

# Worker sustained serious injuries falling through an asbestos roof

A specialist roofing and cladding company has been sentenced after an employee suffered serious injuries when he fell through an asbestos roof whilst undertaking gutter cleaning and roof repairs.

North Staffordshire Magistrates' Court heard that on 1 March 2017, DPM Industrial Roofing (UK) Limited (DPM), was engaged by PD Edenhall, to undertake work on the fragile pitched roof on units at its premises in Burslem, Stoke-on-Trent. The work involved cleaning valley gutters and over-sheeting six damaged asbestos roof sheets with corrugated metal sheets.

Two DPM employees accessed the roof via a cherry picker and proceeded to clean the first valley gutter which was 35m long and two feet wide.

During the work one of the men stepped off the crawling board and onto the fragile asbestos cement roof, which gave way causing him to fall 7.5 metres to the concrete floor below. He fractured his spine in two places and also fractured his pelvis, shoulder and rib.

An investigation by the Health and Safety Executive (HSE) found the method of work was unsafe. There was no fall protection on either side of the valley gutter to prevent the workers falling through the pitched fragile roof and no fall protection at the end of the valley gutter to prevent them falling off the roof. This unsafe method of work was repeated when the men cleaned the second valley gutter. The risk assessment was not suitable and sufficient.

Although it identified working on a fragile roof as 'high risk' it failed to identify falls from a leading edge and did not include adequate control measures to prevent falls through or from the roof.

DPM Industrial Roofing (UK) Limited, of Sneyd Business Park, Sneyd Street, Stoke on Trent pleaded guilty to breaching Section 2 of the Health and Safety at Work etc Act 1974 and was fined £10,000 and ordered to pay costs of £6,454.

Speaking after the hearing, HSE inspector Susan Ritchie said: "This serious incident could easily have been prevented had appropriate control measures been considered and put in place to prevent falls from height."

**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 [Worker sustained serious injuries falling through an asbestos roof](#) appeared first on [HSE Media Centre](#).

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## [Plastics manufacturer fined after a worker became entangled in unguarded machinery](#)

Printed plastics manufacturer Alfaplas Limited has been fined after a worker became unconscious as a result of asphyxiation when his tabard was entangled in the rotating spindle of a print machine.

Kidderminster Magistrates' Court heard how on 29 January 2019, an employee who was a supervisor at Alfaplas Limited in Hereford, attempted to realign a reel of product on a print machine whilst it was running at half speed. The employee's high visibility tabard became entangled in an unguarded rotating spindle, drawing in his clothing. He became unconscious as a result of asphyxiation from the entangled clothing. An operator on an adjacent machine intervened to stop the print machine.

An investigation by the Health and Safety Executive (HSE) found the company failed to prevent access to the dangerous parts of machinery or stop dangerous parts before access was gained. They later fitted electro sensitive protection devices, which stopped the machine when the roller was active in the operator zone and the light beam was broken.

Alfaplas Limited of Ramsden Road, Rotherwas Industrial Estate, Hereford pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 3(1) of the Management of Health and Safety Regulations 1999. They were fined £150,000 and ordered to pay costs of £14,379.

Speaking after the hearing, HSE inspector Sara Lumley said: “This incident could so easily have been avoided by simply ensuring that dangerous parts of machinery were guarded.

“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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3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on working safely with machinery, please visit our website here: <https://www.hse.gov.uk/work-equipment-machinery/index.htm>

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## [Company director fined after residents exposed to carbon monoxide](#)

A construction company director has been fined for leaving a gas boiler at a domestic property in a dangerous condition as he worked to build an extension.



During the building work, the residents of the property in Newcastle were placed at a serious risk of ill health, including carbon monoxide poisoning.

Newcastle-upon-Tyne Magistrates' Court heard that commencing in April 2018, construction work was carried out at a domestic property on Lichfield Avenue, which affected the safe working condition of the gas boiler and flue at the property. The family of three, a mother and her two children, remained living in the house while the extension was built.

An investigation by the Health and Safety Executive (HSE) found that David Coulson, director of Coulson Constructions North East Ltd, did not make the gas system in the house safe before or during the construction work, allowing the fumes and poisonous gases from the boiler to flow into the extended house. He was not Gas Safe registered.

David Coulson of Gofton Walk, Newcastle upon Tyne pleaded guilty to breaching Section 37 and Section 20 (2)(j) of the Health and Safety at Work etc. Act 1974. He was sentenced to 12 months imprisonment suspended for 24 months, given 250 hours of unpaid work and ordered to pay costs of £5,200

Speaking after the hearing, HSE inspector Paul Wilson, said: "Construction work can and must be planned properly to ensure the health and safety of those potentially affected throughout the building project.

"Any work on a gas system, including the boiler in our houses, must always be carried out by competent gas engineers, namely those accredited with Gas Safe Registration. Not to do so is both illegal and potentially very dangerous.

“To check if a person is Gas Safe Registered visit the Gas Safe Registered website.”

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4. For more information about gas safety, please visit our website here: [Gas safety \(hse.gov.uk\)](http://Gas%20safety%20(hse.gov.uk))

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## [Home Office funds Responsible Car Wash Scheme pilot to prove case for licensing](#)

The Responsible Car Wash Scheme (RCWS) launches a pilot project today, funded by the Home Office and supporters, to test the effectiveness and value of introducing licensing for car wash businesses. The pilot is based on a RCWS accreditation scheme for hand car washes to ensure these businesses treat employees, customers and the environment fairly.

The pilot will be independently evaluated by Nottingham Trent University (NTU) and is supported by the Gangmasters and Labour Abuse Authority (GLAA), the Police, the Health and Safety Executive, Her Majesty’s Revenue and Customs, the Environment Agency, and the charity Unseen.

The process has been devised with advice from [The Work, Informalisation and Place Research Centre](#) at NTU, whose studies suggest the number of hand car washes in the UK is between 4,000 and 6,000. Whilst some operate lawfully, this has consistently been identified as an industry where workers are at risk of exploitation ranging from poor working conditions to modern day slavery. Legitimate businesses are undercut by those breaking the law,

creating an unfair competitive landscape. Many operate from unsuitable premises that discharge dangerous effluent into water courses and where staff are given ineffective protective equipment when handling dangerous and corrosive cleaning materials.

The pilot builds on previous RCWS initiatives such as a voluntary accreditation scheme working with supermarkets and national network operators which resulted in backing from Tesco, Sainsbury's, Asda, Morrison's and Waitrose.

Ian Clark, professor of work and employment at Nottingham and Trent University said: "Our research into hand car washes has shown widespread non-compliance which has far reaching implications for workers and the environment. The government recognises that an accreditation scheme designed to promote compliance and drive up standards for hand car washes can play a role in preventing exploitation of workers and water pollution in this sector. Our role is to explore the efficacy of the RCWS trial and test this as a workable system to implement mandatory licencing on a national level."

Teresa Sayers, managing director, RCWS said: "With car washes now reopening after lockdown, risks are resurfacing with regards to violation of labour, employment, health and safety and environmental regulations. RCWS aims to ensure compliance, improve standards, and give consumers confidence that they are choosing a fair car wash, by accrediting businesses that adhere to the RCWS Code of Practice. With Home Office backing and an independent evaluation, this has the impetus it needs to work on a nationwide level."

Darryl Dixon director of strategy, GLAA said "The GLAA has supported the principle of this project, and its funding. Concerns over irregularity in this industry have increased public interest, and awareness of some issues in the hand car wash sector. While we recognise that some businesses aim to operate irregularly, requiring enforcement, there are those that may need assistance and education to raise their awareness of what they need to do to be compliant. Building a compliant industry, prevention, education and enforcement go hand in hand to provide a level playing field for legitimate businesses and reduce the risk of exploitation of workers.

## **Notes to editors**

The pilot will implement four interventions to explore the efficacy of the approaches. They are:

- The RCWS working with the assistance of Local Council, the GLAA, Thames Valley Police (Slough)
- The RCWS operating in isolation (Luton)
- A Land Registry/Landlord intervention (Hillingdon)
- Control area mapping sites at start and finish of the pilot to see any change or engagement with RCWS (Watford)

RCWS Accreditation requires the operator to meet and abide by the **Code of**

**Practice** in full.

- Consent to Trade and Trading Standards
- Financial Transparency and Corporate Governance
- Providing Safe and Hygienic Working Conditions
- Protecting the Environment
- Compliant and Ethical Employment Practices and prevention of worker exploitation

### **About RCWS**

The Responsible Car Wash Scheme (RCWS) is a not-for-profit organisation founded to promote compliance and raise standards in the car wash industry. It aims to be a positive force in improving conditions for workers and upholding their statutory rights. Launched in October 2018 at the House of Lords, the scheme has the backing of National and Local Government, the Gangmasters and Labour Abuse Authority, the Police, the Health and Safety Executive, Her Majesty's Revenue and Customs, the Environment Agency and the charity Unseen, all of whom have assisted in its development.

### **About WIP**

The Work, Informalisation and Place Research Centre (WIP) provides methodologically innovative interdisciplinary studies of contemporary work and employment in sectors such as hand car washes, nail bars, and small-scale garment manufacturing. Work in these sectors tends towards casualisation and informalisation where workers operate under business models that embed patterns of labour market exploitation. Exploitation includes wage theft, under payment of the national minimum wage through to modern slavery where employer coercion centres on work for favours, labour bondage and tied labour in unsafe workplaces.

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## **[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."



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