

Demolition company fined after fall from height fatality

A dismantling and demolition company has been fined after a worker fell 30 feet to his death when part of a pipe bridge platform gave way.

Kirkcaldy Sheriff Court heard that John Gary Robertson, known as Gary Robertson, employed by CBR02 Limited (formerly known as Brown and Mason) suffered multiple injuries following a fall from height at Longannet Power Station, Fife on 6 February 2019.

A joint investigation by the Health and Safety Executive and Police Scotland into the incident found that the section of metal grating on the pipe bridge which the deceased had been standing gave way under his weight, as it had been extremely corroded. By failing to record the extremely hazardous condition of the pipe bridge the Company failed to undertake a suitable and sufficient risk assessment. In particular, the risk assessment, which formed part of the final, revised method statement, did not address the severely corroded nature of the pipe bridge, despite that being previously highlighted and requested by the client, Scottish Power. The Company failed to put necessary control measures in place, to inform employees of the hazardous condition of the pipe bridge, and to prevent access to it.

CBR02 Limited of Hertford Road, Middlesex pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company has been fined £5,000.

Speaking after the case HSE principal inspector, David Charnock, 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.

"In this case, adequate communication of suitable information and instructions would have made employees aware of the unsafe condition of the pipe bridge platform."

Notes to Editors:

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at: <http://press.hse.gov.uk>

Company and director fined after worker sustained life-changing injuries

A manufacturer of concrete architectural elements and garden ornaments, and its director, have been fined after an employee sustained life-changing injuries when his arms became trapped in a cement mixer.

Nottingham Crown Court heard that on 8 August 2018, the employee was using the cement mixer at the company's premises on Nottingham Road, Alferton, to prepare the concrete mix for the ornamental castings. The employee attempted to stop the machinery to retrieve something from the mixing pan. However, when he reached inside, his arms came into contact with the mixing paddles, and he was dragged almost entirely into the mixer. He managed to pull himself out but was seriously injured. As a result of the incident his left arm was amputated at the upper arm level and his right arm had to be amputated at the mid forearm. He also sustained injuries to his ribs, face, back and shoulders.

An investigation by the Health and Safety Executive (HSE) found that David Sharp Studio Limited had failed to take sufficient steps to guard against the risks of entrapment and injury posed by the cement mixer. The employee had been exposed to the risk of serious injury by requiring him to operate the mixer with the lid open whilst standing next to it. There was a failure to provide guards or to interlock the operation of the mixer in order to reduce the risk of accidental entrapment or foreseeable misuse. There was also a failure to train, instruct and supervise the employee to ensure that he was aware of, and followed, safe procedures for working on or near the mixer whilst it was in operation. The HSE investigation also established that the company Director, David Sharp, was aware of the unsafe conditions and allowed them to continue.

David Sharp Studio Limited of White House, Clarendon Street, Nottingham, pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £1,000.

David Sharp, also of Clarendon Street, Nottingham, pleaded guilty to a charge under Section 37 of the Health and Safety at Work etc. Act 1974. He was fined £2,000, disqualified from being a company director for seven years and ordered to pay full costs of £30,802.35.

HSE principal inspector Samantha Farrar said: "This incident could so easily have been avoided by simply providing effective guarding to prevent access to dangerous parts of machinery.

"Companies and individuals should be aware that HSE will not hesitate to take

appropriate enforcement action against those that fall below the required standards.”

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3. HSE news releases are available at: <http://press.hse.gov.uk>
4. Further guidance on machinery safety can be found at: [Why is machinery safety important? \(hse.gov.uk\)](http://www.hse.gov.uk/machinery/safety-important/)

Former construction company directors sentenced for failing to prevent exposure to asbestos

Two former company directors have been sentenced and fined after a refurbishment project at a former department store was found to have disturbed asbestos containing materials (ACMs) while demolition work was still taking place.

Newcastle Crown Court heard that during October 2017, the former Joplings Department Store in Sunderland was undergoing refurbishment when workers disturbed large quantities of asbestos.

Following a reported concern regarding unsafe construction work at the site, an investigation by the Health and Safety Executive (HSE) found that demolition and stripping work had been carried out inside the property. The age of the building and previous refurbishment work meant that there were vast quantities of ACMs inside the building.

During several months of demolition and refurbishment work the ACMs had been broken up using sledgehammers and brute force. Asbestos fibres were spread across five floors of the building as well as outside of the city centre property. At the time of HSE’s intervention, 1,315 square metres of contaminated waste was found across the shop floors and in the stairwell.

Former director of Keebar Construction, Alan Barraclough, of Hutton Lane, Guisborough was found guilty of breaching two counts of Section 37 of the Health and Safety at Work Act 1974 etc. He received a 14-month sentence,

suspended for 2 years, and ordered to carry out 120 hours of unpaid community work within 12 months. He was suspended as a director for 10 years and ordered to pay costs of £44,774.21.

Former director of Keebar Construction, James Keegan, of Larkspur Road, Middlesbrough was also found guilty of breaching two counts of Section 37 of the Health and Safety at Work Act 1974 etc. He also received a 14-month sentence, suspended for 2 years, and ordered to carry out 120 hours of unpaid community work within 12 months. He was suspended as a director for 10 years and ordered to pay costs of £44,774.21.

Speaking after the hearing, HSE inspector Phil Chester, said: "Asbestos is responsible for the premature deaths of over 5,000 people each year. Younger people, if routinely exposed to asbestos fibres are, over time, at greater risk of developing asbestos-related disease than older workers. This is due to the time it takes for the body to develop symptoms after exposure to asbestos.

"Exposure to asbestos can cause four main diseases – Mesothelioma (a cancer of the lining of the lungs), asbestos-related lung cancer, Asbestosis (a scarring of the lungs); and Diffuse pleural thickening (a thickening of the membrane surrounding the lungs, which can restrict lung expansion leading to breathlessness).

"It can take anywhere between 15-60 years for any symptoms to develop after exposure. Companies need to recognise the dangers of removing asbestos without appropriate safety measures, to their employees and members of the public."

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Company fined after contractor injured in a fall from height

A manufacturing company has been fined after a contractor sustained injuries whilst working on the top of a machine.

Manchester Magistrates’ Court heard that, on 30 July 2020, a contractor for Manufax Engineering Limited was working on top of the Correa machine which had an access gantry to reach the top.

However, the maintenance task he was carrying out meant he had to step outside of the gantry to reach a particular part of the machine. Whilst outside the gantry he lost his balance and fell. As he fell, he tried to grab the top of the machine but failed and fell 3.9 metres resulting in a fractured right elbow, two fractured ribs and two pelvis fractures.

An investigation by the Health and Safety Executive (HSE) found that the company had no safe system of work for the task that was being carried out, there was a lack of supervision and no formal monitoring system in place to ensure that employees and contractors were working safely on site. The task was not planned, supervised, or carried out in a safe manner.

Manufax Engineering Limited of Cromer Street in Stockport, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £26,000 and ordered to pay costs of £3,205.42.

HSE inspector, Stephanie Simcock, said after the hearing: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. Falls from height remain one of the most common causes of work-related injury and fatality in this country and the risks associated with working at height are well known."

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