



SAFETY UPDATE

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NEWS

JAIL TERM FOLLOWS ROUTINE HSE SPOT CHECK

Director of a roofing firm handed a suspended prison sentence

Brighton Magistrates have heard that in August 2018 an HSE inspector noticed three men working on pitched roof of a house in East Grinstead, West Sussex, without edge protection to prevent falling.

The failure to ensure that work at height was carried out safely was directly attributable to the business owner.

Previous enforcement action

The court heard this was not the first time HSE had encountered poor working practices involving This particular company and its director.

HSE had taken previous enforcement action and a prosecution in March 2018 for similar conditions at a site in Horsham, West Sussex.

The director from Guildford area pleaded guilty to a breach of section 37 of the Health and Safety at Work Act. He was sentenced to six months in jail, suspended for twelve months, ordered to do 200 hours of unpaid work and disqualified from being a director for three years. He was furthermore ordered to pay £4000 in costs.

Speaking after the hearing HSE inspector Amanda Huff said:

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"We hope this case demonstrates that directors can be held personally liable for the failings of their company if they fail to manage health and safety.

Clifford Smith had previous form for this and failed to learn the lessons; we hope others that cut corners will pay closer attention to the health, safety and well-being of workers."

CASES

TEENAGER FELL 3M DURING BLOCK AND BEAM WORK

Workers uninstructed and left to devise own safe system of work

A construction business has been sentenced for safety breaches after a teenage worker fell 3m to the ground on a project in Immingham on 8th May 2019.

Grimsby Magistrates heard that the 18-year-old worker and a colleague were installing a block and beam floor by lifting large concrete beams from a telehandler and placing them onto the first-floor steel structure. Whilst manoeuvring the large, heavy beams the worker slipped and fell to the ground sustaining a fractured pelvis and bruising.

HSE investigators found that those involved not been provided with instructions as to how to carry out this work safely. Scaffolding or other safe work platforms were not provided to allow them to access first floor height.

Fall protection was inadequate

Scaffold boards laid across the first-floor steels were used as a "makeshift work platform".

These scaffold boards were not secured in place and a fall of some 3m existed on all sides of the boards and in these circumstances a temporary crash deck or 'birdcage scaffold' should have been in place.

The contractor pleaded guilty to breaching Regulation 4 of the Work at Height Regulations 2005. The company has been fined £10,000 and ordered to pay £1,314 in costs.

After the hearing, HSE inspector Jennifer Elsgood commented:



"The defendant not have an established safe system of work, meaning that the workers had to devise their own system using the limited resources available.

Appropriate supervision of the work by the company would also have prevented this unsafe system of work from being adopted."

PARCEL CARRIER FINED HEAVILY OVER FLT INCIDENT

Reversing fork lift lacked segregation from pedestrians

A major parcel carrier has been fined over £500,000 after an employee was seriously injured when he was struck by a reversing forklift truck in November 2017 at premises in Staffordshire.

Cannock Magistrates heard that an employee was walking across the depot when he was struck by a reversing forklift truck and trapped on the ground.

He had to be freed by colleagues using a pallet truck and suffered serious fractures to his arm and soft tissue injuries to his legs. He was off work for several months.

Assessment failed to identify importance of segregation

HSE investigators found there was inadequate segregation of forklift trucks and pedestrians within the workplace.

A risk assessment had been carried out but had not identified the importance of achieving robust segregation in an area where frequent forklift truck movements took place.

The company from Atherstone pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and has been fined £533,000 and ordered to pay costs of £10033.39.

After the hearing, HSE inspector Wendy Campbell said:



"Collisions between vehicles and pedestrians can be avoided if the workplace layout is properly planned, effectively segregated and suitable systems of work are introduced.

If physical barriers and a suitable system of work had been in place the injuries sustained by this employee could have been prevented."

CONTRACTOR FINED OVER FLOOR OPENING FALL

Thorough risk assessment and edge protection were both inadequate

A major UK contractor has been sentenced for safety breaches after workman fell over 4m through an unprotected opening at a residential property near Keighley in April 2016.

Leeds Magistrates heard how the worker was attaching straps to a water tank whilst preparing to move it to a lower floor of a water tower at the property, in order to paint the floor.

Serious injuries

HSE investigators found that the opening lacked fixed edge protection to prevent a fall. The workman sustained serious injuries including and was hospitalised for nine days.

The major contractor from Hemel Hempstead, Hertfordshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974, Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £260,000 and ordered to pay £38,299 in costs.

After the hearing, HSE inspector Paul Thompson commented:



"This incident was needless and could be prevented by properly planning of the work to ensure that effective preventative and protective measures are in place such as edge protection or barriers built to the correct standard.

This incident could have easily been prevented if the company had undertaken a thorough risk assessment and installed adequate edge protection around the opening to prevent falls."

THREE WORKERS "CARRIED ALONG" IN SEWER INCIDENT

Mentally affected and one man treated for long-term traumatic stress

A water and wastewater company has been fined following an incident in which three workers were "carried along" a sewer following the collapse of a 150-year-old sewer gate in August 2017.

Westminster Magistrates heard that three workers were carrying out preparatory work in a sewer for the Thames Tideway Tunnel when a 150-year-old cast iron penstock failed engulfing the workers and carrying them along the sewer.

The three workers suffered minor physical injuries but have been mentally affected. One worker has been treated for the long-term traumatic stress.

Fragmented permission and authorisation system

HSE investigators found that the defendant planned individual work activities but failed to properly coordinate these as the permission and authorisation system was fragmented. The company had no effective means of collating, comparing and adapting to the impact of multiple work activities.

The business from Reading, Berkshire, pleaded guilty to breaching Regulation 3(1)(b) of the Confined Spaces Regulations 1997 and was fined £300,000 and instructed to pay costs of £16,419.

Speaking after the hearing, HSE inspector James Goldfinch said:



"This serious incident endangered the lives of three workers and caused lasting adverse mental health effects; the workers narrowly avoided death by drowning in sewage. It should serve as a warning and a reminder to all those that work in confined spaces that work in these challenging environments must be properly planned, coordinated and managed."

SOLAR FIRM AND DIRECTOR SENTENCED OVER DEATH

Brother of business owner died in fall during panel installation

A solar panel company and its director have been sentenced after his brother's fatal fall from height in December 2015 at a site in Hereford.

Worcester Crown Court heard that during installation of solar panels the brother fell some 7m through a fragile roof ridge panel to the ground below suffering fatal injuries.

No measures in place to prevent fragile roof fall

HSE investigators found that no measures were in place to prevent falls from the roof or through the roof.

The company from Worcestershire pleaded guilty to breaching Regulation 4 (1) of the Work at Height Regulations 2005 and was fined £80,000. The director pleaded guilty to breaching Regulation 4 (1) of The Work at Height Regulations 2005 and received a 12-month community order to carry out 200 hours of unpaid work and ordered to pay costs of £15,000.

Speaking after the hearing HSE inspector James Lucas said:



"Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known."

This tragic incident led to the avoidable death of a young man, who had only that year become a father. This death could easily have been prevented if the company and director had acted to identify and manage the risks involved, and to put a safe system of work in place."

DIRECTOR AND COMPANY FINED FOR ASBESTOS RISK

HSE refurbishment campaign inspection revealed asbestos offences

Two Greater Manchester companies and their sole director have been fined after failing to manage asbestos safely during the refurbishment of a converted mill in 2018.

Manchester Magistrates heard that an unannounced visit during a refurbishment campaign by HSE found that no asbestos survey had been carried out prior to work commencing. A Prohibition Notice was issued preventing any access into the building until an asbestos assessment undertaken.

Asbestos "throughout the site"

HSE investigators found that chrysotile asbestos had previously been identified in concrete panels removed from the front of the building. Despite this fact, work continued without any asbestos assessments being carried out.

An asbestos assessment following the HSE visit found chrysotile throughout the site and the presence of amosite asbestos. An asbestos removal company was engaged to ensure that these were removed safely.

The companies from Oldham pleaded guilty of breaching the Control of Asbestos Regulations 2012 and fined a total of £14,000. The director was fined £3,000 and ordered to pay costs of £1758.41.

HSE inspector Rose Leese-Weller said after the hearing:



"The director and his two companies failed to identify the risks involved and put appropriate measures in place to prevent exposure to asbestos. This case highlights the importance of surveying a property for asbestos to prevent risk to anyone working in that building and to reduce the risk of exposure to asbestos."

BULK BAG COLLAPSE CAUSED BY UNSAFE STACKING

Bulk bag collapsed onto workman when struck by fork lift

A plastic packaging manufacturer has been fined after an accident at premises in Sedgefield resulted in an employee suffering multiple fractures to their pelvis and legs in September 2017.

Peterlee Magistrates heard that the employee was operating a forklift truck near a row of Flexible Intermediate Bulk Containers (FIBCs), more commonly known as "bulk bags or dumpy bags" which are used in construction and manufacturing to transport products or materials.

Safe stacking formations required

HSE investigators found that the FIBCs were stacked in an unsafe manner at a height of over 2m. The employee reversed the forklift truck which struck one of the lower FIBCs causing a tear and spillage of contents. Whilst repairing the tear the top FIBC weighing about 1 tonne fell and struck the employee.

HSE considered arrangements at the site, for the everyday use such as storage, reuse and repair of FIBCs, created a risk of injury.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and Regulation 10(4) of the Work at Height Regulations 2005; and was fined £150,000 and ordered to pay £1061.47 costs.

After the hearing, HSE inspector Clare Maltby said:



"There are many companies using this type of container and they should note that the use of FIBCs requires [safe stacking formations](#) and [safe systems](#). Had the company adopted the correct standards this worker would not have been injured"

INTERLOCKED GUARD NOT WORKING TO ISOLATE POWER

Two workmen seriously injured when plant started unexpectedly

An engineering company has been fined after two workers were seriously injured after being thrown from the chuck of a large vertical boring machine in September 2018 at a site in Bordesley, Birmingham,

Birmingham Magistrates heard that the two workmen were standing on the chuck of a large vertical boring machine to "set" the machine. The start button was inadvertently pressed and, despite the interlocked perimeter fencing access doors being open, the chuck started to rotate.

Safety system checks missing

HSE investigators found that the power interlocks on the perimeter fencing access doors were not working, and there were no safety checks in place to ensure that the safety system was in working order.

The defendant from Birmingham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £86,000.

Speaking after the hearing, HSE inspector Christopher Maher said:



"We hope that as a result of this case, industry will better understand the importance of maintaining effective control measures. It is important that guarding arrangements, including interlocks, are checked regularly, to ensure that they are in good repair and efficient working order."

STREET FURNITURE RISK TO PUBLIC FINED £1.4M

Council prosecuted following injury to child playing on hinged bollard

A County Council has been fined £1.4 million after a six-year-old girl playing on an unsecured street bollard suffered a life-changing head injury in December 2015.

Bournemouth Crown Court heard how the girl was visiting Lymington with her family when she climbed onto the cast iron hinged bollard causing the bollard to fall to the ground. She suffered serious, life-changing head injuries.

Information was misleading

HSE investigators found the bollard (which weighed approximately 69kg) was damaged and not appropriately secured. This matter had been reported to the defendant prior to the incident and monthly scheduled inspections failed to identify the hazard.

The investigation also found insufficient information, instruction and training were provided to the council highways department personnel conducting ad hoc and monthly inspections, and the inspection guidance was misleading.

The Council was found guilty of breaching Section 3(1) of Health and Safety at Work etc Act 1974 and fined £1.4m with an order to pay full prosecution costs of £130,632.

Speaking after the case, HSE inspector Angela Sirianni said:



"Councils have a duty to adequately assess and control risks to members of the public from street furniture. Council inspections failed to identify this risk over a long period of time and then, when alerted to the damage to the bollard, failed to take the urgent action required to prevent injury."