

# Company fined after fall leaves grandad with life-changing brain injuries

The wife of a man left severely disabled by a workplace accident says he is a "stranger in her husband's body".

Sue McFarlane's partner John suffered life-changing brain injuries falling 2.5 metres from a delivery vehicle to a concrete floor at the vehicle parts company where he worked.

John, 57, a dad of four and grandfather of three, was in a coma for 24 days. He had a fractured skull, fractured ribs, a broken collar bone, and broken and dislocated fingers.

Sue is now John's registered carer. He can never work or drive again and is classed as 80% disabled.

She spoke after Autoneum Great Britain Ltd, which employed John at its site in Stoke-on-Trent, was fined £30,000 over the accident on 5 June 2018.

Sue, 57, who lives with John in Newcastle-under-Lyme, said: "Not only has the accident had a devastating impact on his life but a devastating effect on all those around him, none more than his children, stepchildren, grandchildren, the whole family.

"He will never be the John we all loved before this happened, just a shell of what he once was."

Before John fell, he and a visiting driver had climbed on to the top deck of the delivery vehicle at the Autoneum site and were trying to move a pallet, which had moved while being transported, towards the open edge where it could be reached by a forklift truck.

The banding they were using to move the pallet by hand snapped and John fell to the concrete floor.

An investigation by the Health and Safety Executive (HSE), Britain workplace regulator, found that whilst a risk assessment was in place it was not suitable and sufficient and there was no safe system of work for unloading vehicles or dealing with pallets that had moved in transit.

Employees had not been adequately trained or instructed and supervision and monitoring was not adequate to identify the risk that existed.

Autoneum Great Britain Ltd, of Stanley Matthews Way, Trentham Lakes, Stoke on Trent Staffordshire pleaded guilty to breaching Section 2(1) of the Health and Safety at work etc Act 1974 and was fined £30,000 and ordered to pay £10,126 costs at Cannock Magistrates Court on December 2, 2022.

Sue said: "John has received life changing injuries from his workplace accident. He is not the man I married, but a stranger in my husband's body.

"He set off for work for the day and didn't come home for nine months, and even then it was to a different house as we had to move, as he couldn't have managed the stairs in the old house.

"John was the nicest man. He had lots of patience, he'd give you anything and would do anything he could to help you. Now he has no patience at all, he's grumpy all the time, and is obsessive about things.

"He is as good as he's ever going to be, there's nothing that can be done that's going to bring him back. He doesn't really understand what's going on, he thinks that if he gives himself a smack on the head he'll wake up.

"He can walk and he can talk, but it's difficult. He doesn't remember things. He has no short-term memory at all and has lost about 21 years of his memory.

"John doesn't really understand what's going on. It's so hard for the whole family, for everyone. His sons have lost the man who was their dad."

Falls from height caused the deaths of 174 workers over the past five years, representing 26% of all work-related fatalities.

Speaking after the hearing, HSE Acting Principal Inspector Andrew Johnson said: "Falls from height remain one of the most common causes of work-related fatalities in this country.

"The risks associated with working at height and safe systems of work to control the risks are well known.

"Employers have a responsibility to devise safe methods of work and to provide the necessary information, instruction, training and supervision to their employees and others working at their site.

"Had that been done, the life changing injuries Mr McFarlane has sustained could have been prevented."

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

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## [Engineer jailed for illegal gas work](#)

A plumbing and heating engineer has been jailed for 20 weeks after carrying out illegal gas work.

Peter Read, who traded as A.C.E Plumbing and Heating in Portsmouth, was contracted to install a new gas central heating boiler for a customer in January 2020.

A few days later the customer experienced problems with the boiler. On inspection by an engineer on the Gas Safe Register, the installation did not meet current standards. Further repair work was then required by a Gas Safe Registered engineer to ensure that the installation was in a safe condition.

An investigation by the Health and Safety Executive (HSE) found Peter Read was not competent to carry out gas work and not on the Gas Safe Register at the time he carried out this work. Mr Read had previously been prosecuted by the HSE in April 2016 and had been found guilty of carrying out unregistered gas work. He was fully aware of his legal responsibilities when carrying out gas work.

Peter Read of Seafield Road, Portsmouth, pleaded guilty to breaching Regulation 3(1) and 3(3) of the Gas Safety Installation and Use Regulations 1998 and section 22 of the Health & Safety at Work etc Act 1974. He was handed a custodial sentence of 20 weeks at Portsmouth Magistrates' Court on 2 December 2022.

HSE Inspector Karen Morris said: "Peter Read continued to carry out gas work while he was not competent to do so and while not Gas Safe Registered.

"He has shown a blatant disregard for the law and continues to put people at risk despite previous enforcement against him by the HSE. His actions have not only caused considerable stress for the customers concerned but have also resulted in additional financial outlay required to put right his poor-quality work.

"I would like to take this opportunity to remind anyone who needs gas work doing to make sure they check that the engineer has the right skills and is registered with Gas Safe Register. This is very easy to do and by law, anyone working with gas must be listed on the register."

Find out more about the [Gas Safe Register](#) and for more information on gas health and safety visit HSE's [website](#).

### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator

for workplace health and safety. We seek to 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)

2. To help ensure the highest standards of gas safety are met and to prevent injury and loss of life, all gas work in domestic premises must be carried out by people who have been properly trained and are registered Gas Safe engineers. HSE will not hesitate to take enforcement action against people who break the laws surrounding gas work which are in place to protect the public. We would encourage anyone who is asking for gas work to be done to make sure they check the engineer has the right skills and is registered with Gas Safe Register. Homeowners can ask to see the engineer's Gas Safe Register identification card which contains key information. Further information about gas safety can be found at: <https://www.hse.gov.uk/gas/domestic/index.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Company fined £800,000 after employee suffers serious burns](#)

A chemicals company has been fined £800,000 after a worker suffered life-changing injuries in an explosion.

The employee of International Paint Limited spent eight days in intensive care on life support and has been left with all-over body scarring, partial blindness to one eye, hearing damage, and damage to a knee and shoulder.

He was off work for 16 months.

The explosion at the company's premises in Gateshead on 4 August 2020 caused significant damage to the building.

The employee, who was 49 at the time and from South Shields, was making paint in a large mixing vessel, which involved the use of flammable liquids.

As he was emptying resin pellets from a large bulk bag into the vessel an electrostatic spark was generated, igniting flammable vapour within the vessel, causing a large explosion.

An investigation by the Health and Safety Executive (HSE) identified that the company failed to put sufficient measures in place to control the risk.

This included a failure to use a correctly working extraction system to remove the flammable vapours and effective electrical earthing of the bulk bag to prevent the build-up of electrostatic charge that led to the static

spark discharging.

International Paint Limited, of Stoneygate Lane, Gateshead pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £800,000 with £14,032 costs at Newcastle upon Tyne Magistrates' Court on November 30, 2022.

HSE inspector Paul Wilson said: "This incident should serve as an important reminder to industry that fire and explosion can have devastating consequences.

"It is critical that employers fully assess the risk of fire and explosion including the risk from static discharges and put the necessary control measures in place."

#### **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](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. Guidance on earthing to counter static can be found at: [Earthing \(hse.gov.uk\)](http://www.hse.gov.uk/earthing)
4. HSE news releases are available at <http://press.hse.gov.uk>

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## **Demolition firm and director prosecuted after 20-year-old labourer crushed**

A demolition firm has been fined and one of its directors ordered to do 250 hours of unpaid work after a 20-year-old worker was crushed.

Ace Demolition Services Ltd had been contracted by Southend Borough Council to demolish Futures Community College, in Southchurch Boulevard, Southend-on-Sea.

Shannon Brasier, who was 20 years old at the time, was working with a colleague to load a fuel hose into the rear compartment of a 21-tonne excavator, when the excavator moved round and crushed her between the excavator and a mobile fuel tank.

Ms Brasier, from Dagenham, suffered life-changing injuries, including to her neck, skull and face, which she was fortunate to survive.

An investigation by the Health and Safety Executive (HSE) found that Ace Demolition Services Ltd failed to implement suitable controls to segregate pedestrians and construction plant, allowed two pairs of keys to be used during the refuelling process and allowed operatives to act as signallers/banksman for the excavator without having received adequate training.

A director, John Gilligan, was responsible for supervising the refuelling and drove the excavator before the refuelling was complete.

The incident happened on 28 July 2020.

Ace Demolition Services Ltd and John Gilligan, of Fox Burrows Lane, Writtle, Chelmsford pleaded guilty to breaching Section 2(1) and 37(1) of the Health & Safety at Work Act 1974.

Ace Demolition Services Ltd was fined £20,000 and ordered to pay costs of £9,731 at Chelmsford Magistrates' Court on 24 November 2022. John Gilligan was given a 12-month community order with a requirement to undertake 250 hours of unpaid work.

HSE inspector David Tonge said: "This incident could have so easily been avoided. While there were a number of shortfalls, this incident ultimately occurred due a failure to keep the workers away from the excavator.

"Duty holders must ensure that individuals are segregated from vehicles and construction machinery."

#### **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)
  2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.hse.gov.uk/legislation.gov.uk/) [The safe use of vehicles on construction sites HSG144 \(hse.gov.uk\)](https://www.hse.gov.uk/publications/priced/hsg144/) <https://www.hse.gov.uk/pubns/priced/hsg150.pdf>
  3. HSE news releases are available at <http://press.hse.gov.uk>
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# Health board fined £160,000 after employees diagnosed with Hand Arm Vibration Syndrome

A Welsh health board has been fined after three employees were diagnosed with Hand Arm Vibration Syndrome (HAVS).

Powys Teaching Health Board required its employees to routinely operate handheld power tools such as lawn mowers, strimmers and hedge cutters without carrying out an assessment of the risks from exposure to vibration.

There was no monitoring, or any estimate of exposure to vibration, even though employees, particularly during the summer months, operated handheld power tools for several hours a day.

An investigation by the Health and Safety Executive (HSE) found the health board had failed to properly assess the levels of exposure to its employees and that information, instruction and training given to staff was limited.

It also found that the health board had ignored requests from its own occupational health department to conduct a risk assessment.

The lack of monitoring, assessment, training and health surveillance has allowed employees to operate handheld power tools for a significant period, in some cases several decades, without having the necessary measures in place to reduce the risk. This led to three employees being diagnosed with Hand Arm Vibration Syndrome.

Powys Teaching Health Board of Glasbury House, Bronllys Hospital, Bronllys, Powys, Wales, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. They were fined £160,000 and ordered to pay costs of £5,599 at Wrexham Magistrates' Court on 22 November 2022.

Speaking after the hearing, HSE inspector Joe Boast said: "This was a case of the health board completely failing to grasp the importance of managing its staff's exposure to vibration while using handheld power tools.

"Employers should conduct a full assessment of the vibration magnitude and exposure duration, before reviewing whether employees are at risk. There is a simple online calculator to help employers complete this process.

"If the health board had followed the free guidance, they would not have exposed employees to risk and possibly have prevented the ill health that has been suffered."

## **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](http://hse.gov.uk)

2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE's hand-arm vibration exposure calculator can be found here: [Hand arm vibration – Exposure Calculator \(hse.gov.uk\)](http://hse.gov.uk/hand-arm-vibration-exposure-calculator)
4. HSE news releases are available at <http://press.hse.gov.uk>