

## Will Olympic firm be charged with manslaughter?

*A jury at a recent inquest into the death of Kieron Deeney, a young construction worker, returned the verdict of "unlawful killing". This verdict means the case must be referred to the Crown Prosecution Service (CPS) to see if manslaughter charges should be laid against any of the companies or individuals involved.*

Kieron, an experienced, 25-year-old steel fixer fell 40 feet to his death when a hatchcover gave way at a Laing O'Rourke construction site in Canary Wharf, London in August 2004. This was an avoidable accident as he fell through an access point that was inadequately covered by an old piece of plywood fixed by two nails.

Kieron had only very recently married his wife Jennifer and they were planning a family when she received the news of his death. Jennifer said: "The Coroner's inquest into the death of my husband has been a very painful event. How many other families will need to suffer before sufficient action is taken to prevent these accidents from happening?"

Acting for the family, Sally Moore, of Leigh Day & Co solicitors, said: "Kieron's death was the result of Laing O'Rourke's failure to ensure that on-site health and safety procedures were adhered to."

Accidents involving falls from heights remain the biggest cause of workplace deaths. Health and Safety Executive (HSE) statistics show that 41% of deaths are due to 'falls from a height', despite the new 'Work at Height Regulations 2005'.

Laing O'Rourke admitted responsibility for Kieron's death during a civil claim for



PIC: CSC

*Kieron and Jennifer Deeney on their wedding day just months before he was killed on a Laing O'Rourke site*

Continued from page 1

compensation in 2006, "but a financial payment is a poor substitute for a future that has been taken away due to incompetence" said Sally Moore.

Unlawful killing verdicts are very rarely delivered at inquests into workplace fatalities, however, manslaughter charges placed by the CPS arising from similar cases are even rarer. Campaigners have long criticised this as a major failing of our legal system and it has been the basis for demands for corporate manslaughter laws that would see negligent employers who kill workers face a homicide charge and a prison sentence.

Laing O'Rourke is an international business with a turnover of over £2 billion and 23,348 employees worldwide. Many more work on its sites. It was recently awarded the £100million contract for project managing the 2012 Olympics in a consortium with two other companies (see *Daily Hazard 89 and 90*).

Chairman Ray O'Rourke says: "We take pride in everyone returning home safely everyday"<sup>3</sup>, but like all major construction firms it has a poor health and safety record – see the table below. It also has a poor industrial relations record with sit-in strikes as recently as

2004 over terms and conditions of East European migrant workers on the Kings Cross Channel Tunnel Rail link. Strict safety targets have been announced for construction projects for London 2012 yet Laing O'Rourke's Site Safety Guide has almost nothing to say about consultation with workers, and nothing about recognising trade union safety representatives, a proven way of reducing accidents.

### Laing O'Rourke, Laing and related companies: some HSE prosecutions from the HSE prosecutions data base.

Defendant	Offence date	Fine	Details of Offence	HSE Case No.
J L O'Rourke & Sons Ltd	17.01.2002	£2,600	Employer on project where joiner was injured when joist failed under his weight causing collapse and fall. Joist was not adequately supported and persons were also working near open edges with risk of falling	2018469
Laing O'Rourke London & South East Ltd	26.07.2004	£12,000	Kelvin Jolly was injured when a 400kg gate came off its track and fell on him, because there were no end stops fitted to the gate. The gates were designed in house and had not been independently checked before fabrication and installation. The gates were in use seven months prior to the accident happening.	2023430
Laing O'Rourke Midlands Limited	4.2.2004	£10,000	Load incorrectly slung – part of load struck men working on ground	2014107
Laing O'Rourke Midlands Limited	17.2.2005	£100,000	Prosecution following fall of false-table 17/2/05 at the Beetham Tower site of the new Raddison Hotel complex, when ¾ ton of debris fell into public areas from 39/40th floor.	4014553
Laing O'Rourke Scotland Limited	18.6.2004	£1,250	Failure to prevent fall from 2nd floor slab of concrete framed building at the Taylor Woodrow development at Plot 2, The Western Harbour, Edinburgh by not fitting the proprietary Shorguard guardrail system correctly.	2016082
Laing Construction Wales and West Limited	6.01.2004	£17,000	John Elliot, IP, fell 4.5m through a hole in the concrete floor slab when he tried to move a sheet of 8'x4' plywood which was not marked "Hole below" and was not securely fixed down	2016354
John Laing Services Ltd	26.05.1995	£175,000	PR double fatality at Alembic House SE11. Overturn of mast climbing work platform during dismantling.	2013838

<sup>1</sup> See Laing O'Rourke's Site Safety Guide at [www.laingorourke.com/publications.htm](http://www.laingorourke.com/publications.htm) which only says that "Every site will have one or more methods in place for site workers to raise safety, health and environment issues" but gives no details.

# 999: Health workers under attack

*Punched, kicked, spat at and even killed. Violent attacks on NHS staff in London are on the rise.*

Last year Cheryl Moss, who worked for 10 years as a nurse at St George's Hospital Essex, was stabbed to death taking a smoking break just outside the grounds of her hospital. Relatives said the fact hospital rules did not provide anywhere on the premises for smokers to go for a break contributed to her death. This murder was less than a year after St George's Mental Health Trust Tooting, South West London, was fined only £28,000 for a series of systematic failures which lead to mental health nurse Eshun Chattun being battered to death by a patient at Springfield Mental Health Trust. At the Old Bailey trial, the first time an NHS body was prosecuted at this level, the judge called the Trust's practices "seriously unacceptable". Mr Chattun had not received training in handling violent patients nor had he been issued with a personal alarm. The Trust told the court that after he was killed they had spent £2million on measures to prevent another

incident, and the judge took this into account when setting the level of the fine.

The Royal College of Nursing estimates that four out of every five nurses in accident and emergency departments are harassed or assaulted by drunk and disorderly patients.<sup>1</sup> A poll by YouGov showed that one in four NHS nurses considered quitting because of assaults;<sup>2</sup> with almost half saying they knew former colleagues who had quit because of violence and abuse.

Government figures show the number of people convicted of violent attacks against NHS staff rose 15 fold in two years with 759 successful prosecutions in England in 2004-05 compared to only 51 in 2002-03.

The most recent report shows a drop in assaults across the country but with some London hospitals bucking this trend and showing a rise and a worrying increase in violence in Acute and Foundation hospitals. And although there has been a slight drop in reported assaults in Mental Health and Learning Disability services: staff in this part of the NHS face an unacceptable and appalling level of

violence: one in five staff report incidents. The report says nationally there were 58,695 physical assaults against NHS staff in England, 1,690 fewer than 2004-5 – and one for every 23 staff members, down from 22 last year.

In London Barking, Havering and Redbridge Hospitals NHS Trust, reported 174 attacks on staff, an average of 24 assaults per 1,000 staff, and had the highest number of assaults. However there was a 50 per cent increase in the number of assaults on staff at Barnet and Chase Farm hospitals. Between April 2005 and March 2006, there were 107 attacks on staff at the two hospitals, equating to 23 assaults for every 1,000 staff. Over the same period the previous year, there were 72 attacks, or 17 assaults per 1,000 staff.

At Barnet, Enfield and Haringey Mental Health Trust attacks decreased by 30 per cent, from 298 to 207, over the same period. Just over 90 per cent of attacks on the Trust's staff take place in and around inpatient and outpatient wards such as those at Colindale Hospital and Edgware Hospital, while the rest occur when staff work with patients in the community.

## Assaults on NHS Staff 2005-2006<sup>3</sup>

Area of NHS	Number of assaults	Increase or decrease on last year	Rate of assaults
Ambulance Service	1,104	Down 229	1 per 29 staff members
Acute and Foundation hospitals	11,100	Increase of 342	1 per 67 staff members
Primary Care Trusts	5,145	Down 47	1 per 68 staff members
Mental Health and Learning Disability Services	41,345	Down 1,752	1 per 5 staff members

<sup>1</sup> From a survey of 3,000 RCN of their members, February 2006

<sup>2</sup> 3.10.2005

<sup>3</sup> The report by the NHS Security Management Service (NHS SMS), who were created in April 2003 responsibility with for the management of security within the NHS. The full NHS SMS statistical report is available from: [www.cfsms.nhs.uk/doc/sms.general/2005-06\\_violence\\_against\\_NHS\\_staff\\_per1000.pdf](http://www.cfsms.nhs.uk/doc/sms.general/2005-06_violence_against_NHS_staff_per1000.pdf)

# Cranes Banned after three Deaths and Industry given a warning about crane safety

*Falcon Cranes, the company at the centre of investigations into the recent fatal crane disaster in Battersea, which killed crane driver Jonathan Cloke and local resident Michael Alexa (see Daily Hazard No. 91) were issued a Prohibition Notice.*

This was after another Falcon crane collapse in Liverpool city centre. The Battersea Crane Disaster Action Group (BCDAG) called for action by the authorities after the second collapse. In Liverpool the driver of the 120 foot crane had a miraculous escape but sadly a migrant worker on site was killed.



PICT: LONDON HAZARDS CENTRE

*The Battersea Crane Disaster Action Group on 26th January*

The Health and Safety Executive (HSE) Prohibition Notice was served on all 170 of Falcon's cranes taking them out of service so they could be inspected and checked costing the firm many thousands of pounds. The HSE also issued a notice to the whole industry to ensure cranes are properly erected ensuring bolts are correctly fitted and tightened to the right pressure.

Following the HSE's Prohibition Notice Mr. Alexa's mother and member of BCDAG, Liliana said: "At present I'm pleased, but they should have done this before. It's disgusting they needed to have more fatalities to take any action."

Julia Brandreth, Battersea and Wandsworth TUC, said: "We're glad that the pressure BCDAG is putting on site developers Barratts, Wandsworth Council and the HSE is paying off. We wrote to the HSE to demand a Prohibition Notice on 18th January and they issued one on the 19th January."

## BCDAG Ceremony

On 26th January a ceremony was held at 8am at the Thessally Road site, to mark the arrival of new cranes. Relatives, local residents and trade unions, local Councillors and the MP, the Construction

Safety Campaign, Barretts management and workers from the site remembered Michael and Jonathan. Work stopped for the event.

Prior to this a BCDAG deputation to Wandsworth Council to present a petition signed by nearly 600 local people forced the Council to agree to support a memorial to Jonathan and Michael to be placed opposite where the crane came down. A temporary memorial is to be put in place on Workers Memorial Day.

The group have also forced Barratts the main contractor to agree to provide different types of replacement crane jibs with a shorter reach – more within the confines of the site. These cranes will be inspected by an independent inspector before work begins and BCDAG can see the inspection report.

Battersea MP Martin Linton has placed an Early Day Motion EDM 710 in support of a publicly-available register of checks to cranes and construction equipment and a review of crane safety legislation. Check to see if your MP has given their support.

## Early Day Motion EDM 710

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=32398&SESSION=885>

## BADasbestos News

MOVES to ensure swift payouts to people suffering from the asbestos-related disease mesothelioma have been welcomed by Barking and Dagenham MPs Jon Cruddas and Margaret Hodge.

John Hutton, the Secretary of State for Work and Pensions, announced new proposals which aim to offer financial support to those not previously eligible.

The new measures will cover people who were:

- ▲ exposed to asbestos from a relative (eg their overalls)
- ▲ exposed to asbestos environmentally (eg lived near a factory using asbestos)
- ▲ self-employed

- ▲ those who can't trace their exposure to asbestos.

## Mesothelioma Action Day

BADasbestos organized a showing of the DVD produced to mark Action Mesothelioma Day, 27th February, by the British Lung Foundation for the Asbestos Support Groups Forum. Mesothelioma sufferers describe how they were exposed, how they feel, and doctors explain some of the medical issues including the lack of spending on research into treatments; and the post-code lottery regarding access to the best treatments.

## Pleural Plaques

Field Fisher Waterhouse won £26,000 damages for Ellis HIndson, 59, an engineer with The Thermal Insulation Company Ltd

between 1965 and 1976. His case is one of those heard in the High Court in 2004 in which the Defendants argued pleural plaques do not cause disability or chest pain and should not get damages. The other cases remain subject of a House of Lords appeal due to be heard in June 2007. Peter Williams took this case and said: "I hope the House of Lords will agree to restore the right of others to claim for this disease when they hear the test cases in June 2007"

## BADasbestos Drop in Sessions

Drop in sessions are due to take place at Barking Town Hall between 3.30pm and 5pm on the following dates:

- ▲ Wednesday 25th April
- ▲ Wednesday 30th May
- ▲ Wednesday 27th June.

# Construction deaths increase

*The Construction Safety Campaign (CSC) has once again organised a march through London to commemorate Workers Memorial Day this year.*

Provisional data from HSE shows that 74 people have died on building sites since April 1st 2006, a 14% rise on last years figure, and around 30% of all reported deaths in the UK. It is expected the number will continue to rise before the year-end on March 31st. A Prospect spokesperson said: "The rise in fatalities is no surprise to us. HSE is cutting construction inspectors by 10% by April 2008. They are planning for more job cuts and office closures." Prospect is the union for HSE staff.

2.7 million working days were lost in London in 2005–2006 because of injury and ill-health caused by work. There were 15 fatal injuries 2,531 major injuries, and in addition 12,195 cases reported which required three or more days off work. Stress, depression, anxiety and Musculoskeletal Disorders (MSDs) were by far the most common cause of absence.

In London Construction and the Services industries were the most hazardous sectors. The fatal and major injury rate in construction was 406 per 100,000 workers, while the Service sector has accounted for around 70% of fatal and major injuries in the capital since 2001.



PICT: LONDON HAZARDS CENTRE

*Workers stop work in January this year to remember Michael Alexa and Jonathan Cloke.*

## Workers' Memorial Day Saturday 28th April 2007

**Assemble 11am prompt at Holland St. next to Tate Modern, SE1**

March to the statue of "The Building Worker" on Tower Hill, EC3 for a rally at 12.30pm. Jennifer Deeney, widow of Kieron, will lead the speeches to commemorate all those who have been killed at work.

**Contact** Tony O'Brien, CSC. 07747 795954 or email [construction.safetycampaign@canhe.fsnet.co.uk](mailto:construction.safetycampaign@canhe.fsnet.co.uk)

# RMT calls for inquiry into tube deaths

*Rail union, the RMT, has called for an independent inquiry into the circumstances surrounding the deaths of Daniel Edgar, 19, and Bradley Chapman, 21. The two men were killed when they ran into the path of a District Line underground train at Barking station depot in January 2007. They were suspected of being part of a group spraying graffiti witnessed by a security guard just before they were hit.*

RMT say the presence of people on the line had been reported to the District Line control room, but the usual warning to drivers to proceed at an appropriate speed was not issued, so the train was traveling at normal speed.

The union alleges the electric current remained switched on for 15 to 20 minutes before the police were at the scene – when in such circumstances normal practice is the current is switched off immediately. And that the train operator, understandably in shock, had

been unable to leave his cab to find out the whereabouts and condition of those who had been hit. And that during this period they were put under intense pressure to move the train regardless – and eventually did so.

RMT general secretary Bob Crow said: "The railways inspectorate has already been alerted to what appear to be serious flaws in the handling of this incident. There must now be serious questions over LUL's handling of the tragedy."

# Health and Safety training

*The London Hazards Centre (LHC) provides training on workplace health and safety which is suitable for managers and employees alike. The training is participative and will cover the problems encountered at the workplace, what to do to ensure controls are in place and that the law is complied with.*

Our training is provided in two ways, either by running courses as a consultant or alternatively by people attending our in-house courses held in Islington.

## Training consultancy

We will train up to 16 people per day for £550.00. We provide the trainer and course which is delivered at a venue organised by our client.

## In-house training courses

Courses cost £65.00 per person and are held at the Red Cross building near the Angel, Islington which is fully accessible. Our current programme includes:

- ▲ **Introduction to Workplace Health and Safety**  
Tuesday 29th May 2007

- ▲ **Introduction to Risk Assessment**  
Thursday 31st May 2007
- ▲ **Introduction to Workplace Health and Safety**  
Tuesday 5th June 2007
- ▲ **Introduction to Risk Assessment**  
Thursday 7th June 2007

Our training is activity based and the timetable is from 10am to 4pm. We may request the client copy the course's training materials for participants.

We do not provide First Aid courses. These can be sought through the British Red Cross or St John's Ambulance Service.

We do not provide courses teaching proper handling technique but we do provide a course showing what is needed to complete the risk assessment requirements of the Manual Handling Operations Regulations.

We do not provide food hygiene or basic fire extinguisher use training. Your local Council's Environmental Health Department may be able to suggest local training providers for these.

Should you wish more information or to discuss any of the above please call LHC on 020 7794 599.



A London Hazards Training Session in Hackney

USING THE CENTRE

## Call our telephone advice line – it's free!

The London Hazards Centre operates a free telephone advice line for Londoners, which is there to help people at work, at home and in the community with health and safety issues. We are funded to provide Londoners who can't afford to pay for professional advice and help with our free service. The Centre strives to ensure the advice we give is of a very high standard and is in language that lay people can understand. Because we are grant funded this means we can give information that is free from the influence of business etc.

We try to give honest, health based advice that takes into account current medical opinion and trends in concerns. The Centre has been at the cutting edge of advice on vast ranges of topics that are considered day-to-day now such as repetition strain injury (RSI), sick building syndrome, asbestos, computer based work, chemicals and pesticides at work and in the home, stress and many more.

So if you have a health and safety problem and need some advice – give us a call.

**London Hazards Centre free telephone advice line: 020 7794 5999.**

## SUPPORT FOR COMPANIES

If your organisation needs regular health and safety support we have an annual subscription scheme that provides a discounted daily fee for scheme members.

## CONSULTANCY AND REPORTS

We have recently been commissioned to produce longer reports on the environment, on contaminated land and a representatives hand book by AMICUS Clerkenwell and St Pancras branch, by Prospect and by NAPO. Contact us on the advice line number to discuss prices and our availability if you have an issue you wish to campaign or organise around.