



EUROSAFE (CDM SERVICES)

NEWSLETTER NOVEMBER 2019

QUEEN'S SPEECH SETS OUT PLANNED REGULATORY REGIME FOR BUILDING SAFETY

Those responsible for the safety of high-rise buildings would be made more accountable, with stronger duties and competence requirements imposed. Aims include developing a new system for oversight of the whole built environment, with local enforcement agencies and national regulators working together to ensure that the safety of all buildings is improved. All developers of new build homes would have to belong to a New Homes Ombudsman scheme

The legislation would aim to use the lessons from the Grenfell Tower fire to bring about a fundamental change in the regulatory framework for high-rise residential buildings and in industry culture to ensure accountability and responsibility.

One of the main elements of the proposed legislation is a new safety framework for high-rise residential buildings, taking forward the recommendations from Dame Judith Hackitt's independent review of building safety. In some cases, it would go further. There would be providing clearer accountability for, and stronger duties on, those responsible for the safety of high-rise buildings throughout the building's design, construction and occupation, with clear competence requirements to ensure high standards are upheld.

There would be a strengthening of enforcement and sanctions to deter non-compliance with the new regime in order to hold the right people to account when mistakes are made and ensure they are not repeated.

The government also wants to develop a new framework to provide national oversight of construction products, to ensure all products meet high performance standards. This aspect of the legislation would have UK-wide scope, although other provisions would in the main apply to England only.

The plans also involve giving residents a stronger voice in the system, ensuring their concerns are never ignored and they fully understand how they can contribute to maintaining safety in their buildings.

Dame Judith Hackitt's independent review found that that the current regulatory system is not fit for purpose in relation to high-rise and complex buildings. The government said that it is taking forward all 53 of Dame Judith's recommendations and in some areas going further. It estimates that the new regime will apply to over 11,000 high rise buildings, rising to almost 15,000 buildings within 10 years.

New legislation regarding the implementation of building safety standards needs to be underpinned by a mandatory licensing scheme for all UK construction companies, said the Federation of Master Builders (FMB) in response to the Queen's Speech. FMB chief executive Brian Berry said: "The Queen's announcement that the government will bring forward new rigorous laws forcing compliance with building safety standards is an important and essential step in improving safety and confidence in our built environment. After the Grenfell fire tragedy it's essential that we raise the bar in construction. However, the government must go further still and publicly consult on a mandatory licensing scheme for all UK construction companies. This would serve to remove from the industry any firm that ignores health and safety procedure and risks safety in and around the built environment. Licensing would also remove rogue traders that bring the image of builders into disrepute, whether they are operating in the private domestic sector or in the supply chain on a large commercial site. We now await further details on this bill and whether it will have the teeth it needs to improve the construction sector."

PRINCIPAL DESIGNER PROSECUTION

The HSE has announced that the first prosecution of a Principal Designer (PD) has taken place. The Architects, acting as PD, pleaded guilty to breaching Regulation 11 (1) and 11 (3) of the Construction (Design and Management) Regulations 2015, and have been fined £20,000 and ordered to pay costs of £6,039.

The Principal Contractor did not attend court but were found guilty in their absence to breaching Section 2 (1) and 3 (1) of the Health and Safety at Work, etc. Act 1974, and have been fined £150,000 and ordered to pay costs of £6,039. Their prosecution was for, unfortunately, all too familiar failings around safe systems of work on site.

The PD was fined for not considering fire risk related to the timber frame during construction and the potential impact on the adjoining Residential Home. This shows how a good PD should be asking designers to consider these build-ability factors early on; particularly when using unusual materials, so they can be addressed and worked through with the contractor. The age old "let the contractor work it out" attitude cannot be used.

http://press.hse.gov.uk/2018/exmouth-building-companies-fined-after-disregarding-health-and-safety-regulations/?utm_source=govdelivery&utm_medium=email&utm_campaign=digest-25-may&utm_term=news-story&utm_content=construction

The Health and Safety Executive (HSE) has tended to focus its investigations on contractors and principal contractors when assessing whether any material breaches of health and safety law have occurred following serious construction-site incidents. However, the HSE's current business plan for 2019/2020 and the recent conviction of a principal designer suggest this is all about to change.



EUROSAFE (CDM SERVICES)

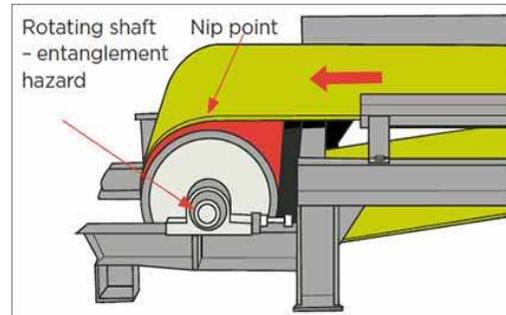
BY-PASSING MACHINE INTERLOCK FINED £1.275 MILLION

Trapped key safety system failed to prevent access to conveyor danger
A waste recycling company has been fined after an employee lost part of his arm when he was trapped between a roller and conveyor belt on 26th April 2015.

Lincoln Crown Court heard that the employee was working as a line operator in the material recovery facility. On the morning of the incident, blockages had occurred on the line and waste had become wrapped around the axle stopping a lower conveyor within the enclosure around the machine.

It was whilst removing waste from this axle that the glove worn by the employee was dragged into the in-running nip between the belt and the powered roller of the conveyor. This resulted in his left arm being amputated above the elbow.

Machinery safeguards must be maintained. HSE investigators revealed that the company had failed to prevent access to dangerous parts of the conveyor. The trapped key system installed to prevent access with power energised had "essentially been bypassed" allowing the system to be operated in automatic mode with persons still inside the enclosure.



Mid UK Recycling Limited (now known as MUKR Limited) – of Summit House, Quarrington, Sleaford, Lincolnshire, NG34 8RS pleaded guilty to a breach of section 2 (1) of the Health and Safety at Work etc. Act (1974) and was fined £1.275 million and ordered to pay costs of £45,065.59 Speaking after the hearing, HM inspector Scott Wynne said,

"This incident could so easily have been avoided had the company ensured that the system designed to keep people away from dangerous machinery was properly maintained. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

<https://www.ppconstructionsafety.com/newsdesk/2019/10/24/by-passing-machine-interlock-fined-1-275-million/>

HSE 18/19 STATISTICS

The HSE has recently published its provisional annual figures for the number of work-related deaths for the period April 2018 to March 2019. These HSE fatality figures show a rise in the number of work-related deaths from the previous year. In the period April 2018 to March 2019 a total of 147 workers died from work-related injuries which are 6 more deaths than in 2017/2018. 139 (95%) of the 147 worker fatalities were male workers which is a similar number to previous years. Also over 25% of the fatal injuries were to self-employed workers. Breakdown of the HSE Fatality Figures

The 3 industries with the highest number of fatal injuries were:

- Agriculture, forestry and fishing – 32 fatalities
- Construction – 30 fatalities
- Manufacturing – 26 fatalities

The most common type of work-related fatalities were due to one of the 5 causes below:

- Falls from height – 40 fatalities
- Struck by a moving vehicle – 30 fatalities
- Struck by moving object – 16 fatalities
- Contact with moving machinery – 14 fatalities
- Trapped by something overturning or collapsing – 11 fatalities

The HSE statistics also revealed that 25% of the fatalities in 2018/2019 were to workers aged 60 years old or over even though this age group only makes up 10% of the workforce. Ill health remains a huge issue with 12,000 Lung disease deaths each year estimated to be linked to past exposures at work and 1.4 million workers suffering from work-related ill health (new or long-standing).

HSE HAND ARM VIBRATION UPDATED

The HSE has updated its Hand-Arm Vibration exposure calculator with estimates for common tools to help estimate and record workers exposure to vibration and compare the exposure with the actions values in the regulations as part of a hand-arm vibration risk assessment. The estimates are taken from the HSE database of typical values which can be used to make "cautious estimates" of exposure before representative in-use data for specific tools is available. Access to the calculator is via <http://www.hse.gov.uk/vibration/hav/vibrationalcalc.htm>

HAND-ARM VIBRATION EXPOSURE CALCULATOR									
Company name / work area:									
Employee ID and/or task name:									
Tool or process name	Vibration magnitude m/s^2	Exposure points per hour	Time to reach EAV $2.5 m/s^2 A(8)$		Time to reach ELV $5 m/s^2 A(8)$		Exposure duration	Partial exposure	Partial exposure
			hours	minutes	hours	minutes	hours	minutes	points
Routers	3	18	5	33	22	13			
Saws	11	242	25		1	39			

The HSE guidance book (L140 Hand-arm vibration) has also been revised with changes to related legislation, technical advances and experience. The emphasis is on the control and management of risks from exposure to hand-arm vibration (HAV).