

CONSTRUCTION SAFETY – INFORMATION BULLETIN MAY 2007

This Information Bulletin has been compiled from recent Prosecutions and all are construction related. As can be seen below the Health & Safety Executive do prosecute any party, whether client, principal contractor, sub-contractor, self-employed etc. Cope Safety Management are able to provide guidance : should you require assistance please contact us at the address overleaf.

FALLS FROM HEIGHT

A fall of 6.2m through a fragile skylight almost cost the life of a roofer.

Work was being undertaken to repair several cracked roof lights. The work commenced without the provision of any precautions. There was no edge protection, or anything to stop workers falling through the materials. The two companies were prosecuted for breaching s2(1) of the Health & Safety at Work Etc Act 1974 failing to safeguard employees, and regulation 3(1) of the Management Health & Safety at Work Regulations 1999 by not making a suitable and sufficient risk assessment.

The roofing contractor was fined **£20,000** plus **£10,000** costs and the owner of premises fined **£60,000** plus **£17,837** costs.

A self-employed builder has been fined a total of £93,000 following the 'preventable' death of a brickie.

The bricklayer was killed after an unsecured and unsafe scaffold tower that he was working on toppled over. The tower had no guard rails, toe boards, or proper platform. Also it had no bracing or proper sole plates underneath the legs, and it was sited on ground that was not firm.

The builder was prosecuted as he breached s3(2) of the Health & Safety at Work Etc Act 1974 by not ensuring the safety of others while self employed.



UNSAFE SITES

Two companies have been fined a total of £150,000 for a catalogue of unsafe practices on a building site.

These included dangerous working a height, lack of vehicle and pedestrian segregation, failure to wear the correct protective equipment, unsafe movement of loads and the lack of fire safety.

They were fined for breaching s2(1) and s3(1) of the Health & Safety at Work etc Act 1974 in that they were failing to ensure the safety of their employees or the safety of non-employees. Even though there was no injuries the HSE prosecuted due to the conditions on site and their potential danger.

A company has been fined £20,000 with costs added for breaching s2(1) of the Health & Safety at Work Etc Act 1974, following a complaint received from a worker at another building company, who had noticed that windows were being fitted by two men from a telehandler with a pallet on the forks being used as a work platform.

The HSE inspector commented that 'the case is important in that it was a very high fine for a proactive prosecution where there was no injury. There was no blood on the floor and yet the magistrates recognised risk as opposed to consequence.'



ASBESTOS

An electrical contractor, a sub-contracted asbestos removal firm and its managing director have been fined a total of £100,000 plus costs of £45,000 after the release of asbestos at a girls school.

All three pleaded guilty to contravening s2(1) and s3(1) of the Health & Safety at Work Etc Act 1974 by failing to ensure the safety of employees and non-employees.

There were also breaches and fines in respect to Asbestos (Licensing) Regulations 1983, and Control of Asbestos at Work Regulations 2002.

The work was not done under properly controlled conditions, and essentially the tiles were just thrown down all over the place. This was a notifiable type of work, which was not notified.

The school was closed for two terms at a cost of **£6.5 million** and a civil case for recovery of these costs is pending.



WORKPLACE TRANSPORT

A construction company has been fined £15,000 and ordered to pay £7,500 costs after pleading guilty to breaching s2(1) of the Health & Safety at Work Etc Act 1974.

An employee was thrown into the air by an excavator on a building site when he was caught by the boom of the vehicle. The company was prosecuted as the operator of the excavator was not trained, and it highlighted the requirements to train employees.



FALLING OBJECTS

A building contractor and its Managing Director have been fined a total of £25,000 following the death of a workman who was killed by a collapsing wall.

Both the company and Managing Director were prosecuted and pleaded guilty to breaching s2(1) of the Health & Safety at Work Etc Act 1974 by not ensuring the safety of an employee.

The employee was digging a trench in which left a freestanding wall with no lateral support. There was torrential rain and the wall slipped into the hole and toppled sideways. The wall should have been supported.



The information within this Information Bulletin has been collated from recent editions of the Safety & Health Practitioner.

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