

# Health and Safety

## Bulletin

### Mobile Elevated Work Platforms (MEWPs)

#### Articles in this newsletter:

- Mobile elevated work platforms (MEWPs)
- De-regulation of self-employed
- Case law update

#### Useful contacts:

HSE website  
[www.hse.gov.uk](http://www.hse.gov.uk)

HSE Books:  
PO Box 1999  
Sudbury  
Suffolk  
CO10 2WA  
Tel: 01787 881165

Environment Agency  
website:  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

The Work at Height Regulations 2005 require employers to manage the risk of falls from height whenever a worker can fall a vertical distance and there is a risk of injury. Although consideration must always be given to avoiding work at height, choosing the right type of access equipment for the environment and the activity is vital if there is no other way of completing the task. Many organisations choose to use MEWPs – but there is still a need to manage the risks involved – so what are they?

#### Choosing the right type of MEWP

There are many different types of MEWP – for example vertical ‘scissor’ lifts, self-propelled booms, vehicle-mounted booms and trailer-mounted booms. The choice of equipment will depend on many factors, such as where it is going to be used (inside or outside or the floor space available for example), the height at which the work will take place, and the task (e.g. does it require more than one person, are materials/tools to be lifted as well as people).

#### Checking the MEWP is in good condition

All MEWPs should be CE marked to demonstrate their design takes into account Essential Health and Safety Requirements (EHSRs). However MEWPs are also lifting equipment and therefore must undergo statutory inspection under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Such inspection must be carried out every six months by a competent person.

Additionally, under the Provision and Use of Work Equipment Regulations 1998 (PUWER), the equipment should undergo regular inspection and maintenance – commonly recorded on a pre-use checklist.

#### Checking the operator

The competence of the MEWP operator is a significant way of reducing risk. Most employers will insist on a form of recognised licensing, such as that run by the International Powered Access Federation (IPAF). It is important to check the operator has been trained for the specific type of MEWP being used.

Many employers insist on harnesses and lanyards being used in MEWPs – so both the operator and anyone else working from the MEWP, also need to have completed harness and lanyard inspection and use training.

#### Planning the activity

Most tasks using a MEWP tend to involve unique risks and so need to be assessed each time, for example:-

- Hazards in the area of use – this will include hazards to the operator (e.g. overhead obstacles) as well as anyone else who may be working in the area (e.g. falling tools)
- Weather – the use of MEWPs externally in high winds and rain
- Controlling residual risks of a fall – many employers require those working from a MEWP to wear a harness and lanyard, although it is important that a work restraint system is used to prevent workers getting to a position from which they might fall, rather than a fall arrest system
- Emergency procedures – how the operator will be rescued and provided with suitable first aid if required

It is good practise to record the hazards and control measures in a dynamic risk assessment before the work takes place.

### Recently issued health and safety information:

- Tooling for use with hand-fed woodworking machines  
<http://www.hse.gov.uk/pubns/wis37.pdf>
- PM15 Pallet safety  
<http://www.hse.gov.uk/pubns/pm15.pdf>
- WIS14: Wood dust - Selecting suitable respiratory protective equipment  
<http://www.hse.gov.uk/pubns/wis14.pdf>
- HSE's panels saw wood dust video  
<https://www.youtube.com/watch?v=4kyoHTbNTQ>
- GEIS6: selection and use of MEWPs  
<http://www.hse.gov.uk/pubns/geis6.pdf>
- L146: Consulting workers on health and safety  
<http://www.hse.gov.uk/pubns/priced/l146.pdf>
- HSE's Beware Asbestos web app  
<http://www.beware-asbestos.info/>
- HSE's revised scaffold checklist  
<http://www.hse.gov.uk/construction/safety/topics/scaffoldinginfo.htm>
- Partnership Group – noise and vibration posters  
<http://www.hse.gov.uk/noise/nvp-poster.pdf>

## De-regulation of H&S for self-employed

The Government's bill to de-regulate health and safety for the self-employed is passing through parliament successfully, despite opposition from Institution of Occupational Safety and Health (IOSH) and the TUC.

The de-regulation will exempt certain self-employed from the general health and safety duty for themselves and non-employees, except if undertaking 'prescribed activities' covering high hazard or high risk sector activities, such as agriculture and construction.

Although it is estimated that up to 1 million self-employed could be exempted under the regulations, it is questionable whether this will be achieved, since many are likely to carry out work for larger organisations, who will still insist on them providing evidence of health and safety systems and performance.

### Case Law update

*This issue focuses on cases associated with the use of MEWPs*

A West Yorkshire power distribution services provider has been fined **£35,000** and ordered to pay **£11,272** in costs after a worker suffered a compound fracture to the left leg and three fractured vertebrae to his lower spine in a cherry picker fall. The employees were rigging three overhead lines that were approximately 500m apart when the incident occurred. One line was already secured to a distribution pole and a second line was about to be located – it was secured to the bucket of a cherry picker and this was being raised to attach it to the pole. At the same time, the line was also being back-tensioned by a dumper truck. The cherry picker basket was approximately 12m in the air when the dumper truck pulled the cherry picker over. The HSE investigation found the employer had failed to plan, manage and monitor the work process and had also failed to

plan and implement a clear and unambiguous communication system between the truck and the MEWP.

Two Derbyshire companies were fined after a worker was crushed whilst dismantling steelwork. Workers were using a scissor lift to lower steel beams from height by resting them on the guard rails of the platform. While trying to remove a compound crane beam (which weighed more than twice the scissor lift's safe working load), without the MEWP's stabiliser legs deployed, the beam toppled towards the factory floor and the injured person was struck by it, causing him serious head and chest crush injuries. He was still off work when the case went to court, three years after the incident. The company in charge of the dismantling work was fined **£26,666** and ordered to pay **£8,013** in costs, the injured person's employer **£20,000** and ordered to pay costs of **£8,013**.

A cherry picker operator and his

employer were both fined following an incident when a truck hit the equipment. The operator had raised the platform (which was located between a house and a road) to a height of about 3m, but allowed the elbow of the MEWP to jut out into the road. An HGV hit the MEWP elbow, throwing the two men in it into a tree before they fell to the ground below. Both suffered serious head injuries, and one was in a coma for a month. The MEWP operator was fined **£2,500** and ordered to pay costs of **£3,500**. The MEWP operator's employer was fined **£12,500** and ordered to pay costs of **£2,500**.



### Clwyd Associates

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We only employ consultants and associates with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service tailored to their needs.

Clwyd Associates Ltd

[www.clwydassociates.co.uk](http://www.clwydassociates.co.uk)



Orton House  
Overton Close  
Leicestershire  
LE67 8FY

PHONE/FAX:  
01530 837477

E-MAIL:  
[enquiries@clwydassociates.co.uk](mailto:enquiries@clwydassociates.co.uk)