

Construction company fined and director sentenced after workers exposed to asbestos

A Manchester based construction company has been fined and its director sentenced to a community order of 200 hours unpaid work after workers disturbed asbestos during a refurbishment project.

Manchester Magistrates Court heard that between May and June 2021, Sal Construction Ltd had been contracted to carry out refurbishment work of student accommodation at Darbshire House, Upper Brook Street, Manchester.

The project consisted of providing bathrooms for all rooms and constructing two studio flats. Work began by building two show rooms on the ground floor before beginning work on the top floor which was stripped back to brickwork. During this work, asbestos pipe lagging was removed, and debris spread across the site and in and around the skip in the yard area.

An investigation by the Health and Safety Executive (HSE) found that this work was carried out by five or six employees under the supervision of Sal Zardooi, the sole director of the company instead of a licenced asbestos removal contractor.

Sal Construction Services Limited of Finney Lane, Heald Green, Cheadle pleaded guilty to breaches of Section 2 (1) and Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £30,000 and ordered to pay costs of £2,133.45.

Salar Zardooi of Finney Lane, Heald Green, Cheadle pleaded guilty to breaches of Section 2 (1) and Section 3(1) of the Health and Safety at Work etc. Act 1974, by virtue of 37(1) of the Act and was sentenced to 200 hours unpaid work and to pay costs of £2,007.75.

Speaking after the hearing, HSE Inspector, David Norton, said: "These risks could so easily have been avoided by acting on the findings of the asbestos survey and carrying out correct control measures and safe working practices.

"Companies 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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Construction sites across Great Britain are to be targeted as part of a month-long respiratory health initiative by the Health and Safety Executive (HSE), it has been announced today.

Throughout June, inspections supported by HSE's *Dust Kills* campaign will focus on respiratory risks and occupational lung disease.

Each year in the construction industry, there are thousands of preventable cases of ill health caused by lung disease due to past exposure to dust at work. These diseases often have a life-changing impact and can result in an early death.

Starting on Monday 6 June 2022, site inspections will have a specific focus on dust control, checking employers and workers know the risks, plan their work and are using the right controls.

HSE has partnered with construction and occupational health organisations to highlight the control measures required on site to prevent exposure to dust. The network of *Dust Kills* partners includes British Occupational Hygiene Society (BOHS), **Construction Industry Advisory Committee (CONIAC)** and Civil Engineering Contractors Association (CECA), Construction Leadership Council (CLC), Health in Construction Leadership Group (HCLG) and Construction Dust Partnership.

HSE's chief inspector of construction, Sarah Jardine, said: "Occupational lung disease is preventable. It can have a devastating impact on both the individuals affected and their family. Every year, construction workers are dying from diseases caused or made worse by their work. We are urging employers and workers to take the necessary precautions today to protect their long-term lung health."

As part of HSE's longer term health and work strategy to improve health within the construction industry, inspectors will be checking the control measures in place to protect workers from inhaling construction dust

including Respirable Crystalline Silica (RCS) and wood dust.

The primary aim of the inspection initiative is to ensure workers' health is being protected. However, if safety risks or other areas of concern are identified, inspectors will take the necessary action to deal with them.

Sarah Jardine continued: "Through our inspection initiatives, inspectors can visit a range of construction sites to check the action businesses are taking to ensure their workers' health is being protected. Through speaking to dutyholders we can make sure they have considered the job from start to finish and are effectively managing the risks.

"We want everyone, workers and their employers, to be aware of the risks associated with any task that produces dust and use effective control measures, such as water suppression, extraction and masks, to prevent exposure to dust to ensure they are protected from harm and ill health."

The initiative will be supported by HSE's *Dust Kills* campaign, aimed at influencing employer behaviour by encouraging builders to download free guidance and advice. There is also information to support workers, helping them to understand the risks and how to stay healthy.

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"This month, as the HSE's inspectors visit businesses across the country, BOHS is urging employers and employees across the construction industry to become more aware about how dusts can harm the lungs of worker and how simple, low-cost control measures can be taken to control exposures to dust. Information outlining best practice in preventing occupational lung disease is available for free from the BOHS's [Breathe Freely](#) website and the HSE's [Workright](#) website."

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“Some of the possible reasons include lack of awareness of the legal duties of employers, lack of awareness of the damage dust can actually cause and lack of time on projects to plan work properly, and that’s both at the design stage and on site. Working together with HSE and other stakeholders, we hope to provide valuable advice to those that need it most.”

Dylan Roberts, Director Health, Safety & Wellbeing, Skanska UK and co-lead of the Construction Leadership Council’s Health, Safety & Wellbeing workstream said “Ensuring everyone goes home healthy everyday is a challenge but one which cannot be compromised. I believe that education is key to safeguarding health. Raising awareness and understanding that dust kills is fundamental to preventing harm.”

Mary Cameron, Construction Dust Partnership said “The construction dust partnership is an industry collaboration with an aim to raise awareness within the construction industry about lung diseases related to hazardous workplace dust and to promote good control practice to prevent these diseases. Construction Dust Partnership is a firm supporter of HSE’s *Dust Kills* campaign. We share strongly in the motives of this campaign which is to raise awareness amongst construction workers about the risks to their respiratory ill health from potential exposures to hazardous dusts.

“By working as a team, we bring a sense of unity to this. We stand together and fight together for the same purpose. And when the purpose is something as crucially important as protecting the health of construction workers, then we need to get involved. As health and safety professionals, occupational hygienist, managers who oversee the health and safety of their workers, we all have not just a need but a duty to join in on campaigns aimed to protect worker’s health.”

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of HSE's longer term health and work strategy to improve health within the construction industry, inspectors will be checking the control measures in place to protect workers from inhaling construction dust including Respirable Crystalline Silica (RCS) and wood dust. The primary aim of the inspection initiative is to ensure workers' health is being protected. However, if safety risks or other areas of concern are identified, inspectors will take the necessary action to deal with them. Sarah Jardine continued: "Through our inspection initiatives, inspectors can visit a range of construction sites to check the action businesses are taking to ensure their workers' health is being protected. Through speaking to dutyholders we can make sure they have considered the job from start to finish and are effectively managing the risks. "We want everyone, workers

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[Company sentenced after worker fall from height](#)

Abbots Mead Limited, a building maintenance company based in Cheshire has been fined £20,000 for poorly managing work at height while carrying out repairs to a roof and cleaning the gutters of a commercial unit in Wolverhampton.

Dudley Magistrates Court heard that on 29 January 2021 while carrying out repairs works to a fragile roof of a commercial unit, an apprentice employee fell through a skylight. The employee fell approximately six metres to the concrete floor of the warehouse below contacting the racking on the fall. His injuries included fractures to the hip and wrist.

An investigation by the Health and safety executive (HSE) found that employees had not been informed they were working on a fragile roof and no measures had been implemented for working on a fragile surface. The company failed to properly risk assess the task and to provide the appropriate

control measures to prevent a fall.

Abbots Mead Limited, of Knutsford Way, Sealand Industrial Estate, Chester, pleaded guilty to a breach of Regulation 4(1) of the Work at Height Regulations 2005 and received a £20,000 fine. Abbots Mead Ltd were also ordered to pay costs of £3,873 and a victim surcharge.

Speaking after the hearing, HSE Inspector Aaron Fisher 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.

"Companies and individuals in control should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard."

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Scottish care provider found guilty of Health and Safety breaches following death of a vulnerable adult

Care provider, The Richmond Fellowship Scotland, has been fined after being found guilty of health and safety breaches after a vulnerable adult with severe learning difficulties drowned in a bath.

Glasgow Sherriff's Court heard that on 10 June 2016, at Cherry Tree Court in Cambuslang, Glasgow, one of the residents, Margaret Glasgow, a vulnerable adult with severe learning difficulties, drowned in a bath within her flat in the early hours of the morning.

The Richmond Fellowship had supplied a baby monitor to alert support workers

that Ms Glasgow was out of bed but a HSE investigation found that it was neither suitable nor sufficient as she was so light on her feet.

The two support workers, one of which was on her first shift at Cherry Tree Court and who also were supporting four different service users in four different flats, failed to hear that Ms Glasgow was out of bed.

Sometime during the early hours of the morning of 10 June 2016, she was able to run a bath in which she subsequently drowned. The water to the flat should also have been isolated but neither carer knew to do so.

HSE's investigation concluded that there were severe staff shortages at the time of Ms Glasgow's death which resulted in two carers who were not familiar with Ms Glasgow being put in charge of her care over-night. Richmond Fellowship had no specific induction procedures at Cherry Tree Court and relied on staff finding time to read the care plans after their shift had commenced. There were no clear shift plans to alert the support workers to the critical needs of the four people they were supporting and no clear instructions on how checks should be made.

Staff had raised concerns on a number of occasions after finding Ms Glasgow out of bed, but Richmond Fellowship had failed to put more appropriate measures such as door sensors or pressure mats in place.

The Richmond Fellowship Scotland of Cumbernauld Road, North Lanarkshire pleaded not guilty to charges under Section 3 of the Health and Safety at Work (etc) Act 1974 but were found guilty following a two-week trial.

The organisation was fined £450,000.

Speaking after the hearing, HSE inspector Kathryn Wilson, said: "This was a desperately tragic case which has left Ms Glasgow's family devastated.

"The baby monitor was a wholly inappropriate method of alerting staff that a resident was out of bed, being designed to alert a parent that a baby is crying or choking.

"Margaret Glasgow should have been safe at Cherry Tree Court but a failure by the Richmond Fellowship Scotland to identify and put in place simple and reasonably practicable safety measures resulted in two support workers being given insufficient information to protect this vulnerable lady in their care."

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