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DUTY OF CARE?

Who?

Why this Presentation?

After more than 30 years experience in the tools and equipment industry, the UK tool and equipment rental industry (much of which has been carried out in close proximity to the construction industry) and as a Trainer, recent observations have made me aware that we need to go back to basics.

The Usual Site Signage



There was

- A total lack of care by employees on a site in a public place - despite all the safety signs
- Little segregation of the work area
- Lack of care for the public's safety
- Subsequent lack of response from the two main bodies involved
- Repeated complaints were made before action was taken!

Who was at fault?

- The Council ignored the complaint
- Major Contractor denied any responsibility
- Enforcing authority took no action
- The actual Contractor continued to operate outside the law
- The only conclusion was that the operatives were completely untrained

The First Sighting



Two man operation!



Reminder!



In a High Street

Full public access

No segregation of the workplace

Large amounts of dust

No safe working practices

No RPE

No PPE

Two Weeks Later

Repeat Performance!



Observations/Conclusions

- No suitable PPE
- No RPE (Face Fit Testing?)
- Disc cutter being used for dry cutting – should be using water to suppress dust
- Huge amounts of dust being generated in a public place
- Using a diamond blade (Abrasive Wheels Training under PUWER 98 and AWR 1974)

Duty of Care

- Highways Dep't chose to ignore the complaint and was at fault
- Main contractor denied any responsibility saying 'nothing to do with me Guv'
- Sub contractor was at fault?
- Site Manager – was missing?
- Enforcing authority lack of interest

After Repeated complaints

No action

But:

The threat of bad publicity and civil law suits – instant action!

24 Hours Later

- Full PPE used
- RPE in Use
- Water for dust suppression used
- Full site visit by Highways Dep't. Contractor hauled over the coals

This problem is now resolved!

- However, this isn't the first example of H&S infringements by Council Contractors!
- It will not be the last!
- Previously I've said nothing, but no longer!
- I believe everyone here should all take this on board and resolve to do something about similar examples of malpractice!

Public Disclosure Threatened

Thank You!