

# Company fined after skylight fall puts worker in a six-week coma

A Hertfordshire construction company has been fined after a worker fell through a skylight while working on a six-storey house. The man fell over three metres and received serious head injuries that led to him being in a coma for six weeks.

MH Costa Construction Limited had been completely renovating the property at Moore Park Road, Fulham, London, which included building a basement and an extension.

On 30 November 2018, the worker, along with others, was working on the extension's flat roof when he fell through an opening created for the installation of a skylight. The opening was covered with loose planks and work was in progress immediately by the opening.

An investigation by the Health and Safety Executive (HSE) found it would have only taken a small movement to dislodge the planks. The worker either fell or stepped onto a plank, which then tipped, causing him to fall to the basement below.

The company's risk assessment records did not consider how to prevent falls through the opening. Additionally, there was no scaffolding or other measures to prevent falls off the sides of the flat roof.

HSE also found other areas where workers could fall, as well as issues relating to manual handling, trip hazards, hazardous wood dust and the storage of flammable materials. There was also no evidence the injured worker had been provided with any formal health and safety related training.

MH Costa Construction Limited of Beauchamp Court, Victors Way, Barnet, Hertfordshire, pleaded guilty to a breach of Regulation 13 (1) of the Construction (Design and Management) Regulations 2015. They were fined £96,000 and ordered to pay £18,965.66 in costs at Southwark Crown Court on 14 November 2022.

HSE inspector Andrew Verrall-Withers said: "It is well known in the construction industry that working on roofs is a high-risk activity. Roofers account for 24% of all workers who are killed in falls from height while at work. It is essential it is carefully planned.

"The worker suffered serious injuries and may never be able to work again. It is just good fortune he was not killed, but it must have been terrible for his family waiting for those six weeks when he was in a coma.

"The company ignored good opportunities to review and improve their arrangements before this tragic incident. HSE had served Notification of Contraventions on the company at two other sites during the previous six months, including highlighting unsafe working at height. At one site in

Fulham a visiting health and safety advisor provided the company with audit reports which raised edge protection issues as needing immediate attention.”

#### Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance can be found at: <https://www.hse.gov.uk/work-at-height>

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## Transport company fined after driver killed loading and unloading a trailer

A transport company has been fined £400,000 after one of its drivers was killed after being knocked off his trailer while loading and unloading it.

On 16 November 2020, Robert Gifkins, who worked for Arnold Laver & Company Ltd, was delivering timber to a company in Whaddon near Salisbury. He had climbed onto the bed of his trailer to sling the load and attach it to the vehicle-mounted crane. While moving the load using the crane’s remote control he was struck by the crane and fell from the vehicle to the ground. Mr Gifkins was taken to hospital and subsequently died on 17 December 2020.

An investigation by the Health and Safety Executive (HSE) found that this incident was the result of health and safety failings by the company. The risks associated this work at height had not been properly assessed and the risk of falls had not been adequately prevented or controlled. The company had also not provided Mr Gifkins with sufficient training and instruction on the safe operation of the remote crane controls on the vehicle.

At a sentencing hearing at Salisbury Magistrates’ Court on 13 October, Arnold Laver & Company Ltd, Bramall Lane, Sheffield, pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act. Passing sentence today (November 9) they were fined £400,000 and ordered to pay costs of £19,841.99.

Speaking after the hearing HSE Inspector Leo Diez said: “Falls from vehicles can be overlooked by employers when considering risks from work at height. Simple control measures would have prevented this accident.”

In a victim personal statement from Mr Gifkins' family, his mother Betty Gifkins, said: "The pain of losing a son is only made worse by the fact this is the second son I have lost. I try not to think of him in the hospital as this only adds to my sadness. I miss him every day."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. For guidance on preventing falls from vehicles, visit: <https://www.hse.gov.uk/workplacetransport/vehicles/preventingfalls.htm>

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## Scrap metal company fined after worker loses four fingers

A scrap metal company has been fined for safety breaches after a worker lost parts of four fingers while operating poorly maintained machinery.

On 27 March 2020, a man working for Infinity Metals Limited suffered amputations to multiple fingers while operating the machinery at Vickerdale Works, Arthur Street, Stanningley, Pudsey, Leeds.

An investigation by the Health and Safety Executive (HSE) found that while the employee was operating the crocodile shear, he leant over the machine while it was in motion to clear metal and caught his right hand in the machine. This caused him to suffer an amputation to four of his fingers.

Infinity Metals Limited, of Spur Road, Quarry Lane Industrial Estate, Chichester pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £26,680 and ordered to pay prosecution costs of £7,005.50 at Leeds Magistrates' Court on 9 November 2022.

After the hearing, HSE inspector Darian Dundas said: "The lack of clear roles and responsibilities together with insufficient training and poorly maintained machinery played a significant part in this incident.

"This incident could so easily have been avoided by simply maintaining the machinery in good working order, ensuring that the correct control measures

were present, and ensuring that safe working practices were adhered to.”

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3. HSE news releases are available at [http://press.hse.gov.uk](https://www.hse.gov.uk/press/)<sup>1</sup>

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## Eddie Stobart fined after workers exposed to asbestos

Logistics company Eddie Stobart has been fined after work at one of its sites exposed staff to asbestos.

The firm was fined £133,000 for a series of failures that took place while excavation work was carried out at its rail and container freight port in Widnes.

Asbestos containing materials (ACMs) were disturbed by the building work, putting staff at risk.

An investigation by the Health and Safety Executive (HSE) found an asbestos survey had not been carried out, the workers involved hadn’t received any training in relation to asbestos, and Eddie Stobart failed to report the incident correctly.

Manchester Magistrates Court heard that in early 2018, an area of the company’s Mersey Multimodal Gateway in Widnes was earmarked for the storage of empty containers. As the ground had become damaged by heavy lift loaders used to move containers, it was decided to scrape away the top layer to reach an older, more level surface below.

This work took place over several months and subsequently the remnants of old buildings containing asbestos were present in the surface material. Underground basement cavities were also found and excavated and then backfilled with rubble. Several workers complained about the dust created by these processes and what it may contain.

An investigation by HSE found an asbestos survey had not been carried prior to the work beginning to determine if any of the excavated material contained

asbestos.

A risk assessment had not been carried out nor suitable control measures put in place to prevent or reduce exposure to asbestos or prevent the spread of asbestos containing materials from the site. The workers involved in the excavation work hadn't received any training in relation to asbestos.

It was several months after the work had been completed that testing was carried out and the subsequent survey identified ACMs in the mounds of spoil, as well as scattered around the footprint where the work had taken place.

The company then failed to report the incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) within the 10-day timeframe required.

Eddie Stobart Ltd, of Stretton Green Distribution Park, Langford Way, Appleton, Warrington, Cheshire pleaded guilty to breaching Regulation 5 of The Control of Asbestos Regulations 2012 and Regulation 11(1) of The Control of Asbestos Regulations 2012. The company was fined £133,000 and ordered to pay costs of £9,260 on 4 November 2022.

Following the hearing, HSE Inspector Stuart Wood said: "Asbestos was historically used in countless applications and can be found in a variety of places.

"The law requires businesses undertaking work in demolition, maintenance or any other work which exposes or is liable to expose employees to asbestos to assume ACMs are present unless you have evidence, such as an asbestos survey to indicate otherwise.

"The duty to manage asbestos relates to entire premises including yard areas, not just buildings. There is no safe level of exposure to asbestos."

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  2. More about the legislation referred to in this case can be found at: [HSE: Asbestos – health and safety in the workplace](http://www.hse.gov.uk/asbestos/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
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# Two companies fined after driver is crushed while unloading vehicle

Two companies have been fined after a heavy goods vehicle (HGV) driver suffered fatal chest injuries while unstrapping a load on a trailer.

Andrew Bayley-Machin, 41, of Park Drive, Cheadle, Stoke-on-Trent was fatally crushed when he was hit by a pack of steel gates that fell approximately three metres from a load on a flatbed trailer.

The vehicle had been loaded with the gates at Joseph Ash Ltd of Stafford Park 6, Telford and driven by Mr Bayley-Machin to the premises of his employer LM Bateman & Company Ltd in Cheadle Road, Cheddleton, Staffordshire when the incident happened on 20 June 2018.

An investigation by the Health and Safety Executive (HSE) found that arrangements for planning and restraining loads were inadequate to ensure that the stability of goods was independent of the load straps so that release of the straps did not allow the load to fall from the vehicle.

LM Bateman and Company Limited of Island Works, Cheadle Road, Cheddleton, Leek, Staffordshire pleaded guilty to breaching Sections 2 (1) and 3(1) of the Health and Safety at Work Act 1974. They were fined £120,000 and ordered to pay costs of £16,334 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Joseph Ash Limited of Westhaven House, Arelston Way, Shirley, Solihull, West Midlands pleaded guilty to breaching Sections 2(1) and 3 (1) of the Health and Safety at Work Act 1974. They were fined £244,500 and ordered to pay costs of £17,834 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Following the hearing, HSE inspector Wendy Campbell said: "This death would have been prevented had an effective system for managing load restraint been in place at both companies.

"This is a reminder to all companies of the need to properly assess and apply effective control measures when securing loads to minimise the risks from transporting goods on road vehicles."

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