

# Council fined after employees exposed to risks from vibrating tools

A worker who repaired potholes was diagnosed with Hand Arm Vibration Syndrome (HAVS), an occupational disease, following repeated exposure to vibration tools.

This week, his employer, Rotherham Metropolitan Borough Council has been fined following a prosecution by the Health and Safety Executive (HSE).

Sheffield Magistrates' Court heard the employee worked in the road maintenance department, carrying out tasks including repairing potholes, for more than 20 years, using vibrating tools.

Prolonged and regular exposure to vibration can affect a worker's health resulting in painful and disabling disorders of the nerves, blood supply, joints and muscles of the hands and arms. These disorders are collectively known as Hand-Arm Vibration Syndrome (HAVS). The risk of onset or worsening of HAVS increases with daily exposure and varies widely between individuals. HSE guidance can be found [here](#).

Employers are legally obliged to report cases of HAVS to HSE. The HSE investigation revealed that despite the worker in question receiving this diagnosis in April 2005, he continued to work with vibrating tools for a further 14 years.

The employee had been subject to regular health surveillance whilst employed by the Council, which had included recommendations on limiting exposure. However despite the report of April 2019, little action was taken to address the issues identified. Only once the HSE investigation had started in late 2019 was the man told to stop using vibrating tools.

The investigation also found that other employees continued to work with vibrating tools after they had been diagnosed.

While a system of Occupational Health surveillance was in place, it was inadequate as there was either no implementation, or inconsistent implementation, of the recommendations and actions to be taken. Recommendations following health surveillance of employees wasn't acted upon or used to identify risks.

The investigation found that the data used to calculate the vibration exposure grossly underestimated the vibration magnitude of the tools in use, and also relied upon accurate times being entered by staff. Workers were incentivised to continue using vibrating tools through a bonus scheme and overtime work which inevitably led to high levels of exposure. Workers were allowed to work up to the recommended Exposure Limit value (ELV), and in light of the inaccurate data inevitably worked beyond it on a regular basis. They were then only moved to other tasks when their health deteriorated.

Rotherham Metropolitan Borough Council pleaded guilty to an offence contrary to Section 33(1)(a) of the Health and Safety at Work etc Act 1974, for their failure to ensure, so far as was reasonably practicable, the health, safety and welfare at work of their employees in accordance with section 2(1) of the Act. On Tuesday 17 December, the Council was fined £60,000 and ordered to pay full costs of £5,775.70.

Following the hearing Kate Harney, enforcement lawyer for HSE said: "Rotherham Council had been exposing employees to the risks arising from the use of vibrating tools for a significant period of time. They fell below expected standards and appropriate enforcement was taken by the HSE.

"This was also not an isolated incident, with other staff working in the council's road maintenance division also exposed to risks to their health, due to an unhealthy working culture where these exposures inadequately monitored.

"We urge those responsible for work using vibration tools to please check our freely available guidance."

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
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 does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences in England and Wales can be found [here](#) and for those in Scotland [here](#).
5. HAVS is an occupational disease reportable under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

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## [Engineering company fined after 'caring and loving' man killed](#)

A Blackburn-based engineering company has been fined £xxx after a man described as 'caring and loving' by his family was killed after being crushed under a machine.

Connor Borthwick, from Wigan, was working for Partwell Special Steels Limited at its site in Bruce Street when the incident happened on 25 November 2021.

The 22-year-old and another employee were moving a large cutting press machine across a workshop floor when it became unbalanced, resulting in Connor being fatally crushed.



Connor Borthwick was just 22 when he was killed at work

Speaking on behalf of the family, his sister Emily said Connor was her “amazing, caring, loving and funny little brother”.

“Everyone loved Connor,” she said.

“He was a good soul, and this was evident from the more than 700 people who came to his funeral to pay their respects and share their personal accounts of how Connor had touched their lives.

“He was 22, life hadn’t begun for him, and it was over.

“Some simple steps should have been taken and weren’t, if they were Connor would be with us today.

“It’s hard to explain to people what we have been through, are going through. We don’t want another family to go through what we have.”

An investigation by the Health and Safety Executive (HSE) found that Connor and his colleague were attempting to move the machine across the workshop, using skates placed underneath.

However, as the machine was being lowered by a jack onto one of the skates, it became unbalanced and fell backwards onto Connor, trapping him beneath. He suffered catastrophic crush injuries and subsequently passed away.

The investigation also found that Partwell Special Steels Limited of Stanley Street, Blackburn, had not undertaken an assessment of the risks involved with moving the machine and that the task had not been suitably planned and no safe system of work had been provided to the employees. Additionally, it was found that neither employee had been provided with suitable and sufficient training to ensure they had the necessary relevant competence to undertake the task. A suitable and sufficient assessment of the suitability of the work equipment provided would have shown that the skates used were

unsuitable for this work.

The company pleaded guilty to breaching regulation 2(1) of the Health and Safety at Work etc Act 1974. They were fined £80,000 and was ordered to pay £6,713 in costs at a hearing at Preston Magistrates Court on 16 December 2024.

HSE Inspector Anthony Banks said: “This company’s failures resulted in the death of a much loved young man.

“Those in control of work activities, including the movement of heavy machinery from one part of a site to another, need to assess the risks of that work, and plan a safe way to undertake it.

“This tragic incident could have easily been avoided with the right controls in place.

“My thoughts remain with Connor’s family.”

The prosecution was supported by HSE enforcement lawyer Sam Crockett and paralegal officer Gabrielle O’Sullivan.

#### **Notes to editors:**

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5. Guidance for [working safely whilst moving heavy loads](#) is available.

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## **[Statement on HSE proposals to restrict use of lead ammunition in Great](#)**

# Britain

- Proposals follow series of GB consultations and intend to reduce harm to the environment
- Regulator proposes alternatives to lead ammunition would need to be used for some outdoor shooting
- Derogation proposed for athletes who are preparing for Olympic and Paralympic Games

The Health and Safety Executive (HSE) in its role as the Agency for UK REACH, has today [set out proposals](#) to be considered by government ministers in England, Scotland and Wales to restrict the supply and certain outdoor uses of lead ammunition in Great Britain.

Under the proposals the use of lead shot for live quarry shooting and target shooting would be prohibited.

Dr Richard Daniels, HSE's Director of Chemicals Regulation Division said:

"Following a comprehensive analysis of the evidence, we propose new restrictions to protect wildlife, particularly wildfowl and birds of prey, from lead poisoning. They would prevent an estimated 7,000 tonnes of lead entering the environment each year.

"The final agency opinion follows significant responses to two public consultations. We worked through nearly 11,000 responses – dwarfing the recent exercise in the EU.

"This detailed work, carried out under our UK REACH obligations, sets out the necessary balance we have struck to protect the environment and minimise disruption to those who shoot.

"Currently, the risks of lead shot to the wider environment are not adequately controlled. While there are already legally binding measures in place to protect Britain's wildlife in designated wetlands from the use of lead shot, our analysis has demonstrated the need for further restrictions.

"People will still be able to continue to shoot, but we are proposing that for some outdoor uses in the future, alternatives to lead ammunition would need to be used."

## **Further information**

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. In its role as the Agency for the UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation, which is the framework for managing the risks from chemical substances in Great

Britain, HSE has worked with the Environment Agency and [published its final opinion on its restriction proposals](#) to control the risks from lead in ammunition.

3. The published opinion was developed after considering the 2,759 responses received from the [6-month public consultation](#) in 2022. Additionally, in line with the legal requirements under the UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation, HSE opened a [60-day public consultation](#) on the draft socioeconomic opinion last year – this again received a large number of responses (8,159).
4. The Agency also met stakeholders to listen to their concerns, gather evidence and discuss the proposals. The Agency's final consolidated opinion has been reviewed by a Challenge Panel made up of independent experts from the REACH Independent Scientific Expert Pool (RISEP), who provide scrutiny and challenge.
5. One exception where use of lead shot could still be used for outdoor target shooting is for athletes training for international competitions, such as the Olympics and Paralympics, where the use of lead shot is mandated. HSE has proposed a derogation for this, for athletes that meet defined criteria. This would allow competitive athletes to continue training and representing their country.
6. The EU is also currently considering a proposed restriction on the use of lead ammunition in all habitats, which has passed all the ECHA committee stages and is now being considered by the European Commission. The EU received 319 responses for their 6-month public consultation on their dossier (and extended the process by 6 months) and received 175 responses for their 60-day SEA consultation.
7. HSE, in its role as the Agency for UK REACH, has also identified a risk to young children and women of childbearing age who consume high volumes of game meat shot with lead ammunition. The Food Standards Agency already recommends that pregnant woman cut down on game meat in their diets. Food Standards Agency advice on lead shot game can be found here: <https://www.food.gov.uk/safety-hygiene/lead-shot-game>.
8. For bullets, other derogations would allow the use of lead bullets in target shooting at outdoor ranges with appropriate risk management measures in place. HSE estimates that 95% of outdoor ranges already have these controls. In developing this derogation the Agency met with shooting organisations to discuss current practice at ranges.
9. HSE also proposes that the use of large calibre lead bullets ( $\geq 6.17$  mm) for live quarry shooting is prohibited, as there are viable alternatives which can be used. However, as concerns remain regarding the technical feasibility and socioeconomic impacts of non-lead alternatives for small calibre bullets, HSE are not currently proposing to restrict their use for live quarry shooting.
10. HSE has sent its final opinion to the Appropriate Authorities (i.e. the Defra Secretary of State and the Scottish and Welsh Governments). The Appropriate Authorities will now consider the proposals and decide if legislation should be drafted to start the process of introducing a restriction on lead in ammunition.

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## Metal firm fined after injured worker loses leg

A metal fabrication company has been fined £40,000 after an employee suffered a serious leg fracture that led to a below the knee amputation.

The 37-year-old man and a colleague had been loading a steel beam onto the bed of a lorry in the visitors car park of London Gates and Railings Ltd in Watford on 30 August 2022. His colleague was operating a fork lift truck (FLT) with the steel beam suspended from it using a sling attachment, while the man had been walking ahead of it using his hands to stabilise the beam. However, as the FLT moved forwards, the man's foot was caught by the front wheel of the FLT resulting in serious injuries to his lower leg.

At the time of the accident members of the public were present in the visitors' car park. The man's injuries were so serious he had to have surgery to have the lower part of his leg amputated.

An investigation by the Health and Safety Executive (HSE) found that London Gates and Railings Ltd failed to properly assess the risk for loading lorries and provide a suitable safe system of work. The FLT operator had not been trained and access to and use of the FLT was not adequately controlled. There were also inadequate measures in place to segregate pedestrians, including members of the public, from workplace transport and associated lifting operations.

London Gates and Railings Ltd of Guillmore Farm, Sandy Lane, Watford, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. They were fined £40,000 and ordered to pay £5,114 costs at a hearing at St. Albans Magistrates Court on 10 December 2024.

HSE Inspector Adam Johnson said: "Incidents involving fork lift trucks (FLT's) and work place transport remain one of the most common causes of work-related accidents in this country.

"In this case, a suitable and sufficient assessment of risk, together with a planned safe system of work should have been completed.

"Only workers who are trained and authorised should operate FLT's. Access and use of them should be properly controlled. Adequate measures must also be in place to properly segregate pedestrians from workplace transport and associated operations"

This prosecution was brought by HSE enforcement lawyer Neenu Bains.



## Further information:

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5. HSE guidance on [safe use of lifting operations](#) and [rider-operated lift trucks](#) is available.

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## [Company and director sentenced for putting workers at risk](#)

A roofing firm has been fined while its director has been handed a suspended prison sentence after putting the lives of workers at risk during a roof renovation in Surrey.

Weather Master Roofing Limited and company director Jack Avanzo, also known as Jack Avenzo, were sentenced at Brighton Magistrates' Court on Monday following a prosecution by the Health and Safety Executive (HSE).

The HSE investigation found workers were seen operating without any scaffolding or edge protection on the roof of a house on Flint Hill, Dorking, on 21 February 2023. This put the workers at risk of falling from height, while there were also no measures to mitigate a fall, with the likes of harnesses not being used. Workers were also observed using the lights from their phones and torches while working on the property at night.





The workers had been renovating the roof of a property in Surrey

The group were working under the control of Weather Master Roofing Limited and Mr Avanzo, 20.

HSE subsequently served Weather Master Roofing Limited with an Improvement Notice on 28 February 2023. The notice required the company to improve how it planned, carried out, supervised and monitored the work that was taking place on the roof.

The company failed to comply with the notice.

HSE has [clear guidance on its website](#) about how to plan and carry work at height out safely, including the preventative measures required.



Workers were observed using the lights from their phones and torches at night

During a sentencing hearing at Brighton Magistrates' Court on 2 December 2024:

- Weather Master Roofing Limited, of Muswell Hill, Broadway, London, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005, Section 33(1)(c) and Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. The company was fined £4,000 and ordered to pay £1,500 in costs as well as a victim surcharge of £1,600.
- Jack Avanzo, of Ballyspillane, Killarney, County Kerry, Republic of

Ireland, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005, Section 33(1)(c) and Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. He was handed a six-month prison sentence, suspended for two years, ordered to complete 120 hours of unpaid work and disqualified from being a director for three years. He was also ordered to pay £1,500 in costs.

HSE inspector Stephanie Hickford-Smith said: "Falls from height are still the single biggest cause of work-related deaths in Great Britain. The law is clear – suitable and sufficient measures must be taken to prevent, where reasonably practicable, any person falling a distance liable to cause personal injury. Support and practical guidance on how to comply with the law is publicly available, free of charge. There is no excuse for putting workers lives at risk."

This prosecution was brought by HSE enforcement lawyer Iain Jordan and supported by HSE paralegal officer Rebecca Forman.

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