

# Transport company fined after driver killed loading and unloading a trailer

A transport company has been fined £400,000 after one of its drivers was killed after being knocked off his trailer while loading and unloading it.

On 16 November 2020, Robert Gifkins, who worked for Arnold Laver & Company Ltd, was delivering timber to a company in Whaddon near Salisbury. He had climbed onto the bed of his trailer to sling the load and attach it to the vehicle-mounted crane. While moving the load using the crane's remote control he was struck by the crane and fell from the vehicle to the ground. Mr Gifkins was taken to hospital and subsequently died on 17 December 2020.

An investigation by the Health and Safety Executive (HSE) found that this incident was the result of health and safety failings by the company. The risks associated with this work at height had not been properly assessed and the risk of falls had not been adequately prevented or controlled. The company had also not provided Mr Gifkins with sufficient training and instruction on the safe operation of the remote crane controls on the vehicle.

At a sentencing hearing at Salisbury Magistrates' Court on 13 October, Arnold Laver & Company Ltd, Bramall Lane, Sheffield, pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act. Passing sentence today (November 9) they were fined £400,000 and ordered to pay costs of £19,841.99.

Speaking after the hearing HSE Inspector Leo Diez said: "Falls from vehicles can be overlooked by employers when considering risks from work at height. Simple control measures would have prevented this accident."

In a victim personal statement from Mr Gifkins' family, his mother Betty Gifkins, said: "The pain of losing a son is only made worse by the fact this is the second son I have lost. I try not to think of him in the hospital as this only adds to my sadness. I miss him every day."

## **Notes to editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For guidance on preventing falls from vehicles, visit: <https://www.hse.gov.uk/workplacetransport/vehicles/preventingfalls.htm>

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# Scrap metal company fined after worker loses four fingers

A scrap metal company has been fined for safety breaches after a worker lost parts of four fingers while operating poorly maintained machinery.

On 27 March 2020, a man working for Infinity Metals Limited suffered amputations to multiple fingers while operating the machinery at Vickerdale Works, Arthur Street, Stanningley, Pudsey, Leeds.

An investigation by the Health and Safety Executive (HSE) found that while the employee was operating the crocodile shear, he leant over the machine while it was in motion to clear metal and caught his right hand in the machine. This caused him to suffer an amputation to four of his fingers.

Infinity Metals Limited, of Spur Road, Quarry Lane Industrial Estate, Chichester pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £26,680 and ordered to pay prosecution costs of £7,005.50 at Leeds Magistrates' Court on 9 November 2022.

After the hearing, HSE inspector Darian Dundas said: "The lack of clear roles and responsibilities together with insufficient training and poorly maintained machinery played a significant part in this incident.

"This incident could so easily have been avoided by simply maintaining the machinery in good working order, ensuring that the correct control measures were present, and ensuring that safe working practices were adhered to."

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  2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk><sup>1</sup>
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# Eddie Stobart fined after workers exposed to asbestos

Logistics company Eddie Stobart has been fined after work at one of its sites exposed staff to asbestos.

The firm was fined £133,000 for a series of failures that took place while excavation work was carried out at its rail and container freight port in Widnes.

Asbestos containing materials (ACMs) were disturbed by the building work, putting staff at risk.

An investigation by the Health and Safety Executive (HSE) found an asbestos survey had not been carried out, the workers involved hadn't received any training in relation to asbestos, and Eddie Stobart failed to report the incident correctly.

Manchester Magistrates Court heard that in early 2018, an area of the company's Mersey Multimodal Gateway in Widnes was earmarked for the storage of empty containers. As the ground had become damaged by heavy lift loaders used to move containers, it was decided to scrape away the top layer to reach an older, more level surface below.

This work took place over several months and subsequently the remnants of old buildings containing asbestos were present in the surface material. Underground basement cavities were also found and excavated and then backfilled with rubble. Several workers complained about the dust created by these processes and what it may contain.

An investigation by HSE found an asbestos survey had not been carried prior to the work beginning to determine if any of the excavated material contained asbestos.

A risk assessment had not been carried out nor suitable control measures put in place to prevent or reduce exposure to asbestos or prevent the spread of asbestos containing materials from the site. The workers involved in the excavation work hadn't received any training in relation to asbestos.

It was several months after the work had been completed that testing was carried out and the subsequent survey identified ACMs in the mounds of spoil, as well as scattered around the footprint where the work had taken place.

The company then failed to report the incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) within the 10-day timeframe required.

Eddie Stobart Ltd, of Stretton Green Distribution Park, Langford Way, Appleton, Warrington, Cheshire pleaded guilty to breaching Regulation 5 of The Control of Asbestos Regulations 2012 and Regulation 11(1) of The Control

of Asbestos Regulations 2012. The company was fined £133,000 and ordered to pay costs of £9,260 on 4 November 2022.

Following the hearing, HSE Inspector Stuart Wood said: "Asbestos was historically used in countless applications and can be found in a variety of places.

"The law requires businesses undertaking work in demolition, maintenance or any other work which exposes or is liable to expose employees to asbestos to assume ACMs are present unless you have evidence, such as an asbestos survey to indicate otherwise.

"The duty to manage asbestos relates to entire premises including yard areas, not just buildings. There is no safe level of exposure to asbestos."

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2. More about the legislation referred to in this case can be found at: [HSE: Asbestos – health and safety in the workplace](#)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **[Two companies fined after driver is crushed while unloading vehicle](#)**

Two companies have been fined after a heavy goods vehicle (HGV) driver suffered fatal chest injuries while unstrapping a load on a trailer.

Andrew Bayley-Machin, 41, of Park Drive, Cheadle, Stoke-on-Trent was fatally crushed when he was hit by a pack of steel gates that fell approximately three metres from a load on a flatbed trailer.

The vehicle had been loaded with the gates at Joseph Ash Ltd of Stafford Park 6, Telford and driven by Mr Bayley-Machin to the premises of his employer LM Bateman & Company Ltd in Cheadle Road, Cheddleton, Staffordshire when the incident happened on 20 June 2018.

An investigation by the Health and Safety Executive (HSE) found that arrangements for planning and restraining loads were inadequate to ensure

that the stability of goods was independent of the load straps so that release of the straps did not allow the load to fall from the vehicle.

LM Bateman and Company Limited of Island Works, Cheadle Road, Cheddleton, Leek, Staffordshire pleaded guilty to breaching Sections 2 (1) and 3(1) of the Health and Safety at Work Act 1974. They were fined £120,000 and ordered to pay costs of £16,334 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Joseph Ash Limited of Westhaven House, Arelston Way, Shirley, Solihull, West Midlands pleaded guilty to breaching Sections 2(1) and 3 (1) of the Health and Safety at Work Act 1974. They were fined £244,500 and ordered to pay costs of £17,834 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Following the hearing, HSE inspector Wendy Campbell said: "This death would have been prevented had an effective system for managing load restraint been in place at both companies.

"This is a reminder to all companies of the need to properly assess and apply effective control measures when securing loads to minimise the risks from transporting goods on road vehicles."

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## **[Ventilation testing company fined for putting hundreds at risk](#)**

A company that tests ventilation systems has been fined for putting hundreds of workers at risk of serious lung diseases.

Airtec Filtration Ltd was used by businesses across the UK to test extract ventilation systems, which reduce exposures to airborne contaminants in a workplace.

An investigation by the Health and Safety Executive (HSE) found the firm,

which is based in St Helens, Merseyside provided its customers with inaccurate test results, potentially leaving staff in those businesses unaware of the risks they faced.

In one incident, when assessing a car manufacturing business, the Airtec engineer failed to identify the presence of rubber fumes, which are carcinogenic and can lead to cancer.

In another, a baking company used flour and other respiratory allergens, which the engineer identified inadequately as food dusts. The Airtec engineer failed to provide any other information to highlight the presence of asthmagens, which can lead to occupational asthma.

Between 2018 and 2019 Airtec Filtration Ltd were providing Through Examination and Tests (TExT) of local exhaust ventilation (LEV) systems, which are designed to control substances dangerous to health.

The company claimed their work met the requirements of the Control of Substances Hazardous to Health Regulations (COSHH) 2002.

However, the testing the testing reports provided to businesses were insufficient as hazardous substances were not adequately identified, and the local exhaust ventilation tests were not carried out correctly.

HSE inspectors visited multiple sites, where testing was undertaken by Airtec and at each one a number of significant and common failings were found.

As a result, Airtec was served with an Improvement Notice on 23 October 2019.

The Improvement Notice required Airtec to provide training to their engineers to ensure that they had adequate knowledge, training and expertise in the assessment, evaluation and control of risk arising from exposure to hazardous substances, so as to not expose persons who might be affected, to a potential health risk.

An investigation by HSE found that Airtec was aware of the need for a competent person who held professional qualifications to carry out the testing but did not provide the necessary training for their engineers.

Airtec Filtration Ltd, of Manor Street, St Helens pleaded guilty to contravening Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £2,666 and ordered to pay costs of £4,074 at Manchester Magistrates' Court on 4 November 2022.

The issue came to light when HSE inspectors requested TExT reports relating to LEV systems from a number of businesses as part of routine inspections and investigations. LEV is an engineering control system installed to reduce exposures to airborne contaminants such as dust, mist, fume, vapour, or gas in a workplace.

The documents received by inspectors raised concerns about the accuracy of Airtec Filtration Ltd's services who had tested the LEV systems for a number of businesses.

HSE inspector Rose Leese-Weller said: "Airtec Filtration Ltd provided inadequate training to their engineers while claiming to provide a thorough testing service for LEV systems.

"They provided businesses with unsatisfactory reports based on limited or inconclusive evidence, with little or no consideration of the level of risk of different hazardous substances.

"Inhalation of hazardous substances at work can have devastating consequences to workers leading to occupational asthma, cancer, chemical asphyxiation or neuro-toxic effects.

"This company completely flouted regulations potentially putting hundreds of workers at serious risk. HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards, we hope this sentencing sends out a stark warning to the industry."

People who believe they may have been exposed to a hazardous airborne substance in the workplace will understandably be anxious and concerned about the possible effects on their health.

Anyone who is concerned about possible exposure to hazardous substances from work activities is advised to consult their GP and ask for a note to be made in their personal record about possible exposure, including date(s), duration, type of substance and likely exposure levels (if known).

In some circumstances, the GP may refer them to a specialist in respiratory medicine.

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3. HSE news releases are available at <http://press.hse.gov.uk>[3]
4. For further guidance on Local Exhaust Ventilation (LEV) workplace fume and dust extraction visit: [Local exhaust ventilation – workplace fume and dust extraction \(hse.gov.uk\)](http://www.hse.gov.uk/local-exhaust-ventilation-workplace-fume-and-dust-extraction) and [Local exhaust ventilation – Frequently asked questions \(hse.gov.uk\)](http://www.hse.gov.uk/local-exhaust-ventilation-frequently-asked-questions)