

# Company prosecuted after employee injured during loading operations

A shipping company has been fined after a Heavy Goods Vehicle (HGV) driver was struck by a paper reel that was being loaded on to his trailer.

Liverpool Magistrates' Court heard how, on 7 September 2016, an agency HGV driver working for Jenkins Shipping Company Limited at its Liverpool depot, was assisting in the loading of paper reels onto his HGV trailer, when a reel slipped from the clamp attachment of the fork lift truck being used to load the reels striking the driver's lower body and legs. He sustained several lower limb fractures.

An investigation by the Health and Safety Executive (HSE) found that HGV drivers working for Jenkins Shipping Company Ltd regularly assisted with loading operations by either holding back the curtain of the HGV trailer or strapping the reels ready for transit, placing individuals either near the drop zone or moving vehicles. The company failed to have a safe system of work in place to keep pedestrians and vehicles separate during loading operations.

Jenkins Shipping Company Limited of West Bank Road, Belfast, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £30,000 and ordered to pay costs of £7,306.16.

HSE inspector Catherine Lyon said after the hearing: "By ensuring a suitable safe system of work was in place and implemented, the life changing injuries sustained by the HGV driver could have been avoided. Suitable safe systems include ensuring that pedestrians are located in a safe area, away from moving vehicles and falling loads. "

## **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. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. More information about workplace transport safety can be found at: <http://www.hse.gov.uk/pubns/priced/hsg136.pdf>
4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Company prosecuted after employee injured during loading operations](#) appeared first on [HSE Media Centre](#).

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## [Restaurant owner fined after disturbance of asbestos](#)

A restaurant owner has been fined after asbestos was disturbed during the conversion of rooms above the restaurant into flats in Essex.

Chelmsford Magistrates' Court heard that during September 2016, above the Marco Polo restaurant on Lower Southend Road, Wickford, asbestos insulation board was removed and broken up which resulted in workers being exposed to asbestos fibres. An asbestos survey was only carried out after the asbestos had been disturbed.







An investigation by the Health and Safety Executive (HSE) found that a management asbestos survey and a refurbishment and demolition asbestos survey had not been completed prior to the work starting, and the work had not been completed by a licenced asbestos contractor.

Faruk Kamali of Lower Southend Road, Wickford, Essex pleaded guilty to breaching Regulation 4(3) of the Control of Asbestos Regulations 2012 and was fined £3,000 and ordered to pay full costs of £6,293.

After the hearing HSE inspector David King said “Those in control of works have a responsibility to manage the risks from asbestos in non-domestic premises. To achieve this the dutyholder must ensure that a suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present in the premises.”

Further information about client’s duties can be found at <http://www.hse.gov.uk/construction/cdm/2015/commercial-clients.htm>

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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)<sup>[2]</sup>
  3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Contractor fined after fall through skylight](#)

A construction company, Modern Ltd, has been sentenced after a worker fell through a skylight.

Hendon Magistrates' Court heard how, on 12 May 2017, a worker was carrying out cladding work from a flat roof in Chiswick. In collecting his tools, the worker walked across a covered skylight, which he assumed to be strong enough to take his weight. The worker fell through this skylight and because of his injuries he is still yet to return to work.

An investigation by the Health and Safety Executive (HSE) found the company had failed to plan or supervise the work at height. As such an opening where a skylight was going to be installed was covered with a fragile material. The workers on site thought this was a solid surface.

Modern Ltd of Brentwick Gardens, London, pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £31,250.

After the hearing, HSE inspector Adam Thompson commented "The risks associated with fragile roofs are known throughout the construction industry.

"Failing to protect workers from this risk is inexcusable"

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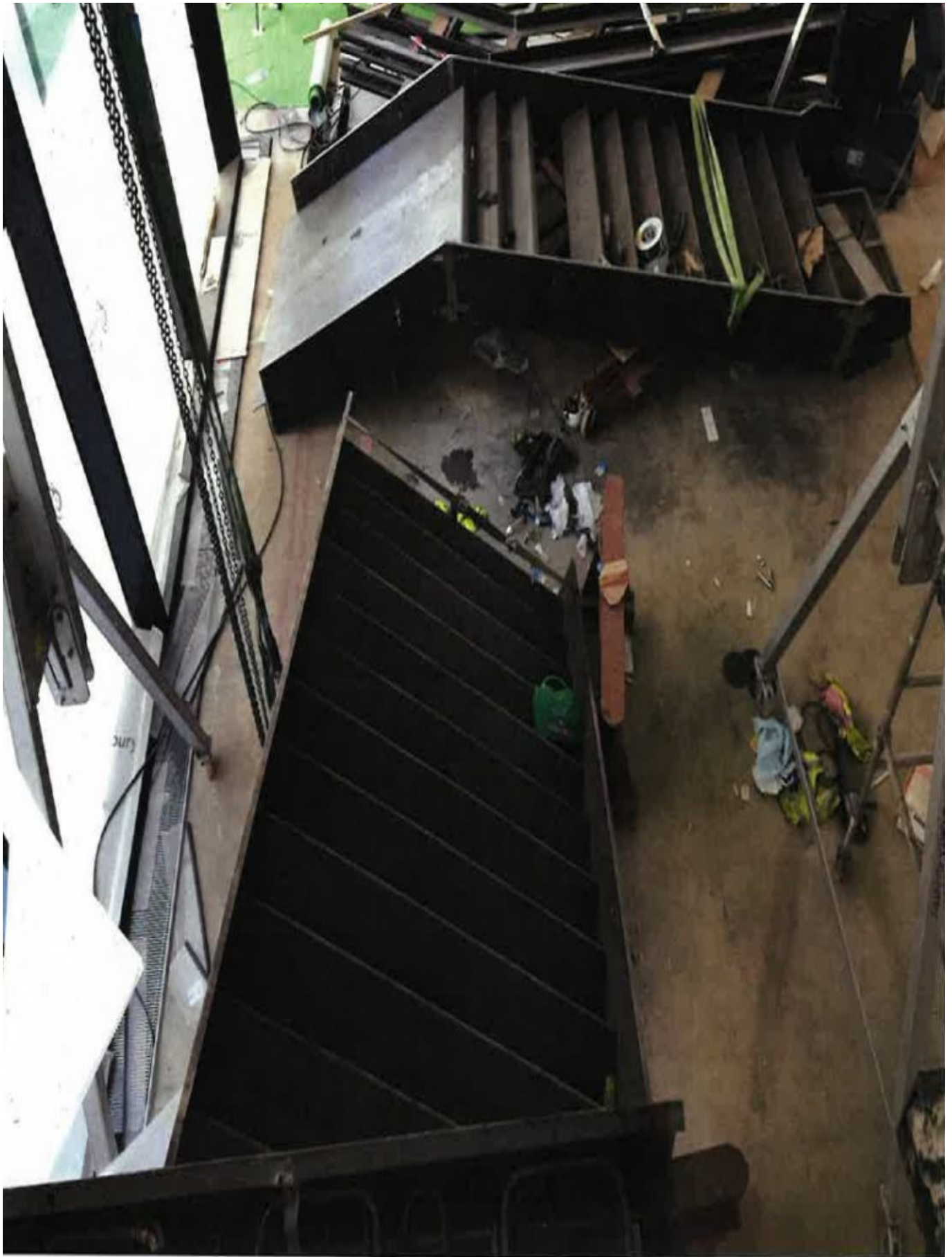
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## **Industrial staircase installer fined after worker trapped**

A company specialising in the manufacture and installation of industrial staircases has been fined following an incident where a worker became trapped at a site on Fenchurch Avenue in London.

Westminster Magistrates' Court heard that on 19 July 2018 Dragos Sultana suffered serious injuries when a section of staircase weighing 1.7 tonnes fell and trapped his leg. The staircase was being lifted into position when one of the fabric slings supporting the load failed, causing one side of the staircase to drop and striking Mr Sultana. His injuries resulted in the amputation of his leg just below the groin.





An investigation by the Health and Safety Executive (HSE) found that Leyton Group Construction Ltd failed to properly plan the lifting operation. The lift plan was not specific to the job and the method statement lacked the level of detail required about the load, how it should be slung and how it

should be lifted. This resulted in the slings being stretched across the sharp metal edges of the staircase stringers, which caused a shearing action and ultimate failure of one the slings.

Leyton Group Construction Ltd of Swinborne Road, Basildon pleaded guilty to breaching Regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) was fined £14,000 and ordered to pay costs of £7,227.14.

Speaking after the hearing, HSE principal inspector Tania van Rixtel said:

“The method employed for lifting the staircase was unsafe. This case highlights the need for duty holders to properly plan all lifting operations before work is carried out to manage the risk of injury to workers. This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

“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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## **[Company fined after employees exposed to Respirable Crystalline Silica](#)**

A playground installation and landscaping contractor has been fined after failing to provide employees with adequate control measures to prevent exposure to respirable crystalline silica (RCS).

Greater Manchester Magistrates' Court heard how on 23 March 2018, the Health and Safety Executive (HSE) carried out unannounced inspection of a site at Newbank Garden Centre, Bury Road, Radcliffe. The HSE inspector served a Prohibition Notice to stop two employees of Playscape Design Ltd, using a powered tool to cut flags without any respiratory protective equipment. This put the health of the employees at risk due to exposure to RCS, which is released when silica-containing materials are cut with a powered tool.

HSE then served an Improvement Notice, requiring the company to provide adequate control from exposure to RCS. The investigation found the company did not provide evidence of compliance within the deadline and a second, similar job was completed at the same site with no adequate control measures in place.

Playscape Design Limited of Ball Grove Drive, Colne, Lancashire, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002 and also admitted not complying with an Improvement Notice, which is an offence under Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £3,000.

HSE inspector Rebecca Hamer, said after the hearing: "The working conditions we encountered were putting the health of the employees at risk due to exposure to RCS, which is released when silica-containing materials are cut with a powered tool.

"Exposure to respirable crystalline silica can cause life-threatening diseases including silicosis and chronic obstructive pulmonary disorder (COPD), which can lead to impaired lung function, lung cancer and death. This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"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/)
3. More information about respiratory protective equipment at work can be found at: <http://www.hse.gov.uk/pUbns/priced/hsg53.pdf>
4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Company fined after employees exposed to Respirable Crystalline](#)



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