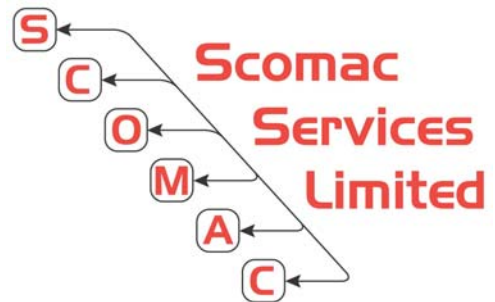


INDUSTRY MATTERS

Issue 5 April 2005



This Newsletter is part of regular series of industry updates for clients and contractors.

Health & Safety Update

Legislative implementation dates

The Health and Safety Executive has announced that from March 2005 changes to health and safety law that originate from within Great Britain will only be implemented twice a year in April and October. The aim of this change is to benefit small firms, who do not have the resources to monitor changes to legislation. For further information, check out

www.hse.gov.uk/aboutus/index.htm

(Source: ECA Safety Update, Feb 05)

COSHH changes

The Control of Substances Hazardous to Health (amendment) regulations 2004 (SI 2004/3386) have been passed. All sections are now in force. The most significant of the new regulations replaces occupational exposure standards (OES) and maximum exposure limits (MEL) with a single new workplace exposure limit (WEL) for substances hazardous to health.

Other changes include the prohibition of the supply or use of cement which has Chromium VI concentration of more than 2 parts per million. This restriction also applies to mortar, grout and tile adhesive. This change has been introduced to help prevent allergic contact dermatitis, which is a serious condition that can lead to permanent disability,

The regulations also place new requirements to observe principles of good practice for the control of exposure to substances hazardous to health, to ensure that workplace exposure limits are not exceeded and to ensure in respect of carcinogens and asthmagens that exposure is reduced to as low a level as is reasonably practical.

Further information on COSHH can be found at www.hse.gov.uk/coshh/index.htm

(Source: ECA Safety Update, Feb 05)

Handling issues

The HSE is to carry out a countrywide initiative on manual handling and related matters. The initiative is called "Healthy Handling 2005".

The topic will be tackled under four headings: order and organisation, lifting and carrying, wet cement and hand held vibrating tools. The HSE says that these matters should be considered by designers, assessed by contractors, and suitable control measures agreed and specified, before work starts. Enforcement action may be taken where effective precautions are not in place. Action may also be taken if it is discovered that clients, designers or planning supervisors have not complied with their CDM duties. Among other things HSE inspectors will be expecting to find:

- Clean tidy and well-organised sites that are kept in good order
- Pedestrian routes and workplaces that are kept free from obstructions
- Materials stored safely
- Manual handling task eliminated by design or mechanisations wherever possible
- Safe handling based on risk assessment of manual handling operations
- All workers trained in basic safe handling
- Assessment of risks from contract with set cement and arrangements to control exposure
- Adequate hand washing facilities
- Readily accessible information on vibration and noise levels from manufacturers and/or hire companies.
- Risk assessments carried out on the basis of these levels with safety periods of exposure accurately calculated
- Effective maintenance regimes to keep equipment and tools in good condition
- Evidence that hire and purchasing policies give preference to low vibration and low noise emission equipment tools.

Further information is available of the Health Handling Helping at www.hse.gov.uk/construction

(Source: ECA Safety Update, Mar 05)

Manual Handling Assessment Chart

The HSE has a web-based tool available to help in the carrying out of manual handling risk assessments. The programme is called the Manual Handling Assessment Chart (MAC). The claim is that it simplifies risk assessments by showing how manual-handling tasks can be broken down into their component parts and scored using a traffic light system. This helps identify the riskier parts of a task so that the efforts to reduce the potential for injury can be better targeted. The MAC tool is available free at www.hse.gov.uk/msd/mac/index.htm

Fire Safety

The new fire safety regulations are not expected to become law until the end of 2005, despite rumours to the contrary. A regulatory impact assessment has been prepared, but not yet enacted. Further information is available of the Office of the Deputy Prime Minister.
(Source: ECA Safety Update, Feb 05)

Draft Corporate Manslaughter Bill gets full industry support

New laws to prosecute companies and organisations whose gross failure at senior management level results in a fatality have been described recently as a "significant breakthrough" by the construction unions".
The draft Corporate Manslaughter Bill, which updates existing laws on corporate killing, will apply when someone has been killed because the senior management of a company has failed to take reasonable care for the safety of employees or others.

Measurement of Health and Safety Performance

The Health and Safety Executive, in association with the DTI Small Business Service, has launched an online tool to help small and medium sized enterprises (SMEs) track and assess how well they are managing their own health and safety. It is called the Health and Safety Performance Indicator and is available at www.hspi.info-exchange.com It is also intended to help companies inform their insurers how well they are managing health and safety with a view to getting insurers to calculate more accurately insurance premiums based on the performance of individual companies.
(Source: ECA Safety Update, Feb 05)

Recent Health & Safety Cases

Construction site fatality leads to £150,000 fine

McDermott Bros Contracts Ltd was fine £150,000 with £15,175 costs at Southwark Crown Court recently for an incident that resulted in the death of employee. The employee, a carpenter, was striking out materials near a hole in the floor that had a four-metre drop to the floor below. He fell through this and died from the head injuries received.

(Source: ECA Safety Update, Feb 05)

Construction boss jailed

Lee Harper, MD of Harper Building Contractors Ltd, was sent to prison recently after pleading guilty to manslaughter and a breach of the HSWA 1974. The case concerned the death of a twenty seven year old who was working on the roof of a warehouse in Salford. No safety precautions were in place on the job.

(Source: ECA Safety Update, Feb 05)

Fatal fall from unprotected edge

Two companies have been fined following a fatal fall incident. The fall was of 9 metres from an unprotected edge during the construction of an operating theatre. The HSE alleged that both companies had failed in their duty of care towards the deceased by exposing him to risk to his safety. Both companies, Krypton Health Construction Ltd and Controlled Flame Boilers Ltd.

Other information

CIS – Construction Industry Scheme

The Inland Revenue intends to commence publicising the new scheme with mail shots to accountants in April and to contractors in October 2005. Other interested parties will be send information early in 2006. Replacement CIS cards and Certificates being issued now may bear an expiry date later than the proposed commencement date for the new scheme in April 2005. Members are advised that this will be a common occurrence and that there are no hazardous implications. Companies holding CIS cards of certificates valid beyond April 2005 will automatically be registered for the new scheme.
(Source: ECA Circular No 28 of 2005)

If you would like further information on any of the issues highlighted in this report, please contact Barbie McSean on 01252 353040.