

Practice

Call for cancer education ^{♦1}

The construction industry urgently needs to take steps to increase workers knowledge of cancer causing substances in their workplaces, in order to cut the number of deaths from work-related cancer. This is one of the findings from research conducted by the Institute of Occupational Medicine (IOM) which also highlights that there is a social inequality in occupational cancer risk, which is concentrated in manual workers and lower employment grades.

Over a million people in the UK are exposed to cancer causing substances in their workplaces and around 7,000 people die from work-related cancer each year (far more than the 3,000 people who lose their lives due to road traffic accidents each year, or the 229 who died as a consequence of accidents at work in 2007/08). Many of these lives could be saved by raising awareness of the substances at work that can cause cancer and from highlighting the potential risks from exposure to these harmful chemicals.

But the team behind the research (published in *Occupational Medicine*) sat that in many situations, workers such as those from the construction industry, painters and decorators and workers who are exposed to diesel exhaust fumes from motor vehicles, are simply unaware of the cancer risks associated with long-term low-level exposure to chemicals, and because of this, appropriate controls are not put in place.

Researchers say that in order to address this, as well as increased communications, there needs to be regulatory change, new technical innovations and significant training.

The IOM study lists the top ten chemical or exposure circumstances that contribute to the current cancer burden in Great Britain. Whilst asbestos comes out top (3,840 deaths each year). Other substances such as crystalline silica (850 deaths), particles from diesel engine exhausts (676), paints and mineral oils, were all found to present a serious public health risk. Five of the substances in the top ten are all commonly found in construction.

<http://occmmed.oxfordjournals.org/cgi/content/abstract/59/2/96>

Court Case

Firms fined over scaffolding collapse in walkway ^{♦2}

Two construction companies have been fined under work at height regulations following the collapse of a five-storey scaffold tower in Birmingham City Centre. In December 2006, scaffolding measuring about 50ft high and spanning 100ft along the side of a building, collapsed across a pedestrian walkway at 6.40pm. CCTV images shown to Birmingham magistrates court showed Christmas shoppers passing within seconds of the collapse.

SGB Services Ltd, Surrey, the company that had erected the scaffold was fined a total of £4,000 and ordered to pay costs of £6,000, after pleading guilty to a breach of *Regulation 8(b) of the Work at Height Regulations 2005 (WAHR)*, in that it failed to ensure that the platforms it had installed did not become accidentally displaced as to endanger workers or passers-by. Principal contractor of the refurbishment project, John Davies Interiors Ltd, Oldbury, was fined £5,000 after pleading guilty to *Regulation 12(4) of the WAHR*, in that it had not ensured that the working platforms were used in a safe position. The company admitted that the platforms had not been inspected in the week before the collapse.

^{♦1} John W. Cherrie, Institute of Occupational Medicine, March 2009

^{♦2} RoSPA Safety & Health Journal, April 2009

Court case

First Corporate Manslaughter Prosecution ^{♦3}

On April 23, 2009, the Crown Prosecution Service (CPS) authorised a charge of corporate manslaughter against Cotswold Geotechnical Holdings Ltd in relation to the death of Alexander Wright on September 5, 2008.

This is the first application of the Corporate Manslaughter and Corporate Homicide Act 2007, which came into effect on April 6, 2008. Junior geologist Mr Wright, an employee of Cotswold Geotechnical Holdings, was crushed to death when the sides of an excavated pit collapsed whilst he was taking soil samples during a site survey.

As a result of his death, Peter Eaton, a director of the company, has been charged with gross negligence manslaughter and with an offence contrary to Section 37 of the Health and Safety at Work Act 1974. Cotswold Geotechnical Holdings Ltd has also been charged, as an organisation, with failing to discharge a duty contrary to Section 33, Health and Safety at Work Act 1974.

The CPS Special Crime Division's reviewing lawyer, Kate Leonard, stated that they have concluded that there is sufficient evidence for a realistic prospect of conviction for this offence.

Mr Eaton will appear at Stroud Magistrate's Court on June 17, and faces charges as an individual and on behalf of the company. If convicted for gross negligence manslaughter, he could face a maximum sentence of life imprisonment; a conviction for corporate manslaughter could attract an unlimited fine.

This case should serve as a stark reminder that organisations must not neglect their duty of care to employees, and of the heavy penalties that could be faced if they do.

LES news

The hidden killer – Are you Asbestos aware?

Asbestos is the 'hidden killer' - and asbestos awareness is a key issue and priority for the HSE. More than 20 tradesmen die every week from asbestos-related causes. If you have worked on a building constructed or refurbished before 2000, you may have been exposed without even realising it.

Occurring naturally, asbestos is a fibrous material with good insulation and fire protection properties, and has been used in building work since the 1950s. As it is often mixed with other materials, it can be difficult to tell whether or not you will be working with it - however, if you're working on a building more than nine years old, chances are it will be in there somewhere.

Exposure to asbestos can cause four major diseases: mesothelioma, a type of lung cancer that is almost always fatal; asbestos-related lung cancer; asbestosis, which can be fatal; and pleural thickening. All of these conditions are very painful. What better reason is there to manage the risk?

The LES Asbestos Tool Box talk is available for Site Managers as a PowerPoint on DMS (project 132) – or talk to one of the Compliance Team to organise a talk.

^{♦3} RoSPA, Safety Connections, 29 April 2009