

Fencing manufacturer and site owner fined after employee fatality



A fencing manufacturer and the owner of the yard where the business operates, have been fined following the death of an employee at the site.

North Somerset Magistrates' Court heard how on 14 August 2017, Roderick McKenzie Hopes was working for PA Fencing Ltd at the yard. A telescopic forklift (telehandler) used to move timber, was lifted too high. It tipped over, knocking over some stacked timber which fell on to Mr Hopes resulting in his death.

An investigation by the Health and Safety Executive (HSE) found that the telehandler's safety device, designed to stop loads being lifted so high, had not worked for a long time and maintenance had failed to identify this. Furthermore, the machine operator had not received full training in its use and the machine was regularly used to lift overly heavy loads.

The yard supervisor did not know how the machine should be used safely. The yard wasn't laid out to allow the safe stacking of material.

The investigation also found that PA Fencing Ltd shared the machine with Mr David Crossman, who owns the neighbouring farm and rents the yard to PA Fencing Ltd. Neither PA Fencing Ltd nor Mr Crossman had ensured that the machine was properly maintained nor that it was independently thoroughly examined, a test which must be done at least annually.

P A Fencing Limited of Unit 4 Westfield Business Park, Bristol BS21 6UY pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. The company was fined £35,000.00 and ordered to pay costs of £7500.00.

David Crossman of Ham Farm, Ham Lane, Yatton BS49 4QL pleaded guilty to breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 9(3) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined £3000.00 and ordered to pay costs of £7500.00.

Speaking after the hearing HSE inspector Tania Nickson said:

“This incident could so easily have been avoided by simply ensuring that the vehicle in question had been properly maintained and thoroughly examined.

“This failure was compounded by PA Fencing Ltd not ensuring their yard was set up to safely store timber or that their drivers were properly trained and appropriately supervised.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

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. www.hse.gov.uk^[1]
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>

A FIRST YEAR OF FIRSTS

As I complete my first year as Chair of the HSE, I have an overriding feeling of pride in the people and achievements of the whole organisation. Our resilience, flexibility and determination to deliver on our mission, values and business plans during these testing times continues to be an inspiration.

HSE stepped up and continues to contribute to the national response to the global pandemic. At the same time, colleagues are taking on significant new responsibilities and expanding others so that we enable more people to be safe and feel safe in their homes, whether houses , apartments or high-rise buildings as well as protecting people and the environment from harmful exposure to chemicals and explosives.

Behind the scenes colleagues have enabled new ways of working, including the continuity of our helplines and an extraordinary growth in our online advice and information communications reach. Right across the organisation there is much learning that is valuable and will inform our new strategy and future

business plans.

Many of our partnerships are deeper and stronger than before. The British Occupational Health Society (BOHS) has recognised HSE's efforts in putting together a unique team of specialists to assist the Government in their efforts in providing frontline health care workers with life-saving personal protective equipment (PPE), as a part of the pandemic response.

The Peter Isaac award recognises "an outstanding initiative that has contributed to the reduction of ill health at work." The HSE PPE technical team was assembled to respond to unprecedented global demand for equipment, not only to provide NHS workers with access to high-quality PPE, but also to conduct research, provide expertise, and support policy making and practical guidelines across a whole variety of workplaces.

The celebrated team comprised of experts in occupational hygiene, science, microbiology and infection prevention, as well as policy-making experts and support staff, who combined their skills and knowledge across a wide range of interrelated disciplines.

Working closely with the Department of Health and Social Care (DHSC), Public Health England (PHE), Medicines and Healthcare Regulatory Agency (MHRA), the NHS and other government bodies, the HSE team evaluated materials and specifications against relevant PPE requirements, to rapidly provide agreement that new and novel sources of supply had been properly assessed and could be deployed to frontline workers without unnecessary delay.

At the same time, colleagues developed the new Spot Check service that has enabled HSE to support local authorities across GB to support workplaces to be to as Covid secure as possible. Colleagues have completed some complex and significant prosecutions including an NHS Trust, National Gas Grid and an Adventure Theme Park operator. While we remain focused on prevention, it is also essential that we also hold people to account and secure justice.

I am one of many colleagues who joined HSE during the pandemic and while I have valued participating in our virtual events, I am very much looking forward to meeting as many colleagues as possible during the forthcoming 'One HSE' events this autumn. These events will provide us all with a good opportunity to appreciate the breadth and depth of our work and think about our shared purpose, values and direction of travel. I am confident and positive about the year ahead and the contribution that HSE will make during

these challenging times.



The post [A FIRST YEAR OF FIRSTS](#) appeared first on [HSE Media Centre](#).

Care provider fined after an employee sexually assaulted and raped by a Service User

The Action Group has been fined after an employee was abducted, assaulted, sexually assaulted and raped in the course of her duties by one of their service users.

Edinburgh Sheriff Court heard that on 27 December 2018, at a domestic property in Edinburgh, a young female employee of the Action Group visited a service user to provide support services. The service user was a male adult with additional support needs. During the visit she was abducted, assaulted, sexually assaulted and raped by the service user to whom she was providing support.

An investigation by the Health and Safety Executive (HSE) found that the Action Group did fail to make a suitable and sufficient assessment of the risks to the health, safety and welfare of their female employees posed by this specific service user. They found a history indicating that female employees had been raising concerns about their safety with this service user since March 1994.

The Action Group of North Park Centre, 57 Albion Road, Edinburgh EH7 5QY pled guilty to breaching Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999, and Section 2(1) and 33(1)(c) of The Health and

Safety at Work etc Act 1974.

After the hearing, HSE Inspector, Kerry Cringan said: “This was a harrowing case for all involved and could have been avoided by carrying a suitable assessment of the risks, particularly those posed to female members of staff. Had the behaviours of the service user been addressed appropriate control measures and safe working practices could have been adopted to reduce the risk to all staff”.

“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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3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on working safely with vehicles at work, please visit: <https://www.hse.gov.uk/workplacetransport/>

The post [Care provider fined after an employee sexually assaulted and raped by a Service User](#) appeared first on [HSE Media Centre](#).

Company fined after several workers contracted occupational disease

Construction company Peter Duffy Ltd was sentenced today for safety breaches after multiple employees were diagnosed with Hand Arm Vibration (HAVS).

Leeds Magistrates’ Court heard that the company reported seven cases of HAVS between November 2016 and August 2018. All of the workers involved had been carrying out ground works involving vibrating tools. Many of them had been working in the industry for over 20 years.

An investigation by the Health and Safety Executive (HSE) found that in 2016 the company contracted a new occupational health provider to replace their existing one. The diagnosis of the workers’ conditions resulted from these changes. Prior to the new company taking over the contract, there was no suitable health surveillance in place to identify HAVS.

Peter Duffy Ltd of Park View, Lofthouse, Wakefield pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £40,000 and ordered to pay £3,919 in costs.

Speaking after the hearing, HSE inspector Chris Tilley said: "The company should have undertaken a suitable and sufficient risk assessment to identify the level of vibration employees were exposed to throughout their working day and then put in place appropriate control measures.

"Furthermore, the company should have put in place suitable health surveillance to identify HAVS in their workforce"

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4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way: www.hse.gov.uk/vibration/hav/index

The post [Company fined after several workers contracted occupational disease](#) appeared first on [HSE Media Centre](#).

[Ship building company fined after employee killed by falling steel post](#)

A Merseyside shipbuilding and repair company has been fined after an employee was fatally injured when struck by a 31-foot steel post.

Liverpool Magistrates' Court heard how on 30 March 2017, the 23-year-old employee and four other workers of Carmet Marine Limited had been adapting or 'regulating' the bogie, which is used to land and launch vessels on and off the company's slipway by the River Mersey. One of the bogie's steel side-posts weighing approximately 1800kg fell and fatally struck the employee on the back of the head.

An investigation by the Health and Safety Executive (HSE) found that the steel side-post had only been secured to the crossbeam on the bogie by two slackened bolts and was not supported by a crane or other means at the time of the incident. Carmet Marine Limited failed to carry out a suitable and sufficient risk assessment and implement a safe system of work. In addition,

the company did not provide the information, instruction, training and supervision necessary to ensure the health and safety at work of its employees during the task of regulating the slipway.

Carmet Marine Limited of Riverbank Road, Bromborough, Wirral, pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £25,000 and ordered to pay costs of £15,000.

Speaking after the hearing, HSE inspector Lorna Sherlock said: "This incident was entirely preventable if the risk had been identified and suitable control measures put in place. Adequate training and supervision should also have been in place to ensure the regulating of the slipway was carried out safely by employees."

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. More information about planning and organising lifting operations can be found at: [Planning and organising lifting operations – Work equipment and machinery](#)
4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Ship building company fined after employee killed by falling steel post](#) appeared first on [HSE Media Centre](#).