

Construction update

Newsletter | July 2013



Welcome

At the end of May the Health and Safety Executive (HSE) issued new and clear guidance on health surveillance for employers. This comes a month after unsatisfactory health and safety standards, including exposures to harmful dusts, were found on one in five construction sites across the country. The HSE is trying to raise the awareness of construction site health and safety requirements amongst employers. However, it now has the task of deciding if reducing the level of competence required within Construction Design and Management (CDM) Regulation stakeholders will reduce bureaucracy without affecting safety.



In this issue we take a look at the proposed changes to the CDM Regulations as well as:

- Construction site fire prevention
- Crane collapse
- Recent court cases.

April this year saw a month-long Health and Safety Executive initiative checking health and safety standards on London construction sites. One in four construction sites failed the health and safety checks. More than 400 repair and refurbishment contract sites were visited. Specific work activities had to be stopped with immediate prohibition notices. A wider national initiative resulted in one in five construction sites visited across the country being subject to enforcement action.

Failures included poor standards of control over work at height, exposure to dangerous dusts and poor site management.

In other news involving the HSE, the Association for Project Safety have criticised proposed changes to the Construction Design and Management

Regulations. The proposed changes are being made with a view to reducing bureaucracy. The HSE are considering weakening the competency requirements for duty holders under the Regulations. The Association of Project Safety is arguing that less experienced practitioners will generate excessive paperwork to cover every eventuality. It is also suggested that costs will not be reduced because new guidance will need to be produced and practitioners will need to be retrained. Of course, less experienced and qualified stakeholders delivering the CDM requirements will do little to improve safety standards, particularly on smaller sites.

Some of the questions to be considered by HSE include:

- Should the Regulations be simplified so duty holders can more easily identify their responsibilities?
- Should active management of design and construction risks be encouraged?
- Should competency requirements be increased so as to reduce bureaucracy?

The hoist rope must be plumb prior to lifting.

The safe working load must not be exceeded.

Construction site fire prevention

- In June this year a blaze spread through part of the domed roof of the Scottish Hydro Arena, which is being built by Lend Lease. Fire and water damage is now being assessed to ascertain whether the arena can be opened in time for a planned Rod Stewart concert in September. There were no injuries and an investigation is underway. The management of welding operations on site will come under close scrutiny.

Guidance to consider in relation to welding includes:

- Remove nearby combustible materials
- Protect nearby combustible materials if they cannot be moved away using fire retardant blankets or metal sheeting
- Check there are no combustible materials behind partitions
- Use flame retardant sheets to stop hot particles passing through openings in floors and walls
- Maintain a 30-minute fire watch after hot work finishes
- Keep fire extinguishers nearby.

Crane collapse

At the end of March a tower crane jib collapsed at an apartment block under construction in East London. The crane dropped its load onto a public footpath. Fortunately no-one was injured. Since 2001 there have been 61 incidents involving tower cranes, with a number of people killed and injured.

Guidance to consider on tower crane stability includes:

- The load must not be dragged along the ground
- Slings must be correct as sudden loss of load can cause crane collapse

- The hoist rope must be plumb prior to lifting
- The manufacturer's maximum wind speed must not be exceeded
- The safe working load must not be exceeded.

Changes to claims procedures

A new protocol for Employers and Public Liability claims goes live on 31 July 2013. The changes are being introduced by the Ministry of Justice and apply to the majority of claims with a value between £1,000 and £25,000. The changes aim to speed up claims settlement and reduce legal costs. New claims should be notified directly to QBE by the Claimant's Solicitor via an online portal. Any direct notifications received by a Policyholder should be acknowledged and sent electronically to QBE the same day. A liability decision has to be provided within 30 working days and 40 working days for EL and PL claims respectively. Failure to comply with these timescales will see the claim drop out of the portal and, in some cases, a significant increase in legal costs. Proactive incident investigation with the collation of all relevant documentation will be key. Requests for evidence made by QBE should be dealt with quickly. That will enable informed and realistic liability decisions to be made and a realisation of the significant cost savings that should be available as a result of these reforms.

For more information about MOJ please visit <http://www.qbeurope.com/risk-management/technicalclaims.asp>

In the Courts

A fatal accident occurred in 2008 when a cherry picker was knocked over by a falling roof beam. Mr. Joyce was working in the cradle and fell to his death whilst working on the demolition site at a Newcastle shipyard. The contractor for

whom Mr. Joyce was working was given a three-year prison sentence when found guilty of gross negligence manslaughter at the recent trial at Newcastle Crown Court. The investigation found that there were no lifting plans in place in relation to dismantling the steel structure of the building.

In another Tyneside accident, Mr. Giles was left paralysed after falling 10 metres from a warehouse roof. Workers were on an unprotected fragile roof removing cement sheets when the accident occurred in 2011. Whilst the contractor had a safe system of work planned, the site supervisor did not follow it and allowed Mr. Giles to get out of the scissor lift they were using and onto the roof. The supervisor was recently fined £1,000 and ordered to pay £9,765 costs at Durham Crown Court.

QBE Risk Management

This newsletter is produced by QBE's Risk Management service team, part of QBE European Operations' Property, Casualty and Motor division. We are a team of dedicated professionals who work closely with our clients to actively assist with accident prevention, employee rehabilitation and claims mitigation.

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