

# Company fined after worker develops serious respiratory illness

An engineering company has been fined after a worker developed hypersensitive pneumonitis, a serious and irreversible respiratory illness, as a result of occupational exposure to welding fumes and metal working fluid over a 30-year period.

Liverpool Magistrates' Court heard how the welder-fabricator employed by PYC Engineering Ltd was at risk of inhalation of welding fumes and metal working fluid mists, potentially containing harmful bacteria. This exposure over his 30 year career with the company led to the development of the condition, which has seriously impacted the employee's life, preventing work and making oxygen necessary for day to day tasks. He is currently being assessed to ascertain whether a lung transplant would be beneficial.

An investigation by the Health and Safety Executive (HSE) found the company had failed to implement industry standard control measures such as Local Exhaust Ventilation (LEV), Respiratory Protective Equipment and a management system for the metal working fluids.

Fluid systems, which contain water or water-mixes can become highly contaminated with harmful bacteria and must be monitored and controlled. Had these measures been observed, development of the illness could have been prevented.

PYC Engineering Ltd of Eastside Industrial Estate, Jackson St, St Helens pleaded guilty to a breach of Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £10,000 and ordered to pay costs of £9,555.29.

Speaking after the hearing, HSE inspector Lianne Farrington said: "Companies should be aware of the need for a management regime in order to prevent occupational ill health and that failure to control exposure to metal working fluids and welding fumes can result in serious and irreversible respiratory illness."

## **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 worker develops serious respiratory illness](#) appeared first on [HSE Media Centre](#).

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## [Housing association sentenced after employees suffer debilitating nerve damage](#)

Liverpool housing association company Onward Homes Ltd has been fined after four employees developed a debilitating nerve condition over a period of several years.

Liverpool Magistrates' Court heard that the affected employees developed Hand Arm Vibration Syndrome (HAVS), whilst working at various sites carrying out ground maintenance and general construction work using vibrating power tools on a daily basis. Regular use of vibrating tools causes the painful and disabling disorder which, in this case, has left the employees with nerve damage to the hands and arms; making everyday tasks and leisure activities difficult or impossible.

An investigation by the Health and Safety Executive (HSE) found that Onward Homes Ltd failed to prevent or reduce its employees' exposure to intensive and protracted vibration. Employees were not provided with information and training in relation to the risks of exposure to vibration, and were unaware they were at risk, or of the need for health surveillance and ways to minimise exposure using controls. Had the employees been aware, exposure could have been reduced or eliminated.

Onward Homes Ltd of Hanover Street, Liverpool pleaded guilty to breaches of Regulation 5(1), 6(1) and 7 of the Control of Vibration at Work Regulations 2005. The company was fined £80,000 and ordered to pay costs of £5,293.10

Speaking after the hearing, HSE Inspector Emily Osborne said: “ If exposure to vibration is not controlled, workers can end up being diagnosed with HAVS, which can be the cause of significant ill-health, triggering painful and disabling disorders of the blood vessels, nerves and joints. Under these circumstances HSE can and will investigate; and prosecute where appropriate.”

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## [Company fined after machine operator suffered serious leg injury](#)

A titanium supplier has been fined after an employee sustained multiple fractures to his leg whilst operating a metal cutting band saw machine.

Kidderminster Magistrates’ Court heard that on 20 September 2017, Steven McDonald, a VSMP0 Tirus Limited employee, was seriously injured by a falling titanium plate at The IO Centre in Nash Road, Redditch. Almost 1.5 tonnes of titanium plate fell from the bed of a metal cutting band saw machine trapping his leg underneath. The sheets being cut were significantly larger than the machine bed.

An investigation by the Health and Safety Executive (HSE) found the company had failed to suitably and sufficiently assess the risk of material falling from the machine bed and failed to put in measures to control the risk. An extension to the machine bed or stanchions with back stops would have prevented the material from falling from the machine bed.

VSMP0 Tirus Limited of Nash Road, Redditch, Worcestershire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. They were fined £200,000 and ordered to pay costs of £7,293.15.

Steven McDonald said: "This has been the worst couple of years of my life. I feel I have been dealt a bad hand. I have come through it, but I have a long way to go. My recovery isn't going to be a quick fix and I think everyone knows this. My friends, family and the company have supported me."

HSE inspector Elizabeth Thomas added: "A simple, cost-effective solution could have prevented this horrendous injury."

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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. General guidance of engineering workshops can be found at: [www.hse.gov.uk/pUbns/priced/hsg129.pdf](http://www.hse.gov.uk/pUbns/priced/hsg129.pdf)
4. HSE news releases are available at <http://press.hse.gov.uk>

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## **[HSE to prosecute following Birmingham fatal wall collapse in 2016](#)**

A Health and Safety Executive (HSE) prosecution is being brought against two companies after five workers were fatally injured and another seriously injured at a site in Birmingham.

On 7 July 2016, Ousmane Kaba Diaby, Saibo Sumbundu Sillah, Bangally Tunkara Dukuray, Almamo Kinteh Jammeh and Mahamadou Jagana Jagana were all fatally crushed by a collapsing wall at the site on Aston Church Road in Nechells area of the city. Tombong Camara Conteh sustained serious injuries.

A joint investigation by HSE and West Midlands Police has taken place.

Ensco 10101 Limited (previously known as Shredmet Ltd) of Riverside Works Trevor Street, Nechells, Birmingham will face charges under Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974.

Hawkeswood Metal Recycling Limited of Riverside Works Trevor Street, Nechells, Birmingham, will face charges under Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974.

A prosecution has also been approved against two individuals.

The first court hearing is yet to be confirmed.

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4. Primacy was handed to HSE in December 2017, and the inquest into the five deaths took place in November 2018 where an outcome of accidental death was recorded. Please refer to HM Coroner for further detail on these coronial proceedings.
5. We will issue a separate note once a hearing date and location has been confirmed.

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## [Engineering company sentenced after apprentice narrowly escapes serious injury](#)

A plant hire company has been fined after an apprentice avoided a potentially fatal crush injury from a mobile crane.

During proceedings at Knights Chamber, Nightingale Court, in Peterborough it was heard that on 3 August 2016, an apprentice at M&J Engineers Limited had climbed on to the roof of an accommodation cabin to attach a power float to

the chains of a mobile crane. The crane operator, who had not been appropriately trained, began to extend the boom and move the crane into position. The crane had not been set up correctly and the boom of the crane toppled over toward the apprentice. The apprentice jumped out of the way of the boom avoiding a potentially fatal incident. However, his fall from height caused injuries to his leg and back.

An investigation by the Health and Safety Executive (HSE) found the company did not have a safe system of work in place and the crane operator had not been adequately trained. There was no clear instruction concerning the use of the crane or which areas the crane was prohibited from operating. They also had no way of ensuring that the apprentice was suitably managed.

M&J Engineers of Cashel Works, Cadwell Lane, Hitchin, Hertfordshire was found guilty of breaching Section 2(1) Health and safety at Work etc Act 1974. They were fined £220,000 and ordered to pay costs of £65,443.72.

Speaking after the hearing, HSE inspector Nigel Fitzhugh said: "Those in control of work have a responsibility to provide adequate training to their employees so that they can operate equipment safely and devise safe methods of working. This includes providing the appropriate information, instruction and training to their workers."

Further information about managing health and safety is available here:

<http://www.hse.gov.uk/managing/index.htm>

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