

# Company fined after gable wall collapses

A building company has been fined £40,000 after the unsupported gable wall of a house collapsed on to a neighbouring property leaving a resident with a fractured sternum and collarbone.

The wall fell during a home refurbishment project in which the existing property had been reduced to a shell with its roof, internal walls, and structural support members for both gable ends removed.

Temporary supports to prevent the collapse of both gable ends were not in place and the correct sequencing of works and co-ordination with the scaffolding contractor failed to take place, resulting in the collapse.

An investigation by the Health & Safety Executive (HSE) found that the incident at a house in Grange Road, Bushey, Hertfordshire, on 5 April 2021, could have been prevented by effective planning of the dismantling sequence of works.

Barote Construction Ltd of Clydesdale Avenue, Stanmore pleaded guilty to breaching Regulation 19 (1) of the Construction (Design and Management) Regulations 2015. The company was fined £40,000, ordered to pay costs of £686 and a victim surcharge of £190 at St Albans Magistrates Court on 6 July 2022.

Speaking after the hearing, HSE inspector Rauf Ahmed, said: "This serious incident could have been avoided if the company had implemented a safe system of structural support for the gable end walls to prevent collapse."

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>

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## Workplace fatality figures published

- **123 workers died in work-related accidents in 2021/2022**
- **2,544 deaths in 2020 through past exposure to asbestos**

A hundred and twenty-three workers were killed in work-related accidents in Great Britain in the last year, according to figures published today (Wednesday July 6) by the Health and Safety Executive (HSE).

The annual data release covers the period from April 2021 to March 2022, during which time most pandemic restrictions were lifted and the economy began returning to normal.

The industries with the highest deaths were construction (30), agriculture, forestry, and fishing (22), and manufacturing (22); though agriculture, forestry and fishing has the highest rate of fatal injury per 100,000 workers.

The three most common causes of fatal injuries continue to be falling from height (29), being struck by a moving vehicle (23), and being struck by a moving object (18).

The 123 worker deaths in 2021/22 is lower than the previous year, though it is in line with pre-pandemic figures. There has been a long-term downward trend in the rate of fatal injuries to workers, though in the years prior to the coronavirus pandemic the rate was broadly flat.

A further 80 members of the public were killed following a work-related accident in 2021/22. This is an increase on the previous year but below the pre-pandemic level. This is likely to reflect the various COVID-19 restrictions in place.

The release of the annual figures coincides with the 50<sup>th</sup> anniversary this month of the publication of the Robens report. The landmark report led to the Health and Safety at Work Act in 1974, which ultimately led to the HSE being set up the following year.

Since then, Great Britain has become one of the safest places in the world to work with the number of workplace deaths and injuries falling significantly.

HSE's Chief Executive Sarah Albon said: "While Great Britain is one of the safest countries in the world to work, today's figures show we must continue to ensure safety remains a priority. Every loss of life is a tragedy, and we are committed to making workplaces safer and holding employers to account for their actions, as part of our mission to protect people and places."

The figures relate to work-related accidents and do not include deaths arising from occupational diseases or diseases arising from certain occupational exposures (including Covid-19).

The HSE has also published the annual figures for Mesothelioma, which is a cancer that can be caused by past exposure to asbestos. The figures show that 2,544 people died from the disease in 2020. This is in line with the average of 2,523 deaths over the previous eight years. Current mesothelioma deaths reflect exposure to asbestos that mainly occurred before the 1980s and annual

deaths are expected to decline during the next decade.

## Ends

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2. HSE news releases are available at: <http://press.hse.gov.uk>
3. Work-related fatal injuries: [Fatal injuries in Great Britain \(hse.gov.uk\)](http://www.hse.gov.uk/fatalinjuries)
4. Mesothelioma: [Mesothelioma statistics for Great Britain](http://www.hse.gov.uk/mesothelioma)

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## Building contractor sentenced over unsafe work practice

A Blackburn based building contractor has been sentenced after unsafe work methods constituted a public risk and resulted in asbestos being disturbed.

Preston Crown Court heard that in November 2020, Mr Mohammed Shafiq, owner of a roller shutter business, purchased a former warehouse in Manner Sutton Street, Blackburn to convert into smaller work units, including one for his own use. He was using his own employees for this.

A report was received by the Health and Safety Executive (HSE) from a member of the public, concerned about the fact that bricks from the blocked-up windows were being knocked out from inside onto the street below, causing risk to passers-by.

The HSE investigation found that as well as the risk posed to pedestrians, no edge protection had been installed to prevent the employees from falling. They were also at risk of an internal fall down an open shaft. Additionally, an asbestos survey had not been carried out on the building prior to work commencing.

As a result, piles of disturbed asbestos containing materials such as asbestos cement and insulation, were lying throughout the site. Workers were dry sweeping construction dust and debris possibly containing carcinogenic asbestos dusts without any respiratory protective equipment or suitable personal protective equipment. None of them had been provided with any training in asbestos awareness.

Live electric cables were being trained through water without RCD protection, posing a risk of electric shock, and there was a general lack of training and suitable equipment for work to be carried out in a safe manner. An experienced principal contractor should have been hired to assess risks and undertake refurbishment work in a controlled manner.

Mohammed Shafiq of Whitehead Street, Blackburn pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012, Regulation 4 of the Construction (Design and Management) Regulations 2015 and Regulation 4 of the Work at Height Regulations 2005. He received a 12 month suspended sentence and was fined £5,000 and ordered to pay costs of £4636.08

HSE inspector Christine McGlynn said after the hearing: "The public can be reassured that HSE takes concerns seriously and will not hesitate to investigate thoroughly and prosecute those who put workers and members of the public at risk."

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2. More about the legislation referred to in this case can be found at: [Are you a tradesperson? – Asbestos \(hse.gov.uk\)](http://www.hse.gov.uk/areyouatradesperson/asbestos.htm)

[Construction – Assessing all work at height – HSE](http://www.hse.gov.uk/construction/assessingallworkatheight.htm)

[Construction \(Design and Management\) Regulations 2015 \(hse.gov.uk\)](http://www.hse.gov.uk/construction/cdm/cdm2015.htm)

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

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## **Carlsberg fined £3m following 2016 ammonia gas leak**

Carlsberg has been fined £3 million after a contractor died and another was seriously injured following an ammonia gas leak at one of its breweries.

The incident happened at Carlsberg's site in Northampton. An investigation by the Health and Safety Executive (HSE) found Carlsberg hadn't put proper controls in place.

Father-of-two David Chandler, 45, was killed and David Beak, now 57, was seriously injured.

David Chandler was a father of two, from Bridge North, Shropshire. His family today said they welcomed the end of the case against Carlsberg and hoped no other families would have to suffer as they have.

Birmingham Crown Court heard that at its Northampton brewery Carlsberg had failed to put in place appropriate isolation controls to prevent exposure to ammonia before work started to remove a compressor from a refrigeration system.

The Principal Contractor for the project was Crowley Carbon UK Ltd, which had appointed numerous contractors to assist in the works.

On 9 November 2016 while the compressor was being removed, there was a large, uncontrolled release of ammonia.

David Chandler and David Beak were both employees of sub-contractor Speedrite NE Ltd.

Twenty people needed hospital checks after showing symptoms of ammonia exposure. It was several days before the leak was contained and gas levels dropped to a safe level. David Beak, of Failsworth in Oldham, was seriously injured.

Carlsberg Supply Company UK Ltd, who were summonsed under their new company name of Carlsberg Marston's Brewing Company, pleaded guilty to charges under Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974, and Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999. The company was fined £3 million with costs of £90,000.

Mr Chandler's family, in a statement, said: "We welcome the conclusion of the prosecution case against Carlsberg UK Supply Company Ltd following the death of David five and half years ago.

"As a family we will never fully accept the death of David in such tragic but preventable circumstances and the legal process involved has been emotionally exhausting as well as frustrating given the length of time which has lapsed since the accident.

"We are pleased that improvements have been made at Carlsberg's site in Northampton which will hopefully ensure no other families suffer the anguish we have endured since November 2016 when the failings at the brewery resulted in the deadly release of ammonia gas which caused David's death.

"David was a loving husband, adoring Daddy and much-loved brother and Uncle. We are devastated that his young family will not be able to share their lives with him as they grow. He was a larger-than-life character whose loss has left a massive void nothing can replace.

"There have already been so many special and precious moments which David has missed out on and the fact that there will continue to be some many more as

his daughters grow into young ladies breaks all our hearts daily. He is missed every day, and our lives will not ever be the same without him.”

HSE principal inspector Samantha Wells said: “Industry guidance on safe isolation of plant should have been followed. This would have ensured that a higher level of isolation was in place, for prevention of exposure to this highly toxic and flammable substance.

“Both the client, Carlsberg, and the Principal Contractor should have worked together to ensure that the risk was adequately managed. Not only Carlsberg had a duty here. There was also a very clear duty on the Principal Contractor.

“This underlines the dangers of not following industry guidance when working with toxic and flammable substances – HSE will take action against all who fail to ensure the safety of employees and others who may be exposed to danger.

“Projects involving multiple contractors require effective management arrangements, so it’s clear who is responsible for every part of the work and that safety checks are carried out before allowing work to start.”

The Health and Safety Executive also brought a case against Crowley Carbon Ltd in relation to the incident which led to the death of Mr Chandler and the injuries to Mr Beak, which were also due to be tried but for the company being placed into compulsory administration by creditors.

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3. HSE news releases are available at: <http://press.hse.gov.uk>
4. Further guidance on the safe isolation of plant and equipment can be found at: The safe isolation of plant and equipment – HSG253 ([hse.gov.uk](http://hse.gov.uk))

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## **[Company fined after fatality involving](#)**

# a mobile elevating work platform

A Lincolnshire based manufacturing company that specialises in lifting and handling equipment has been fined after an employee died after falling with a work platform onto the M25 motorway.



Reading Crown Court heard that Rick Jeager-Fozard, an employee of Kimberly Access Limited, was carrying out a routine pre-delivery inspection on a mobile elevating work platform (MEWP) on 5 June 2013.

The MEWP extended to an unsafe angle and resulted in the MEWP falling onto the M25 motorway. Mr Jeager-Fozard was working in the platform of the MEWP, falling with the device.

An investigation by the Health and Safety Executive (HSE) found that the device had become unsafe because a miscalibration of its secondary boom angle sensor, which started to extend even though the boom had not been raised to the necessary angle. It was found that the MEWPs secondary boom had raised to an angle around 6-degrees lower than required, the boom then extended beyond its safe working limit and tipped over.

The miscalibration occurred through incorrect data being manually manipulated and uploaded onto the machine via a laptop using password protected WebGPI software. The carrying out of warranty repairs on the machine during this period, including granting access to the WebGPI software, fell within the conduct of Genie UK Ltd's undertaking.

Genie UK Limited of The Maltings, Wharf Road, Grantham, Lincolnshire pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. The company was fined £270,000 and ordered to pay costs of £165,175.

HSE inspector Stephen Faulkner said: "This was a tragic and harrowing incident. Modern high reach MEWPs rely on accurate data to ensure they extend and operate safely, and steps should be taken to ensure the process of calibrating sensors is correctly followed.

"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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