

HEALTH HAZARD

When accidents happen involving falls from height, investigators look for evidence of more than appropriate equipment, training and method statements. Andrew Woolfall explains

Falls from height are the single biggest cause of workplace deaths and among the principal reasons for workplace injuries. The issue is of such importance that there is specific legislation (Work at Height Regulations 2005), while as far back as 2006 the Health and Safety Executive (HSE) launched a 'Height Aware' campaign, which still continues today. HSE provides detailed guidance on its website, but incidents continue. For employers and operators, these often result in lengthy investigations, improvement notices and prohibitions, as well as prosecutions and fines.

The starting point for the regulations is, is it possible to avoid your work at height? If so, there is an expectation that all reasonable steps will be taken to work at a much lower level. If it cannot, several questions have to be asked. Can a fall be prevented by using specialist equipment? Can the distance of the fall and/or the consequences be minimised? Can additional training and instruction or other measures be used to prevent the fall?

The 2005 regulations impose a duty

on every employer to ensure that work at height is safe. There is a statutory expectation that the work is properly planned (including selecting correct equipment), appropriately supervised and carried out in a manner that is, so far as is reasonably practicable, safe. It is this last concept - taking all reasonable, practicable steps - that causes problems.

HOME OR AWAY

Operators can be held responsible for any incidents on their premises. However, if they have vehicles or employees working away from base there can still be repercussions. I recall acting in one case where an engineer was crushed to death by a large industrial press he had been standing on. The press was on the back of a low-load trailer and, as the driver slowly reversed the vehicle, the press began to slip. The engineer fell and the press landed on him.

Several health and safety issues arose here, but primarily the engineer should not have been on top of the press. The fact that it occurred at a customer's premises and the engineer was

employed by a third party did not prevent the vehicle operator being prosecuted, since its driver had allowed the operation. The incident highlighted a lack of appreciation of the dangers involved in working at height, stemming essentially from a lack of a proper risk assessment, method statement, training and monitoring.

Operators can also be held responsible for incidents on their premises even if they do not involve their own staff. A task may be subcontracted to an independent business but, if the activity involves a fall from height, the operator might still face criminal sanction. Why? Because the operator has an obligation to effectively manage, supervise and monitor contractors on its site. This involves being part of the risk assessment process and the drafting of the method statement, as well as monitoring to ensure compliance.

Again, I remember one serious incident where a contractor was brought on to an operator's site to change the upper windscreen of a bus. The method statement involved using a mobile gantry brought by the contractor.



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However, due to limitations on space, the gantry was not used and the contractor borrowed ladders from the operator. When he fell, the operator was prosecuted because it had allowed the individual to use its equipment in the face of a known risk.

CORRECT EQUIPMENT

Ladders appear to be among the biggest causes of accidents involving falls from height. Official guidance recommends using a gantry or similar wherever possible. Correct equipment is critical and is at the heart of assessing risk and training staff. Options to prevent falls include guard rails and scaffolding, but also cherry pickers, scissor lifts and podium steps. Personal fall protection systems, such as restraint equipment, can also be used. If the risk cannot be entirely avoided, consideration must be given to equipment such as airbags and safety nets, which minimise the consequences of any fall.

But there's more to it. Many operators go a long way to comply but then find themselves lacking when it comes to monitoring and auditing. Risks may have been identified, equipment purchased

and method statements drawn up, but then senior management fail to put measures in place to ensure that employees follow instructions.

Several years ago I acted for a truck dealership that had all the gantries and equipment in place, along with written method statements. Staff received training and ladders were locked in a secure area, with only the foreman having a key. He was instructed that the ladders should only be used as a last resort. However, management did not know that he disliked gantries and ladders had remained his tool of choice. That only came to light after the foreman slipped while working on the roof of an articulated tractor unit fitting a wind deflector shield. Had he been using the gantry there would not have been a problem, but his fall from the ladder was almost inevitable. Failure to monitor employees led to the garage being prosecuted and fined.

A similar example can be seen in the case of an operator whose drivers were required to climb on to loads to sheet them. The process was properly risk assessed, and all drivers were issued with the correct equipment and trained

accordingly. A substantial number of the company's 90-plus drivers were also audited but, due to work patterns, a few were not. Unfortunately, when one such driver fell while working - and not in accordance with training - the operator was prosecuted and fined heavily because it had not taken 'all reasonable, practicable steps' to ensure the operation was safe. It had not audited or monitored this driver so was unaware of how he chose to work - despite the training and equipment he received.

While an operator cannot have a supervisor standing by every employee every minute of the day, reasonable checks are required. Some operators train staff but then don't perform audits or silent observations. Additionally, many fail to take proper action when employees or subcontractors are found breaching agreed procedures. Courts expect operators to intervene and discipline or retrain as appropriate. Without taking such action, employers and operators leave themselves vulnerable if an incident occurs. **TE**

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