

Construction update

Newsletter | April 2014



Welcome

The first quarter of 2014 has seen serious flooding across the United Kingdom, resulting in significant distress to householders and businesses as well as operational and safety issues for the construction industry. We have also seen the introduction of a revised Approved Code of Practice for Asbestos and changes to the guidance for Work at Height which form part of the Government and HSE Red Tape Challenge. Altogether, more than 3,000 regulations have been identified to be scrapped or improved.

In this issue we take a look at:

- Changes to Asbestos ACoP
- Revised guidance for Work at Height
- Safety when unloading delivery vehicles
- Recent court cases
- What's next – Health & Safety Law Posters – 5 April 2014
- On the horizon – Noise.

Flooding brings construction challenges

The recent flooding experienced in the Thames Valley, Somerset and parts of Wales serves as a stark reminder of the damage that severe rainfall can cause.

The impacts of flooding are far reaching and can bring an entire construction project to a halt. From heavy rain seeping through an unfinished roof or open windows to rising flood waters, inundation of groundwork and damage by water is a significant cause of project delay and leads to increased expense while part finished buildings take time to dry out and repair.

Possible actions that construction companies and contractors can take to



reduce the risk of damage caused by floods and heavy rain include:

- Reviewing storage arrangements for materials which are susceptible to damage from flooding
- Ensuring that work is planned to allow the building to be waterproof as soon as possible and to ensure that groundworks are completed as soon as possible
- Emergency planning in the event of a flood threat and forming an emergency response team
- Undertaking camera surveys of drains before they are connected to ensure they are unblocked
- Ensuring that surface water drains are ready and connected early and maintained in a clear condition
- Keeping building thresholds above ground level and review storage locations for plant and equipment on sites that are liable to flood.

Falls are one of the biggest causes of death and serious injury at work.



Asbestos guidance update

Asbestos is the single greatest cause of work-related deaths in the UK with an estimated 4,500 deaths each year.

The HSE has consolidated The Approved Codes of Practice (ACoPs) L127 (The Management of Asbestos in Non-Domestic Premises) and L143 (Work with Materials Containing Asbestos) into one single revised ACoP – L143 Managing and Working with Asbestos. L143 has been produced to make it easier for businesses and employers to understand their legal obligations. It also provides better clarity on identifying duty holders for non-domestic premises.

This new ACoP reflects the changes introduced in The Control of Asbestos Regulations 2012 on the notification of non-licensed work with asbestos, and consequent arrangements for employee medical examinations and record keeping.

An employer's legal responsibilities to protect workers health and safety are not altered by any changes to the ACoPs.

The revised ACoP is available on the HSE website at: <http://www.hse.gov.uk/pubns/books/l143.htm>

New Work at Height guidance

An overhaul of guidance on working at height was launched by the HSE in January 2014 as part of the government's long-term economic plan to abolish or improve outdated, burdensome or over-complicated regulations which waste businesses' time and money.

Falls are one of the biggest causes of death and serious injury at work. It is estimated that more than a million British businesses and 10 million workers carry out jobs involving some form of work at height every year.

The HSE guidance has been revised, setting out in clear, simple terms what to do and what not to do.

Key changes include:

- Providing simple do's and don'ts when working at height to ensure people know what the law requires
- Dispelling some of the persistent myths about health and safety such as the banning of ladders when they can still be used
- Offering sector specific advice to help businesses manage serious risks safely and proportionately
- Helping workers understand their own responsibilities for health and safety.

Further details can be found at <http://www.hse.gov.uk/work-at-height/index.htm>

WAIT: The HSE also provides a very useful Work at Height, Access equipment, Information Tool kit (WAIT). If you do not work at height regularly or are unsure which equipment would be suitable WAIT can be found at <http://www.hse.gov.uk/work-at-height/wait/wait-tool.htm>

Unloading safely

Unsafe vehicle loads injure more than 1,200 people a year and cost businesses millions of pounds in damaged goods. Unloading materials from delivery vehicles at construction sites can be dangerous and serious injuries can occur when people are working with heavy loads and whilst at height on a vehicle bed. The HSE are running a campaign to remind workers of these dangers and urge companies to have in place proper risk assessments and guidance for employees in relation to vehicle loads.

A lorry delivering materials to a construction site should have careful supervision to ensure that the load is moved safely. Some simple guidelines include:

- Clearing the unloading area of unnecessary personnel not involved with the unloading, the driver should leave the cab during unloading

- Ensure lorries are parked on firm, level ground and ensure the driver applies the brake and makes use of all stabilisers
- Unload the material evenly to avoid the vehicle over turning
- Consider using mechanical means such as a telescopic handler if possible and ensure pedestrians are segregated from the working area of the vehicle
- Decide how to prevent falls from height if access to the load is needed to allow for slinging
- Pre-planning and risk assessment is essential to ensure that site deliveries are unloaded safely.

Recent court cases

A Preston contracting business has been fined £130,000 following a fatal accident outside a cinema. The contractor had been fitting out a new coffee shop in the cinema and Mr Green, an employee of the contractor, had been unloading materials from a van outside. The driver of the van went to reverse and park and struck Mr Green. He died from his injuries. The HSE investigation found that there were no suitable actions taken to keep vehicles away from pedestrians on the paved area outside the cinema. This case goes to remind construction businesses that workplace transport issues are a significant hazard which needs thorough risk assessment and planning.

Plasmor (Halton) Limited of Widnes has been fined £100,000 after a worker was crushed to death when a tipper truck overturned. The company was found guilty of failure to have a safety system in place for the delivery of raw materials by tipper trucks delivering to their site. Plasmor had failed to carry out a risk assessment for the tipping of loads onto the site and failed to train personnel overseeing the work. It was required to pay a further £28,634 to the prosecution in costs after pleading guilty to a breach of the Health and Safety at Work Act 1974. Again, this case demonstrates the need to plan and risk assess the delivery of materials to site.

What's next

The HSE has issued a reminder that employers have a legal duty to display the 2009 edition Health & Safety Law poster



by 5 April 2014 and may face enforcement action and penalties if they fail to comply.

On the horizon – noise

Following the introduction of the Claims Portal for Employers Liability (EL) and Public Liability (PL) claims in mid 2013, Insurers have seen a significant proportionate increase in Noise Induced Hearing Loss claims.

PL disease claims and EL claims where there is more than one employer are not processed within the portal and therefore the lower fixed costs do not apply. This has resulted in increased promotion of disease claims, particularly noise induced hearing loss claims, by claimant lawyers. Claims of this nature may take years to emerge.

Consider your existing noise protection policy and regime and ask the following 5 questions:

- Has a noise risk assessment been carried out by a competent person and can we evidence a hierarchical and 'risk based' approach to avoid and reduce risks?
- Is hearing protection one of the last options we consider and do we keep records of our hearing protection regime?
- Have we conducted Health Surveillance for affected employees?

- Do we keep accurate historical employee records and evidence of our noise protection policy and regime; and can we access these quickly if required?
- Do we have details of our historical Liability Insurer(s) such that noise (and other disease related claims) can be routed to the correct party?

For more detailed advice view our noise risk management standard at <http://www.qbeeurope.com/documents/riskmanagement/standards/QBE-Casualty-Risk-Management-Standards-5-Noise.pdf>

QBE Risk Management

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