Construction update

Newsletter | July 2014

Welcome

New figures released this month indicate the number of workers killed in Britain last year has fallen to the lowest annual rate on record. Provisional data released by the Health and Safety Executive (HSE) reveals that 133 workers were fatally injured between April 2013 and March 2014, compared with 150 in the previous year.

There were 42 fatal injuries to workers in construction, lower than the average figure of 46. The latest rate of fatal injury is 1.98 per 100,000 workers, compared to a five-year average of 2.07. Construction however, remains the most dangerous industry sector.

The consultation on revisions to the CDM Regulations is ongoing and the HSE are taking a keener interest in silica dust exposure, a concentrated two week focus on construction sites was carried out recently, with a longer focus on quarrying operations for the second half of 2014. No doubt a more prolonged focus on construction will follow in early 2015.

In this issue we take a look at:

- HSE Annual Statistics Report
- HMRC guidance on FFI invoices
- Construction CSCS cards
- Dust exposure
- CE Marking fabricated structural steelwork
- Recent court cases.

HSE Annual Statistics Report 2014

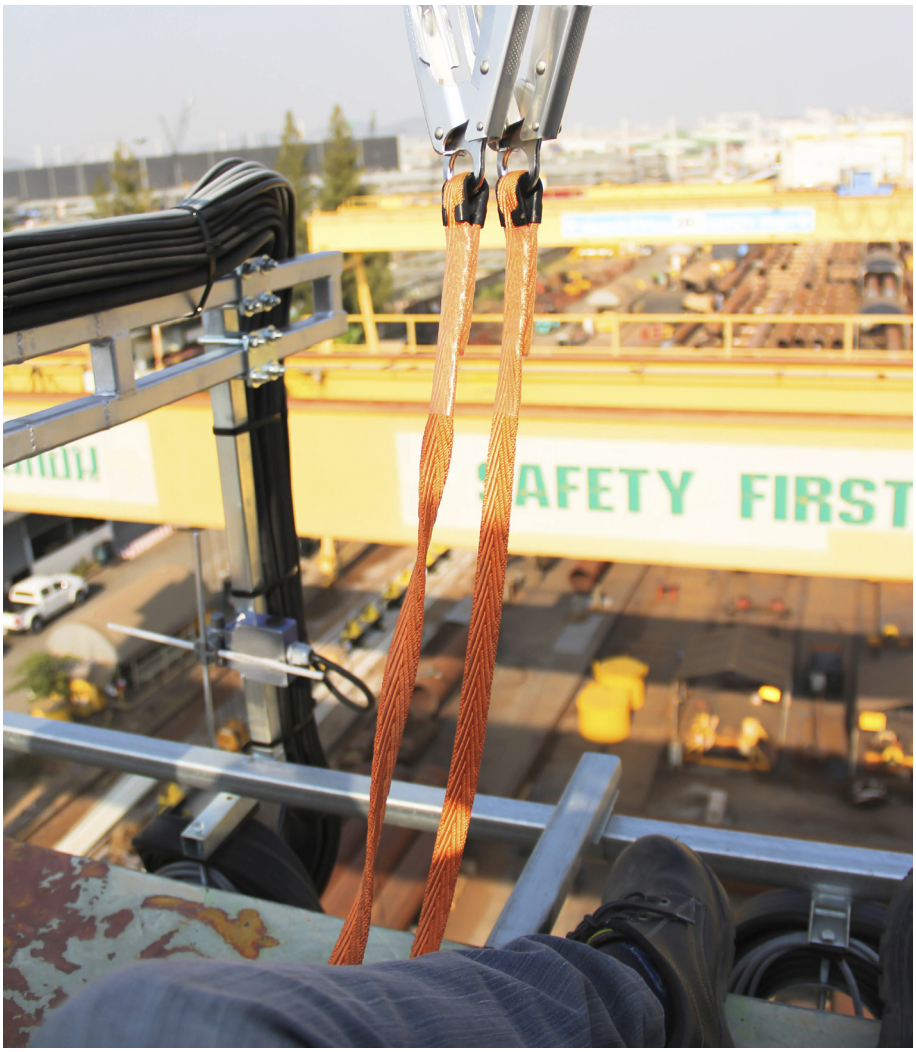
The HSE released their Annual Statistics Report on the 2nd July 2014 covering workplace accidents, ill health and enforcement action for 2012/2013. Preliminary figures for 2013/2014 have also been released.

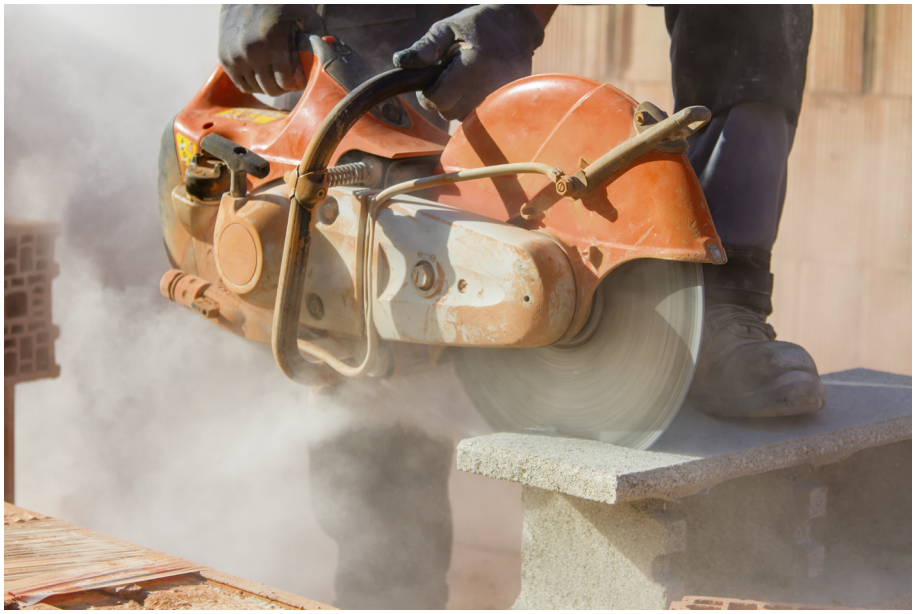
On a positive note the HSE report that there continues to be a strong declining trend in the number of reported workplace accidents in the UK industry sectors.

However, we cannot be complacent as the Construction Industry remains the most hazardous industry in the UK with a total of 39 accident related fatalities in 2012/2013 (primarily falls from height) and 42 fatalities in 2013/2014. This number accounts for nearly 1/3 of all reported accident related fatalities in the UK in this period. Agriculture and Waste & Recycling with 29 fatalities and 10 fatalities respectively complete the top 3 high risk areas.

Whilst the number of fatalities has increased slightly in 2013/2014 the average fatality rate per 100,000 workers remains below the 5 year average.

The HSE also report that there were 2535 mesothelioma deaths in 2012 due to past asbestos exposure and an increase in the number of work related cancer fatalities, with silica related lung cancer fatalities increasing to nearly 1000 deaths in 2012/2013.





Overall the HSE estimate there are 8000 deaths and 13,500 new cases of work related cancer reported each year with over 5000 cases estimated to be within the construction sector.

A total of 1217 offences were prosecuted in Great Britain with an overall conviction rate of 88%.

The HSE prosecuted 946 offences in England & Wales (a drop of 0.5% on the previous year) with a success rate of 87% (824 convictions).

Local Authorities saw in an increase of 21% in the number of prosecutions they pursued, rising to 240 in 2012/2013 with a success rate of 90%.

Prosecutions in Scotland dropped by 24% however of the 31 offences taken to court the Prosecutor Fiscal saw a success rate of 94%.

Enforcement Notices issued by the HSE and Local Authorities dropped by 15% with a total of 13503 notices in 2012/2013 (an average of 18.5 notices issued per day).

The full report can be viewed at www.hse.gov.uk/statistics/overall/hssh1213.pdf

HMRC guidance on FFI Invoices

The HMRC has confirmed that FFI Payments would be governed by its guidance BIM42515 (Fines and Administrative Charges).

BIM42515 states that "Where a trader incurs a liability to a regulatory body on revenue account that is broadly intended to cover the regulator's costs of performing its duties in relation to the trading activities, such costs will normally be allowable even where the trader has committed a breach of regulations."

The HSE has made it clear that FFI charges are not a penalty on a business and instead a way of recouping the administrative costs of identifying and remedying material breaches of the law.

Therefore the charges for letters notifying dutyholders of breaches or serving enforcement notices can be offset against tax bills.

Construction CSCS Cards

CSCS has widely publicised the removal of the green Construction Site Operative Card from the CSCS scheme, replacing it with a card purely for labourers. The aim is to discourage people from applying for the incorrect card for their occupation and also to introduce a qualification for those working in labouring occupations.

Existing CSCS green cards will be valid until their expiry date, following which operatives will have to complete the new qualification.

The new qualification - Level 1 Award in Health and Safety in a Construction Environment - was developed in conjunction with the CITB and came into effect on the 1st July 2014. It has been specifically designed to assess a Labourer's knowledge of the most common risks to safety on construction sites today and includes the following: assessing risk, manual handling, working at height, work around plant and equipment and risks to health.

Further information is available on the CSCS website - www.cscs.uk.com/cscs-cards/green-card-changes

HSE Focus on Dust Exposure

The HSE began a concentrated two-week drive of unannounced visits across the country, focusing on ill health on construction sites on the 23rd June 2014.

In particular Inspectors were looking at respiratory risks from dusts including silica materials; exposure to other hazardous substances such as cement and lead paint; manual handling, noise and vibration.

As detailed earlier, 39 construction workers were killed in 2012/2013, however, more than 500 deaths a year are attributed to silica exposure alone.

HSE Chief Inspector of Construction, Heather Bryant, said:

"The construction sector has made good progress in reducing the number of people killed and injured by its activities. We need to tackle where workers are unnecessarily being exposed to serious health risks, such as silica dust, which can have fatal or debilitating consequences."

"However, let me be clear – poor risk management and a lack of awareness of responsibilities is unacceptable."

"Companies who deliberately cut corners can expect to feel the full weight of the law."

On every site inspectors would be taking steps to ensure that there are acceptable standards for:

- Dust control including silica containing materials
- Other hazardous substances, e.g. cement, lead in paint
- Manual handling and repetitive tasks e.g. involving twisting or awkward posture
- Noise control
- Use of vibrating tools.

Silica dust and dust in general is an increasing concern for the construction industry, particularly in view of the increasing number of ill health conditions and fatalities affecting the industry each year.

Silica dust is commonly found in many construction materials such as concrete and mortar. The silica is broken into very fine dust (also known as Respirable Crystalline Silica or RCS) during many common tasks such as cutting, drilling and grinding.

Consider ways of limiting the amount of dust you could make before you start work. For example you could:

- Use the right size of materials so less cutting or preparation is needed
- Use a less powerful tool – e.g. a block splitter can sometime be used instead of a cut-off saw
- Consider alternative methods e.g. using a nail gun to direct fasten cable trays instead of drilling holes first.

Even if you can reduce the amount of dust produced this way there will be other areas of work that could still produce high amounts of dust. In these cases the most important thing is to stop the dust getting into the air. There are two main ways of doing this:

- Dampening with water – Simply wetting an area of ground before cutting or demolition does not work, water needs to be used correctly and enough water used for the whole time that the work is being done
- Vacuum Extraction – Specially designed tools can be fitted with an industrial vacuum unit that sucks the dust away as it is being created and stores it until emptied.

Some tasks are so dusty that enough escapes into the air to still be a risk, and there is also a number of things that can happen when using water or vacuum extraction that can stop dust being properly controlled so you should provide also Respiratory Protective Equipment (RPE) in the form of face masks.

Ensure your staff are face fit tested to ensure a tight seal with the face for the mask to work. This is so that only air going through the filter is breathed. If the mask does not fit properly the dust can slip through any gap between the mask and the face and into the airways. Dust particles can be much smaller than the width of a hair so the face seal needs to be very good.

Further information about the Initiative and safe-working in construction can be found online at: www.hse.gov.uk/construction

Further information on exposure and controlling dust can be found at http://www.hse.gov.uk/construction/faq-dust.htm

CE Marking Fabricated Structural Steelwork

After 1st July 2014 it will be illegal to trade non CE marked fabricated steelwork, no matter how large or small and related products on the European market.

Under the Construction Products Regulation 2011 (CPR), manufacturers, distributors and importers of construction products used within the EU have to CE Mark their products, including constituent products such as steel beams, bolts etc but also fabricated elements and systems made from CE Marked products.

Those affected by CE Marking must put in place a Factory Production Control system (FPC) described in BS EN 1090-1 and have the system certified by a Notified Body (such as the Steel Construction Certification Scheme).

It is essential that all businesses affected start the process of gaining certification for CE Marking as soon as possible.

Visit www.steelconstruction.org/resources/technical/technical-ce-marking.html to find out more.

Recent Court Cases

A Worcestershire construction company has been fined for neglecting safety after a 27-year-old worker sustained life-changing injuries when he was struck by a reversing excavator.

He was in a coma for ten days and in hospital for seven weeks. He has since undergone extensive surgery, including bone and skin grafts and now has metal rods and screws in his leg, knee and ankle.

The HSE found a catalogue of failures on site. There was no proper risk assessment of the risks on site and there was no safe system of work in place, including the use of a trained banksman. There was also no segregation or barriers between dangerous moving plant and pedestrians.

In addition the excavator did not have adequate rear view mirrors or other visual aids, its warning beacon was not working and the operator's direct field of vision was obscured by the counterbalance on the vehicle.

The investigation also found workers had not been provided with information or instructions about working around excavators or given high-vis personal protective equipment. Work on the site was not properly supervised.

SD Launchbury Ltd was fined £12,000 and ordered to pay £913 in costs after pleading guilty to a breach of the Health and Safety at Work etc. Act 1974.

A Welsh scaffolding firm has pleaded guilty to a breach of the Work at Height regulations and Reporting of Injuries Regulations following an accident when a scaffolder fell from an unguarded section of scaffolding.

The employee, who had no recognised training as a scaffolder, had to have a lower leg amputated when he fell around four metres to the ground in June 2013.

The court heard that the scaffold, erected by Mills Scaffold Company Ltd, was three lifts high and Mr Gore was working on the second lift. Another scaffolder was on the lift above, passing down parts of the scaffold to him, which he, in turn, passed on to a labourer on the ground.

Mr Gore was not wearing a harness and the lift was just two boards wide. The firm had failed to put any guardrails in place. Mr Gore had undone the swivel coupling at the bottom of a brace, which he then inadvertently leaned on. The brace moved and he fell to the ground, causing severe injuries. Since the incident, he has spent most of the last year in hospital and undergone a number of operations.

The incident was only reported to HSE six months later, when he made an insurance claim after he had to have his lower leg amputated because of an infection following the injury. The company was issued with a Prohibition Notice by HSE in 2012 for a similar offence.

HSE's investigation found that Mr Gore had not been given training in the safe erection or dismantling of scaffolding.

Mills Scaffold Company Ltd of Church Street, Mountain Ash, pleaded guilty to a breach of the Work at Height regulations and Reporting of Injuries Regulations, as the incident was not reported to HSE. The company was fined a total of £15,000 and ordered to pay £1,118 in costs.

QBE Risk Management

This newsletter is produced by QBE's Risk Solutions team. We are a team of dedicated professionals who work closely with our clients to actively assist with accident prevention, employee rehabilitation and claims mitigation.

For more about our services, please visit QBEeurope.com/rs or email RS@uk.qbe.com or discuss with your Insurance Broker.

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