

# Company fined after worker fell down a lift shaft

A care home was sentenced after an employee suffered significant injuries after falling around 1.5 metres down a lift shaft.

Northampton Magistrates' Court heard how on 25 September 2016 the employee was using the platform lift to transport the residents' breakfasts from the kitchen to the dining room on a different floor. An interlock system which meant that the lift door could only be opened when the platform was at the right floor was broken. The employee fell down the shaft because the platform was at a lower level.

An investigation by the Health and Safety Executive (HSE) found that the door locking mechanism had been broken for about a month prior to this incident and management failed to deal with the known issue of employees overriding the door safety locking mechanism with a screwdriver. The lift had also not been thoroughly examined.

Sutton in the Elms Care Limited of Sutton Lane, Leicester pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Regulation 9(3)(a)(i) of the Lifting Operations and Lifting Equipment Regulations and has been fined £14,000.00 and ordered to pay costs of £2535.90

Speaking after the hearing HSE inspector Michelle Morrison said "This incident could so easily have been avoided, had the management at the care home ensured that employees were not manually over-riding safety features on this platform lift. Safety features on all work equipment are designed to keep people safe and prevent accidents, such as this one.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

## **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>

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

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# Sole trader fined after worker injured

An East Lothian-based sole trader was today fined after a self-employed furniture maker was injured on their premises.

Edinburgh Sheriff Court heard how, on 25 February 2016, a self-employed furniture maker was working on the premises owned by Peter Anselm Fraser, trading as A and A Fraser Property. Whilst the furniture maker was moving wood over the planer blade, the machine skidded on the table causing her left hand to slip off the top edge and come into contact with the exposed part of the blade. As a result, the furniture maker suffered hand injuries.

An investigation by the Health and Safety Executive (HSE) found the planer machine was fitted with a fence guard but lacked a bridge guard at the area she was working. The absence of a bridge guard on the planer created an increased risk where the operator might inadvertently come into contact with the exposed portion of the blade.

Peter Anselm Fraser trading as A and A Fraser Property of Gifford, East Lothian, pleaded guilty to breaching of Regulation 11(1) and (2) of the Provision and use of Work Equipment Regulations 1998 and was fined £6,700.

Speaking after the hearing, HSE inspector Kim Munro said: "This injury was easily preventable and the risk should have been identified.

"Employers/sole traders should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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# West Midlands timber yard fined after two workers struck by vehicle

A timber yard has been fined after two workers were seriously injured when they were struck by a side loader lift truck.

Wolverhampton Crown Court heard how, on 23 February 2015, two employees of Palmer Timber Ltd were walking across the yard at the site in Cradley Heath when they were hit by a side loader lift truck. One worker suffered a fractured ankle while his co-worker suffered multiple serious injuries including a fractured eye socket and collar bone, a severed thumb, damage to his tongue, broken bones in his forearm, a broken rib and further injuries which required skin grafts.

An investigation by the Health and Safety Executive (HSE) into the incident found that the company did not have effective precautions in place for vehicles and pedestrians to move around safely.

Palmer Timber Ltd of Station Road, Cradley Heath pleaded guilty to breaching Regulation 4, by virtue of Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992. The company was fined £730,000 and ordered to pay costs of £13,844.87 and a victim surcharge of £120.

After the hearing, HSE inspector Richard Littlefair commented: "This incident could have been much worse with the potential for fatal injuries. "There were reasonably practicable measures which should have been in place in order to allow vehicles and pedestrians to circulate in a safe manner."

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## Company fined after worker injured

An electrical contracting firm has been fined following one of its employees sustaining severe lacerations after his hand made contact with the moving blade of a mitre saw due to a faulty guard.

Nottingham Magistrates' Court heard the injured employee cut his hand while using a mitre or 'chop saw' with a faulty guard. The guard failed to return to position and cover the blade when the saw was in the upright position, meaning that when the employee reached across it he severely cut his wrist.

A Health and Safety Executive (HSE) investigation found that a lack of suitable maintenance meant the guard did not operate as intended and did not come down to cover the dangerous blade and protect the user.

AllRound Electrical Services Limited of High Street, Coleshill, Birmingham pleaded guilty of breaching Regulation 11 (3) of the Provision and Use of Workplace Equipment Regulations 1998. The company was fined £4,000 and ordered to pay costs of £1,060.50.

HSE inspector Philip Gratton said: "This case highlights the importance of regular proactive maintenance of work equipment, including mitre saws, to ensure equipment does not deteriorate to the extent that it puts people at risk. In this case AllRound Electrical Services Ltd failed to effectively maintain equipment which resulted in life-changing injuries to its employee."

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## Devon construction company fined over

# safety risk

A Devon based construction company has been fined after placing employees and members of the public at risk of serious injury by failing to suitably maintain their fleet of lorry mounted elevated work platforms (MEWP).

Following a fatal incident in Dawlish on 13 December 2014, a subsequent investigation by the Health and Safety Executive (HSE) found that the MEWP involved in the incident failed to automatically stop before overslewing, increasing the risk of vehicle overturn.

Exeter Crown Court heard that, prior to December 2014, there was an almost complete lack of a planned preventative maintenance systems at the company. The investigation also found that workers had not been given adequate information or instruction regarding how to use or maintain the machines or how to carry out pre-use checks. There is no suggestion that the failings of the company caused the fatal incident in Dawlish.

T J Smith Contracting Ltd of Pellew Arcade, Teign Street, Teignmouth was found guilty of breaching Regulation 2 (1) and 3 (1) of the Health and Safety at Work etc. Act 1974 and has been fined £60,000 and ordered to pay costs of £70,000.

Speaking after the hearing, HSE inspector Sue Adsett said: "Owners of high risk work equipment such as cherry pickers have a responsibility to ensure that they are safe. The manufacturers' maintenance regime should be followed, rather than simply carrying out repairs when the machine breaks down."

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4. The machine should automatically have stopped itself from rotating more than 180 degrees because only half of the stabilising legs were deployed. However, it 'overslewed' i.e. rotated further than it should have done, became unstable, and then overturned.
5. Further information about safe techniques can be found at: <http://www.hse.gov.uk/construction/safetytopics/mewp.htm>
6. New industry guidance on "Managing the safe condition of MEWPs" can be found at: <https://www.cpa.uk.net/sfpsq/#MEWPs>

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