



# SMC Safety Solutions

## Health & Safety

### Newsletter – September 2019

#### DEMOLITION

##### **Demolition disasters caught on camera**

Following a Channel 5 documentary series “When demolitions go wrong”, the HSE has taken the opportunity to show how clients and contractors can do better in future. What tips has the HSE given?

##### **The series**

The documentary focused on the more sensational aspects of demolition disasters, primarily their impact in terms of collateral damage, e.g. from tower blocks falling the wrong way. The HSE evidently felt an opportunity had been missed by the programme makers. In its press release it stated that the series had not looked at the underlying causes, and it therefore wanted to redress the balance with its own case studies

(see <https://press.hse.gov.uk/2019/05/14/ensuring-structural-stability-during-demolition-and-refurbishment-work-2/>). The incidents cover a range of events, behind which were common lapses in judgement or mistakes.

##### **What’s covered?**

The studies are arranged in a sequence which matches the process for arranging a project, beginning with the client deciding that the work is to be done, through to planning and execution. The message given is that all those involved need to pay attention to their duties.



## Starting from the top

The first case study concerns the failure of a client to provide sufficient pre-demolition information to the contractor. It describes how high-rise residential blocks built of large precast panels were to be taken down. The client had not undertaken a survey therefore no one had realised how unstable the structure had become. As a result, it collapsed prematurely with multiple floors falling at once. Fortunately, no one was hurt.

**Tip 1.** Ensure that if you're having a structure dismantled there is a sufficiently in-depth examination before the contractor is asked to give a quote. For small simple structures, a visual review will often be sufficient, but if the structure isn't visible you may need to engage a structural engineer for advice.

**Tip 2.** Clients can use our checklist to ensure that they have thought through the variables (<http://smcsafetysolutions.co.uk/monthly-newsletter-support/1930254>).

## Contractor competence

A couple of the HSE's case studies illustrate the problems caused when the project team doesn't have the experience and expertise required. One was a basement extension where there was not enough support given to the building and the sides of the excavation were not shored up. When planning the work, a temporary works designer should have been involved which would have ensured that the temporary supports were meticulously planned and budgeted for.

In another case, a demolition worker was killed while dismantling a single storey concrete slab-roofed building. The workers made incorrect assumptions about the way that it had been constructed. They punched a hole in a wall for plant access which caused an unsupported concrete roof plank to drop whilst they were inside the structure. Had someone carried out some simple checks such as removing a section of roof felt, the form of construction would have been obvious.

As the HSE points out, the responsibility for safety begins with the client who must provide information about the structure. Use a competent contractor and always ensure that there is a written demolition and dismantling plan in place.

# PRODUCT RECALL/WITHDRAWAL FORM

## Record and manage your product recall

If you're a manufacturer or supplier, there may be occasions when, despite your best efforts, you find a problem with goods which you've distributed. Our form will help you to fulfil your duty to customers in the recall process.

## Hot topic

Safety recalls and product withdrawals affect all sorts of businesses, including those who supply food, chemicals, equipment and materials. In 2019 we've seen the issue come to the top of the agenda particularly within the food industry and in fire safety.

**Note.** "Withdrawal" of a product is the term used when a product has not yet reached consumers, while a "recall" occurs if the product has already reached them.

The Food Standards Agency announced in February 2019 that it would be publishing new guidance to resolve major weaknesses it had discovered in the process of recalling food products. Meanwhile, there's the ongoing saga of washing machines, tumble dryers and fridge freezers causing domestic fires.

## What to do?

If you identify that a product you distributed is not safe for consumers, you must instigate a recall or withdrawal process to remove it from circulation.

Our product recall/withdrawal form will help (<http://smcsafetysolutions.co.uk/monthly-newsletter-support/1930254>). By completing it you'll have a list of the clients you contacted about the problem and a record in date order of all the communications which were sent out.

## How to use it

At the start of the form we've asked for general details of both the business and the manager completing the document. It then asks for details of the specific product affected and whether they are to be returned or disposed of by the client.

**Tip 1.** To complete this part, you'll need the name of the product, along with a description, its batch number(s) and the quantity involved. If the headings don't match up with those you already use in your production and distribution databases, amend the form so that it's easy to cross reference with your existing information systems.

**Tip 2.** The "Further information" section explains the reasons behind the recall or withdrawal and confirms details of any interaction with enforcement agencies.



## Keeping clients informed

In the next part you are asked to write each client's contact details and confirm that they have been notified with all relevant information. You should include details of how many products they received, whether they reached consumers and if a point of sale recall notification has been issued. There's extra space for any further information, e.g. a record of each conversation or correspondence.

**Note.** We've allowed space for five separate clients, but you can easily add rows in the table. Once you've done everything you can to resolve the situation it's a good time to reflect on what caused the problem and whether your resolution process was successful.

Use our document to ensure that you have a record of your correspondence with each client and any enforcement agencies. On completion you'll have an accurate summary of what product was involved and how you dealt with it. Review how you did and identify any corrective actions to take in future.

# FIRE ALARMS

## Dangerous smoke alarms being sold online

### Testing

Consumer group Which? carried out tests on four smoke alarms that were readily available online to determine if they were fit for purpose. Each of the fire alarms cost less than £5 and all failed the eight tests performed. The National Fire Chiefs Council is now urging consumers to purchase fire safety products from reputable suppliers.

**Note.** This only affects those who purchase battery smoke alarms of the type commonly used in domestic or smaller commercial premises, as opposed to those who have a professionally installed fire alarm system with a fire panel.

**Tip.** Legitimate smoke alarms have safety marks such as the British Standards Kitemark symbol or Loss Prevention Certification Board (marked LPCB). These products may be more costly than the cheapest alarms found online, but you could pay a very high price if you buy a cheap product which fails in an emergency. If you have already purchased smoke alarms from a dubious source, check the product for the Kitemark etc. If in doubt, replace them urgently.

Which? has found unreliable smoke alarms are being sold online. Make purchases from reputable suppliers and check to ensure that fire safety products have quality marks such as the British Standards Kitemark.



## IN COURT

### **Construction Company and employee sentenced after worker killed**



A construction Company and one of its employees have been sentenced for health and safety breaches after another worker was struck by an excavator and was killed.

Southwark Crown Court heard how, on 2nd March 2014, during night work at a construction site in Stratford a site operative, Kevin Campbell, was struck by an excavator mounted vibrator (EMV) attached to a 35-tonne excavator that he was working in close proximity to. Mr Campbell had been disconnecting lifting accessories from a metal pile that had just been extracted from the ground when he was crushed against a concrete wall a short distance away. Mr Campbell died from his injuries. Another site operative who was directly next to him also faced a risk of being struck.

An investigation by the Health and Safety Executive found the construction Company which was the principal contractor; Clancy Docwra Limited, failed to ensure the safety so far as is reasonably practicable of its employees and of others who were not their employees working on the site. The investigation also found that Daniel Walsh, who was the site supervisor for the site and the person operating the excavator at the time, failed to take reasonable care for other persons on site at the time.

Clancy Docwra Limited of Coppermill Lane, Harefield, Middlesex pleaded not guilty to breaching Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974. The Company was fined £1,000,000 and ordered to pay costs of £108,502.30.

Daniel Walsh of Eastcote, Orpington, Kent pleaded not guilty to breaching Section 7(a) of the Health & Safety at Work etc. Act 1974 and was given a 6 month custodial sentence, suspended for 12 months and ordered to pay costs of £15,000.

Speaking after the hearing, HSE inspector Darren Alldis said:

“This death was wholly preventable and serves as a reminder as to why it is so important for companies and individuals to take their responsibilities to protect others seriously and to take the simple actions necessary to eliminate and minimise risks.

“If the risks had been properly considered by the Company, and simple and appropriate control measures were put in place, then the likelihood of such an incident occurring would



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have been significantly reduced. Informing all site operatives of the specific risks they face when carrying out such tasks and the control measures required of exclusion zones, the importance of communication and the mandatory use of excavator safety levers were simple actions that should have been put in place and their effectiveness monitored.

“All those with legal responsibilities must be clear that HSE will not hesitate to take appropriate enforcement action including where appropriate prosecution against those that fall below the required standards”.



## **Solar panel Company fined after worker falls through skylight**



A solar panel Company has been fined after a worker fell through a skylight during the installation of solar panels on a farm workshop in East Sussex.

Brighton Magistrates Court heard how, on the 23rd July 2018, an employee of SolarUK Limited was carrying out installation work on the fragile roof in Ninfield. As he stood to move, he stepped on the unprotected skylight and fell approximately four metres to the workshop floor below sustaining multiple and long-term injuries to his wrist.

An investigation by the Health and Safety Executive (HSE) found that, although the Company knew the risks from fragile surfaces and unprotected edges, they failed to plan or supervise the work to ensure that access to hazardous areas was prevented. As such the workers were at risk from falls throughout the job.

SolarUK Limited of Vantage Point, Battle, pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £40,000 and ordered pay costs of £2,000 in addition to a victim surcharge of £170.

Speaking after the hearing, HSE inspector Nicola Wellard said: “The risks associated with fragile roofs are widely known throughout this industry. Failing to protect workers from this risk is inexcusable. Simple safety measures could have prevented this incident and the long-term injuries to the worker.”

## **West Midlands Companies sentenced after workers exposed to risk of falling from height**



Two companies have been fined after putting workers at risk of falling whilst accessing a roof to repair pipework.

Dudley Magistrates' Court heard how, on 12th April 2016, contractors who worked for Kingswinford Engineering Co Limited had been hired to repair a section of pipework on the roof of a warehouse in Bilston owned by James Durrans & Sons' Limited.

The court heard how workers had climbed onto the roof from a 'man-cage' lifted into position by a forklift truck. The 'man-cage' fell short of the roof level by about three feet and there was a gap between the cage and the roof which workers needed to climb across. Once the workers were on the roof, it was slippery and wet, with no barrier in place to prevent a fall.

An investigation by the Health and Safety Executive (HSE) identified failings in relation to how the work, specifically access to the roof, was planned, managed and monitored. In particular, neither Company had undertaken a suitable and sufficient risk assessment, nor had they agreed a safe system of work for the repair of the pipework which required access to the roof. Instead each Company had assumed that the other had put into place systems that would protect workers from the risks of working at height.

Kingswinford Engineering Co Limited of Shaw Road, Dudley pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £18,000 and ordered to pay costs of £9,000.

James Durrans & Sons Limited of Anchor Road, Bilston pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and has been fined £100,000 and ordered to pay costs of £20,000.

Speaking after the case, HSE inspector Edward Fryer commented:

"This incident highlights the need for contractors to be managed properly. Both the contractors and those engaging them must assess the risks of the site and the specific work to ensure it can be done safely. In this case, no risk assessment was carried out and arrangements made to access the roof put workers at significant risk of falling from height."



## **Company and Director fined following dangerous construction work around a domestic boiler**



A building company and its director have been fined for unsafe construction work around a domestic gas boiler which resulted in a gas escape. Birmingham Magistrates' Court heard how MD Building Contractors Ltd was contracted to undertake construction work at Brooklyn Avenue, Aston, Birmingham, between 26th July and 28th August 2017. The work was an extension to the kitchen.

An investigation by the Health and Safety Executive (HSE) found that prior to the work commencing, a pre-existing gas boiler had been located in the kitchen with its flue going out of the rear wall. During the work the original flue outlet was removed, and an external wall was built around it. This had the effect of completely enclosing the flue inside the wall with no direct external exit point for the boiler to safely vent outside.

As a result, the family of six living in the house were exposed to the risk of inhaling the products of the boiler burning, including Carbon Monoxide (CO), a poisonous gas that has no smell or taste. Manjit Singh Dhaliwal (Director) of Manor Road, Halesowen pleaded guilty to breaching Section 37 of the Health and Safety at Work etc Act 1974. He has been sentenced to a fine of £2,000 and ordered to pay costs of £431.50.

MD Building Contractors of Oak Road, Oldbury pleaded guilty to breaching Gas Safety (Installation and Use) Regulation 8(3). The Company has been sentenced to a fine of £16,000 and ordered to pay costs of £513.10.

Speaking after the hearing HSE principal inspector Tony Mitchell said:

“Every year, around seven people die from CO poisoning caused by gas appliances and flues that have not been properly installed, maintained or that are poorly ventilated.

“Manjit Singh Dhaliwal was negligent in his duties as sole director to ensure that during refurbishment of the property that existing gas fittings were not adversely affected. “All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life.”



## **Company fined following multiple safety failings on construction site**



A construction Company has been fined after failing to ensure the safety and welfare of workers on site during the renovation of a property.

Preston Magistrates' Court heard how, between 12th December 2015 and 14th June 2018, Navkaar Limited put its workers at serious risk of personal injury or death at a construction site in Blackpool. The Company failed to prevent risks from falls from height, exposure to asbestos and dangerous electrical systems. There were no suitable welfare facilities and no measures to prevent fire on site.

An investigation by the Health and Safety Executive (HSE) found that workers on site had carried out work in an unsafe manner without the appropriate measures in place to ensure their health, safety and welfare. The employees and contractors on site did not have the appropriate skills, knowledge and experience to complete the work. Navkaar Limited failed to comply with their duty as principal contractor to plan, manage and monitor the work being carried out on site.

Navkaar Limited of Station Approach, Northwood pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The Company was fined £35,000 and ordered to pay costs of £3,860.

Speaking after the hearing, HSE inspector Jacqueline Western, said: "These risks could so easily have been avoided by simply carrying out correct control measures and safe working practices. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

## Events Company fined after worker injury



An event management Company has been fined for failing to ensure the safety of employees during the lifting and moving of a 14-foot-wide park home chassis.

Coventry Magistrates' Court heard how employees at Woodcorner Farm, Coventry were transferring the 14-foot-wide park home chassis through a 13-foot-wide opening on 5th July 2018.

As the opening was too narrow employees were required to push down on the sides of the chassis to angle it through the door whilst it was being manoeuvred by two forklift trucks, one at each end. The chassis slipped off the forks, rebounded off the floor and struck one of the employees on the shoulder. The force of this lifted him off his feet and flung him backwards two metres into the wall of the building. He was knocked unconscious and suffered a broken collar bone.

An investigation by the Health and Safety Executive (HSE) found the lift was not properly planned, organised or carried out safely. Employees were left to devise their own method of moving the chassis, as the Company had failed to properly assess the risks and take simple measures to ensure the task was carried out safely.

Sovereign Exhibitions & Events of Units 1-3 Arley Industrial Park, Colliers Way, Arley, Coventry, West Midlands plead guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and have been fined £161,000 and ordered to pay costs of £1,345.

Speaking after the hearing, HSE inspector Christopher Maher said: "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.

Since the incident the Company have widened the opening to allow for safe movement of the park home chassis. Had they done this before the incident these injuries could be avoided."



## **Construction Company fined after worker suffered carbon monoxide poisoning**



A construction Company has been fined for failing to comply with work at height regulations, placing employees at greater risk of injury.

Westminster Magistrates' Court heard that during an inspection on 23rd May 2018 at Dudley House, The Grove, Hounslow, a number of issues in relation to working at height were identified. These included several unprotected edges, where a person could fall a significant distance and also a floor that was being removed by a handheld breaker whilst workers were standing on it. No measures were in place to prevent them falling if the floor collapsed.

An investigation by the Health and Safety Executive (HSE) found that the risk assessment identified measures that needed to be implemented. These measures were not implemented and therefore created a significant risk of people falling and causing serious or fatal injury.

STS Constructions Limited of North London Business Park, London, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005 and was fined £26,666 and ordered to pay costs of £1135.10 plus a victim surcharge of £120.

Speaking after the hearing, HSE inspector Matthew Whitaker 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. Work at height is dangerous and should be planned correctly and the required measures implemented".



## **Vehicle servicing Company fined after truck rolled and crushed employee**



Volvo Group UK Limited has been fined after an employee at the Cardonald Depot was crushed by a truck, leading to serious injury.

Glasgow Sheriff Court heard that on 7th June 2016 an employee of Volvo Group UK Limited was testing the brakes of a low-loader truck unit and trailer at the Cardonald depot, Glasgow. He had raised the trailer off the ground using a pit jack. He did not apply the truck handbrake or use any wheel chocks to prevent the vehicle rolling. Whilst adjusting the brakes at the first axle, the truck unit rolled forward causing the jack to slip off the axle of the trailer, roll towards him and strike him on the body, crushing him against a set of steps in the pit and fracturing his spine.

An investigation by the Health and Safety Executive (HSE) found that Volvo Group UK Limited had failed to provide a sufficient number of wheel chocks for use by its employees and failed to provide information, instruction, supervision and training of its employees in their use. Volvo Group also failed to provide a suitable induction of the employee in safe working practices.

Volvo Group UK Limited, of Wedgnock Lane, Warwick pleaded guilty to breaching Section 2 and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974 and was fined £13,333.33.

Speaking after the hearing HSE Inspector Jennie Stafford said: "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."

"If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."



## **Manufacturing firm fined after worker loses parts of her finger in unguarded machinery**



Manchester Magistrates' Court was told how a 34-year old agency worker, on just her second shift at NPS Worldwide UK Limited, was removing a blockage inside the filling machine she had been operating when her fingers became caught in an unguarded rotating fan.

The worker lost parts of all of her fingers on her right hand, sustained extensive scarring to her stomach following an unsuccessful attempt to generate new skin growth to save her fingers, and continues to suffer post-traumatic stress disorder as a result of the incident and the injuries sustained.

The incident happened at the firm's Oldham site on 18<sup>th</sup> October 2017.

An HSE investigation discovered that the fan had not been suitably guarded, putting employees and agency workers at risk. The company had failed to carry out a suitable risk assessment and provide adequate information, instruction and training to workers. No first aid provision was available on the night shift when the incident occurred, and this contributed to the injured person suffering further as incorrect first aid was administered.

NPS Worldwide UK Limited of Vulcan Business Park, Derker Street, Oldham, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 3(2) of the Health and Safety (First Aid) Regulations 1981. The company was fined £28,000 and ordered to pay costs of £7,771.

HSE Inspector Sharon Butler said after the hearing: "This injury could have easily been prevented and the risk should have been identified.

"Employers must make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."



## **Fine after serious crush at recycling plant**



SL Waste Management Ltd, based in Mallusk, pleaded guilty to a breach of health and safety legislation at Laganside Crown Court, after their employee, Mr Grzegorz Mucha, sustained serious injuries after being crushed between the rear of an RCV and the grab attachment of a mini digger on 3rd October 2017.

In this incident, Mr Mucha had reversed the RCV into the processing plant in preparation for unloading. The unloading process required the driver to operate controls located to the rear of the RCV. It was while Mr Mucha was working to the rear of the vehicle that the incident occurred.

SHP recently reported how waste disposal has the highest fatality at work rate of any industrial sector.

HSENI Principal Inspector Kyle Carrick said: “The investigation found the company failed to implement a suitable management system to segregate pedestrians and vehicles on site.

“Loading and unloading activities are high risk activities and often require drivers to leave the safety of their vehicle cab. Where drivers may need to leave their cabs to perform essential tasks (such as opening container doors and operating discharge controls), adequate safeguards should be in place to protect them.

“This incident was entirely foreseeable and could have been avoided had appropriate control measures been put in place to maintain an adequate separation distance between vehicles and pedestrians.”

ISL Waste Management Ltd breached Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978 and was fined £25,000.

**Please visit our website for latest training dates -**  
**<http://smcsafetysolutions.co.uk/training-courses/193025>**