

# **Balfour Beatty Utility Solutions Ltd fined half a million pounds after exposing workers to debilitating condition**

Contractor Balfour Beatty Utility Solutions Ltd. has been sentenced today after exposing workers to a debilitating health condition over a nine-year period.

Balfour Beatty Utility Solutions Ltd was fined £500,000 after the Health and Safety Executive (HSE) found that workers at the company were exposed to hand-arm vibration between 2002 and 2011 which put them at risk of developing Hand-Arm Vibration Syndrome (HAVS).

HAVS is a permanent condition affecting the nerves and blood vessels of the hand. It can cause pain, tingling and numbness, making it difficult to carry out everyday tasks such as gripping and lifting objects, fastening buttons and zips, using a knife and fork or using a tooth brush. In some cases, the hands can have a continuous feeling of wearing mittens and hobbies such as fishing or gardening become impossible to do. Symptoms are often worse in winter when it's cold. The condition can render a worker disabled, affecting their chances of employment.

Sheffield Crown Court heard that workers at the company's sites were regularly exposed to hand-arm vibration while operating hand-held power tools such as hydraulic breakers and floor saws. An investigation carried out by HSE found that the company failed in its legal duty to ensure the risks to workers who used these tools was kept to as low a level as reasonably practicable. Balfour Beatty Utility Solutions Ltd. failed to assess the risk to workers' health, failed to put in place and monitor suitable risk control measures and failed to put in place a suitable system of health surveillance.

The company also failed to report to the enforcing authorities a significant number of cases of employees diagnosed with HAVS as was legally required.

Balfour Beatty Utility Solutions Ltd of Thorncliffe Park, Chapeltown, Sheffield pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company also pleaded guilty to breaching Regulation 5 (1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. These failings occurred between 2002 and 2011. The company was fined £500,000 and was ordered to pay costs of £195,000.

Speaking after the hearing, HSE inspector Christine Mellor said: "This case was about failing to protect workers. Exposure to hand-arm vibration is a well-known risk which Balfour Beatty Utility Solutions Ltd. failed to adequately control.

"The company failed to heed warnings. Early health surveillance detected ill health but still this was not acted upon to prevent on-going exposure.

"This is a particularly serious case because of the extent and duration of failures. The breaches were repeated over several years and this resulted in persistent poor compliance and significant harm to workers."

**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](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Worker exposure is from hand held power tools typically floor saws, cut off saws, compactor plates, rammers and/or jack hammers used to access utility services running underneath public highways and to repair/replace street lighting.

Journalists should approach HSE press office with any queries on regional press releases.

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## **Company fined after admitting safety failures**

An Inverurie company has been fined after a teenage worker was seriously injured.

Aberdeen Sheriff Court heard that 17-year-old Michael Paul Mark Mclean was found seriously injured at the premises of Denholm MacNamee Limited on 14 August 2015.

The Inverurie company, which provides support services to the oil, gas and utilities industries, admitted safety failings.

An investigation by the Health and Safety Executive (HSE) identified failings by Denholm MacNamee Limited in relation to the risks to the health and safety of Michael in his special capacity as a young person at work and in relation to ensuring the health, safety and welfare of all the employees who were engaged in the task of ultra-high pressure blasting and painting of a cable spooler machine.

Denholm MacNamee Limited of Souterford Avenue, Inverurie Business Park, Inverurie pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £120,000 on 4 December 2017.

Speaking after the hearing HSE principal inspector, Niall Miller said:

“The failures of Denholm MacNamee Limited put Michael McLean and other employees at a greater risk of injury.

“This conviction highlights the need for effective risk management particularly when those involved in the work activity are young or otherwise vulnerable. Employers must ensure that they consider the capacity of their workforce and provide appropriate levels of control to prevent risk occurring”

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. The above case was heard on 4 December 2017. At that time a Contempt Order was put in place which prohibited report or comment on the above case until proceedings in a culpable homicide case were complete. This reporting restriction has now been lifted.

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## **BUPA fined £3m after death of elderly resident**

A care provider has been fined following the death of a resident at an Essex nursing home after he contracted Legionnaires' disease.

Kenneth Ibbetson, 86, died three months after moving into Hutton Village Nursing Home, which is operated by BUPA Care Homes (BNH) Ltd.

Ipswich Crown Court heard that Mr Ibbetson had moved into the care home in March 2015 when he was no longer able to cope at home. In June 2015 Mr Ibbetson contracted Legionnaires' disease, a serious waterborne form of

pneumonia, and later died in Basildon Hospital on 23 June 2015.

An investigation into Mr Ibbetson's death was carried out by the Health and Safety Executive (HSE).

The investigation found that for more than a year, during which time major refurbishment works were carried out, BUPA Care Homes (BNH) Ltd failed to implement the necessary control and monitoring measures required to safely manage their hot and cold water system. It also found those responsible for overseeing legionella controls and for taking crucial water temperature measurements had not been trained to the required standard.

BUPA Care Homes (BNH) Ltd of Bridge House, Outwood Lane, Leeds, pleaded to breaching Section 3 (1) of the Health and Safety at Work Act 1974. The company has today been fined £3m and ordered to pay costs of £151,482.

Mr Ibbetson's daughter Caroline Peters told the court: "Our father's tragic and untimely death was a terrible shock to me and my two sisters. We had carefully selected Bupa Nursing Home at Hutton Village, expecting that a leading health care company could be trusted with our father's health and safety. (His death) shouldn't have happened.

"The evidence (of)...non-conformities and lack of managerial training was shocking and depressing and brought on feelings of utter despair for our family."

Speaking after the hearing, HSE principal inspector Vicky Fletcher said: "It is heart-breaking to think Kenneth contracted Legionnaires' a matter of weeks after moving into the Hutton Village Care Home. His family have been left devastated by his sudden death.

"Mr Ibbetson and other residents were exposed to the risk of contracting Legionnaires' disease because adequate controls were not in place. The risk is more acute in care home settings because residents are more susceptible due to their underlying health conditions. We would expect those who have a duty of care to understand this and have the necessary controls in place to manage the risk."

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2. After 1 April 2015, the Care Quality Commission (CQC) took responsibility in England for patient and service user health and safety for providers registered with them. Prior to this date, HSE had enforcement responsibility, hence its investigation and subsequent prosecution on this occasion.
3. More about the legislation referred to in this case can be found at:

[legislation.gov.uk/](http://legislation.gov.uk/)

4. HSE news releases are available at <http://press.hse.gov.uk>

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## **Walsall metal finishing company fined after worker suffers multiple fractures**

A metal finishing company has been fined after a worker suffered multiple fractures to her leg when a components trolley overturned.

Dudley Magistrates Court heard how the Anochrome Limited employee was undertaking a routine operation known as 'jigging', which involves loading and unloading metal parts onto a jig frame, when the trolley and jig frame overturned and landed on the injured person

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 21 November 2016, found that there was a failure to assess risk, a failure to implement a safe system of work and a failure to ensure that employees were appropriately trained and monitored to ensure that the task could be carried out safely.

Anochrome Limited of Reservoir Place, Walsall pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £24,000 and ordered to pay costs of £3,775.72.

Speaking after the hearing, HSE inspector Mahesh Mahey said "If a suitable safe system of work has been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."

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## **Company fined after worker suffers spinal injuries**

A roofing company has been fined after roof work at height was undertaken unsafely.

Dudley Magistrates' Court heard how people were working on the roof with no safety measures in place to prevent them from falling.

Woodhull Roofing Ltd was contracted to carry out work for Sandwell Metropolitan Borough Council. The work was to coat over roofing bolts in an asbestos cement roof, to seal leaks. Whilst working on the corrugated roof a worker misplaced his footing while moving a board into another position, causing him to step on a roof light. He fell through the roof onto a concrete floor approximately four metres below. He broke several ribs and suffered spinal injuries.

An investigation by the Health and Safety Executive (HSE) found that the roof work was not undertaken using the correct precautions i.e. sufficient platforms, coverings, guard rails, netting or similar means of support or protection.

Woodhull Roofing Ltd of Stratford Road, Shirley pleaded guilty to breaching Regulation 9 (2) of the Work at Height Regulations 2005 and has been fined £40,000 and ordered to pay costs of £495.27.

Speaking after the hearing, HSE inspector Gareth Langston 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 suitable measures such as sufficient platforms, handrails and netting should have been provided to ensure the health and safety of people working at height on the roof".

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[legislation.gov.uk/](http://legislation.gov.uk/)

3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about health and safety in roof work can be found at: <http://www.hse.gov.uk/pubns/books/hsg33.htm>