

HSEQ Bulletin



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Safety advice notice: 55

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Accidents & Fatalities at Work – How Things can change at a blink of an eye

I start off April's HSEQ Bulletin on the sad and tragic news of a fatality of a builder in South Gloucestershire.

I then look at 2 recent prosecutions under the Corporate sentencing guidelines which were released in February 2016. They said fines will rise, read on to find out more.

Builder dies in fall at retail park in Patchway

An investigation is underway after a builder died following a fall at a retail park in South Gloucestershire. A 78-year-old man from Birmingham, who was working on the refurbishment of a shop at Centaurus Business Park in Patchway, fell around 15 feet from scaffolding at around 8 am on Monday (March 5 2018). He was taken to Southmead Hospital but died from his injuries.



The man was fitting a large glass window at the time.

This is a tragic incident in which a man fell from scaffolding while fitting a large glass window. His family have been informed and are being supported at this very difficult time.

We've been working closely with our colleagues in the Health and Safety Executive, who are assisting with our enquiries, to establish what happened.

– DET INSP DAVE LEWIS, AVON AND SOMERSET POLICE

-Source: ITV West Country

Builder dies in fall at retail park in Patchway

Mr Welstead, aged 31 at the time of the accident, suffered severe ligament damage and has been unable to return to work as an industrial painter since falling around 10 feet while working at East Croydon railway station on 7 in January 2015.

Not Briefed

Croydon Crown Court heard that the two companies agreed the £12million contract with Network Rail to undertake the replacement of station floor surfaces, canopy roofs and cladding.

BAM Nuttall started work in January 2014 and later that year a third company, DRH, was asked by the existing contractors to supply industrial painters to undertake specialist tasks.

Mr Welstead and a colleague were given a site induction when they arrived for work on 18 December, but crucially, they were not briefed on the risk assessment, which required work over the platforms to be undertaken at night, for workers to wear full body harnesses and for the waiting room below to be locked.

Returning to work on 7 January following the Christmas and New Year holiday, Mr Welstead and his colleague were not given another safety briefing, nor were they warned about fragile roofs, and at 9.40am he fell through the unguarded suspended ceiling into the waiting room below.

In a prosecution brought by the Office of Rail and Road (ORR), the companies were fined after admitting charges under S 3(1) of the Health and Safety at Work etc. Act 1974. Costs of £7,157 were also awarded.

Johnny Schute, Deputy Director, Policy, Strategy and Planning, said: "The fines handed out send a powerful message to the industry that the safety of workers on the railways is absolutely paramount, and proper risk assessments and briefings must be carried out and followed.

"The ORR is committed to protecting the safety of workers and passengers and will not hesitate to take enforcement action when and where it is necessary."

-Source: SHP

Ladder fall: £850k fine after window installer breaks knee cap

A window installer fell three metres from an unsecured ladder, breaking his knee cap, an investigation has found.

The accident happened when the worker was attempting to install a first-floor rear bedroom window of a property on Cemetery Road, Doncaster.

Slipped

Employed by H.P.A.S Limited (trading as Safestyle UK) at the time of the accident on 1 March 2017, the operative was climbing a ladder that was not footed or tied and it slipped. He fell and sustained injuries which required surgery.

The HSE's investigation found:

- The company's system for planning work at height was inadequate in that it failed to ensure that work was carried out in a safe manner
- Windows were not routinely installed from the inside
- Ladders were used in a way that constituted serious risk
- There was no system of monitoring or supervision in place
- Operatives were left to their own devices.



Guilty

At Sheffield Magistrates' Court, H.P.A.S. Limited trading as Safestyle UK, of Style House, Eldon Place, Bradford, pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £850,000 with £1,083 in costs. Commenting after the hearing, HSE inspector Stuart Whitesmith said: "This incident could easily have been prevented had the company implemented reasonably practicable precautions.

"Such precautions include having effective and enforced safe systems of work, whereby windows are installed internally where possible, or by using suitable access solutions which provide edge protection, and having a formal system in place to ensure works are appropriately supervised."

Conclusion

The first incident led tragically to a fatality and it would not be right to speculate over what the employer had or had not done as this investigation is ongoing, but highlighting it in this HSEQ bulletin shows how in the blink of an eye how things can change.

The two examples of falls from height injuries show a huge change in fines now, only a couple of years ago these would have been around c.5-10k each but as you can see the 2016 corporate sentencing guidelines are now having an effect with companies being fined and prosecuted under the 'potential for harm' rather than the actual injury itself, as you can see both these falls could have potentially been fatal.

The first incident was due to a lack of the correct site briefing and risk assessment for working at height tasks. A 10 foot fall through a ceiling into a waiting room could have been avoided had the worker been briefed correctly on the site procedures and risks of falling through fragile ceilings.

The second incident involves the name of a company well known to many people and their procedures to ensure its work is carried out safely with due care, yet they have had an incident which has led to a worker requiring surgery to his kneecap following a fall from an unsecured ladder, it could have been much worse.

The investigation would have no doubt focused on the organising, planning and supervision of the work. What procedures had been followed by the individual and how the work equipment, in this case a ladder, was used. How the workers normally carried out this type of work. It is evident from the article that the company did not carry out its work safely and essentially left employees to their own devices – a risky strategy and one which no doubt highlights the severity of the fine.

Following the company's guilty plea the HSE's investigation highlighted that there were shortcomings in many areas of the businesses operations such as the company's safe systems of work, the lack of systems for planning and ensuring appropriate monitoring and supervision are carried out and lastly not using the appropriate work equipment which provided edge protection.

The key messages that these cases illustrate is the need to ensure work is appropriately planned, risk assessments are undertaken and employees are fully briefed.