

Scrap metal company fined after worker loses four fingers

A scrap metal company has been fined for safety breaches after a worker lost parts of four fingers while operating poorly maintained machinery.

On 27 March 2020, a man working for Infinity Metals Limited suffered amputations to multiple fingers while operating the machinery at Vickerdale Works, Arthur Street, Stanningley, Pudsey, Leeds.

An investigation by the Health and Safety Executive (HSE) found that while the employee was operating the crocodile shear, he leant over the machine while it was in motion to clear metal and caught his right hand in the machine. This caused him to suffer an amputation to four of his fingers.

Infinity Metals Limited, of Spur Road, Quarry Lane Industrial Estate, Chichester pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £26,680 and ordered to pay prosecution costs of £7,005.50 at Leeds Magistrates' Court on 9 November 2022.

After the hearing, HSE inspector Darian Dundas said: "The lack of clear roles and responsibilities together with insufficient training and poorly maintained machinery played a significant part in this incident.

"This incident could so easily have been avoided by simply maintaining the machinery in good working order, ensuring that the correct control measures were present, and ensuring that safe working practices were adhered to."

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

Eddie Stobart fined after workers

exposed to asbestos

Logistics company Eddie Stobart has been fined after work at one of its sites exposed staff to asbestos.

The firm was fined £133,000 for a series of failures that took place while excavation work was carried out at its rail and container freight port in Widnes.

Asbestos containing materials (ACMs) were disturbed by the building work, putting staff at risk.

An investigation by the Health and Safety Executive (HSE) found an asbestos survey had not been carried out, the workers involved hadn't received any training in relation to asbestos, and Eddie Stobart failed to report the incident correctly.

Manchester Magistrates Court heard that in early 2018, an area of the company's Mersey Multimodal Gateway in Widnes was earmarked for the storage of empty containers. As the ground had become damaged by heavy lift loaders used to move containers, it was decided to scrape away the top layer to reach an older, more level surface below.

This work took place over several months and subsequently the remnants of old buildings containing asbestos were present in the surface material. Underground basement cavities were also found and excavated and then backfilled with rubble. Several workers complained about the dust created by these processes and what it may contain.

An investigation by HSE found an asbestos survey had not been carried prior to the work beginning to determine if any of the excavated material contained asbestos.

A risk assessment had not been carried out nor suitable control measures put in place to prevent or reduce exposure to asbestos or prevent the spread of asbestos containing materials from the site. The workers involved in the excavation work hadn't received any training in relation to asbestos.

It was several months after the work had been completed that testing was carried out and the subsequent survey identified ACMs in the mounds of spoil, as well as scattered around the footprint where the work had taken place.

The company then failed to report the incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) within the 10-day timeframe required.

Eddie Stobart Ltd, of Stretton Green Distribution Park, Langford Way, Appleton, Warrington, Cheshire pleaded guilty to breaching Regulation 5 of The Control of Asbestos Regulations 2012 and Regulation 11(1) of The Control of Asbestos Regulations 2012. The company was fined £133,000 and ordered to pay costs of £9,260 on 4 November 2022.

Following the hearing, HSE Inspector Stuart Wood said: "Asbestos was historically used in countless applications and can be found in a variety of places.

"The law requires businesses undertaking work in demolition, maintenance or any other work which exposes or is liable to expose employees to asbestos to assume ACMs are present unless you have evidence, such as an asbestos survey to indicate otherwise.

"The duty to manage asbestos relates to entire premises including yard areas, not just buildings. There is no safe level of exposure to asbestos."

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

Two companies fined after driver is crushed while unloading vehicle

Two companies have been fined after a heavy goods vehicle (HGV) driver suffered fatal chest injuries while unstrapping a load on a trailer.

Andrew Bayley-Machin, 41, of Park Drive, Cheadle, Stoke-on-Trent was fatally crushed when he was hit by a pack of steel gates that fell approximately three metres from a load on a flatbed trailer.

The vehicle had been loaded with the gates at Joseph Ash Ltd of Stafford Park 6, Telford and driven by Mr Bayley-Machin to the premises of his employer LM Bateman & Company Ltd in Cheadle Road, Cheddleton, Staffordshire when the incident happened on 20 June 2018.

An investigation by the Health and Safety Executive (HSE) found that arrangements for planning and restraining loads were inadequate to ensure that the stability of goods was independent of the load straps so that release of the straps did not allow the load to fall from the vehicle.

LM Bateman and Company Limited of Island Works, Cheadle Road, Cheddleton, Leek, Staffordshire pleaded guilty to breaching Sections 2 (1) and 3(1) of the Health and Safety at Work Act 1974. They were fined £120,000 and ordered to pay costs of £16,334 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Joseph Ash Limited of Westhaven House, Arelston Way, Shirley, Solihull, West Midlands pleaded guilty to breaching Sections 2(1) and 3 (1) of the Health and Safety at Work Act 1974. They were fined £244,500 and ordered to pay costs of £17,834 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Following the hearing, HSE inspector Wendy Campbell said: “This death would have been prevented had an effective system for managing load restraint been in place at both companies.

“This is a reminder to all companies of the need to properly assess and apply effective control measures when securing loads to minimise the risks from transporting goods on road vehicles.”

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[Ventilation testing company fined for putting hundreds at risk](#)

A company that tests ventilation systems has been fined for putting hundreds of workers at risk of serious lung diseases.

Airtec Filtration Ltd was used by businesses across the UK to test extract ventilation systems, which reduce exposures to airborne contaminants in a workplace.

An investigation by the Health and Safety Executive (HSE) found the firm, which is based in St Helens, Merseyside provided its customers with inaccurate test results, potentially leaving staff in those businesses unaware of the risks they faced.

In one incident, when assessing a car manufacturing business, the Airtec engineer failed to identify the presence of rubber fumes, which are carcinogenic and can lead to cancer.

In another, a baking company used flour and other respiratory allergens, which the engineer identified inadequately as food dusts. The Airtec engineer failed to provide any other information to highlight the presence of asthmagens, which can lead to occupational asthma.

Between 2018 and 2019 Airtec Filtration Ltd were providing Through Examination and Tests (TExT) of local exhaust ventilation (LEV) systems, which are designed to control substances dangerous to health.

The company claimed their work met the requirements of the Control of Substances Hazardous to Health Regulations (COSHH) 2002.

However, the testing the testing reports provided to businesses were insufficient as hazardous substances were not adequately identified, and the local exhaust ventilation tests were not carried out correctly.

HSE inspectors visited multiple sites, where testing was undertaken by Airtec and at each one a number of significant and common failings were found.

As a result, Airtec was served with an Improvement Notice on 23 October 2019.

The Improvement Notice required Airtec to provide training to their engineers to ensure that they had adequate knowledge, training and expertise in the assessment, evaluation and control of risk arising from exposure to hazardous substances, so as to not expose persons who might be affected, to a potential health risk.

An investigation by HSE found that Airtec was aware of the need for a competent person who held professional qualifications to carry out the testing but did not provide the necessary training for their engineers.

Airtec Filtration Ltd, of Manor Street, St Helens pleaded guilty to contravening Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £2,666 and ordered to pay costs of £4,074 at Manchester Magistrates' Court on 4 November 2022.

The issue came to light when HSE inspectors requested TExT reports relating to LEV systems from a number of businesses as part of routine inspections and investigations. LEV is an engineering control system installed to reduce exposures to airborne contaminants such as dust, mist, fume, vapour, or gas in a workplace.

The documents received by inspectors raised concerns about the accuracy of Airtec Filtration Ltd's services who had tested the LEV systems for a number of businesses.

HSE inspector Rose Leese-Weller said: "Airtec Filtration Ltd provided inadequate training to their engineers while claiming to provide a thorough testing service for LEV systems.

“They provided businesses with unsatisfactory reports based on limited or inconclusive evidence, with little or no consideration of the level of risk of different hazardous substances.

“Inhalation of hazardous substances at work can have devastating consequences to workers leading to occupational asthma, cancer, chemical asphyxiation or neuro-toxic effects.

“This company completely flouted regulations potentially putting hundreds of workers at serious risk. HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards, we hope this sentencing sends out a stark warning to the industry.”

People who believe they may have been exposed to a hazardous airborne substance in the workplace will understandably be anxious and concerned about the possible effects on their health.

Anyone who is concerned about possible exposure to hazardous substances from work activities is advised to consult their GP and ask for a note to be made in their personal record about possible exposure, including date(s), duration, type of substance and likely exposure levels (if known).

In some circumstances, the GP may refer them to a specialist in respiratory medicine.

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 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>[3]
 4. For further guidance on Local Exhaust Ventilation (LEV) workplace fume and dust extraction visit: [Local exhaust ventilation – workplace fume and dust extraction \(hse.gov.uk\)](http://www.hse.gov.uk/local-exhaust-ventilation-workplace-fume-and-dust-extraction) and [Local exhaust ventilation – Frequently asked questions \(hse.gov.uk\)](http://www.hse.gov.uk/local-exhaust-ventilation-frequently-asked-questions)
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Companies given six-figure fines after HGV driver seriously injured

Three companies have been given six-figure fines after a driver was crushed between a reversing HGV and a forklift truck in a warehouse beside Heathrow Airport.

An employee of Davies Turner Air Cargo Limited was collecting a consignment from Airworld Airlines Ltd's site at the X2 Hatton Cross Centre, which is alongside the airport, in August 2017.

A vehicle, operated by Saints Transport Limited, which was collecting a consignment from Unilode Aviation Solutions UK Limited, also based at the X2 Hatton Cross Centre, reversed causing the employee to become crushed between the rear of the vehicle and the forklift truck, resulting in serious injuries.

The X2 Hatton Cross Centre is owned by Brixton (Hatton Cross) 1 Limited and is managed by Segro Administration Limited.

HSE visited the X2 Hatton Cross Centre and an investigation found the site layout did not segregate those working or visiting the site, so far as reasonably practicable, from being struck by moving vehicles.

None of the defendants had taken responsibility for managing traffic. Neither did they communicate, co-operate or co-ordinate with one another.

Segro Administration Limited, of New Burlington Place, London pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 Section 3(1). Airworld Airlines Ltd, of High Street, Sunninghill, Ascot, and Unilode Aviation Solutions UK Limited, of Hatton Cross Centre, Heathrow, Middlesex, both pleaded guilty to breaches of the Health and Safety at Work etc. Act 1974 Sections 2(1) and 3(1).

Segro Administration Limited was fined £320,000 and ordered to pay costs of £17,584, Airworld Airlines Ltd was fined £120,000 and ordered to pay costs of £17,605, and Unilode Aviation Solutions UK Limited was fined £110,000 and ordered to pay costs of £10,878 at Southwark Crown Court on 1 November 2022.

Following the guilty pleas, the prosecution reconsidered the charges laid against Brixton (Hatton Cross) 1 Limited, Saints Transport Limited and Davies Turner Air Cargo Limited, and determined that it was no longer in the public interest to continue with their cases. The prosecution offered no evidence, and these defendants were found not guilty.

Speaking after the case, HM Acting Principal Inspector Sarah Pearce said: "This incident was entirely avoidable. Workplace transport incidents fatally injure 50 workers in Great Britain a year, with 5,000 other incidents resulting in serious personal injury.

“Where reasonably practicable, reversing manoeuvres should be avoided and pedestrians and moving vehicles segregated.

“Where businesses share a workplace, as in this case, they should ensure that there are systems in place for sufficient communication, co-operation and co-ordination so that others are aware of the risks arising from their undertaking.”

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. [gov.uk](#)^[1]
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk](#)^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about workplace transport arrangements can be found here: [Vehicle and transport safety at work \(hse.gov.uk\)](#)
5. Further information on shared workplace duties can be found here: [Multi-occupancy workplaces \(hse.gov.uk\)](#)