

Company fined after worker crushed to death

A company in Doncaster has been fined after an employee was killed when a mixer wagon fell onto him.

The 52-year-old man was fatally crushed by the vehicle at Booth Mixer Hire Limited's site at Bankend Quarry on 9 December 2019.

He had been replacing the wagon's two front wheels when it fell on top of him.

With the existing wheels already removed, the worker entered the underside of the vehicle and attempted to prop it higher up using a bottle jack. It was at this point when the wagon fell onto the worker.



A 52-year-old man was crushed under the wagon while attempting to replace its front wheels

A Health and Safety Executive (HSE) investigation into this incident found Booth Mixer Hire Limited failed to carry out a suitable and sufficient risk assessment for replacing the wheels on the wagon. The firm had also failed to put in place a system of work that ensured the work could be carried out safely. It also failed to consider the use of alternative equipment, such as a trolley jack, which would have allowed the vehicle to be jacked from outside the danger zone.

HSE guidance states employers must make sure there are safe working procedures in place when moving heavy loads and ensure all lifting points for jacks and stands are correct for that vehicle. More on this can be found at: [Working under vehicles \(hse.gov.uk\)](https://www.hse.gov.uk/working-under-vehicles/)



Booth Mixer Hire Limited were fined more than £16,000

Booth Mixer Hire Limited, of Bankend Road, Blaxton, Doncaster, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £50,000 and ordered to pay £16,717.15 in costs at Sheffield Magistrates' Court on 2 April 2024.

HSE inspector John Boyle said: "This tragic incident could have been avoided by assessing the risk and implementing safe working practices.

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

This prosecution was brought by HSE enforcement lawyer Jonathan Bambro and supported by HSE paralegal officer Louisa Shaw.

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.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

**[April is Stress Awareness Month:
tackle stress in the workplace with](#)**

five steps in five weeks

This April, Britain's bosses are being invited to follow five simple steps to prevent and reduce stress in their workplace.

The Health and Safety Executive's (HSE) Working Minds campaign has called on employers to support workers mental health during Stress Awareness Month.

Liz Goodwill, head of the work-related stress and mental health policy team at HSE, said: "We are inviting business owners, employers and managers to join others across Britain to make a difference during Stress Awareness Month in five steps."

Over the course of the month, employers are encouraged to focus on one of the campaign's 5 Rs for each of the five weeks. They are: to **Reach out** and have conversations, **Recognise** the signs and causes of stress, **Respond** to any risks you've identified, **Reflect** on actions you've agreed and taken, and make it **Routine**.

Preventing work-related stress isn't just the right thing to do by workers, it's the law. All employers are required to prevent work related stress to support good mental health in the workplace.

The Working Minds campaign brings together a range of tools and support to help businesses and workers including free online learning, Talking Toolkits, risk assessment templates and examples.

Liz added: "Failing to manage work-related stress can cost employers in reduced productivity, sickness absence costs, or even losing a valued member of the team. Employers are required to assess the risk of work-related stress impacting their workers, and act on the risks identified.

"As well as guiding you step by step, we provide all the practical templates, tools and resources you need to get started or, you can use it as an opportunity to review what you already do. A huge part of this is making it part of your everyday working life, not just a one-off tick box that gets forgotten about."

The CIPD, the professional body for HR and people development, and The National Examination Board in Occupational Safety and Health (NEBOSH) are the latest organisations to join as campaign partners, taking the total supporters to more than 30.

Rachel Suff, senior policy advisor, employee relations at the CIPD, says: "Many organisations are reactive and tend to put more emphasis on providing support when people become ill rather than on prevention, including for mental ill health and stress. We need both! We want to see every organisation taking a proactive approach to employee wellbeing. We're supporting the Working Minds campaign to help employers to create the working conditions and environment that prevents stress and supports good mental health. That also means designing jobs with realistic workloads and targets, and encouraging

people to have a healthy work-life balance.”

There are six main areas that can lead to work-related stress if they are not managed properly. These are: demands, control, support, relationships, role and change. Factors like skills and experience, age, or disability may all affect someone’s ability to cope.

Matt Powell-Howard, Head of Product Development at NEBOSH, said: “I’m really pleased that NEBOSH is supporting the Working Minds campaign as we are committed to promoting good mental health and preventing work-related stress. We were delighted to have also collaborated with HSE on the development of the NEBOSH HSE Certificate in Managing Stress at Work qualification, which is designed to help business meet their legal obligations in this area.”

If you are an employer looking for support, a good place to start is to register for free bitesize learning.

<https://workright.campaign.gov.uk/working-minds-learning/>

You can also...

- Use a [Talking Toolkit](#) to help structure your conversations
- [Download a risk assessment template](#) to develop your processes for preventing or managing stressors
- Read the [Blog: taking an organisational approach to risk assessment](#) can tackle the root cause of issues and help the whole team.
- Find out about NEBOSH HSE [Certificate in Managing Stress at Work](#)
- [Sign up to the monthly newsletter](#) to help you champion the Working Minds campaign beyond April.

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2. To read more about HSE’s Working Minds campaign click [here](#).
3. There are 33 Working Minds campaign partners including; Mind, ACAS, CIPD, NEBOSH and IOSH.
4. NEBOSH is a leading global organisation, that enables and inspires the world of work and wider environment to be a safer and healthier place. Tens of thousands of people from more than 170 countries study for a NEBOSH qualification every year, learning with a network of over 450 Learning Partners.
www.nebosh.org.uk.
5. CIPD is the professional body for HR and people development and has been championing better work and working lives for over 100 years.
www.cipd.org/uk/.

Tobacco firm fined £32,000 following machinery failures

An Ipswich-based tobacco manufacturer has been fined £32,000 after failing to put measures in place to prevent access to the rotating blades of a ribbon blade mixer.

Whole-body access was possible for employees using the machine, which presented a risk of serious personal injury from an employee coming into contact with the rotating blade.

An investigation by the Health and Safety Executive (HSE) found that Honeyrose Products Limited failed to put appropriate measures in place to ensure that access to the dangerous parts of machinery was prevented.

HSE guidance says employers should consider [how their workers use machinery and have adequate maintenance arrangements in place](#) to ensure it remains safe to use. HSE

Honeyrose Products Limited of Alpha Business Park, White House Road, Ipswich pleaded guilty to a breach of Regulation 11(1) of The Provision and Use of Work Equipment Regulations 1998 and Regulation 3(1) of The Management of Health and Safety at Work Regulations 1999.

The company was fined £32,000 and was ordered to pay costs of £12,583 at a hearing at Ipswich Magistrates Court on 28 March 2024.

After the hearing HSE Inspector Julia Beavis said “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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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE guidance on [equipment and machinery](#) is available.

Horticulture company fined after lorry driver suffers life changing injuries

A horticulture company has been fined £3,000 after a lorry driver suffered third degree burns on his body while making a delivery to a site in Essex.

The man had been delivering a load of hardcore aggregate to Plants Galore Horticulture Limited's Eagle Nursery in Hamlet Hill, Roydon. His lorry had a tipper and grab arm and after tipping the load, struck 11kV overhead power lines which ran across the yard.

He exited the cab, believing he had struck a telephone cable, and in doing so received an electric shock while holding the handle of the door, when his feet touched the ground. He suffered third degree burns on his body and required multiple skin grafts for injuries to his right forearm, right and left foot, and just above his right knee. He also had exposed tendons in his right forearm and had amputations of the fourth and fifth toes on his left foot.



Essex Police took this photograph at the scene showing where the vehicle struck the overhead power line

Accidental contact with live overhead power lines kills people and causes many serious injuries each year. The Health and Safety Executive (HSE) has guidance [about to how to plan and manage work near overhead powerlines](#).

A HSE investigation found that Plants Galore Horticulture Limited had failed to provide information and instructions on risks, including locations of

overhead power lines and what precautions to take. The company failed to erect ground-level barriers to establish a safety zone to keep people and machinery away from the powerlines. An exclusion zone of 3 metres around the 11kV wires should also have been adhered to.



Scorch marks on the ground can be seen on the ground where the incident happened

Plants Galore Horticulture Limited pleaded guilty to breaching Section 4(2) of the Health and Safety at Work etc Act 1974. The company was fined £3,000 and was ordered to pay £4,000 costs at a hearing at Chelmsford Magistrates' Court on 28 March 2024.

After the hearing, HSE inspector Connor Stowers said: "Employers should make sure they properly assess and apply effective control measures to minimise the risk from striking overhead powerlines.

"If a suitable safe system of work had been in place prior to this incident, the life changing injuries sustained by the worker could have been prevented."

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Director jailed for failing to protect workers from asbestos exposure

A company director has been jailed for eight months after failing to protect workers from exposure to asbestos at a student development project in Winchester.

Stephen Davies, 59, had set up Cavendish Winchester Ltd with the sole purpose of refurbishing the Winnall Close commercial unit into student rental accommodation. His co-director Neil Bolton, 56, was spared an immediate spell behind bars when he was handed a four-month suspended sentence at Southampton Crown Court on 27 March 2024. The company itself was fined £30,000 – with all three defendants pleading guilty.

An investigation by the Health and Safety Executive (HSE) revealed the company removed an estimated ten tonnes of asbestos insulating board (AIB) during the refurbishment in late 2019 and early 2020. The dangerous materials were stripped out by workers unqualified to do the job and unaware of the risks to their health.



Debris outside the Cavendish centre

- The issue of asbestos more widely, and improving knowledge of the dangers, is the focus of two HSE campaigns. Guidance on [asbestos safety](#) has recently been updated and the current [Asbestos: Your Duty](#) campaign aims to improve understanding of what the legal duty to manage asbestos involves.

The investigation arose when HSE received a concern that large quantities of AIB had been illegally removed. The work was all carried out under the direction of Stephen Davies.

The court was told both directors were aware of the considerable extent and quantity of the materials containing asbestos within the building, as they

had previously sought legitimate quotes for its competent removal.

However, they chose to save a considerable sum of money by avoiding properly planned, safe removal, by a Licenced Asbestos Removal Contractor. They knowingly exposed workers to significant risk to their health. In addition, the investigation was unable to determine where a very sizeable quantity of asbestos-contaminated debris ended up, such that others in the waste removal chain were likely to have been put at risk too.

All three defendants pleaded guilty to charges relating to a lack of adequate management of the removal of asbestos containing materials.



The ground and first floor of the building with AIB present on the walls



Both Stephen Davies and Neil Bolton pleaded guilty to Section 37 of the Health and Safety at Work etc Act 1974, by causing their company, The Cavendish Winchester Ltd, to breach Section 4(1) of the Act.

- Davies, of Petworth, West Sussex was given an immediate custodial sentence of 8 months in prison.
- Bolton, of Petworth, West Sussex was given a custodial sentence of four months, suspended for 12 month, with 250 hours of unpaid work and ordered to pay costs of over £5,123.
- The Cavendish Winchester Ltd, of Newtown House, Liphook, was fined £30,000.00.

Speaking after the hearing, HSE principal inspector Steve Hull said: “We brought this case because, despite the directors of this company being put on notice of the risks involved, they put profit before the health of those they employed.

“The dangers to health associated with exposure to asbestos fibres are well known and a wealth of advice and guidance is freely available from HSE and other organisations.

“Structural refurbishment which either exposes or is liable to expose people to asbestos fibres should only be carried out by competent persons working to a strict plan of work to ensure safety. Higher risk asbestos removal, such as the removal of AIB, can only legally be carried out by Licenced Asbestos Removal Contractors who have the knowledge and equipment to prevent the spread of fibres and properly protect the workers undertaking the removal work.

“This work involved the removal of an estimated ten tonnes of AIB.

“The defendants then tried to cover their tracks by legitimising the removal of a small amount of residual asbestos containing materials, after illegally stripping out the majority, by obtaining a new quote for legal removal of that very small remaining portion. This deliberate attempt to save money, when they knew full well that the workers would have to live with the possibility of developing serious asbestos-related disease in the future, makes the case particularly serious.”

This case was brought by HSE enforcement lawyer Kate Harney, who was supported by Paralegal Officer Helen Jacob

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