

# Company fined after employee was injured by fallen machinery

A Dessert company has been fined after employee was struck by machinery while relocating it on site.

Northampton Magistrates Court heard how on 11 April 2018, an employee of Mademoiselle Desserts Corby Limited received injuries whilst moving a large mixer across the yard in Corby. The mixer was on a pallet truck but was not secured to it. Another worker was pulling the pallet truck whilst the injured person was walking alongside and supporting the load. As they approached a container in the yard they turned the pallet truck when both the pallet and mixer tipped onto him resulting in five broken bones in his foot.

An investigation by the Health and Safety Executive (HSE) found that there was no risk assessment for this operation. The mixer was on an unsecured damaged plastic pallet, which was resting on the forks of the pallet truck. The forks were not inserted into the pockets of the pallet.

Mademoiselle Desserts Corby Limited of Earlstrees Industrial Estate, Corby has pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974. He has been fined £36,000 and ordered to pay costs of £1371.80 and ordered to pay a victim surcharge of £170.

After the hearing HSE inspector Michelle Morrison said "This incident could so easily have been avoided had the operation been properly risk assessed and simple control measures and safe working practices put in place.

"Companies should be aware that HSE will not hesitate to take appropriate action against those that fall below the required standard."

## **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. HSE news releases are available at <http://press.hse.gov.uk>

The post [Company fined after employee was injured by fallen machinery](#) appeared first on [HSE Media Centre](#).

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## [Two contractors fined after worker suffers fatal injury following a fragile roof fall during construction work](#)

Two contractors have been fined after a worker suffered fatal injuries following a fall through a fragile roof during construction work at a factory in Staffordshire.

Wolverhampton Crown Court heard how on 19 September 2015, at the Norton Aluminium foundry site in Norton Canes, a scaffold company employee was fatally injured after falling approximately 11.5 metres through a fragile roof. The employee was working on the corrugated asbestos cement roof to move and fit temporary scaffold guardrails as part of a larger roof refurbishment project at the site.



An investigation by the Health and Safety Executive (HSE) found that Stephen John Brennan, trading as SB Scaffolding, failed to ensure the health and safety of his employees in relation to the work taking place on the fragile roof at the site. The investigation also found that Sandwell Roofing Limited, a contractor in overall control of the roof refurbishment project, failed to ensure that people not in its employment were not exposed to risks arising from work on the fragile roof.

Stephen John Brennan of Lorimer Way, Birmingham, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. He was sentenced to six months imprisonment suspended for two years, 180 hours of unpaid community service and ordered to pay costs of £14,000.

Sandwell Roofing Limited of New Wood Farm Stourton, Stourbridge, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £41,125 and ordered to pay costs of £33,000.

Speaking after the hearing, HSE inspector Andrew Bowker said:

“Falls through fragile roof materials remain one of the most common causes of work-related fatalities during construction work. These risks are well known,

and the required control measures well documented in both HSE and industry guidance. This was a tragic and wholly avoidable accident that led to the death of a young man. This death could easily have been prevented if suitable safe systems of work had been in place.”

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## [National Grid fined after worker killed](#)

An electricity and gas utility company has today been fined after a worker was killed on Winslow Road in East Claydon.

Aylesbury Crown Court heard how, on 18 November 2016, Paul Marsden, a sub-station crafts person for National Grid Electricity Transmission was to move a delivery crate containing a compressor with the help of a colleague. Mr Marsden was using a remote-controlled lorry loader crane but as they attempted to attach the slings to the hook, the crane struck Mr Marsden resulting in fatal injuries.



An investigation by the Health and Safety Executive (HSE) found National Grid Electricity Transmission PLC failed to ensure the lift was properly planned, effectively supervised and carried out safely. The company also failed to ensure Mr Marsden had received adequate training in the new lorry loader crane, in particular the additional risks due to the remote-control unit.

National Grid Electricity Transmission PLC of The Strand, London, pleaded guilty to breaching Section 2(1) of Health and Safety at Work Act 1974 and Regulation 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). The company was fined £334,000 and ordered to pay costs of £17 673.34 costs, as well as an additional victim surcharge of £170.

HSE inspector Stephen Faulkner, speaking after the sentencing said: "This tragic incident could have been avoided if the company had properly planned the movement of the crate involved. Employers must recognise operating remote-controlled plants carry their own risks and should be managed appropriately, including through providing adequate training for employees."

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Further information can be found at  
<http://www.hse.gov.uk/work-at-height/index.htm>

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## [Three new faces for HSE Board](#)

The Secretary of State for the Department for Work and Pensions has confirmed three non-executive director Board appointments to the Health and Safety Executive (HSE).

HSE is an Executive Non-Departmental Public Body sponsored by the Department for Work and Pensions (DWP).

The appointments were made following open competition. Claire Sullivan will take up post on 1 August, Ged Nicholls on 1 September and Jonathan McDermid on 1 October. Existing Board member, George Brechin, has also been reappointed for another two years.

Claire Sullivan has extensive board level experience and since 2014 has been Director of Employment Relations and Union Services (ERUS). She was previously a member of the Industrial Injuries Advisory Council (IIAC) and has an extensive understanding of health and safety at board level.

Ged Nicholls is the General Secretary of trade union, Accord (Independent trade union, affiliated to the TUC and the Scottish TUC) and has holds positions on the TUC's governing General Council, Executive Committee and Superannuation Society Ltd and is a non-executive director of the Involvement & Participation.

Chartered Engineer Professor Jonathan McDermid is creator of the High Integrity Systems Engineering (HISE) Group, the world's largest academic research group addressing high integrity systems and software, with a focus

on safety and security. The group works extensively with industry in the UK and Europe with Bosch, JLR, Rolls-Royce and Siemens, and has strong international links, with NASA and with Beijing Jiaotong University.

Outgoing Board members are Sir Paul Kenny, Jonathan Baume and Martyn Thomas. The Chair of HSE, Martin Temple, is delighted to welcome this new strength and experience to the Board and expresses his gratitude to Sir Paul Kenny, Jonathan Baume and Martyn Thomas for their valuable contribution to HSE over recent years .

Further information about the HSE and its Board can be found at:  
<http://www.hse.gov.uk/aboutus/people.htm>

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2. The Commissioner for Public Appointments regulates all appointments made by the Secretary of State to SSAC. All such appointments are made in accordance with the Code of Practice published by the commissioner. The code is based on three core principles – merit, openness and fairness.
3. Any questions about the appointment of Board members should be directed to the DWP Press Office.

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## [Valero Energy UK fined £5 million after four people died in an oil explosion](#)

Valero Energy UK Ltd and B&A Contracts Ltd have been fined after an explosion killed four workers and seriously injured another at an oil refinery in Pembrokeshire in 2011.

Dennis Riley, 52, Robert Broome, 48, Andrew Jenkins, 33, and Julie Jones, 54, died after a storage tank exploded at the site. Andrew Philips also sustained major injuries.

Swansea Crown Court heard how on, 2 June 2011, the five workers were emptying a tank in the Amine Recovery Unit using a vacuum tanker when the explosion and subsequent fire took place shortly after 6pm. B & A Contracts Ltd, which

was a long-term contractor at the refinery, was carrying out the work, with support from another contractor, Hertel.

The explosion resulted in a fireball which severed the 5-tonne tank roof, and this was projected 55 metres to impact against a butane storage sphere. The roof narrowly missed a pipe track where a range of flammable materials were carried.







An investigation by the Health and Safety Executive found the explosion was most likely to have been initiated by the ignition of a highly flammable atmosphere within the tank, during what should have been a routine emptying operation in preparation for further cleaning and maintenance.

The investigation also found there had been longstanding failures within the refinery safety management systems and as a result the risks posed by flammable atmospheres within the Amine Recovery Unit were not understood or controlled.

At the time of the incident the refinery was operated by Chevron Limited, but ownership changed in August 2011 when the sale to Valero was completed.

Valero Energy UK Ltd of Wood Street, London, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The company have been fined £5 million and ordered to pay costs of £1 million.

B & A Contracts Ltd of Hubberston Road, Pembrokeshire pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. They have been fined £120,000 and ordered to pay costs of £40,000.

Speaking after the hearing, HSE inspector Andrew Knowles said: "This incident, which had devastating consequences for all of those involved, was entirely preventable. Many opportunities to take action to control risk were missed, that would have prevented the incident from occurring. It is important to realise that the incident could have had even more serious consequences had the butane sphere or pipe track been damaged by the flying tank roof.

Detective Superintendent Anthony Griffiths said:

“Officers from Dyfed-Powys Police worked closely with the Health and Safety Executive to support them in the very complex investigation to establish the cause of this tragic incident. We hope that the lessons learned ensure that a tragedy of this nature doesn’t happen again. Our thoughts remain with all the families involved.”

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