

Company director fined after falsifying documents

A company director has been fined £5,000 after he falsified asbestos removal documents while his firm worked on a block of flats in Brighton.

Reliable Insulations and Fibre Control Ltd had been hired to remove asbestos at Abbotts Apartments, on King Street, when the company's director, James Pett, created a fraudulent document claiming a 4-Stage Clearance had been completed on 26 September 2021.

A 4-Stage Clearance is required by law to ensure asbestos removal work has been completed safely.

With the asbestos removal work at the site running behind schedule, Mr Pett decided against using an independent company to check the work had been carried out safely, that the site had been properly cleaned, and it was safe to reoccupy.

Instead, he decided to falsify the 4-Stage Clearance certificate.

An investigation by the Health and Safety Executive (HSE) found that 72-year-old Mr Pett had used a previous authentic test certificate to create a fraudulent document to deceive other parties into believing that the 4-Stage Clearance had been completed, allowing further maintenance work to continue in the basement.

HSE has recently updated its webpages on [asbestos safety](#) and in 2023 launched an awareness campaign, [Asbestos and You](#), which provides tradespeople with information about how to deal with asbestos on a job, and the personal risks from asbestos that still exist across the country today. The workplace regulator has also just launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

James Pett, of Avenue Road, Erith, Kent, pleaded guilty to breaching Section 33(1)(m) of the Health and Safety at Work etc. Act 1974. He was fined £5,000 at Bromley Magistrates' Court on 18 January 2024.

HSE inspector Russell Beckett said: "This was a reckless act by the director of a company whose sole job was to safely remove asbestos. Instead, he decided to deceive to try and speed up a job.

"Companies who are licensed to remove asbestos by the HSE are fully aware of risks associated with asbestos and the need to follow all precautions necessary to make sure areas where asbestos has been removed are safe for reoccupation, and this includes a 4-stage clearance test by an independent company.

"Exposure to asbestos is responsible for over 5000 deaths every year in the UK.

“This prosecution shows that HSE will not hesitate to take action against individuals who do not do all that they should to keep people safe.”

This prosecution was brought by HSE enforcement lawyer Rebecca Schwartz and supported by HSE paralegal officer Stephen Parkinson.

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.
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[Manufacturing company fined after](#)

worker suffered finger amputation

A West Yorkshire cosmetic manufacturing company has been fined after a worker lost part of a finger while cleaning a machine.

On 8 October 2021, the man was working on a tube filling machine at Orean Personal Care Limited at its base in Cleckheaton, West Yorkshire.

He was supervising five members of staff who were using the machine to fill tubes with a product that needed to stay hot. During the process the machine became contaminated and had to be cleaned. When the employee was cleaning the machine, part of it moved, trapping his finger, and causing the injury. Part of his middle finger was amputated, and he still suffers pain in his finger end and may require additional surgery.

An investigation by the Health and Safety Executive (HSE) found that the interlocked guard had been bypassed to allow the machine to run with the guard door open. The risk was not managed properly and a range of employees from machine operators to cleaning staff were exposed to it.

HSE has detailed guidance on [machine safety](#).

On 16 January at Leeds Magistrates' Court, Orean Personal Care Limited of Stubbs Beck Lane, Cleckheaton, West Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £300,000 and ordered to pay £4,511.70 in costs.

After the hearing, HSE inspector Justine Lee said: "Moving machinery can cause serious injury and it is essential that access to it is prevented at all times, including during maintenance and cleaning work. The use of effective guarding is an absolute duty and, when complied with, will prevent this type of injury."

This prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski.

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Metalworking fluids: Most businesses inspected 'not doing enough' to protect workers

- New online quiz launched to help plug knowledge gaps

Back in September last year, the Health and Safety Executive (HSE) announced it was [carrying out inspections](#). Since then more than half of those checks have identified failings.

This is a highly technical, specialist field applying precision engineering – but it can also cause harm to the lungs and skin. HSE says more needs to be done to keep workers safe.

In a bid to improve knowledge in this area, HSE has created [an online quiz](#) as part of the ongoing campaign.



The online quiz can test and improve knowledge

The [annual statistics on work-related ill health and workplace injuries](#) for 2022/23 show 12,000 people die each year from lung diseases linked to exposure to hazardous substances at work. In addition, 19,000 new cases of breathing and lung problems are thought to have been caused or made worse by work.

The manufacturing industry has a substantially higher rate than average for occupational asthma.

HSE inspector Fiona McGarry said: “It is clear that not enough is being done to protect workers and keep them safe and healthy.

“Our inspections found that there are still far too many businesses which do not have key control measures or health surveillance in place.

“As a result, enforcement action is being taken against these manufacturers.

“The creation of the quiz is a really easy way for people to test their

knowledge about how best they should be protecting workers.”

Exposure to metalworking fluids – also referred to as ‘white water’ – can cause harm to the lungs and unprotected skin. Despite this, many of the firms inspected were not carrying out health checks. Health surveillance is a legal requirement where there is exposure to fluid or mist.

The inspections so far also found poor performance around the control of metalworking fluids in businesses that use computer numerical control (CNC) machines. To protect workers, employers should reduce exposure by putting control measures in place. Local Exhaust Ventilation (LEV) should be fitted on CNC machines to carry away any harmful metalworking fluid mist.



HSE inspector Fiona McGarry

HSE inspector Fiona McGarry, added: “Lung problems and irritated skin don’t have to be associated with working with metalworking fluid if you take the right precautions.

“It is really important that control measures and fluid quality checks are in place to keep workers healthy. Health checks are essential to identify signs of ill-health early.”

More about the ongoing campaign, and tips on how to keep workers safe, can be found [here](#).

[Machinists and metalworking fluid – Work Right to keep Britain safe](#)

HSE will continue to carry out unannounced inspections between now and the end of March 2024.

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2. More about the campaign can be found at: [Machinists and metalworking fluid – Work Right to keep Britain safe](#).
3. HSE's [annual statistics on work-related ill health and workplace injuries](#) for 2022/23 are available.
4. ☐Test your knowledge by [taking the metalworking fluids quiz](#).

Man handed community order for illegal removal of asbestos

A Hartlepool man has been handed a community order after he admitted removing asbestos from a school when he wasn't licenced to do so.

Sean Thomas Faulkner, 55, also intentionally falsified clearance paperwork after removing asbestos containing materials from Our Lady Lourdes School in Shotton Colliery in March 2021. He carried out similar work several months earlier at a domestic property on Park Road in Middlesbrough in November 2020.

The Health and Safety Executive (HSE) has recently updated its guidance on [asbestos safety](#) and has just launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

Teesside Magistrates' Court heard that Faulkner failed to hold a licence to safely remove asbestos. He also failed to ensure a four-stage clearance was carried out on both jobs by a person accredited by an appropriate body, posing serious risk.

A HSE investigation found Faulkner had received the relevant training on how to safely remove licenced asbestos and was therefore fully aware of the legal requirement to hold a licence.

Faulkner of Berkeley Avenue, Hartlepool pleaded guilty to six charges, three charges at each offence location including contravening Regulations 8(1) and 20(3) of the Control of Asbestos Regulations 2012 and breaching Section 33 (1)(m) of the Health and Safety at Work etc. Act 1974.

He was given an 18-month community order, which consists of 15 days of rehabilitation, 90 days of monitored alcohol abstinence as well as him carrying out 150 hours of unpaid work. He will also pay costs of £1000.

HSE inspector Stuart Whitesmith said: “Asbestos related disease still kills around 5,000 workers each year in Great Britain. It can be present today in any building or industrial process plant built or refurbished before the year 2000.

“In this case Mr Faulkner intentionally falsified paperwork necessary to ensure the safety of both workers, other staff and vulnerable members of public.

“We will not hesitate to take action where individuals disregard health and safety law such as can be seen in this case.”

This HSE prosecution was brought by HSE enforcement lawyer Karen Park.

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