

# 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".

## **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/](https://www.legislation.gov.uk/)
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/](https://www.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://www.hse.gov.uk/construction)
  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>

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## [Fencing manufacturer and site owner fined after employee fatality](#)



A fencing manufacturer and the owner of the yard where the business operates, have been fined following the death of an employee at the site.

North Somerset Magistrates' Court heard how on 14 August 2017, Roderick McKenzie Hopes was working for PA Fencing Ltd at the yard. A telescopic forklift (telehandler) used to move timber, was lifted too high. It tipped over, knocking over some stacked timber which fell on to Mr Hopes resulting in his death.

An investigation by the Health and Safety Executive (HSE) found that the telehandler's safety device, designed to stop loads being lifted so high, had not worked for a long time and maintenance had failed to identify this. Furthermore, the machine operator had not received full training in its use and the machine was regularly used to lift overly heavy loads.

The yard supervisor did not know how the machine should be used safely. The yard wasn't laid out to allow the safe stacking of material.

The investigation also found that PA Fencing Ltd shared the machine with Mr David Crossman, who owns the neighbouring farm and rents the yard to PA Fencing Ltd. Neither PA Fencing Ltd nor Mr Crossman had ensured that the machine was properly maintained nor that it was independently thoroughly examined, a test which must be done at least annually.

P A Fencing Limited of Unit 4 Westfield Business Park, Bristol BS21 6UY pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. The company was fined £35,000.00 and ordered to pay costs of £7500.00.

David Crossman of Ham Farm, Ham Lane, Yatton BS49 4QL pleaded guilty to breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 9(3) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined £3000.00 and ordered to pay costs of £7500.00.

Speaking after the hearing HSE inspector Tania Nickson said:

"This incident could so easily have been avoided by simply ensuring that the vehicle in question had been properly maintained and thoroughly examined.

"This failure was compounded by PA Fencing Ltd not ensuring their yard was set up to safely store timber or that their drivers were properly trained and appropriately supervised.

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