Cranesafe system in use over the Scottish parliament

Wading through the red tape

'Health and safety' are three words that translate to 'more red tape' for many businesses. But what do all those rules and regulations actually mean to you? In every edition throughout 2002, *C&A* talks to the experts about issues and legislation affecting your business.

Case study – the employer's 'duty of care'

When an employee of Company A was killed on crane tracks, it was the first serious accident it had experienced in 37 years. Notices were placed in the vicinity of the accident site, warning employees of the dangers of walking near an operating crane so, in court, the company defence was that it had taken the most effective safety measures it could and that one serious accident in 37 years was not enough to prove otherwise.

However, the court took the view that one death was too many. The judge ruled that the company's history was irrelevant and that 'effective measures' meant safety precautions that worked every time. He found that Company A's duty to ensure the safety of employees working on crane tracks was absolute and that even one failure was proof enough that it was not taking adequate measures.

Eventually, Company A was told that it could not expect to put responsibility for safety on its workmen and that posting safety notices was insufficient. The company was subjected to a heavy fine, not to mention some very bad publicity. Undoubtedly this was little compensation to the bereft family involved.

Obviously crane and site safety have been vastly improved in the last few years, but, disturbingly, this type of accident is still happening. In October 2001, RRC Business Training announced that 15% of construction sector companies were providing zero training to their staff in health and safety, whilst work place injuries and ill health cost up to £7.5 billion per year. So what are the measures that today's contractor can take to protect his employees from accidents and his company from prosecution?

Expert advice

Chris Jones of the National Plant Operators Registration Scheme Ltd (NPORS) points out that, under the Health and Safety at Work act of 1974 (Section 2), employers have a duty of care. As far as reasonably practicable they must provide a

safe place of work and safe systems of work.

"The employer has (under the Management of Health and safety at Work Regulations 1999) an absolute duty of care to undertake a risk assessment. A risk assessment would have identified all major hazards and the likelihood of an accident occurring. No doubt an activity of this nature should be properly supervised, a permit to work issued and the crane's power supply isolated and locked off prior to the maintenance operation being carried out.

Many of today's overhead cranes may be fitted with closed circuit television and audible or visual warning devices. However, when these are broken how quickly are the faults reported and repaired? In many cases not quickly enough – and the equipment remains in use in a dangerous condition.

Businesses that successfully manage health and safety recognise that the key is to create a positive safety culture so that faults are reported and repaired quickly. What appears to be a minor fault, if left unrepaired, could lead to a tragic loss through the domino effect.

The value of quality Health and Safety training programmes cannot be underestimated. This can be undertaken in house through 'toolbox talks', or by employing specialist outside instructors.

Accidents are seldom random events. They generally arise from lack of control and involve other factors, usually human or technical. However, this case is an example of organisational failure, which was the responsibility of management." ■

Current affairs

Truck Loaders

In August, the HSE released a statement that all lorry loader cranes should be fitted with an interlocking system to prevent cranes being operated without stabilisers being deployed.

The ruling followed 11 accidents and one fatality over the past five years, but sparked off a huge amount of animosity towards the HSE, especially from ALLMI (the Association of Lorry Loader Manufacturers and Importers).

The interlocking system had been tried and tested by the French when they made stabilisers mandatory on mobile cranes in 1985. However, it was found to be unreliable and soon abandoned.

The MOD specifies that stabilisers must be deployed, but it also endorses a bypass system, recognising that as yet there is no 'state of the art' interlocker available to guarantee reliability.

ALLMI is now working with the HSE to come up with a practicable solution. The outcome of this battle is not likely to be heard until the summer.

Interpreting LOLER

The CAP (Competent Assessed Persons) training sessions offered by PAC Ltd offer those in the access industry interpretation of the Lifting Operations and Lifting Equipment Regulations (LOLER, as the much maligned beast is known). PAC hopes to dispel myths and give sound advice on what the real implications of these regulations are.

250 people so far have benefited from the training, which includes guidance on a wide range of maintenance issues. The next two sessions are on 12 February and 12 March. Contact Powered Access Certification on 01539 562 444 for a free pack.