

Construction company fined for employee asbestos exposure

MS Properties (Northern) Ltd have been fined for safety breaches after employees were exposed to asbestos on 22 March 2019 after removing false ceiling tiles during a shop conversion at 309-315 Hessle Road, Hull.

Beverley Magistrates' Court heard that the company had not commissioned a refurbishment asbestos survey prior to the work commencing. Employees removed over 1000m² of asbestos insulation board (AIB) ceiling tiles in an uncontrolled manner, exposing them to asbestos.

An investigation by the Health and Safety Executive (HSE) found that the company's director, and the casual labourers they employed, spent approximately three to four weeks removing the suspended ceiling, along with the ceiling tiles which contained asbestos, to install new stud walls to divide the shop floor into separate units. The labourers were unskilled and untrained. They were provided with a claw hammer to knock the tiles down. The asbestos-containing tile debris was then shovelled or collected into approximately 62 one tonne bags.

MS Properties (Northern) Limited of Beckside Business, Beckside Road, Bradford, pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012. The company has been fined £16,000, ordered to pay £3,011.87 in costs and a victim surcharge of £190.

After the hearing, HSE inspector Trisha Elvy commented: "If the company had identified any asbestos on the site through a refurbishment asbestos survey, carried out by a competent surveyor, and had it removed by licenced asbestos removal contractors prior to the refurbishment work commencing, then MS Properties (Northern) employees would not have been exposed to asbestos.

"No matter how small or large your company, there is a need to prevent exposing your employees and the public to asbestos by ensuring that it is identified on site prior to any work commencing."

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)^[1]
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

Sole trader who repaired agricultural and industrial sheds fined after worker injured

William Henry Swanson, trading as LTS Construction has been fined following an incident when a worker suffered serious injuries after falling through a fragile roof light of a grain store. LTS Construction has now ceased trading.

Wick Sheriff Court heard that on 25 September 2019, an employee of Mr Swanson was working on a grain store roof to remove and replace damaged cement roof sheets and fragile roof lights. He stood on a moss-covered roof light which gave way beneath his weight. He fell approximately 4.5m onto the concrete floor below. He sustained injuries to his head, ribs, pelvis and wrist. He suffers from short term memory loss and anxiety and has not worked since.

An investigation by the Health and Safety Executive (HSE) found that Mr Swanson did not have suitable measures in place to access the roof or to prevent the risk of (a) falling from the edge of the roof and (b) falling through roof lights. The accused should have considered the work at height hierarchy of control:

- the use of mobile elevated work platforms (if practicable) to avoid working on a roof containing fragile materials, or
- safe access to roof level, and
- roof edge protection to have prevented falls from the eaves and gable wall sections of the roof, and
- safety nets to have reduced fall risks when removing and replacing roof sheets, and
- the use of staging or crawling boards to spread the weight of persons who worked on areas of the roof that were fragile.

None of these measures were in place at the time of the accident.

William Henry Swanson of Watten, Wick, Caithness KW1 5UP pleaded guilty to breaching the Work at Height Regulations 2005, Regulation 4(1)(a) and (c) and the Health and Safety at Work etc. Act 1974, Section 33(1)(c). He was fined £2,000.

After the hearing, HSE inspector, Liz Hunter said: "Those in control of working at height have a responsibility to implement safe work methods and to lead by example. They should communicate the work method clearly with the workers to demonstrate how fall risks will be prevented or reduced when working on or near fragile roof lights."

“Falls from height remain one of the most common causes of work-related fatalities in this country. I have investigated numerous fatal and serious accidents caused by falls through fragile roof materials during construction and maintenance activities on farm buildings. The life changing injuries sustained by Mr Swanson’s employee were preventable had a combination of safe access, roof edge protection, staging and safety nets been used by trained personnel.”

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School trust fined after failing to control the disease risk from animals

The Spencer Academies Trust has been fined after failing to control the risk to humans from infectious diseases carried by animals.

Southern Derbyshire Magistrates’ Court heard how the Trust, which operates 12 schools, failed to properly control the risk from zoonotic diseases to employees, pupils and visitors at one of its academies. The academy school was home to several animals including goats, pigs and rabbits.

An investigation by the Health and Safety Executive (HSE) found that the trust had failed to provide adequate washing facilities to control the risks of disease to employees, pupils and visitors to the academy. The academy had also failed to provide suitable housing for the animals to minimise the risk to children as well as adequate training for staff.

The Spencer Academies Trust, Arthur Mee Road, Stapleford, Nottingham, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. They were fined £20,000 and ordered to pay full costs of £7,304.10 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Leigh Stanley said: “HSE recognise the wider learning benefits from keeping animals in the school environment, however, schools must ensure that the risks of zoonotic diseases are adequately assessed and effectively controlled. This includes adequate

supervision and washing facilities. In this case, the Trust failed to implement suitable arrangements which meant that there was a significant risk to the health of people including the children.”

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Link to industry code of practice which details what animal visitor attractions should be considering when keeping animals
<http://www.visitmyfarm.org/component/k2/339-industry-code-of-practice/339-industry-code-of-practice>

Company fined after worker paralysed by fall at Watford Football Stadium

A company has been fined after a worker was paralysed after falling 11 metres down a stairwell at a football stadium when the concrete floor he was working on collapsed.

Peterborough Magistrates’ Court heard that on 14 June 2016, workers were constructing a new hospitality and seating stand at the stadium of Watford Football Club. The concrete floor and associated formwork collapsed causing a number of workers to fall. Most of the workers were able to cling to the structure to escape serious injury. However, Ashley Grealish fell approximately 11 metres down the mouth of a stairwell to the basement below sustaining multiple injuries including spinal damage, which caused permanent paralysis from the waist down.

An investigation by Health & Safety Executive (HSE) found that the company’s temporary works management system was lacking. The contractor should have had a suitable design for the temporary works, which are part of a construction project needed to enable the permanent structure to be built, taking proper account of the vertical load and the need for horizontal stability. There should also have been a robust system to check the temporary works were properly installed and thoroughly assessed before starting to load it with the wet concrete to form the floor slab.

ECS Groundwork Ltd of Warren Farm, Colney Heath, St Albans pleaded guilty to

breaching Regulations 19 (1), 19(2) and 19(3) of the Construction (Design and Management) Regulations 2015. The company was fined £40,000 and ordered to pay costs of £14,505.

Speaking after the hearing, HSE inspector Rauf Ahmed said: "The injuries suffered by Mr Grealish are life changing and the incident could easily have been fatal. This serious incident and devastation could have been avoided if the company had planned a safe system of work to prevent the support system used to cast the concrete floor from collapsing."

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[Farming company fined after employees injure fingers in machinery](#)

A farming company has been fined after two employees severely injured their fingers while trying to replace a part on farming machinery.

Lincoln Magistrates Court heard that on 12 April 2018, two employees of Beeswax Dyson Farming Ltd had the ends of their index fingers severed whilst attempting to re-insert a 37kg shaft into the housing of a pump. The employees were holding the shaft as it was pressed back into its housing with the aid of a hydraulic press when it dropped through a gap. The workers were unable to support the weight with their fingers and unable to get their hands out of the way in time. The employees both underwent amputation of their index fingers following the incident.

An investigation by the Health and Safety Executive found the company had failed to carry out a suitable and sufficient risk assessment to ensure that the risks from dismantling, transporting and then inserting the shaft into the pump housing were adequately controlled. They had failed to appropriately plan a safe system of work and employees had not been provided with adequate information, instruction, training or supervision to carry out the task safely.

Beeswax Dyson Farming Limited, of The Estate Office, Cyclone Way, Nocton, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act

1974 and Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999. The company was fined £100,000 and ordered to pay costs of £27,685.

Speaking after the hearing, HSE inspector Charlotte Cunniffe said: "Employers have a duty to carry out an assessment of the risks and put in place safe system of work for activities, including for infrequent maintenance work. It should not be left to employees to decide on the most appropriate means of carrying out a task. If safe working practices had been implemented this incident would have been prevented."

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