

# Company fined after workers exposed to Hand Arm Vibration Syndrome

Nordam Europe Limited have been fined after workers were exposed to Hand Arm Vibration Syndrome (HAVS).

Cardiff Crown Court heard how around 100 employees of the company, which maintains and repairs aircraft components, were exposed to Hand Arm Vibration (HAV) and developed Hand Arm Vibration Syndrome (HAVS) over 22 years. At least 30 employees were exposed to risk of significant harm.

An investigation by the Health and Safety Executive (HSE) found that employees used a range of hand-held vibrating tools including orbital sanders, rivet guns, grinders and drills. The company should have carried out a suitable assessment of work activities which exposed employees to vibration and should have implemented additional controls to reduce exposure so far as was reasonably practicable.

The investigation found that the company failed in their duty to implement a safe system of work in order to control exposure to vibration. In addition, employees should have undergone suitable health surveillance to identify symptoms at an early stage of the disease. This would have prevented it from progressing to a disabling condition.

Nordam Europe Limited of Hawtin Park, Blackwood, Gwent pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and has been fined £400,000 and ordered to pay costs of £39,620.92.

Speaking after the hearing HSE inspector Janet Hensey said: "This was a case of the company completely failing to grasp the importance of HAVS health surveillance.

"If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor worker's health and the employee's condition would not have been allowed to develop to a severe and life altering stage".

## **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>

Journalists should approach HSE press office with any queries on regional press releases.

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## [Shell UK fined after technician struck by cylinder](#)

Shell UK Limited has today been fined for health and safety breaches after a technician was struck by a cylinder and left severely injured on the Brent Delta offshore installation.

Aberdeen Sheriff Court heard how, on 10 November 2014, technicians were required to replace a gas cylinder within a system used to extinguish fires. When one of the technicians rolled what he thought was an empty cylinder along the floor and took off the protective cap, he realised that it was a fully charged cylinder. The trigger mechanism on the cylinder was activated causing a loud bang and the instantaneous release of the cylinder contents in a white cloud of concentration. The force of the gas release caused the technician to drop the cylinder to the floor causing a valve to shear. This resulted in both cylinder and valve becoming projectiles which struck and severely injured a second technician.

An investigation by the Health and Safety Executive (HSE) found the company failed to take suitable and sufficient steps to ensure risks associated with handling of pressurised cylinders were eliminated. The company also failed to remove pressurised cylinders which were not suitable for use in a safe and secure manner and also failed to ensure the provision of appropriate information and instruction in respect of the handling and use of energised gas cylinders.

Shell UK Limited of Shell Centre, London pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £60,000.

Speaking after the hearing, HSE inspector David Josiah said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

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

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## **[Peterborough company fined for failing to undertake asbestos assessment](#)**

A property management company has today been sentenced after failing to carry out an asbestos survey prior to undertaking extensive refurbishment works.

Huntingdon Magistrates' Court heard how, between April and May 2017, Thistlemoor Healthcare and Management Ltd undertook construction work at two properties, one of which was part of a medical centre in Peterborough. In this time, the company failed to carry out an asbestos survey for either property, both of which were likely to contain asbestos.

An investigation by the Health and Safety Executive (HSE) found the company undertook and carried out construction which was likely to disturb asbestos

containing materials during the strip out and part demolition of the two properties. Despite this, the company failed in its duty to carry out an asbestos survey for either property.

Thistle Moor Healthcare and Management Ltd of Thistle Moor Road, Peterborough pleaded guilty to breaching Regulation 5 of Control of Asbestos Regulations 2012 and has been fined £15,000 and ordered to pay costs of £1,805.60.

Speaking after the hearing, HSE inspector Samantha Wells said: "The risk of exposure to asbestos could so easily have been avoided if the company had carried out a suitable and sufficient asbestos assessment to identify the presence of asbestos within properties prior to commencing refurbishment work.

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

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## **[Construction firm and director fined for safety breaches](#)**

A company and its director have been fined for failure to comply with a prohibition and improvement notice.

Southwark Crown Court heard how, on 31 March 2016, Awad (UK) Ltd, under the control of its director Andrzej Wilk, was issued with a prohibition notice on site where it was found that persons were at serious risk of fall and injury from the unprotected edges at the site. The court also heard that the company was issued with an improvement notice on 4 April 2016 for failure to provide adequate and suitable welfare facilities at the site.

An investigation by the Health and Safety Executive (HSE) found Awad (UK) Ltd and Andrzej Wilk had not taken steps to comply with the prohibition notice preventing any work near the open edges where there was a risk of fall and injury to persons. The investigation also found that Awad (UK) Ltd and Andrzej Wilk had not complied with the improvement notice requiring the provision of adequate and sufficient welfare facilities.

Awad (UK) Ltd of Fourth Way, Wembley, Middlesex pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005 and Section 21 and 22 of the Health & Safety at Work etc Act 1974. The company has been fined £37,500 and ordered to pay costs of £10,000.

Andrzej Wilk of Beresford Avenue, Surbiton pleaded guilty to breaching Section 37 of the Health and Safety at Work etc. Act 1974 and was fined £7,500 and ordered to pay costs of £10,000.

Speaking after the case, HSE inspector Saif Deen said: "The risks associated with working at height and the requirement to provide adequate welfare facilities are well-known throughout the construction industry.

"In this case, the company and its director failed to comply with HSE's enforcement action and continued to put persons at risk of serious injury."

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