

January 2022

AGA NEWSLETTER



INSIDE THIS ISSUE

PG. 2

Free Online Course

Contractor Fined

Managing Home Workers

PG. 3

Working Minds Campaign

What is LEV?

PG. 4

Belgium to become
“Asbestos Safe”

PG.5

CLOCS

PG.7

CPD & E-Learning

Do you have a role in designing high-rise buildings? If so, it's important you start preparing now for the changes being proposed under the Building Safety Bill.

As part of work underway to establish a new Building Safety Regulator and reform the building safety system, HSE is urging those who design high-rise buildings to act now to prepare for the changes coming when the Building Safety Bill becomes law.

The Building Safety Bill, currently making its way through Parliament, aims to implement all the recommendations set out in Dame Judith Hackitt's "Building a Safer Future" report, and in places goes further. The reforms include a more stringent approach to the design and construction of high-rise buildings, clearer responsibilities on designers to ensure these buildings are safe, and new measures so that everyone doing design or building work is competent to carry out that work in line with building regulations.

People working on the design of a high-rise building, from the development of a planning application through to building regulations approval will need to understand the building's intended use, correctly identify the risks, and own and manage those risks to determine the safety of a building.

There will be a requirement to record and provide evidence of decision-making during the design process, and a need to be engaged throughout a building project to handover to the end client. Prepare now for these changes.

Peter Baker, Chief Inspector of Buildings at the Health and Safety Executive, said: "Designers have a strong influence on safety and standards, particularly during the very early planning and design stages of a building project. Their decisions not only affect the safety of those carrying out the building work, but also those maintaining, using, or living in a building after it is built.

"I encourage designers to act now and prepare for the more stringent regulatory regime. HSE will continue to work with the building design industry and related businesses to support them to deliver safe and high-performing buildings and ensure that residents of high-rise buildings are safe, and feel safe, in their homes now and in the future."

Colin Blatchford, Operational Policy Lead for Gateways and Building Control at HSE, said: "Everyone involved in the design of high-rise buildings must take a proactive approach to managing building safety from the earliest stages of the design process. These changes are coming. Those involved need to plan ahead through correctly identifying, taking ownership and managing the risks – ensuring key decisions are recorded throughout the process.

"Once the Building Safety Bill becomes law, there will be a requirement for a safety case report when a building is completed and occupied. It is important to consider this at the early design stage for your clients and future residents' safety.

"Building safety changes are coming and will affect everyone involved in a high-rise building project beyond its design. We urge that you act now."

FREE ST JOHNS ONLINE COURSE



The free online module this month is how to promote a mentally healthy workplace which supports the new HSE Working Minds campaign that aims to help businesses recognise the signs of work-related stress and make tackling issues routine. Give the module a go today and find out more about the Working Minds campaign.

Working Minds is aimed specifically at supporting small businesses by providing employers and workers with easy to implement advice, including simple steps in its '5 R's' to **Reach out**, **Recognise**, **Respond**, **Reflect**, and make it **Routine**.

[Try the module](#) >

CONSTRUCTION COMPANY IN COURT OVER INADEQUATE HEALTH AND SAFETY

[A NATIONAL CONSTRUCTION COMPANY HAS BEEN FINED AFTER AN UNANNOUNCED INSPECTION BY HEALTH AND SAFETY EXECUTIVE INSPECTORS FOUND POOR WELFARE STANDARDS, DANGEROUS ELECTRICAL SYSTEMS AND INADEQUATE HEALTH AND SAFETY PROVISION ON SITE.](#)

Liverpool Magistrates' Court heard how concerns had been raised regarding the health and safety standards at the construction site of the former Tobacco Warehouse, Stanley Dock, Liverpool, being renovated by Abercorn Construction Limited. A site inspection found the welfare cabin used by employees to be in poor condition, containing exposed live wires and damaged electrical sockets, a mouldy dishwasher and an accumulation of rubbish both inside and outside the cabin with the potential to attract vermin.

A general site inspection found numerous uncontrolled high risks such as a damaged cable on a 400v transformer, insufficient fire alarms, a lack of fire extinguishers and signage indicating emergency routes and multiple examples of unprotected edges and openings exposing workers to risk of a fall from height. There was also inadequate pedestrian and vehicle segregation, poor order, poor lighting and the risk of exposure to live electrical conductors.

The investigation by the Health and Safety Executive (HSE) found the company had failed to effectively plan, manage and monitor the works which had resulted in these health and safety issues arising on site. These risks had already been highlighted to the company in previous written enforcement. Despite compliance being achieved, poor standards had been allowed to develop again. Abercorn Construction Limited of 50 Bedford Street, Belfast pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and Regulation 6(3) of the Work at Height Regulations 2005 and was fined £77,000 and ordered to pay costs of £2,025.52.

After the hearing, HSE inspector John Padfield commented: "This type of proactive prosecution will highlight to the industry that HSE will not hesitate to prosecute companies for repeated breaches of the law.

"Good management of health and safety on site is crucial to the successful delivery of a construction project and principal contractors have an important role in managing the risks of construction work and providing strong leadership to ensure standards are understood and followed"

MANAGING HOME WORKERS' HEALTH AND SAFETY

[Employers have the same health and safety responsibilities for those working at home as any other worker.](#)

Our [home working guidance](#) is for anyone who employs home workers, including those who split their time between their workplace and home (sometimes called hybrid working).

The guidance has been redesigned and expanded to provide more detail on straightforward actions to manage home workers' health and safety.

This includes the risks of [stress and poor mental health](#) as well as [working with display screen equipment \(DSE\)](#). There is also advice for [home workers themselves](#), as well as a [video](#) and practical tips on [good posture](#) when working with DSE.



WORKING MINDS CAMPAIGN LAUNCHED

The campaign encourages employers to promote good mental health in construction and other industry sectors.

Launched by Sarah Albon, HSE chief executive, at HSE Health and Work Conference earlier this month, Working Minds raises awareness about how to recognise and respond to the signs of stress.

Work-related stress is now the number one cause of employee sickness absence, with major factors causing work-related stress including workload pressures - tight deadlines, too much responsibility and a lack of managerial support.

HSE has partnered with a number of organisations to highlight the triggers of stress, the legal duty of employers and how to manage the risks. The network of Working Minds champions includes the charity Mates in Mind, who earlier this year shared the [heart-breaking story of construction worker Chris](#), told by his family and friends.

Managing director at Mates in Mind Sarah Casemore said: "The mental health challenge, particularly related around workplace stress is really important to discuss. The impacts of work-related stress are significant and can affect anyone at any time, but they're still not consistently approached and addressed in workplaces across construction. Many people are leaving their jobs across construction each year due to mental health reasons. We're very proud to be working alongside the HSE in this campaign." Find out more about the [Working Minds campaign](#).

WHAT IS LEV?

LEV is an engineering control used to reduce the risk of inhalation of substances hazardous to health in a workplace, such as dust, gas, mist, fume or vapour.

Typically, these substances may cause respiratory diseases such as occupational asthma, cancer and chronic obstructive pulmonary disease (COPD).

LEV systems perform an essential function to protect health. They must be properly designed, installed, commissioned, tested and maintained to be effective. It is essential that employers use competent LEV engineers.



Key messages for employers

HSE has 7 key messages for employers when **purchasing** LEV:

- Work out which jobs and activities cause exposure
- Write down what the LEV needs to do - get a reputable supplier to advise you.
- Get the right type of LEV to control exposure
- Involve your employees in LEV design or selection
- Make sure the LEV is installed properly and works effectively
- Make sure the LEV has airflow indicators (or equivalent)
- Make sure the supplier provides a User Manual and Logbook (or equivalents)

HSE key messages when **using** LEV:

- Manage the checking and maintaining of the LEV system
- Train employees to use the LEV properly (ask supplier for help)
- Follow instructions in the User Manual (or equivalent)
- Fill in the Logbook and get repairs done
- Get the LEV thoroughly examined and tested 'annually'
- Use the thorough examination report as an 'audit'. Improve if necessary

FLEMISH GOVERNMENT TAKES RISK-BASED APPROACH TO BECOME 'ASBESTOS-SAFE'

The Flemish government in Belgium has taken a risk-based approach to tackling the region's huge asbestos legacy with an ambitious plan to become 'asbestos-safe' by 2040.



The decision was taken after the Public Waste Agency of Flanders (OVAM) compared national and international studies, undertook sector enquiries and ran pilot projects, and emphasised the need for a more immediate and proactive approach.

'A second wave of asbestos victims is imminent and this time it is ordinary citizens who did not work in the former asbestos industry or in the construction sector,' says Sven de Mulder, Project Leader, OVAM, Antwerp Metropolitan Area.

'The main reason for this is the life-long exposure risk at home, at school and in the office due to the presence of asbestos-containing materials (ACMs) and the poor condition of these materials.'

De Mulder notes that Belgium had one of the biggest asbestos consumption levels per capita in the world during the 1960s. The Flemish government estimates that about 2.3 million tonnes of ACMs can still be found across the region's building stock. Across the whole of Belgium, it is around 5.5 million tonnes.

On 29 March 2019, the Flemish government adopted a decree that contains an obligation for the Flemish public authorities to remove asbestos from all public buildings that were constructed before 2001, [as this building stock has been identified as being the most high-risk when it comes to ACMs](#). OVAM estimates that asbestos is likely to be present in 70-90% of buildings constructed in 2000 or earlier.

'The realisation of an asbestos-safe Flanders is ambitious, but it includes the already accelerated phasing out of the riskiest asbestos indications by 2034 and all other asbestos material in poor condition by 2040,' says de Mulder.

As de Mulder explains, the intention is not to become 'asbestos-free'. Asbestos will remain in some of the building stock but any asbestos that is left over must be in a good condition and must be documented so that Flemish Public Authorities know where the asbestos is. Even so, de Mulder estimates that more than 90% of the asbestos still present in the region's building stock will need to be removed by 2040.

Another significant development under the decree is a compulsory requirement for an asbestos inventory, which, at present, is only mandatory for places of employment.

Until now, there has been no requirement for an owner of a private property to record the asbestos present in their home. The decision to introduce an inventory for homeowners was influenced by research that OVAM carried out.

'There was a 35-year-old woman who was diagnosed with mesothelioma, and it appears that she was a baby crawling around in the house where her parents were renovating the property and there was dust all over the floor,' explains de Mulder. 'At a very young age, she inhaled asbestos fibres and developed mesothelioma.'

Like the UK, asbestos-related diseases are the biggest cause of occupational deaths. De Mulder says 300-400 people die every year from mesothelioma, but this is an underestimate of the real figure.

However, it wasn't only personal stories that influenced the Flemish government's decision to be more proactive in tackling the region's asbestos legacy. De Mulder says that a cost-benefit analysis was carried out and the government concluded that introducing an asbestos removal plan and creating a goal of becoming 'asbestos-safe' was the best-case scenario.

As a policy regulator, OVAM has a pivotal role in the delivery of the Flemish government's asbestos action plan.

One of its main responsibilities is the management of a new central database which will document current and future asbestos inventories that are collected from the region's building stock.

The Flemish government's decree makes it a legal requirement for all home and building owners to have an asbestos inventory by 2032. Next year, it will also be mandatory for all homeowners to have an asbestos inventory before they can sell their property.

As part of this process, OVAM has initiated a new sectoral certification system for asbestos experts whose responsibility it will be to compile the inventories. The experts will first have to pass a compulsory training programme after which they will receive certification to carry out the works. They will also be audited and inspected regularly to check their competence.

A large part of OVAM's work, however, is supporting all building owners to compile an asbestos inventory and then organising for approved contractors to come in and remove the ACMs.

OVAM has also launched a number of new tools aimed at key target sectors such as schools, care facilities, social housing and agriculture.

Schools are one of the high-risk sectors as asbestos has been found in every one of the 1,600 schools that OVAM has produced an inventory for over the past three years. Of these, asbestos has been removed for 500 schools to date.

[According to The Brussels Times](#), the Flemish government provided 3.85 million euros in August to remove asbestos from 200 schools. At the same time, the Flemish public authorities plan to carry out an extra 780 asbestos inventories over the next four years.

OVAM has also set up a subsidised system that enables every Flanders resident to register to have their asbestos waste management collected from a specified location. De Mulder says ACMs have already been collected from around 50,000 locations across the region.

In October this year, OVAM also started to collect asbestos cement waste from farmers and received over 1,000 registrations during an eight-week period.

'The Flemish and wider Belgian problem is not unique; it's a problem faced by many countries in Europe and throughout the world,' says de Mulder. 'We hope to contribute to a world-wide dynamic for a sustainable and ambitious asbestos policy. First, we have to tackle our own problems and see that we achieve our goals.'

CLOCS - REDUCING DEATHS DUE TO CONSTRUCTION TRAFFIC

[CLOCS is lobbying local authorities to adopt the CLOCS Standard in its campaign to limit the dangers for vulnerable road users](#)



As more and more cities and towns around the UK look to pursue an 'active transport' agenda, the risk of accidents and deaths due to collisions with construction vehicle movement rises.

According to statistics from Construction Logistics and Community Safety (CLOCS), some regions already have a problem of rising deaths among vulnerable road users: pedestrians, cyclists and motorcyclists.

The graph below shows the number of vulnerable road users, per million population, killed by HGVs in each region as a three-year average to 2019.

It also shows how that three-year average has changed compared to 2012. Three areas stand out for the wrong reasons: West Midlands, Wales and North-East.

CLOCS wants local authorities to take action to tackle such deaths by asking for the CLOCS Standard – which sets out how construction logistics should be planned and managed safely – to be included in their own procurement strategies and by adding them to planning requirements. It is currently preparing the next version of its standard, to be published early next year.

“The standard will include a framework to look at reporting of collision and emission data to allow and require clients and contractors to obtain comparable numbers from their supply chain and, with that, improvement plans,” says Derek Rees, chief executive of CLOCS.

CLOCS has turned its attention to air quality because of our rising awareness of its importance. The ruling in December 2020 that air pollution had made a material contribution to the death of a nine-year-old girl has moved the need to reduce emissions up the agendas of local authorities.

“There’s no silver bullet to reducing collision and emissions,” says Rees. “Behaviours and investment are driven by the commercial and physical conditions that the sites and the clients created through procurement. It has to be a collective effort.”

CLOCS will also be looking to include vans as well as HGVs in its standards. Although more deaths are caused by HGVs, the proportion of vans is rising fast, says Rees. CLOCS will also keep a close eye on the impact of offsite, possibly leading to fewer movements of bigger vehicles.

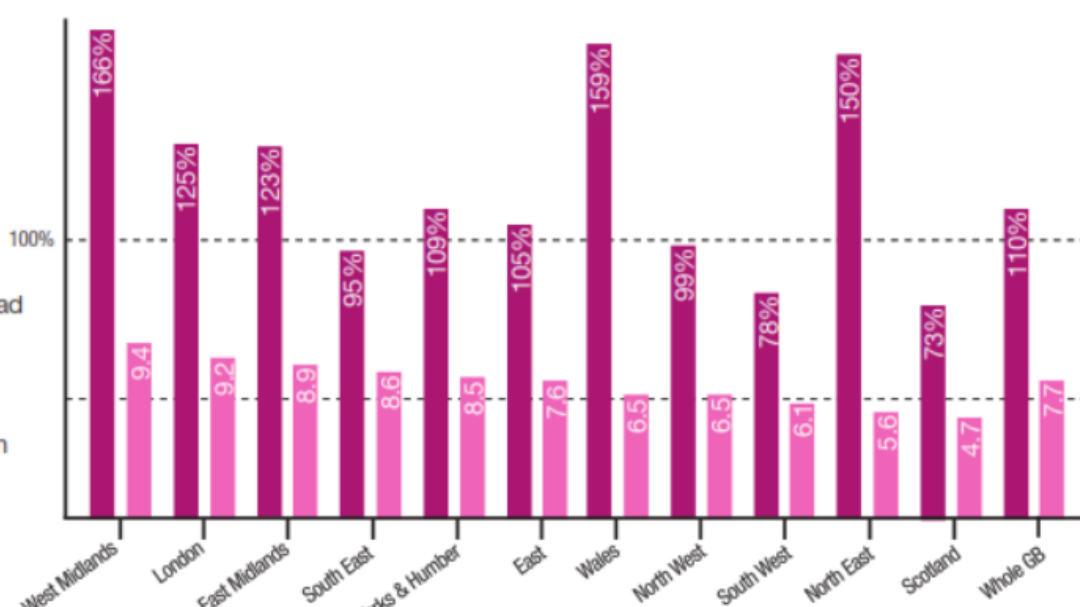
In London, TfL launched its Direct Vision Standard in March 2021 which requires owners of HGVs over 12 tonnes to apply for a permit that assigns a rating linked to how much the driver can see directly through their cab windows.

Over time, the requirement will be cranked up, which could see fleet owners deploying non-conforming vehicles elsewhere or selling them to owners outside London. Potentially this means that risks could just be pushed out from the capital to other regions, says Rees, which is why CLOCS wants to see action from local authorities and mayors all over the country.

Vulnerable road users killed or seriously injured in collisions involving HGVs over 3.5 tonnes maximum gross weight Source: CLOCS

■ Change in vulnerable road users killed (three-year average 2019 vs 2012)

■ Number of vulnerable road users killed per million population (three-year average to 2019)



FREE CDM ADVICE

Continued Professional Development for all

Do you need help understanding the CDM Regulations 2015? Not sure if you are complying with your duties correctly?

We offer a free CPD consultation to keep you up to date. One of our experienced CDM Consultants will host a virtual session and provide up to the minute, competent advice. We cover everything from Duty Holders to Design Risk Management and welcome any questions or scenarios you need help with.

Please get in touch if this would be of interest to you. www.aga-ltd.co.uk


AGA E-LEARNING COURSES

Whether you are looking to improve your own knowledge or provide training to employees, our E-Learning courses will guide you through the regulations, your legal duties, identifying hazards in your workplace and suitable control measures. Each course is followed by a short test to clarify your understanding regarding that topic, upon which after completion, you will be issued a certificate.


Each course costs £15+vat unless otherwise stated. The courses we currently offer training in are:

- Asbestos Awareness *Course cost is £25+vat*
- Abrasive Wheels
- Basic First Aid
- COSHH
- Display Screen Equipment (DSE)
- Falls Prevention – Working at height
- Fire Safety
- Fire Warden *Course cost is £20+vat*
- Health and Safety Level 2 *Course cost is £20+vat*
- Legionella Awareness
- Local Exhaust Ventilation (LEV)
- Lone and Remote Workers (Personal Security)
- Manual Handling
- Office Safety
- Risk Assessment
- Slips and Trips
- The Construction (Design and Management) Regulations (Overview)




Risk Assessments - What is a Hazard and What is Risk?




A risk assessment involves identifying the hazards present in any working environment or arising out of commercial activities and work activities.



Basic Ladder Awareness - Directive Key Requirements.

Classification	Duty Rating	Maximum Static Vertical Load	Application	Symbol
Class I	130kg	175kg	Industrial	
Class EN131	115kg	150kg	Commercial	
Class III	95kg	125kg	Domestic	

The value of the safe working load is intended to cover the weight of a single person and their equipment and is also referred to as the Maximum Static Vertical Load.



For more information or to book our courses visit www.aga-ltd.co.uk/e-learning-courses.



Andrew Goddard Associates Ltd
CDM Advisers and Health & Safety Consultants

Prepared By:

Andrew Goddard Associates Limited
Avon House
82 Wellington Street
Thame
Oxfordshire
OX9 3BN

Tel: 03300 886 585
Email: info@aga-ltd.co.uk
Web: www.aga-ltd.co.uk

