

A Blackburn truck company failed to rectify unsafe work-at-height practices that were identified during an audit carried out by a safety consultancy.

JDS Trucks Ltd, which sells and repairs heavy-goods vehicles, appeared at Accrington Magistrates' Court following an incident at its garage, on 4 December 2009. A 47-year-old mechanic at the garage was assessing whether a wind deflector needed to be fitted to the roof of a lorry cab. He rested a ladder against the side of the vehicle and then climbed up on to the cab roof. When he tried to climb down, the ladder slipped, and he fell 10ft to the ground. He suffered fractures to his hip and right elbow and was unable to return to work for four months owing to his injuries.

HSE inspector Shellie Bee told SHP that a safety audit a few months prior to the incident had identified that staff were using unsafe work-at-height methods. Workers were observed



accessing lorry roofs by standing on a pallet that was placed on the raised forks of a lift truck. The worker would

then lean forwards to install a wind deflector on the cab roof, while another worker stood on the vehicle's roof to guide the deflector in to place.

The safety consultant who carried out the audit instructed the company to purchase a mobile gantry to access the top of vehicles. Inspector Bee revealed that although this equipment was purchased it was not being used by the company and the platform did not have edge protections around two sides.

The firm was issued with an Improvement Notice on 1 February 2010, which required it to create a safe system of work for fitting wind deflectors. Inspector Bee said: "JDS Trucks simply didn't think about the risks the worker might face if he climbed on to the roof of the cab using a ladder, and put his life in danger as a result. "He was off work for several months as a result of his injuries but could have suffered permanent injuries, or even been killed. Since the incident, the company has upgraded its gantry for safe working at height and implemented a safe system of work for fitting wind deflectors.

JDS Trucks appeared in court on 15 June and pleaded guilty to breaching reg.6(3) and reg.8(e) of the Work at Height Regulations 2005, and reg.3 of the Management of Health and Safety at Work Regulations 1999. It was fined £9900 in total and £4613 in costs.

### Untrained worker killed in gas explosion

A worker was killed and a member of the public was seriously injured when a gas cylinder exploded at a workshop in Buckinghamshire.

Oak Farm Gas Company Ltd, which trades as Mr Fizz, owned the workshop in New Denham and used the facility to supply high-pressure carbon dioxide, nitrogen and gas mixtures for licensed-trade drink dispensers.

Isleworth Crown Court heard that Kerry Daly, 21, was employed by Mr Fizz to fill empty gas cylinders with various types of pure and mixed gas. On 19 June 2009, Maurice Kelly, 45, brought an empty cylinder to Mr Daly from a pub in east London. But the cylinder he had provided was taken from the pub's nitrogen generation unit, and was not meant to be removed. The pub was under temporary management and there were no instructions to tell staff, which cylinder should be removed when drinks dispensers ran out of gas.

Mr Daly was alone in the workshop and noticed that the valve settings on the cylinder did not match those on the high-pressure filling station, so he telephoned a colleague for advice. He was only able to contact one of the firm's delivery drivers, who was not trained to use the filling station, and he advised Mr Daly not to fill the cylinder. Despite this advice, he attempted to do so and the cylinder exploded. Mr Daly later died from his injuries. Mr Kelly was also seriously injured – his leg had to be amputated below the knee and he has also lost some function in both of his hands.

HSE inspector Will Pascoe visited the scene and found that the cylinder had a 10 bar pressure limit and Mr Daly was attempting to fill it with a high pressure filling line, which contained gas with 200 bar pressure. The investigation found that Mr Daly had not received any training and was only given verbal instructions on how to fill the cylinders. There was also no evidence that the company had carried out a

risk assessment for the work.

Oak Farm Gas Company Ltd appeared in court on 17 June and pleaded guilty to breaching s3(1) of the HSWA 1974, and reg.4(3) and reg.6(1) of PUWER 1999. It was fined £30,000 for each offence and ordered to pay £50,000 in costs.

In mitigation, the firm said it felt that Mr Daly had received adequate training to do the work. It now outsources the filling of canisters to another company so it only sells full canisters at the site. The company had no previous health and safety convictions.



### Company failed to provide employees with running water

A North Devon decorating supplies company has appeared in court for failing to provide adequate washing facilities for employees who were at risk of contracting dermatitis.

Mike Wye and Associates Ltd, which produces natural building and decorating products, failed to provide hot water over a period of four years at its workshop in Buckland Filleigh, Devon. This was despite the fact that workers at the site were regularly handling hydrated lime, a well-known irritant to both skin and eyes that can cause dermatitis, to manufacture lime putty.

The HSE discovered the lack of provision of hot water during a routine visit in September 2010, when they also learned that the site had no running water during the winter months due to pipes freezing. In addition, inspectors found flammable chemicals at the site

were not being stored in a fire-resistant container.

On 27 September 2010, the company was issued Improvement Notices, which required it to provide hot water in the changing rooms and toilets at the site, and to store chemicals in fire-resistant containers.

HSE inspector, Simon Jones, said: "The provision of hot running water is one of the most basic rights for workers, especially when they are dealing with materials that could cause skin disease.

"Although the company provided cold water and gel, this did not encourage workers to wash their hands."

Mike Wye and Associates Ltd pleaded guilty to breaching reg. 21 (2)(a), (b) and (c) of the Workplace (Health, Safety and Welfare) Regulations

1992, for failing to provide adequate washing facilities. It was fined £3500 and £588 in costs.

Following the hearing a spokesman from the company said: "It's inaccurate to say that the HSE learned that the site had no running water during the winter months due to pipes freezing. This is absurd as we couldn't slake lime without running water so we'd be closed throughout the winter months. The fact is that our pipes occasionally froze in extreme weather conditions, particularly during the winter of 2009/10 when the daytime temperatures dropped to -11C

"Following the HSE inspector's visit we installed hot water and a shower in the washrooms. We also bought a portacabin with washing up facilities for the staff so that they didn't have to take their breaks in the locker room."