

Safety on Site



DUFFY GROUP LTD

October 2008

NEW LEGISLATION INCREASES PENALTIES

New legislation, the Health and Safety (Offences) Act 2008, will increase penalties and provide courts with greater sentencing powers for those who flout health and safety legislation.

The Act raises the maximum penalties that can be imposed for breaching health and safety regulations in the lower courts from £5,000 to £20,000 and the range of offences for which an individual can be imprisoned has also been broadened.

Department for Work and Pensions Minister Lord McKenzie said: "It is generally accepted that the level of fines for some health and safety offences is too low. These changes will ensure that sentences can now be more easily set at a level to deter businesses that do not

take their health and safety management responsibilities seriously and further encourage employers and others to comply with the law.

"Furthermore, by extending the £20,000 maximum fine to the lower courts and making imprisonment an option, more cases will be resolved in the lower courts and justice will be faster, less costly and more efficient.

"Jail sentences for particularly blameworthy health and safety offences committed by individuals, can now be imposed reflecting the severity of such crimes, whereas there were more limited options in the past.



"I am delighted that this legislation is now on the statute book and very grateful to my colleagues
Keith Hill MP

and Lord Bruce Grocott for introducing the Bill and for the support received from all sides of both Houses of Parliament."

The Act amends Section 33 of the Health and Safety at Work etc Act 1974, and raises the maximum penalties available to the courts in respect of certain health and safety offences. The Act, which covers Great Britain and Northern Ireland, received Royal Assent on 16 October 2008 and will come into force in three months time, in January 2009.

CONSTRUCTION FATAL INJURIES FALLING

The official construction fatal injury statistics for 2007/08 have been published by HSE. The last 15 years has shown a downward trend in the rate of fatal injury to construction workers although the last five years has shown little change with an average yearly rate of 3.5 fatal injuries per 100,000 workers.

The headline fatal injury statistics for construction in 2007/08 are:

Fatal worker injuries down to 72 from 77.
Rate of fatal worker injuries down to 3.4 from 3.5

Judith Hackitt, Chair of the HSE said: "Any improvement in the number of people being injured or made ill by work must be welcomed. However, there is a need for a step change. Of particular concern are the agriculture, construction and waste and recycling industries. I am also concerned that slips

and trips - which can have an enormous impact on peoples' lives - are still not reducing.

"In the difficult and uncertain months ahead I urge employers not to take their eyes off the ball. Good business management will be vital and good health and safety management is an integral part of that. Health and safety contributes positively to competitiveness and should not be sacrificed in times of financial pressure."

Reportable incidents

Group-wide
September 2008

0

Safety Inspection Ratings

Top ranked site:

Gloucester 90.3

Group Average 86.1%

In Brief

◆ Work at Height Prosecution

Two contractors have been prosecuted after a workman was paralysed from the waist down when he fell two storeys on a London construction site in January 2007. T. J. Myles & Co (Contractors) Ltd of Ickenham, Hillingdon, was found guilty of breaching HSW Act 1974 Section 2(1) and Crispin & Borst Ltd, of Watford, was found guilty of breaching Section 3 (1) of the same statute. The companies were ordered to pay a total of £45k.

◆ Mitie fined £300k

The Edinburgh-based Mitie Engineering Services has been fined £300,000 after one of its electricians was fatally electrocuted in 2005.

The firm was found guilty of breaching the Health and Safety at Work etc Act, but two company directors and the project manager were acquitted. Michael Adamson, 26, was killed in August 2005 when he came into contact with a live conductor in a cable on which he was working. Mr Adamson was working at the JJB Sports Centre and Retail Outlet, which was under construction at the Gallagher Retail Park in Dundee.