

Case 408 – Supermarket deli refused request to leave plastic wrapping on liver sausage

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£160,000 fine for aircraft company after workers fell from the tail of a plane

An aircraft engineering company has been fined after two men fell about 15 feet while they were carrying out checks at the tail of an aeroplane.

Chelmsford Magistrates' Court heard that an employee of Inflight Engineering Services and an agency worker suffered broken bones after the fall at Stansted Airport on 10 June 2015.

They were working either side of the tail using mobile elevated work platforms when another employee closed the wrong circuit breaker, inadvertently opening the plane's airbrake, which knocked over both platforms.

The men fell between 10 to 15 feet. One employee, a 62-year-old man, suffered three fractures to his pelvis, a broken back, three broken ribs, a fractured elbow and a punctured right lung. The second man, 60, suffered a broken wrist and a chipped a bone on his spine.

A Health and Safety Executive (HSE) investigation found that no suitable risk assessment was in place and there was a lack of effective monitoring.

Today, Wednesday 15 March 2017, Inflite Engineering Limited, based a Stansted Airport, pleaded guilty to breaches under Sections 2 and 3 of the Health and Safety at Work Act 1974. The company was fined £160,000 and ordered to pay costs of £5,492.90.

Speaking after the case, HSE Inspector Tania van Rixtel said: "Both of these men suffered shocking injuries after falling from height, which could easily have been a double fatality. Our investigation found the incident could have been avoided had adequate monitoring been taking place. Aircraft maintenance companies are reminded that not all risks are covered by the Aircraft Maintenance Manual and additional measures need to be introduced."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. www.hse.gov.uk
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>
4. Industry specific guidance can be found at
<https://www.citb.co.uk/documents/csk-gs001-solar-infomaster.pdf>

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

Construction worker seriously injured in wall collapse

A Manchester building contractor and a company owner have appeared in court after a worker was seriously injured on a refurbishment site.

The 53-year-old father of two from Salford was employed as a labourer at the site of a refurbishment project at Manchester One, Portland Street Manchester

when the incident occurred on 29 August 2014.

The incident was investigated by the Health and Safety Executive (HSE) and on 9 March 2017 Workspace Design and Build Ltd, the principal contractor for the project, and Paul Harrison former director of Access Flooring Specialist Ltd were prosecuted for serious safety failings.

Manchester Magistrates' Court heard how two operatives working for Access Flooring Specialist Ltd had started the demolition of a freestanding concrete block wall on the site using a demolition hammer.

One of the men had started to cut into the wall just above the half way point, when the second man took over and continued from the top using step ladders for access. As he did so, the top half of the wall collapsed knocking him from the ladder and landing on top of him.

The injured person suffered fractures to his neck and back and spent three months in hospital following the incident. He has been unable to return to work since.

The HSE investigation found there was no suitable risk assessment in place for the work that was being carried out and the workers had not been provided with suitable work instructions for carrying out this task safely.

In addition to this no checks had been made regarding the injured workers training or experience, he was not provided with a site induction or adequate PPE for the task and the work on site was not being supervised.

Workspace Design and Build Ltd of Manchester One, Portland Street, Manchester pleaded guilty to breach of Regulation 22(1)(a) of the Construction (Design and Management) Regulations 2007 and was fined £14,000 and ordered to pay costs of £2972.

Paul Harrison of Kirkfell Drive, Tyldsley, Manchester pleaded guilty to a breach of Section 37 (1) of the Health and Safety at Work etc. Act 1974 relating to his companies' breach of Regulation 13 (2) of the Construction (Design and Management) Regulations 2007 and was fined £1300 and ordered to pay costs of £2851

Speaking after the hearing HSE Inspector Laura Moran said: "The risks associated with the demolition of the internal walls at Manchester One were not properly considered and, as a result, there was no safe system of work in place for the operatives to follow.

"Together with a lack of adequate supervision, these failings resulted in one man suffering serious and life changing injuries, which could have been prevented had the work been properly planned and managed."

For more information about working safely at demolition sites visit:

<http://www.hse.gov.uk/construction/safetytopics/buildings.htm>

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

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Construction firm fined after worker fell from height

Construction company Kier Construction Limited has been fined £400,000 after a worker fell from height.

Westminster Magistrates' Court heard how Jair Morales was installing plywood boards covering holes on the third floor of a building at a construction site in Uxbridge, Middlesex when he fell a distance of 3.95m to the floor below.

The court heard no steps had been taken to prevent him falling through the opening as he installed the plywood boards. Mr Morales suffered fractures in his pelvis and his arm following the fall and has been unable to work since the accident.

An investigation by the Health and Safety Executive (HSE) found that Kier failed to ensure the work was properly planned and carried out in a safe manner.

Kier Construction Limited of Tempsford Hall, Bedfordshire pleaded guilty to breaching section 4 (1) of the Work at Height Regulations 2005, has been fined £400,000 and ordered to pay costs of £1,534.

Speaking after the case HSE inspector Owen Rowley said: "This incident could have been a lot worse. The system that Kier Construction Ltd has in place to control the risk from installing the protection for openings was not implemented on site, ultimately resulting in the accident.

"The risks of working at height are widely recognised throughout the construction industry. This case highlights the importance of ensuring that all work at height is properly planned and carried out safely."

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Norfolk farming company fined after death of worker

The grain storage facility

A family owned Norfolk farming company has been fined after an employee died at its grain storage facility.

Norwich Crown Court heard that on 9 July 2014, Arthur Mason, 21, took turns with a colleague to undertake cleaning work inside grain bins at Hall Farm, Fincham, near Kings Lynn, run by Maurice Mason Ltd. He was standing directly on the stored grain, using a broom to clean down the exposed inner surfaces of the bin. He wore a harness fitted with a fall-arrest lanyard, which was secured to a fixed ladder inside the bin.

He began to sink into the grain, which was emptying slowly through a small opening at the bottom of the bin several feet below its surface. The court heard that any such movement or cavity in grain may be enough to create a 'quicksand' like effect.

The forces involved caused the fall-arrest component of the lanyard to unravel and extend. This caused him to sink still deeper into the grain. After alerting colleagues, who tried to assist, he swiftly became engulfed in the grain and subsequently drowned, despite most determined rescue efforts by farmworkers and emergency services.

An investigation by Health and Safety Executive (HSE) found that the employer of the deceased, Maurice Mason Ltd, failed to adequately identify and manage the deadly risks associated with cleaning grain stores. There was no safe system of work in place for this task, nor had anyone involved been provided with suitable training in how to complete it safely.

Maurice Mason Ltd of Hall Farm, Fincham, Kings Lynn, Norfolk, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974, and was fined £50,000 and ordered to pay prosecution costs of £22,000.

Speaking after the hearing HSE Inspector Paul Unwin said: "This tragic incident led to the avoidable death of a young man. This death could easily have been prevented if his employer had acted to identify and manage the risks involved, and to put a safe system of work in place. There should be little need for anyone to enter such grain bins as it may be reasonably practicable to clean them remotely from outside".

"The dangers associated with grain storage are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

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