LEGISLATION, GUIDANCE & NEWS

Ministry of Manpower, Singapore and Great Britain’s Health and Safety Executive sign agreement on closer ties and shared learning

HSE’s Chief Executive Officer, Dr Richard Judge, met with Ministry of Manpower (MOM) Singapore’s Permanent Secretary, Loh Khum Yean, to commit to working together to drive world-class innovation, science and specialist expertise around health and safety in both countries.

A formal Memorandum of Understanding (MOU) has been agreed, marking a commitment between the two organisations in a partnership to share knowledge, experience and facilities in pursuit of excellence in work-related health and safety and to support economic growth in both countries. The agreement provides a framework for the UK and Singapore to share scientific and regulatory knowledge, experience and good practice and develop joint initiatives to promote excellence.

President Tan of Singapore visited the UK in October 2014, where he acknowledged the economic advantages for both nations in building strong relationships, particularly in cutting edge research, science and technology.

Permanent Secretary Loh Khum Yean said: “This marks the beginning of a long-term partnership in which Singapore and the UK can learn from each other and build world-class knowledge through joint research programmes.”

MOM works closely with the Workplace Safety and Health Council and the Workplace Safety and Health Institute to improve WSH standards in Singapore.

Dr Richard Judge said: “Between our two countries, we have a wealth of valuable research, technology and science underpinning our regulatory systems. By working together, we can combine our world-class knowledge and learning and ensure both countries can take the lead in developing sustainable, healthy and safe working environments, as our economies evolve and new technologies develop.”

Netherlands cranes collapse in Alphen aan den Rijn

Two massive cranes toppled over, flattening houses in Alphen aan den Rijn

- People walking along a quiet city street were forced to run for their lives
- Video shows them abandoning bicycles as the cranes’ shadows close in
- Officials initially feared 20 people were injured but have retracted statement
- A criminal investigation is now underway looking into the accident’s cause

Two cranes located on a floating pontoon toppled over as they were carrying a new section of a bridge, collapsing onto homes and shops in the central city of Alphen aan den Rijn.

One man was pulled from the rubble, but miraculously nobody suffered any injuries in the dramatic accident. A dog was found dead at the scene, however.

A criminal investigation has now been
launched, with prosecutors saying three people involved in bridge restoration work handed themselves in to police and are now being treated as possible suspects.

The cranes then appeared to buckle under the weight of the bridge segment and toppled over onto a nearby row of buildings, slamming through them and sending a cloud of dust into the air.

The section of bridge they had been carrying also landed on the buildings, which were flattened.

The cranes, working from barges, were renovating the Queen Juliana Bridge - a canal bridge dating from the 1950s - when the first crane toppled over.

Unbalanced by the extra load, the second crane then fell.

Dutch TV channel NOS said the cranes fell on a second-hand clothing store and another shop selling art and drawing supplies, but it remains unclear how many houses they also hit.

Dutch prosecutors have now opened an investigation into the accident and three people have voluntarily presented themselves to a local police station in connection with the probe, Dutch news agency ANP reported.

A security perimeter has been set up around the site, leaving the residents of 51 houses unable to sleep in their homes tonight.

Mayor Spies described it as a 'terrible accident', adding: 'There is a lot of material damage.'

The bridge, over the Old Rhine River, was being renovated after surveys in 2010 had shown that its steel superstructure was in poor condition.

The renovation, which began in the spring, was expected to last the whole summer.

The accident took place as the vast steel ramp that forms the central span of the swing bridge was lowered into place.

The drama was captured in amateur footage shot by a local resident who was following the progress of the bridge works from his balcony.

The Dutch Safety Board, which investigates serious accidents, said it had sent a team to the scene.
Increased maximum penalties for Magistrates

The Health and Safety (Offences) Act 2008, which came into force on 16 January 2009, amended the maximum penalties that could be made against defendants under the Health and Safety at Work, etc. Act 1974 (HASWA) and subservient health and safety regulations, with these penalties still valid in Scotland and Northern Ireland.

However, in England and Wales, Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which came into force on 12th March 2015, increased the level of fine available for magistrates’ courts to an unlimited fine (previously £20,000 for most health and safety offences).

The following table contains the principal offences and associated penalties applicable to offences made after 12th March 2015 in England and Wales.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Magistrates’ Court</th>
<th>Crown Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breaches of general duties under HASWA Sections 2 – 8, or Regulations</td>
<td>Unlimited fine and/or up to 6 months’ imprisonment</td>
<td>Unlimited fine and/or up to 2 years’ imprisonment</td>
</tr>
<tr>
<td>Non-compliance with an Improvement Notice, a Prohibition Notice or a Court Order</td>
<td></td>
<td></td>
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<tr>
<td>Making a false statement or entry in a register</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breaches of general duties under HASWA Section 9</td>
<td>Unlimited fine</td>
<td>Unlimited fine</td>
</tr>
<tr>
<td>Obstruct an Inspector</td>
<td>Unlimited fine and/or up to 6 months’ imprisonment</td>
<td>Not available</td>
</tr>
<tr>
<td>To pretend to be an Inspector</td>
<td>Unlimited fine</td>
<td>Not available</td>
</tr>
</tbody>
</table>

Penalties in Scotland and Northern Ireland currently remain as per the Health and Safety (Offences) Act 2008.

Self-employed - do I have duties?

In 2011, the Löfstedt Review link to external website recommended that those self-employed whose work activities pose no potential risk of harm to others should be exempt from health and safety law. This recommendation was accepted by Government.

So, from 1 October 2015, if you are self-employed and your work activity poses no potential risk to the health and safety of other workers or members of the public, then health and safety law will not apply to you.

It is estimated that health and safety law will no longer apply to 1.7 million self-employed people like novelists, journalists, graphic designers, accountants, confectioners, financial advisors and online traders.

What the law says

High risk activities

The law says that there are certain work activities where the law applies because they are high risk. If your work involves any of these activities, then the law will apply to you:

- Agriculture
- Construction
- Gas
- Railways
- Asbestos
- GMOs
PUBLICATIONS

Safety signs and signals & the CLP (Amendment) Regulations
The CLP (Amendment) Regulations which came into force on 1 June 2015, made some amendments to the Health and Safety (Safety Signs and Signals) Regulations 1996.

Updated guidance on the regulations can be found at:

- The Health and Safety (Safety Signs and Signals) Regulations 1996

This guidance is for employers, dutyholders and others who have responsibility for the control of workplaces, sites and premises. It is also for those operating equipment that requires verbal and/or non-verbal communications.

It sets out what you should do to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996.

Safety signs and signals are required where, despite putting in place all other relevant measures, a significant risk to the health and safety of employees and others remains.

Signs must be clear and legible, and should be used to identify actions that are prohibited (e.g. no access), safeguards that must be followed (e.g. ear protection must be worn), warning of a hazard (e.g. corrosive material) and to direct towards fire exits/equipment or first-aid equipment.

You should avoid using too many signs which may cause confusion.

The Regulations enact in UK law an EU Directive designed to harmonise signs across the EU so that signs across the member states will have the same meaning whichever country they are used in. Details of BS EN ISO 7010 are also included in the guidance.

This edition brings the document up to date with regulatory and other changes, including those relating to the Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015. The version of the Regulations included in the document has been amended to reflect those changes.

PROSECUTIONS

Deeside man fined over safety breaches
A contractor was fined after admitting unsafe work at height practices and insurance breaches.

James Young trading as Watertight Home Improvements pleaded guilty at Chester Magistrates’ Court after an investigation by the Health and Safety Executive (HSE).

The court heard that on 19 November 2014 an HSE inspection of the re-roofing of a domestic property in Neston, Wirral found workers carrying out work at height without suitable and sufficient means to prevent the risk of a fall from height of both people and objects.

On arrival at the property the inspector found that the only protection available to prevent the risk of a fall from height were two poorly positioned mobile tower scaffolds that did not prevent the risk of serious injury from a fall from height.

Mr Young also pled guilty to a charge of failing to provide Employers Liability Insurance for those undertaking the work on his behalf.

James Young (trading as Watertight Home Improvements Ltd) pleaded guilty to breaching Regulation 6(3) & 10(1) of the Work at Height Regulations 2005, and Section 1(1) of the Employers Liability (Compulsory Insurance) Act 1969.

He was fined a total of £1500 (£500 for each breach) and ordered to pay £1020 in costs.
Major construction firm fined for safety failings

A construction company has been fined after a worker was injured by sound bloc boards (similar to plaster board) weighing a total of 544 kilograms that fell from a crane.

Balfour Beatty Regional Construction Limited was the principal contractor in a construction project to build three blocks of flats in Branksome, Poole, Dorset.

Bournemouth Magistrates’ Court heard how on 6 May 2014, a load of 15 sound bloc boards were being lifted by a crane from the fourth floor at the rear of the building under construction to the second lift loading bay at the front of the building.

As the load descended into the loading bay it snagged on a scaffolding standard which caused the load to fall out of the two retaining slings. A worker was struck by a number of the boards as he stood on the loading bay. He was knocked unconscious and suffered a broken leg and fractured ribs.

Balfour Beatty Regional Construction Limited was fined a total of £22,000, and ordered to pay £16,089 in costs after pleading guilty to an offences under Regulation 8(1)(a,b,c) of the Lifting Operations and Lifting Equipment Regulations 1998.

Construction Company fined for insecure site

A construction company has been fined for safety failings which led to a two-year-old boy wandering onto a building site.

360 Property Limited were the principal contractor for a new build housing development at Oak Road, Blaina. An improvement notice was served on the site after site security issues were not addressed, despite a previous visit from a HSE inspector who highlighted concerns.

Newport Magistrates’ Court heard on 20 August how, between 22 January 2015 and 10 June 2015, the construction site was inadequately secured. On 21 May 2015, a two year old child had gained access to the site and was riding his bike when he fell into a drain, the cover of which had been removed. Fortunately, the child was shaken but not injured.

360 Property Limited was fined a total of £10,000, and ordered to pay £6,668.15 in costs after pleading guilty to two offences under Section 27(2) of the Construction (Design and Management) Regulations 2007 and Section 18(2) of the Construction (Design & Management) Regulations 2015, effectively one offence split by the change in regulations.

North Devon housing company prosecuted again for safety failings

A South-West housing firm have been sentenced after capping off a chimney at one of their occupied properties despite the chimney being in use.

The incident was investigated by the HSE, which prosecuted North Devon Homes Ltd at Barnstaple Magistrates’ Court on the 13 Aug.

The court heard North Devon Homes Ltd employees were investigating damp at a property at Church Lake, Landkey and in an attempt to solve the problem removed a chimney and tiled over the roof leaving the chimney terminating within the home’s loft despite that fact the chimney was being used to flue the gas fire and gas boiler.

Several weeks after the work was completed the tenant went into the loft and found that there was a very strong unpleasant smell. At around this time the tenant’s carbon monoxide alarm was also sounding. The tenant call the emergency gas services who came to their home and classed the situation as ‘immediately dangerous’ meaning the situation could be an immediate risk to life.

North Devon Homes Ltd pleaded guilty to a breach of the Health and Safety at Work etc Act 1974 and was fined a total of £6,000 and ordered to pay £833 in costs.
Manufacturer fined after worker suffered head injuries
A Bath-based manufacturer, Rotork UK Ltd, was fined for safety failings on Thursday 6 August 2015.

Mansfield Magistrates’ Court heard how on the 31 January 2014 a 30-year-old worker was struck in the face by a chuck key at their site in Huthwaite, resulting in serious injuries. The chuck key was ejected from the lathe. There was no chuck guard fitted to the machine at the time of the incident.

He was left with a fractured right eye socket, damaged teeth and bruising to the brain that was fortunately not life threatening, although he was unable to return to work for 10 months and is unable to carry out physical sports or drive at night.

Rotork UK Ltd was fined £15,000 and ordered to pay £1741.12 in costs and a victim surcharge of £120 after pleading guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and Section 33(1)(c) and 33(2) of the Health and Safety at Work etc Act 1974.

Kings Lynn Magistrates’ Court heard on Wednesday 5 August 2015 how the defendant had not done what the law required; to ensure that work on a fragile roof such as this was planned and managed to ensure the safety of those involved.

The HSE’s investigation found that there was no fall prevention or fall mitigation system in place and that the injured person was not harnessed or attached to anything, and was not wearing any safety equipment. There was a lack of any health and safety management or planning for the job and no adequate training or safety equipment had been provided.

Leighton Johnson was fined £3,000 and ordered to pay £3,415 in prosecution costs after pleading guilty to breaches of Regulations 4(1) and 9(2) of the Work at Height Regulations 2005. He must also pay a £300 victim surcharge.

Roofing contractor fined after employee fell through fragile roof
A Norwich-based roofing contractor has been fined after his employee fell seven metres through a roof on which he was working.

Sole trader, Leighton Johnson, and his employee were completing a job on a fragile roof at a factory in Kings Lynn on 11 August 2014.

The 26-year-old employee was kneeling on a scaffolding board on top of the roof when he fell forward and smashed through a roof light. He fell seven metres and landed on a pallet stacked with ceramic mugs below.

He suffered injuries to his back and sternum and wore a full body brace for six weeks after the incident.
Roofing company prosecuted over worker’s fall
Following an incident on 30 September 2013, HSE attended a property on Paragon Place, London and subsequently prosecuted, Chris Ball & Son Roofing Ltd for safety breaches.

West London Magistrates were told that two roof workers were tasked with removing tiles and re-felting a gulley area adjacent to a pitched roof. The company had failed to provide any edge protection around the roof and had neglected to properly identify the risks to the roofers from the work at height.

Chris Ball & Son Roofing Ltd were found guilty and they were fined £7,500 with £10,000 costs for breaching the Work at Height Regulations 2005.

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www.callsafe-services.co.uk

Be Safe & Keep Safe
From all of us at Callsafe Services Ltd
Contact details of organisations mentioned in this and other Newsletters

Ai Solutions Ltd
PO Box 5025, Leighton Buzzard LU7 1ZN
Tel: 01525-850080
www.aisolutions.co.uk

Association for Project Safety (APS)
12 Stanhope Place, Edinburgh EH12 5HH
Tel: 0845-6121-290
www.associationforprojectsafety.co.uk

British Approvals for Fire Equipment (BAFE)
Bridges 2, The Fire Service College, London Road
Moreton in Marsh, Gloucestershire GL56 0RH
Tel: 0844-335-0897
Email: info@bafe.org.uk
www.bafe.org.uk

British Occupational Hygiene Society (BOHS)
Tel: 01332-298101

British Safety Council (BSC)
70 Chancellors Road, London W6 9RS
Tel: 020-8741-1231
Email: mail@britsafe.org
www.britsafe.org/

BSI Customer Services
BSI Standards
389 Chiswick High Road, London W4 4AL
Tel: 020-8996-9001
http://shop.bsigroup.com

CITB ConstructionSkills
www.cskills.org

Construction Industry Publications (CIP)
c/o BTB Mailflight Ltd
28 Viking Industrial Estate, Hudson Road, Bedford
MK41 0QB
Tel: 0870-078-4400
Email: sales@cip-books.com
www.cip-books.com

Construction Plant Hire Association
27/28 Newbury Street, Barbican, London EC1A 7HU
Tel: 020-7796-3366
www.cpa.uk.net

Department for Communities and Local Government
PO Box 236, Wetherby, West Yorkshire LS23 7NB
Tel: 0870-839-7099
Email: odpm@twoten.press.net

Engineering Employers’ Federation (EEF)
Tel: 020-7222-7777
www.eef.org.uk

Electrical Contractors Association (ECA)
Tel: 020-7313-4800
www.eca.co.uk

F-Gas Support
P O Box 481, Salford, M50 3UD
Tel: 0161 874 3663
www.defra.gov.uk/fgas

Fire Industry Association (FIA)
Tudor House, Kingsway Business Park, Oldfield Rd,
Hampton, Middlesex TW12 2HD
Tel: 020-3166-5002
Email: info@fia.uk.com
www.fia.uk.com

Health and Safety Executive (HSE)
Incident Contact Centre Tel: 0845-300-9923
www.hse.gov.uk

Health and Safety Executive for Northern Ireland (HSENI)
www.hseni.gov.uk
info4fire.com
www.info4fire.com

International Institute of Risk and Safety Management (IIRSM)
Suite 7a, 77 Fulham Palace Road, London, W6 8JA
Tel: 020-8741-9100
Email: info@iirsm.org
www.iirsm.org

Keeleys Solicitors
28 Dam Street, Lichfield, Staffordshire WS13 6AA
Tel: 01543-420000

National Underground Assets Group (NUAG)
www.nuag.co.uk/

Office of Public Sector Information
www.opsi.gov.uk

Occupational Safety and Health Consultants Register (OSHCR)
www.oshcr.org

The Fibre Cement Manufacturers Association
Ghyll House, Cock Road, Cotton, Stowmarket
IP14 4QH
Tel: 01449-781577

The Loss Prevention Council
Tel: 020-8207-2345

The Stationery Office Ltd (TSO)
Tel: 0870 600 5522
www.tsoshop.co.uk

TUC Publications
Tel: 020-7467-1294

National Access and Scaffolding Confederation (NASC)
Tel: 020-7397-8120
www.nasc.org.uk