

Construction update

Newsletter Issue 2 2015



Welcome to issue 2 of the 2015 QBE Construction Newsletter

With summer here and temperatures set to rise in certain areas of the country employers need to be aware of the effects of solar radiation, particularly on a workforce that is exposed throughout the working day. We take a look at some of the measures you can implement to protect your workforce.

There is good news for the UK construction sector with research forecasting that output will rise by 15% over the next nine months, although capacity is already stretched in London and we are seeing an increase in local labour costs as a result.

Apprenticeships are to be given the same legal status as university degrees in a move by the government which they hope will drive more young people in to work training schemes, a move that could be very beneficial to the construction industry.

QBE and law firm BLM have produced a new CDM 2015 guidance document for clients, which is available to view within this newsletter.

We take a look at The Corporate Manslaughter and Corporate Homicide Act 2007 and how the legal landscape is changing, as well as a brief update on the Sentencing Council consultation which has recently been completed.

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Solar radiation

Skin cancer is the most common cancer in the UK with just under 116,000 cases diagnosed annually. Construction workers are the most-at-risk group for this type of cancer. The construction industry accounts for 55% of all skin cancer registrations and 58% of all skin cancer related deaths.

Where outdoor tasks cannot be eliminated, it is important to minimise the risk to the worker.

What employers can do:

- Educate workers on the dangers of the sun
- In situations where it is not possible to avoid people working in direct sunlight and shade cannot be provided, consider rotating workers to minimise potential exposure to direct sunlight
- Ensure workers on site are not working topless. Clothing designed for work outdoors in sunny, hot weather should be worn. The clothing should be quick drying, high wicking and have a UV protection rating of 30+
- Hats and neck covers should always be worn. It is worth remembering that 80 per cent of skin cancers are on the head or neck. The fabric should have a UPF of 30+. For those required to wear safety helmets, attachable neck protection should be made available
- Provide or encourage workers to use sunscreen. The sunscreen selected should have a SPF rating of 30 and a UVA four-star rating
- Sunglasses assessed for work should be worn. These should be of a wrap around design to prevent sun creeping in at the sides and should be marked UV400 and offer 100% UV protection
- Encourage workers to take breaks in the shade. Where no natural shade is available, if practicable, canvas shades should be provided
- Encourage workers to regularly check their skin for unusual spots or moles that change size, shape or colour or that start bleeding and to seek prompt medical advice if they are concerned

For more information on health and safety challenges for the Construction sector, download [QBE's Protecting Employees on site guide](#).

IOSH has produced a number of free resources as part of the No Time to Lose Campaign which can be found at www.iosh.co.uk/NTTL/Home/About-NTTL.aspx and we would encourage all our readers to visit the IOSH webpage, and consider what you can do to improve the health of your workers.

Construction output is set to rise by 15% over the next nine months

Scape Group

Construction set for bumper year

Construction output is set to rise by 15% over the next nine months according to analysts at built environment firm Scape Group (source CITB).

Public sector building work is expected to grow by 11% during the final three quarters of the year and has been one of the best performing areas of the industry, growing by 13% over the last two years.

Further findings suggest that output across the whole construction sector has risen by 17% since the first quarter of 2013.

However, according to the Office of National Statistics the supply of new homes entering the property market is at its lowest level since records started in 1978.

In London the increase in activity has had the unfortunate effect of increasing labour costs as capacity is stretched. This has driven an additional increase in labour costs in the south as labour migrates to London to take advantage of higher wages.

Apprenticeships to be given legal protection

The UK Government is planning to give apprenticeships legal protection to ensure they have the same legal status as university degrees as part of the Enterprise Bill which will be making its way through parliament over the coming months.

It is hoped that this move will help crack down on firms that misuse the term apprenticeship to promote low quality training.

Under the plans, unauthorised use of the term would be illegal, as is already the case for the use of the term degree.

For schemes to be recognised as apprenticeships they will have to meet a range of criteria, including the offer of at least a year's training.

Further measures will see the Government's aim of creating three million apprenticeships by 2020 put into law and form part of efforts to ensure that on-the-job training schemes are seen alongside university courses as a way into work.

These include the requirement for all public sector bodies, including schools, hospitals, prisons and police forces, to employ apprentices.

CDM Regulations 2015 update

Following the recent implementation of the Construction (Design & Management) Regulations 2015 QBE Risk Solutions and BLM Law have produced guidance on the key areas of the regulations.

This publication can be read in full here [Construction \(Design & Management\) Regulations 2015](#)

Corporate Manslaughter and Corporate Homicide Act 2007

It has been seven years since the Corporate Manslaughter and Corporate Homicide Act 2007 (CMCHA 2007) came into force in the UK in April 2008.

So where are we now?

In the 12 years preceding the Act there were only 11 prosecutions of companies for manslaughter and of these only six resulted in convictions.

Momentum is now gathering with a total of 16 cases being brought in the seven years following the introduction of the act, and it is therefore important for senior officers in all organisations to ensure that their health and safety risks are properly managed.

Prosecutions are now being brought within a much shorter time scale and there has been a significant increase in the number of investigations being opened.

In addition to fines for breaching health & safety law, custodial sentences can and have been imposed, publicity orders and remedial orders, as well as significant fines which can vary from £500,000 to many millions of pounds.

Interestingly there has yet to be a prosecution of a large company with complex management structures, although with the gathering momentum this is likely to change in the future.

Sentencing Council consultation

The Sentencing Council Guidelines, which provide guidance to courts on sentences and fines, were last issued in 2010. A new consultation has just been completed and new guidance is expected in September 2015.

The aim of the consultation was to improve consistency in the courts, introduce guidance for food safety offences, individual offences and offences not causing death, none of which are covered under the current guidelines.

The consultation also looked at the aims of sentencing, to ensure they are fair and proportionate, a punishment and deterrence and reflect the extent to which the offender fell below the required standard.

Construction fatalities in Qatar

A recent BBC news investigation has highlighted a large number of fatalities in and around infrastructure projects in Qatar, some in preparation for the World Cup in 2022 and others relating to ongoing construction and growth within the country.

Approximately 60% of the estimated 1.4 million migrant workers in Qatar are from India and Nepal. Between them these countries reported 1,269 fatalities from 2011 to 2013, which equates to 400 per year.

Bangladesh has also reported approximately 500 fatalities in the same period bringing the

overall figure, for these three countries alone, to in excess of 600 per year or over 1,800 between 2011 and 2013.

It is likely that the total figure is significantly higher as Bangladesh, India and Nepal account for approximately 70% of the migrant workforce, with others coming from countries as far apart as Egypt and the Philippines.

The Indian Government says in a press release: "Considering the large size of our community, the number of deaths is quite normal."

Can you imagine the response in the UK if such a statement was to be released?

These are shocking figures and despite the western world making huge advances in safety in the construction industry (the London 2012 Olympic Games project was completed without a fatality) there clearly remains a lot to be done globally.

Contractors vote for joined up approach

Main contractors and sub contractors have voted to set aside their differences paving the way for the formation of a new trade body.

Build UK—formed by merging the UK Contractors' Group (UKCG) and National Specialist Contractors Council (NSCC)—will launch from 1 September.

Twenty-eight major firms from the UK Contractors Group signed up to Build UK on Tuesday with the crucial vote of

nearly 40 trade bodies from within the National Specialist Contractors Council, representing over 11,500 firms, agreeing the deal yesterday.

Build UK is being set up to offer a strong collective voice for the contracting supply chain with the wider aim of improving conditions for the industry and its clients.


Business, Innovation and Skills minister Nick Boles said: "For businesses and Government an investment in construction is an investment in improving UK productivity.

"The creation of Build UK is a very welcome development and places them in an influential position to continue improving performance across the sector."

Joint chairmen of Build UK, Kevin Louch and James Wates, both said: "Our discussions in the run up to the merger have clearly shown that we share a common position on the majority of issues such as image, skills, health and safety, and procurement.

"Both Government and our clients have been waiting for a joined up approach from the industry and, as a single organisation for the contracting supply chain, we will pack a powerful punch and have a real chance to make some big changes."

Build UK will be led by chief executive Suzannah Nichol MBE when it becomes operational on 1 September 2015 and all members can use appropriate Build UK logos.



It is likely that the total number of deaths is significantly higher than 1,800

Recent court cases

Builder jailed after exposing workers to asbestos

A builder has been jailed for exposing workers to asbestos while working at a commercial unit on a Welsh industrial estate.

Brian Roberts of Llandudno and three men working with him, were exposed to potentially deadly asbestos fibres while working in the unit at Colwyn Bay around 11 September 2012.

Llandudno Magistrates' Court heard how Roberts, who had been employed by the owner of the premises trading at the time, as Light in Design to remove asbestos from the building prior to sale.

The HSE was alerted to the unlicensed work by a contractor who was licensed to remove asbestos.

HSE's investigation found that Roberts removed a significant quantity of asbestos insulating board from the premises despite not holding a licence to work with such material.

Roberts pleaded guilty to breaching the Control of Asbestos Regulations 2012, and was given a custodial sentence of 26 weeks.

Speaking after the hearing HSE Inspector Chris Wilcox said: "The safe removal of asbestos requires a high level of skill and technical knowledge and must be done by a contractor licenced by HSE."



“Nobody should work on a roof without proper planning. It is the employer’s responsibility to ensure that all reasonable precautions are taken to prevent a fall.”

HSE Inspector Simon Hester

Construction firm fined after 'life changing fall'

A construction company has been sentenced after pleading guilty to safety failings after a 55 year old employee fell through a skylight roof.

Southwark Crown Court heard that Armenian national, Petros Pogosyan fell through a skylight from a unit roof on a London industrial estate while working for Race Interiors Ltd on 18 January 2013.

Mr Pogosyan fell four and half meters on to a concrete floor at Unit 1, Roseberry Industrial Estate, London and suffered life changing injuries including a fractured back. He is now partially deaf, has damage to his brain, is paralysed from the waist down and psychologically traumatised.

During the Health and Safety Executive (HSE) prosecution case, the court was told he will need personal care for the rest of his life, and will never work again. His wife has given up work to care for him full time. Since the incident the couple have been living on state benefits.

Judge May QC described the accident as highly foreseeable, pointing out there was no protection to prevent a fall from or through the roof. She ruled that the company fell far short of the required standards for managing risks at work as the supervisor was not trained and there was a complete lack of planning with no risk assessment or method statement for the work.

HSE inspector Simon Hester said: "This tragedy should not have happened. Nobody should work on a roof without proper planning.

"It is the employer's responsibility to ensure that all reasonable precautions are taken to prevent a fall. Mr Pogosyan could have been killed by his fall and now suffers massive and irreversible life-changing injuries."

Race Interiors Limited was fined £60,000 with costs of £7,784 after pleading guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

However, in a highly unusual move the fine was converted into a compensation order of £60,000 to be paid directly to Mr Pogosyan. The judge described this as "an exceptional case" as Race Interiors are in dispute with its insurance company and Mr Pogosyan is unlikely, if at all, to receive compensation for his injuries.

QBE Risk Management

This newsletter is produced by QBE's Risk Solutions team. We are a team of dedicated professionals who work closely with our clients to actively assist with accident prevention, employee rehabilitation and claims mitigation.

For more about our services, please visit www.qbeurope.com/rm or email or RM@uk.qbe.com or discuss with your insurance broker.