

Builder receives custodial sentence for failing to report an incident where a worker was seriously injured

A builder has been imprisoned for 24 weeks after he failed to report a serious incident at a construction site he was in charge of.

Westminster Magistrates' Court heard that on 8 January 2019, worker Simon Lewis had been clearing a site on Clarence Avenue, New Malden with an excavator so a new house could be built. The excavator tipped while digging and it trapped Mr Lewis' leg, resulting in an amputation.

An investigation by the Health and Safety Executive (HSE) found that Mr Lewis had no formal training for operating excavators and had requested a 3-ton model was provided for the work. However, only a smaller 1.7-ton excavator was provided, and Mr Lewis was put under pressure to use this. The incident was not reported to the HSE within ten days as required and the defendant, Paul Adams had not investigated the incident. HSE was only able to start an investigation more than eight months later when the victim complained. By this time crucial evidence relating to the cause of the incident was unobtainable and the work was almost completed.

There was no health and safety related documentation and there was no employer's insurance cover for Mr Lewis to claim against. Mr Adams had not obtained any health and safety related training during his 50 years in the construction industry.

Paul Adams, trading as Surrey Conversions of Sutton Common Road, Sutton pleaded guilty to a breach of Regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. He received a 24-week custodial sentence and was ordered to pay costs of £2,033.

Speaking after the hearing, HSE inspector Andrew Verrall-Withers said: "This case re-enforces how important it is that incidents are reported so they can be investigated, and improvements made to prevent serious incidents in future.

"The judge noted Mr Adams had not reported the incident even when prompted to by a solicitor, and that despite his construction experience he had failed to take any interest in understanding his legal duties nor invest in health and safety.

"Mr Adams claimed in court that he had stopped working for months due to the impact of the incident. However, the evidence showed he had continued with the work.

"The judge commented on how distressing it must have been for Mr Lewis on top of his life changing injury, to know the incident was not being

investigated.”

He added: “We went to great efforts to ensure Mr Adams made improvements. However, in court it was confirmed that although he had told the probation officer, he had stopped work, he was still carrying out construction work at an unidentified site despite failing a health and safety test.”

Note 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
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at: <http://press.hse.gov.uk>

The post [Builder receives custodial sentence for failing to report an incident where a worker was seriously injured](#) appeared first on [HSE Media Centre](#).

[Chemical plant fined after major gas leak](#)

Ineos Chemicals Grangemouth Limited has been fined after ethylene, a flammable gas, was released from a cracked pipe at the KF Ethylene Plant.

Falkirk Sheriff Court heard that on 2 May 2017 approximately 17 tonnes of ethylene was released from the pipe. This leak precipitated the formation of a flammable gas cloud of around 65,000m³. The gas cloud was seen to move through a congested area of the plant reaching ground level.

An investigation by the Health and Safety Executive (HSE) identified that the immediate cause of an unplanned shutdown on the compressor was due to a ‘non-routine’ maintenance activity related to the changeover of a redundant electronic control card in the compressor anti-surge system. The line should have been designed for all potential operating conditions and should not have failed as a result of the rapid opening of the valve and the sudden inrush of hot gas.

Ineos Chemicals Grangemouth Limited, of Chapel Lane, Lyndhurst, Hampshire pleaded guilty to breaching Regulation 5(1) of the Control of Major Accident Hazards Regulations 2015 and section 33(1) of the Health and Safety at Work etc. Act 1974. They were fined £400,000.

Speaking after the hearing HSE inspector Mac Young said: “While there were no injuries as a result of this incident and it was brought under control relatively quickly, the level of fine reflects the seriousness of what happened. It is important that operators of high hazard sites remain vigilant and control the risks that arise as a result of their processes to prevent major incidents.”

Head of the Health and Safety Investigation Unit of COPFS Alistair Duncan said: “Hopefully this prosecution and the sentence will remind other duty holders that failure to fulfil their obligations can have serious consequences and that they will be held to account for their failings.”

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[Health and Safety Executive inspections focus on occupational lung disease](#)

The Health and Safety Executive (HSE) is inspecting fabricated metal businesses across Great Britain to check that they are managing the respiratory risks of welding fumes and metalworking fluids.

From today, World Asthma Day 2021, health and safety inspectors across GB will be targeting businesses whose workers undertake welding and use metalworking fluids to check that they are complying with the [welding fumes guidance](#) and [metalworking fluid guidance](#). During the visits, dutyholders will need to demonstrate they have measures in place to manage risks to protect their workers from [occupational lung disease](#) and ‘WorkRight’ to keep workers

healthy and safe.

Last year in the UK, 12,000 people died from lung diseases estimated to be linked to past exposure, from work in a range of sectors. There is scientific evidence that exposure to welding fumes can cause lung cancer and exposure to metalworking fluids can cause a range of lung diseases, including occupational asthma and occupational hypersensitivity pneumonitis (OHP), which are debilitating diseases with life changing impact.

Inspectors will be looking for evidence of employers and workers knowing the risks, planning their work and using the right controls to protect workers' health. If necessary, they will use enforcement to make sure workers are protected.

While the primary focus will be on lung health during this programme of inspections, if an HSE inspector identifies any other areas of concern, they will take the necessary enforcement action to ensure these are dealt with. This will include making sure that businesses are COVID-secure and doing all they can to protect their workers from the risk of coronavirus.

HSE's Acting Head of Manufacturing and Utilities Unit, Clare Owen, said: "12,000 people died last year from lung diseases estimated to be linked to past exposure from work, with thousands more cases of ill-health and working days lost. We want businesses whose workers use metalworking fluids and undertake welding activities to take action now to protect their workers' respiratory health.

"Through visiting metal fabrication businesses, our inspectors are able to speak to a range of dutyholders and look at the measures they have in place to comply with the law and protect workers from lung diseases such as occupational asthma and lung cancer.

"Our inspection initiative aims to ensure employers and workers are aware of the risks associated with the activities they do. They must recognise these dangers and manage these risks through reducing exposure. Dutyholders need to do the right thing, for example, through completing a risk assessment, ensuring workers are trained and reducing exposure using local exhaust ventilation (LEV) and using suitable respiratory protective equipment (RPE) to protect workers, where required."

For more information on the programme of inspections follow the campaign on Twitter at @H_S_E or on Facebook @hsegovuk. You can also join the conversation at #WorkRight and sign up for HSE's [e-bulletin here](#).

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. The inspection programme will be supported by HSE's 'WorkRight' campaign, aimed to influence employer behaviour by encouraging fabricated metal businesses to download free guidance and advice, increasing knowledge and capability to protect workers' health.

The post [Health and Safety Executive inspections focus on occupational lung disease](#) appeared first on [HSE Media Centre](#).

[Construction company fined for failing to comply with Work at Height Regulations](#)

A construction company has been fined after putting employees at significant risk of a fall from height while working on a roof.

Blackpool Magistrates' Court heard how on two occasions, 10 and 11 July 2019, two employees of Ron Richardson Construction Ltd were observed waterproofing a flat roof at fifth floor level in Harrow Place, Blackpool close to an unprotected edge without the means to prevent a fall. The workers were not being monitored and had accessed the roof to do the work as they were unable to carry out the task from below with the equipment, which had been provided for them.

Enforcement Notices had previously been served against the company for work at height failures at the same site.

An investigation by the Health and Safety Executive (HSE) found that the company had not followed its own procedures and was not sufficiently supervising the work. Suitable edge protection to prevent a fall from height was not provided and the workers had not been given sufficient training in working safely on roofs.

Ron Richardson Construction Limited of Seneca House, Links Point, Amy Johnson Way, Blackpool pleaded guilty to breaching Regulation 4 (1) of The Work at Height Regulations 2005. They were fined £18,000 and ordered to pay costs of £3,342.

Speaking after the hearing HSE inspector Christine McGlynn said: “The dangers here could have been mitigated with adequate planning and supervision of the work undertaken.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fail to heed advice and continue to breach health and safety legislation.”



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4. More information regarding working with overhead power lines can be found at [Construction – Roof work industry health & safety \(hse.gov.uk\)](http://www.hse.gov.uk/construction-roof-work/)

The post [Construction company fined for failing to comply with Work at Height Regulations](#) appeared first on [HSE Media Centre](#).

Construction firm fined after workers exposed to asbestos

A construction company has been fined after workers were exposed to asbestos whilst refurbishing a flat in St John's Wood, Westminster.

Westminster Magistrates' Court heard that between 14 May and 31 August 2018, ASAI Construction Ltd, the Principal Contractor for the project, failed to obtain a Refurbishment and Demolition asbestos survey prior to commencing work on site. During the project ASAI Construction Ltd was made aware by a subcontractor that there was asbestos containing material (ACM) within the flat, however the company allowed work to continue and failed to ensure that the ACMs were removed safely. As a result, several people were exposed to asbestos fibres over a prolonged period.

An investigation by the Health and Safety Executive (HSE) found that ASAI Construction Ltd failed to take reasonably practicable steps to prevent the people working on site being exposed to asbestos.

ASAI Construction Ltd of Harrowdene Road, Wembley pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £30,000 and ordered to pay costs of £2,837.

Speaking after the hearing, HSE inspector Owen Rowley said: "There are currently more than 5,000 asbestos-related deaths each year in the UK. Any asbestos on site should be identified before refurbishment or demolition work takes place and suitable steps must be taken to control the risk of exposure.

"In this case ASAI Construction Ltd's failure to manage the risk of exposure to asbestos was compounded by their lack of response when concerns were raised regarding its presence on site.

"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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4. More information regarding asbestos health and safety can be found at <https://www.hse.gov.uk/asbestos/>

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