

# Company fined after employees exposed to Respirable Crystalline Silica

A playground installation and landscaping contractor has been fined after failing to provide employees with adequate control measures to prevent exposure to respirable crystalline silica (RCS).

Greater Manchester Magistrates' Court heard how on 23 March 2018, the Health and Safety Executive (HSE) carried out unannounced inspection of a site at Newbank Garden Centre, Bury Road, Radcliffe. The HSE inspector served a Prohibition Notice to stop two employees of Playscape Design Ltd, using a powered tool to cut flags without any respiratory protective equipment. This put the health of the employees at risk due to exposure to RCS, which is released when silica-containing materials are cut with a powered tool.

HSE then served an Improvement Notice, requiring the company to provide adequate control from exposure to RCS. The investigation found the company did not provide evidence of compliance within the deadline and a second, similar job was completed at the same site with no adequate control measures in place.

Playscape Design Limited of Ball Grove Drive, Colne, Lancashire, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002 and also admitted not complying with an Improvement Notice, which is an offence under Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £3,000.

HSE inspector Rebecca Hamer, said after the hearing: "The working conditions we encountered were putting the health of the employees at risk due to exposure to RCS, which is released when silica-containing materials are cut with a powered tool.

"Exposure to respirable crystalline silica can cause life-threatening diseases including silicosis and chronic obstructive pulmonary disorder (COPD), which can lead to impaired lung function, lung cancer and death. This incident could so easily have been avoided by simply carrying out correct control measures and 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"

## **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. More information about respiratory protective equipment at work can be found at: <http://www.hse.gov.uk/pUbns/priced/hsg53.pdf>
  4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Company fined after employees exposed to Respirable Crystalline Silica](#) appeared first on [HSE Media Centre](#).

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## **Company fined after child seriously injured in road traffic incident**

An adventure activity and team building organisation has been fined after a child was hit by a car seriously injured whilst on a school trip.

Birmingham Magistrates' Court heard how, on Friday 31 March 2017, a group of teenage school children from Birmingham were participating in a walking expedition on the outskirts of Birmingham. The route being taken required the group and their adult supervisor to cross the busy A45 dual carriageway near Meriden, West Midlands, at around 4pm.

After waiting for a gap in the traffic some of the children started crossing the road when one of the pupils was struck by a car travelling in the outside lane. The 15-year-old suffered multiple fractures as a result of the collision.



An investigation by the Health and Safety Executive (HSE) found Freax, the company responsible for the expedition had not planned the route to allow for safe passage across the dual carriageway. There were no specific traffic control measures in place at the crossing point used by the participants, and the company chose not to use a footbridge about 400 metres away as part of the expedition route.

Freax Limited of Nechells Park Road, Birmingham was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £10,000 and ordered to pay £22,455.16 in costs.

Speaking after the hearing, HSE inspector Richard Littlefair said: "This case highlights the importance of planning for safety when organising such outdoor activities involving school children.

"Children should be allowed to take part in challenging activities, however there is a balance to be struck between protecting children from the most serious risks and allowing them to reap the benefits of participating.

"Companies should make sure that challenging activities are managed in a sensible and proportionate way so that children are not exposed to unnecessary risk of serious personal injury or death."

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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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## [Freight forwarding company fined after warehouse operative suffers crush injuries](#)

Airworld Airlines Ltd has been fined £82,000 after a freight container weighing nearly 700kg fell on a worker at a warehouse in Hounslow

Westminster Magistrates' Court heard how, on 26 January 2018, a warehouse cargo agent was using a forklift truck to offload a freight container from a heavy goods vehicle at the site on the Hatton Cross Centre. The container became unstable and fell on him. As a result, he was pinned between the container and a concrete pedestrian barrier, sustaining serious injuries including multiple fractures and internal injuries.

An investigation by the Health and Safety Executive (HSE) found the company had no safe system of work in place to identify the risk of freight containers falling from forklift truck blades. The company had also made alterations to the fork lift blades to enable employees to lift aircraft containers from the floor without any stabilisation mechanism.

District Judge Baraitser described Airworld Airlines Ltd's lifting operation as a "dangerous practice [which] presented a significant risk not only to the operator of the forklift but to any member of staff who happened to be in the vicinity of the operation as it was being carried out."

Airworld Airlines Ltd of Ascot, Berkshire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £82,000 and ordered to pay £6575.60 costs and £170.00 victim surcharge.

Speaking after the hearing, HSE inspector Sarah Pearce said: "Employers have a responsibility to devise safe methods of carrying out lifting operations and should ensure that every lifting operation is properly planned, appropriately supervised and carried out in a safe manner."

“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. Further information is available about the [legislation referred to in this case](#).
3. [Latest HSE press releases](#).

The post [Freight forwarding company fined after warehouse operative suffers crush injuries](#) appeared first on [HSE Media Centre](#).

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## [Construction company fined after worker suffered carbon monoxide poisoning](#)

Construction company Construction 360 Ltd was sentenced for safety breaches after a worker collapsed and lost consciousness while working at the site of King Asia Foods Ltd, Middle Bank, Sheffield.

Sheffield Magistrates Court heard how, on 11 January 2018, the worker was cutting a drain into the factory floor as part of the construction of a new processing room within the packaging area of the factory. He was using a petrol driven floor saw within an enclosed space (the open side had been covered by a tarpaulin). After a period of cutting, he felt unwell and subsequently collapsed losing consciousness. He was taken to hospital and was diagnosed with carbon monoxide poisoning. He also sustained bruising to his head, elbow and knees, and a cut to his elbow.



An investigation by the Health and Safety Executive (HSE) found that Construction 360 Ltd had failed to appropriately plan the work in the confined space of the processing room. Additionally, at the request of the director of Construction 360 Ltd, unsafe work at height had also taken place beforehand as the worker had accessed the roof of the processing room without suitable edge protection, or means of access, without checking the stability of the structure.

Construction 360 Ltd of Eastoft Road, Cowle, Scunthorpe, North Lincolnshire pleaded guilty to breaching section 2(1) of the Health & Safety at Work etc Act 1974. The company has been fined £15,000 and ordered to pay £1805 in costs.

After the hearing, HSE inspector Sarah Robinson commented: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"The company failed to appropriately plan a safe system of work for the task being carried out."

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2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/) <sup>[2]</sup> Please see the link to the page on HSE's website that is the best guide to doing it the right



way: [www.hse.gov.uk/pubns/indg258.pdf](http://www.hse.gov.uk/pubns/indg258.pdf)

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

The post [Construction company fined after worker suffered carbon monoxide poisoning](#) appeared first on [HSE Media Centre](#).

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## Construction firm fined due to multiple safety failings

A construction firm has been sentenced after failing to put measures in place to prevent falls from height and to control risks associated with fire.

Greater Manchester Magistrates' Court heard how Irish Anglo Properties Limited failed to ensure the safety of their workers and nearby residents during the construction of six timber frame houses at Moss Lane East in Manchester.





An inspection by the Health and Safety Executive (HSE) found three men working on the flat roof of the structure on 23 August 2017. The roof ranged from two to three stories high, with no edge protection in place to prevent falls and access to the roof was via untied ladders resting on unsecured floorboards inside the building. Serious fire safety failings were also identified on site with the company failing to consider both the risks associated with constructing from timber, and the measures needed to reduce the risk of a fire occurring and spreading across and beyond the site. There was also an accumulation of combustible materials on site, a lack of adequate site security and there were no general fire precautions in place.

A material with a suitable level of fire resistance should have been used for the construction, taking into account the close proximity of the occupied apartment block, and the construction of the timber frame should have been phased to allow the building in of suitable compartmentation to reduce the risk of fire spread.

Irish Anglo Properties Limited of Moss Lane East, Manchester, pleaded guilty to breaching Regulation 29(a) of the Construction (Design and Management) Regulations 2015 and Regulation 6(3) of the Work at Height Regulations 2005. The company was fined £26,000 and ordered to pay costs of £10,000.

HSE inspector Laura Royales said after the hearing: "The failings on this site put not only the site operatives but also those living in the adjacent



apartment block at risk of serious injury or even death.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards, even where no incident occurs.”

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