Follow the four ‘A’s – assess, avoid, attenuate, and advise – and you should go a large way to protecting yourself from prosecution and/or civil claims arising from a fall from height. That was the message Weightmans solicitor Peter Forshaw gave during his Legal Arena session on avoiding liability where work-at-height activity is involved.

Explaining that falls from height remain the biggest cause of workplace death and major injury, he was also quick to point out that, in 2008/09, 87 per cent of fall-victims were injured in falls of less than two metres.

Peter guided delegates through the hierarchy of control, which practitioners should follow when considering working-at-height activity. At the top of the hierarchy is, of course, the need to eliminate such activity wherever possible, but he added there will be lots of circumstances where working at height can't be avoided.

If confronted with such a situation, employers then need to prevent, where possible, persons falling a distance by employing appropriate existing workplace measures. They then need to look at: preventing, where possible, the fall distance via work equipment; minimise the consequences of a fall via work equipment; and then consider including collective protection before personal protection.

Further issues need to be considered for equipment that is used for working at height, continued Peter. Based on carrying out a risk assessment, these include: working conditions; risks to safety from use; the distance users could fall; the duration and frequency of use; evacuation; suitable dimensions of the access equipment; and routine inspection. He emphasised that training workers in the use of work-at-height equipment is also crucial.

Peter also stressed issues surrounding communication with third parties. If employees are going to be working on other organisations’ sites, the employer should ask itself what kind of facilities are available on those sites – for example, in delivery operations, does the organisation have a mobile platform to move goods on and off a trailer, rather than workers having to use the side of the trailer bed?

Staff who work on other companies’ sites and use other companies' equipment need to be trained in their use and given appropriate instruction.
Peter added that a third of work-at-height incidents involve ladders, and went on to describe the hierarchy of control in relation to their use. Central to this thought process is: could the activity have been done any differently?

A further hierarchy of control needs to be followed in terms of securing ladders: moving from using a fixed-tie ladder, through to the use of a stability device, or wedge or foot the ladder as a last resort.

Source: SHE11 – Don’t fall into the liability trap, 19 May 2011