

# Furniture company sentenced after failing to comply with compulsory insurance requirements

A Plymouth-based furniture company has been sentenced for failing to have employers' liability compulsory insurance (ELCI) the day an employee was injured.

Pinexpress flouted repeated requests for documentation from representatives of an employee who was accidentally cut as he was unpacking furniture delivered to a customer.

Plymouth Magistrates' Court heard that after the incident on 30 October 2018, his solicitors requested details of the company's ELCI. After several repeated requests, the solicitors raised concerns with the Health and Safety Executive (HSE) two months later.

Despite repeated attempts by both the solicitors' firm and HSE, the company failed to produce a certificate of insurance, or give any confirmation that they did or did not have the necessary cover. HSE served a 'notice to produce' in February 2019 but this was not complied with. No further action has been taken by the dutyholder to comply with the notice or to make any contact with HSE. As a result, the employee who was injured at work has been unable to progress his claim for compensation which has caused anxiety and stress in addition to the physical injuries sustained.

Pinexpress Limited of Looe Street, Plymouth, Devon pleaded guilty to breaching Section 1(1) and 4(2)(b) of the Employers' Liability Compulsory Insurance Act (1969) and has been fined £35,000 and ordered to pay costs of £2,729.80.

Speaking after the hearing HSE visiting officer Roberta Rickard said: "Employers are responsible for the health and safety of their employees while they are at work. Having up to date employers' liability compulsory insurance is much more than a box ticking exercise, as this case demonstrates; it has a bearing on the lives of the employees it is designed to protect.

"Anyone who wants to check whether their employer has ELCI should be able to find an up to date certificate displayed in their workplace. This information may be held electronically as long as employees know how and where to find it and are given reasonable access to it."

## **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>
4. The company in this case is a Local Authority enforced premises; HSE's only involvement therefore was to investigate the ELCI concern.

The post [Furniture company sentenced after failing to comply with compulsory insurance requirements](#) appeared first on [HSE Media Centre](#).

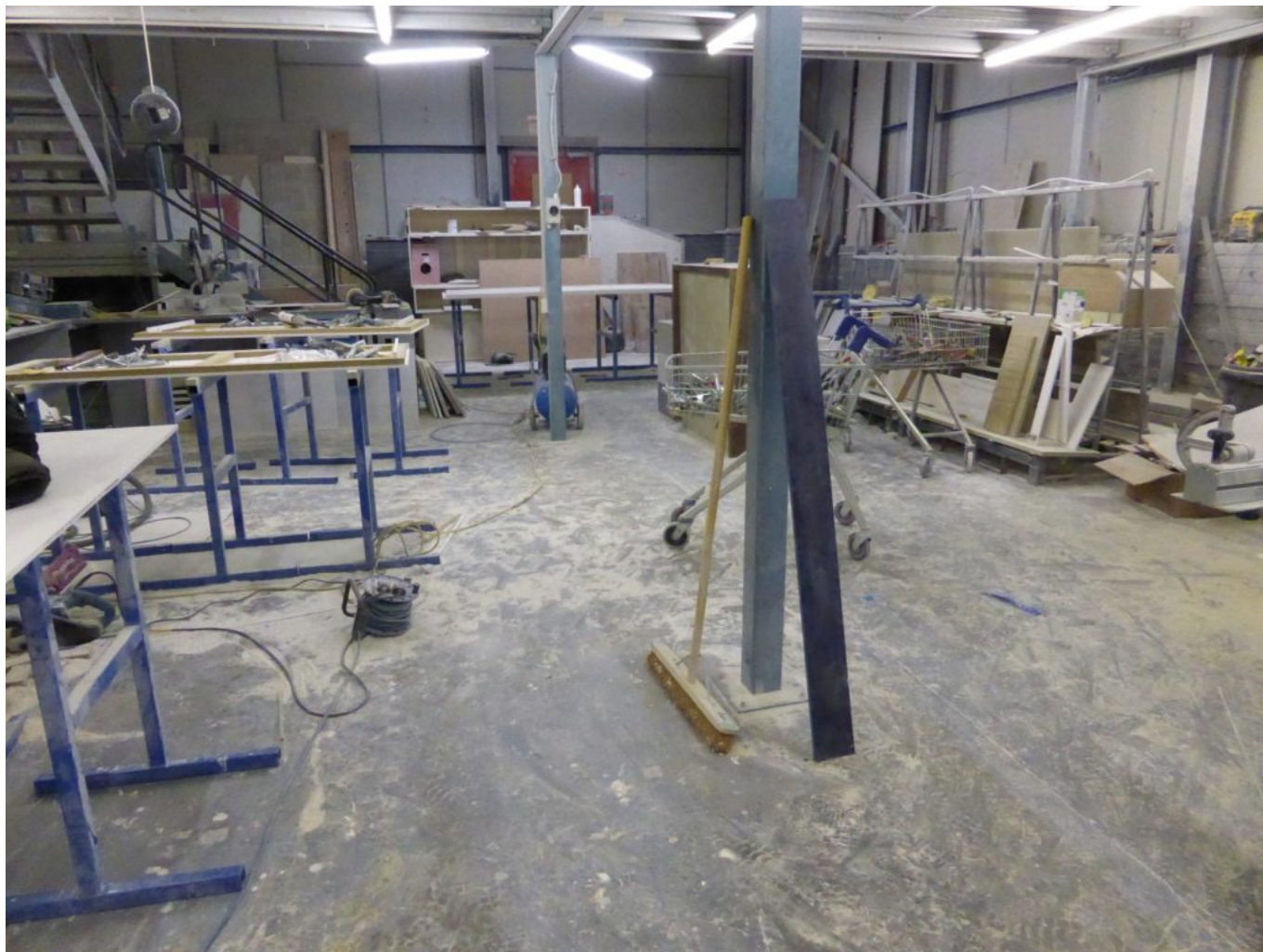
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## **Company fined for non-compliance of Notices**

Kitchen worktop manufacturing company, The Solid Surface Shop UK Ltd was sentenced for non-compliance of Improvement Notices and failure to effectively manage health and safety.

Sheffield Magistrates' Court heard that, during an inspection in March 2016, it was found that there was a poor standard of health and safety management including significant accumulations of dust around the premises on Henry Street in Sheffield. Local exhaust ventilation units present were not subject to thorough examination and test and no risk or hazardous substance assessments had been completed. The company was served with five Improvement Notices. The notices required thorough examination of local exhaust ventilation, monitoring for dusts including respirable crystalline silica, a system to manage respiratory protective equipment and assessments of the risk from noise and hand arm vibration.





An investigation by the Health and Safety Executive (HSE) found that the Improvement Notices were hand delivered to site and discussed with two of the directors. Despite extensions to the compliance dates for all the notices being given, repeated phone calls, emails and letters, no appeals or evidence of compliance was ever received by HSE. A company representative attended an interview under caution but did not provide any reasonable explanations for the non-compliance.

The Solid Surface Shop UK Ltd, previously based at Henry Street, Sheffield pleaded guilty to breaching a single charge under Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £10,000 and ordered to pay £6181.51 in costs.

After the hearing, HSE inspector Laura Hunter commented: "Improvement notices must be complied with.

"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 about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>

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## [Company fined after worker crushed by roller](#)

Former manufacturing company Betafence Ltd was sentenced for safety breaches after worker was crushed by a wire drawing roller.

Sheffield Magistrates' court heard how on 8 February 2017, the worker was reconfiguring some wire drawing equipment which had previously been used to apply a zinc coating to wire at a site on Shepcote Lane in Sheffield. The worker slid the roller in the carriage towards the edge of the mezzanine. He had to lie on his stomach on the mezzanine to access bolts connecting a roller weighing approximately 500kg which was above his head and quench unit below.





He unbolted the two parts, with a colleague using a fork lift truck to hold the weight of the quench unit. As they separated, the metal carriage which held the roller tilted forward. The roller landed on his lower back. He suffered fractures of his pelvis and lumbar region of his spine.

An investigation by the Health and Safety Executive (HSE) found that the company was undergoing a period of redundancy and removing equipment from site.

To separate parts of the equipment, a section of the mezzanine guard rails was removed, and no measures were put in place to prevent a fall.

The roller was able to tilt as it was on wheels, which had aligned with slots cut into the track. Protruding arms of the carriage struck the mezzanine floor first, preventing the full weight of the roller from crushing him.

Betafence Ltd, previously of Shepcote Lane, Sheffield pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £80,000 and ordered to pay £7,403.38 in costs.

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

"A suitable and sufficient risk assessment would have identified that

uncontrolled movement of the roller or wiping unit could have presented a crushing risk.”

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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 below to the page on HSE’s website that is the best guide to doing it the right way:
3. [www.hse.gov.uk/construction/safetytopics/workinhheight](http://www.hse.gov.uk/construction/safetytopics/workinhheight)
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## [Health board and company director sentenced after worker suffers life-changing injuries](#)

A Cardiff-based health board and the director of a maintenance company have today been sentenced after a worker fell from height, suffering life-changing injuries.

Cardiff Crown Court heard how, on 22 September 2016, Christopher Rees, employed by W D Rees Maintenance Ltd, was undertaking window cleaning at the Women’s Services Unit of the University Hospital of Wales in Cardiff. Mr Rees was using suspended access equipment when he fell from the end of the beam supporting him as there was no end stop fitted, suffering significant and life-changing injuries including a broken back.



An investigation by the Health and Safety Executive (HSE) found Wayne Daniel Rees, as the director of W D Rees Maintenance Ltd, had failed to effectively plan the work at height task. He did not undertake a suitable and sufficient risk assessment or ensure that a safe system of work was in place for cleaning the windows. He made no arrangements to ensure the task was effectively supervised and also failed to ensure that there were suitable trained staff, safe equipment and a suitable rescue plan in place.

The investigation also found Cardiff and Vale University Health Board failed to effectively manage their contractors. They did not undertake suitable checks to ensure W D Rees Maintenance Ltd were competent to carry out such work or ensure a suitable risk assessment or safe system of work was in place. They provided the beam, a piece of lifting equipment, which was used to support Christopher Rees but failed to ensure it had been examined to ensure it was safe for use.

Cardiff and the Vale University Health Board of The University Hospital of Wales, Cardiff pleaded guilty to breaching Section 3 of Health and Safety At Work Act 1974 and has been fined £400,000 and ordered to pay £15,845.90 in costs.

Wayne Daniel Rees of Gallamuir Road, Cardiff pleaded guilty to breaching Section 4 (1) of the Work at Height Regulations 2005 and received a six month jail sentence suspended for 12 months and has been disqualified from being a



company director for five years.

Speaking after the hearing, HSE inspector Gethyn Jones commented:

“Dutyholders must ensure that all work at height activities are properly planned, appropriately supervised and undertaken in a safe manner. It is essential that companies employing contractors do not simply rely on the knowledge and experience of the contractor but make reasonably practicable checks themselves to ensure work is safely completed.”

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