

# An installer of fire suppression systems and a manufacturer of alcoholic drinks fined after an employee was crushed by machinery

An employee of Fire Protection Group (FPG) was working at Chivas Brothers Limited (CBL) premises when he was crushed and trapped in a Kardex Remstar Shuttle XP500 machine.

Dumbarton Sheriff Court heard that on 22 February 2017, a fire alarm engineer, employed by FPG, was undertaking a visual inspection of fire suppression systems at CBL's bottling plant in Kilmalid, Dumbarton. Side panels that act as fixed guards preventing access to dangerous moving parts inside of the machines were removed so that the FPG employee could gain access inside to carry out the inspections. Only part of the machine was isolated from power sources. The FPG employee was crushed and trapped when the extractor device of the machine was activated. He sustained crushing injuries to his right side.

An investigation by the Health and Safety Executive (HSE) found that both FPG and CBL had duties to ensure that there was an appropriate exchange of important health and safety information in advance of, and during, the work activity. They failed to ensure that all the systems were isolated before removing the covers.

Fire Protection Group of 28 Mill Road Industrial Estate, Linlithgow pleaded guilty to breaching the Health and Safety at Work etc Act 1974, Section 2(1), 2(2)(a) and (c) and was fined £50,000.

Chivas Brothers Limited of Kilmalid, Stirling Road, Dumbarton pleaded guilty to breaching the Health and Safety at Work etc Act 1974, Section 31 and 33(1)(a) and was fined £50,000.

After the hearing, HSE inspector, Mac Young, said: "This injury was easily preventable. The risk should have been identified. Employers should make sure they properly assess and apply effective control measures, such as permits to work when machinery is safely isolated, to minimise the risk from dangerous parts of machinery."

## **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](https://www.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. For more information on working safely with vehicles at work, please visit: <https://www.hse.gov.uk/workplacetransport/>
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## [Rubber processing company fined after worker suffers serious injuries](#)



A rubber processing company was fined after a worker's arm was trapped in machinery.

Tameside Magistrates Court heard how, on 4 January 2018, an employee of Marple Polymers Processors Limited was cleaning a stationary conveyor belt on a Banbury mixing machine. Unaware cleaning was taking place, another employee started the conveyor belt system. The original employee's left arm became trapped between the conveyor belt and the tension idler causing serious injuries to their arm and hand.

An investigation by the Health and Safety Executive (HSE) found the company's system of work was unsafe as it relied too heavily on effective communication between employees who were working on the machine in a dark and noisy environment.

Marple Polymer Processors Limited, Stockport, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £20,000 and ordered to pay costs of £7,269.30.

After the hearing HSE inspector Simon Bland said: "This injury could have easily been prevented had a robust safe system of work been in place which included, for example, the isolation of power to the machine whilst cleaning was carried out. Employers should properly assess the hazards associated with the operation of machinery and put in place effective control measures

which employees understand and follow when operating, maintaining and cleaning machinery”.

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance can be found at <https://www.hse.gov.uk/rubber/introduction-to-rubber-processing.pdf>

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## [Construction company prosecuted for multiple safety failings](#)

A construction company has been fined after repeated health and safety breaches, giving rise to significant risk, were found on a site in Bolton.

Manchester Magistrates’ Court heard how inspections at the construction site at Manchester Road, Bolton, had taken place three times between October 2019 to January 2020 by the Health and Safety Executive (HSE). As a result of these inspections, multiple Prohibition and Improvement Notices were issued to Venus Properties and Development Limited for various Health and Safety failings. Work at height breaches were found on every occasion and other breaches included sleeping on site, lack of guarding on a metal guillotine, electrical safety, wood dust and safety during lifting operations.

The HSE investigation found that Venus Properties and Development Limited failed to properly assess, plan and implement health and safety procedures and measures resulting in repeated breaches giving rise to significant risk.

Venus Properties and Development Limited of High Street, Waltham Cross, Herts pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and was fined £23,000 with costs of £6,917.40.

After the hearing, HSE inspector Rebecca Hamer 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 about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
  3. More information on health and safety in construction can be found at: [Construction – Health and safety for the construction industry \(hse.gov.uk\)](http://hse.gov.uk/construction-health-safety)
  4. HSE news releases are available at <http://press.hse.gov.uk>
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## [Diving contractor fined for safety breaches](#)

Diving contractor Orkney Dived Scallops Ltd has been fined for breaches of the Diving at Work Regulations 1997, following an investigation by the Health and Safety Executive.

Kirkwall Sheriff Court heard that the company were carrying out commercial diving operations for scallops without the required safety measures in place.

An investigation by the Health and Safety Executive (HSE) found that in 2016, the dive contractor carried out a diving operation where two divers were in the water, leaving only one person on board. One of the divers was a young person who did not have the necessary diving qualification or certificate of medical fitness to dive.

In 2017 there was a further incident where a diver went missing whilst diving for scallops in the Pentland Firth. He was found alive 11 hours later drifting off the Scottish mainland near Duncansby.

Neither of these dives were planned, managed or conducted safely and the dive contractor has important legal duties to ensure the diving operations are carried out properly.

Orkney Dived Scallops Ltd pleaded guilty to breaching Section 15 and 33 of the Health & Safety at Work etc Act 1974 and Regulation 6 of the Diving at Work Regulations 1997. The company has been fined £15,000.

After the hearing, HSE inspector of Diving Bill Elrick commented, "The company showed a complete lack of duty of care to their divers. Young people are vulnerable and need to be protected in their workplace. Having only one

person on the vessel meant it would be virtually impossible to recover a stricken diver and divers must be appropriately qualified and medically fit to dive.”

“Orkney Dived Scallops Ltd failed to comply with health and safety regulations which led to the incident in 2017. It is very unusual for a missing diver to survive in Scottish waters for this length of time.”

While carrying out the investigation, the inspectors wore body-worn CCTV cameras which is now common practice and is an excellent way of capturing evidence.

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/); [www.hse.gov.uk/pubns/indg401.pdf](http://www.hse.gov.uk/pubns/indg401.pdf)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Contractors sentenced after employee breaks back in fall from height**

A building contractor and a roofing contractor have been fined after an employee fell five metres from a first-floor extension, breaking several vertebrae in his lower back.

Liverpool Magistrates’ Court heard that on 11 June 2018, Grayton Building Contractors Ltd was undertaking a first-floor extension to a residential bungalow in Noel Gate, Aughton. An employee was fitting fascia boards and soffits to allow roofers employed by Thomas Dean, who had arrived on site a week early, to commence work. Whilst stepping across a gap in the incomplete working platform to descend from the roof, the ladder, which was not tied, slipped sideways, causing him to fall. As a result of his injuries he was unable to work for eight weeks.

An investigation by the Health and Safety Executive (HSE) found that both Grayton Building Contractors Ltd and the roofing contractor Thomas Dean failed to properly plan the work, to assess the risks and to provide appropriate supervision. Subsequently the work at height equipment selected

was not suitable and the work was not carried out safely.

Grayton Building Contractors Ltd of Botanic Road, Churchtown, Southport pleaded guilty to a breach of Regulation 4 (1) of the Work at Height Regulations 2005. The company was fined £15,000 and ordered to pay costs of £3,742

Thomas Dean of Youatt Avenue, Prescott, Merseyside pleaded guilty to a breach of Regulation 4 (1) of the Work at Height Regulations 2005 and was fined £400 and ordered to pay costs of £3,000

Speaking after the hearing, HSE inspector Andy McGrory said: "The risks from working at height are well known. Those in control of the work have a responsibility to devise safe methods of working, which should include ensuring the use of suitable work equipment and adequate supervision.

"The incident could have easily been prevented with simple precautions including properly planning the work, undertaking a suitable risk assessment and by selecting, erecting and using suitable work at height equipment for the job."

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2. More about the legislation referred to in this case can be found at: [Work at height – Occupational health and safety \(hse.gov.uk\)](http://www.hse.gov.uk/work-at-height)
3. HSE news releases are available at <http://press.hse.gov.uk>