

Health and Safety Bulletin

Lifting equipment

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Since 1974 only a limited amount of UK health and safety legislation has been prescriptive. The majority of our health and safety legislation is structured similar to the Health and Safety at Work etc. Act – it puts the onus on employers to understand the health and safety risks associated with their activities and to demonstrate that they have managed them adequately.

However, one area that has remained rule-bound is the legislation associated with statutory inspections. If an employer has equipment requiring these inspections, such as lifting equipment, pressure systems or local exhaust ventilation (LEV), there are specified frequencies for inspection by a competent person. The consequences of the failure of lifting equipment tends to be severe, which explains why there are black and white rules for its use - these are covered under the Lifting Operations and Lifting Equipment Regulations (commonly known as LOLER).

How is lifting equipment defined?

Lifting equipment is any work equipment primarily used for lifting or lowering loads, such as forklift trucks or cranes, but not pallet trucks. The regulations also cover the accessories used for anchoring, fixing or supporting loads such as eyebolts or slings.

There is often confusion about whether equipment is categorised as lifting equipment or a load and this is why the “primarily used” part of the definition is so important. The load is the item raised or lowered by the lifting equipment, and so includes skips (and their associated lugs) and machinery with fixed loading eyes. Loads may well need to be inspected under the Provision and Use of Work Equipment Regulations (PUWER), but do not need to undergo statutory LOLER inspections.

How do the Regulations affect the use of lifting equipment?

LOLER covers both the planning and management of lifting operations – as well as the maintenance of lifting equipment.

In terms of operations, compliance requires the employer to:-

- choose the right type of equipment for the task e.g. in terms of strength or stability
- install the equipment to minimise the risk either the equipment or the load will strike a person
- mark the equipment to indicate its safe working load
- plan, supervise and manage lifting operations using risk assessment

The maintenance of lifting equipment requires the employer to:-

- arrange statutory inspections of
 - lifting equipment before installation (if its safety depends on its installation) and then every 12 months
 - accessories and lifting equipment used for lifting people every six months
- carry out risk assessments to identify whether intermediate wear and tear inspections are required

The person carrying out the statutory inspections must provide a report of their findings and where they have identified imminent danger must inform the employer and the enforcement authorities immediately. The employer must keep the latest statutory inspection report for any lifting equipment and also the EC declaration of conformity they receive with equipment so long as they are using it.

Conclusion

Failure of lifting equipment or lifting operations results in catastrophic consequences – this is why there is prescriptive legislation covering this topic.

Recently issued health and safety information:

- RR1146 Measuring and controlling emissions from polymer filament desktop 3D printers
<http://www.hse.gov.uk/research/rrpdf/rr1146.pdf>
- All Party Parliamentary Group on Working at Height Staying Alive: Preventing Serious Injury and Fatalities while Working at Height
<https://workingatheight.info/wp-content/uploads/2019/02/Staying-Alive-APPG-REPORT.pdf>
- Get a grip ladder safety campaign
<https://ladderassociation.org.uk/get-a-grip/>
- Workplace Health Leadership Group NI (WHLGNI) website
<https://www.whlgni.org.uk/>
- EAP ROI calculator
<https://www.eapa.org.uk/roi-calculator/>

HSE Construction Inspection Initiative

HSE has announced it will be starting another construction inspection initiative on 17th June 2019. The focus will be on health, specifically those health hazards that commonly occur during routine construction tasks:-

- asbestos
- silica
- wood
- other dusts

At the same time, HSE has also released a video on

Youtube at :-

https://www.youtube.com/watch?feature=youtu.be&utm_content=&utm_medium=email&utm_name=&utm_source=go_vdelivery&utm_term=&v=YZHBr7YluT0 demonstrating the effects of poor face fitting of disposable dust masks- (for example due to failure to use fitting devices such as the nose clip or elastic securing straps correctly or because the individual using the mask has a beard or stubble.

About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

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



Case Law update

This bulletin focuses on prosecutions following accidents involving lifting equipment

Forth Crossing Bridge Constructors (FCBC) were working within Rosyth Dockyard where an employee was undertaking a lifting operation to move two large crane mats when a non-employee was severely injured. The HSE investigation found the work was a non-routine lifting operation which had not been planned by a competent person, it was not appropriately supervised or carried out in a safe manner. FCBC pleaded guilty to breaching Regulation 8 of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined **£10,000**

GHA Coaches Limited of

Wrexham was fined **£90,000** and ordered to pay costs of **£3,068** after it repeatedly failed to comply with legal notices to get its lifting equipment examined. In 2015, an inspection revealed overdue Lifting Operations and Lifting Equipment Regulations (LOLER) examinations on at least 14 items. An improvement notice was served, and extended twice, and still resulted in a failure to comply. The company pleaded guilty to breaching Regulation 9(3)(a)(ii) of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), and failing to comply with an Improvement Notice

An employee suffered a fractured spine and has been unable to continue working as a steel fixer after he was struck by

a steel plate which fell from a crane. He was working on a new metal staircase, using a crane to lift a steel sheet attached to a magnet, but the sheet became detached from the magnet, and fell striking the worker on the back. The HSE investigation found the company failed to ensure that the lifting equipment was of adequate strength and stability for each load and that they also failed to ensure that the lifting operation was planned by a competent person, appropriately supervised and carried out in a safe manner. Tubular Erectors Limited pleaded guilty to breaching Regulations 4 and 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined **£32,000** and ordered to pay costs of **£3,444**

Hazards associated with work identification lanyards

The hazards of neck lanyards catching in rotating or moving machinery has long been recognised. Breakaway lanyards are now available to minimise this risk. However, a couple of

recent incidents have brought to light a different hazard – associated with the wearing of lanyards while driving. Dorset police recently issued a warning following two incidents where the consequences of

road accidents resulting in the deployment of airbags were made far worse because drivers were wearing lanyards. One motorist ended up having their lung punctured by their ID card.



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