

Building contractor sentenced over unsafe work practice

A Blackburn based building contractor has been sentenced after unsafe work methods constituted a public risk and resulted in asbestos being disturbed.

Preston Crown Court heard that in November 2020, Mr Mohammed Shafiq, owner of a roller shutter business, purchased a former warehouse in Manner Sutton Street, Blackburn to convert into smaller work units, including one for his own use. He was using his own employees for this.

A report was received by the Health and Safety Executive (HSE) from a member of the public, concerned about the fact that bricks from the blocked-up windows were being knocked out from inside onto the street below, causing risk to passers-by.

The HSE investigation found that as well as the risk posed to pedestrians, no edge protection had been installed to prevent the employees from falling. They were also at risk of an internal fall down an open shaft. Additionally, an asbestos survey had not been carried out on the building prior to work commencing.

As a result, piles of disturbed asbestos containing materials such as asbestos cement and insulation, were lying throughout the site. Workers were dry sweeping construction dust and debris possibly containing carcinogenic asbestos dusts without any respiratory protective equipment or suitable personal protective equipment. None of them had been provided with any training in asbestos awareness.

Live electric cables were being trained through water without RCD protection, posing a risk of electric shock, and there was a general lack of training and suitable equipment for work to be carried out in a safe manner. An experienced principal contractor should have been hired to assess risks and undertake refurbishment work in a controlled manner.

Mohammed Shafiq of Whitehead Street, Blackburn pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012, Regulation 4 of the Construction (Design and Management) Regulations 2015 and Regulation 4 of the Work at Height Regulations 2005. He received a 12 month suspended sentence and was fined £5,000 and ordered to pay costs of £4636.08

HSE inspector Christine McGlynn said after the hearing: "The public can be reassured that HSE takes concerns seriously and will not hesitate to investigate thoroughly and prosecute those who put workers and members of the public at risk."

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

2. More about the legislation referred to in this case can be found at: [Are you a tradesperson? – Asbestos \(hse.gov.uk\)](#)

[Construction – Assessing all work at height – HSE](#)

[Construction \(Design and Management\) Regulations 2015 \(hse.gov.uk\)](#)

3. HSE news releases are available at <http://press.hse.gov.uk>

[Carlsberg fined £3m following 2016 ammonia gas leak](#)

Carlsberg has been fined £3 million after a contractor died and another was seriously injured following an ammonia gas leak at one of its breweries.

The incident happened at Carlsberg's site in Northampton. An investigation by the Health and Safety Executive (HSE) found Carlsberg hadn't put proper controls in place.

Father-of-two David Chandler, 45, was killed and David Beak, now 57, was seriously injured.

David Chandler was a father of two, from Bridge North, Shropshire. His family today said they welcomed the end of the case against Carlsberg and hoped no other families would have to suffer as they have.

Birmingham Crown Court heard that at its Northampton brewery Carlsberg had failed to put in place appropriate isolation controls to prevent exposure to ammonia before work started to remove a compressor from a refrigeration system.

The Principal Contractor for the project was Crowley Carbon UK Ltd, which had appointed numerous contractors to assist in the works.

On 9 November 2016 while the compressor was being removed, there was a large, uncontrolled release of ammonia.

David Chandler and David Beak were both employees of sub-contractor Speedrite NE Ltd.

Twenty people needed hospital checks after showing symptoms of ammonia exposure. It was several days before the leak was contained and gas levels dropped to a safe level. David Beak, of Failsworth in Oldham, was seriously injured.

Carlsberg Supply Company UK Ltd, who were summonsed under their new company name of Carlsberg Marston's Brewing Company, pleaded guilty to charges under Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974, and Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999. The company was fined £3 million with costs of £90,000.

Mr Chandler's family, in a statement, said: "We welcome the conclusion of the prosecution case against Carlsberg UK Supply Company Ltd following the death of David five and half years ago.

"As a family we will never fully accept the death of David in such tragic but preventable circumstances and the legal process involved has been emotionally exhausting as well as frustrating given the length of time which has lapsed since the accident.

"We are pleased that improvements have been made at Carlsberg's site in Northampton which will hopefully ensure no other families suffer the anguish we have endured since November 2016 when the failings at the brewery resulted in the deadly release of ammonia gas which caused David's death.

"David was a loving husband, adoring Daddy and much-loved brother and Uncle. We are devastated that his young family will not be able to share their lives with him as they grow. He was a larger-than-life character whose loss has left a massive void nothing can replace.

"There have already been so many special and precious moments which David has missed out on and the fact that there will continue to be some many more as his daughters grow into young ladies breaks all our hearts daily. He is missed every day, and our lives will not ever be the same without him."

HSE principal inspector Samantha Wells said: "Industry guidance on safe isolation of plant should have been followed. This would have ensured that a higher level of isolation was in place, for prevention of exposure to this highly toxic and flammable substance.

"Both the client, Carlsberg, and the Principal Contractor should have worked together to ensure that the risk was adequately managed. Not only Carlsberg had a duty here. There was also a very clear duty on the Principal Contractor.

"This underlines the dangers of not following industry guidance when working with toxic and flammable substances – HSE will take action against all who fail to ensure the safety of employees and others who may be exposed to danger.

"Projects involving multiple contractors require effective management arrangements, so it's clear who is responsible for every part of the work and that safety checks are carried out before allowing work to start."

The Health and Safety Executive also brought a case against Crowley Carbon Ltd in relation to the incident which led to the death of Mr Chandler and the injuries to Mr Beak, which were also due to be tried but for the company being placed into compulsory administration by creditors.

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at: <http://press.hse.gov.uk>
4. Further guidance on the safe isolation of plant and equipment can be found at: The safe isolation of plant and equipment – HSG253 (hse.gov.uk)

[Company fined after fatality involving a mobile elevating work platform](#)

A Lincolnshire based manufacturing company that specialises in lifting and handling equipment has been fined after an employee died after falling with a work platform onto the M25 motorway.



Reading Crown Court heard that Rick Jeager-Fozard, an employee of Kimberly Access Limited, was carrying out a routine pre-delivery inspection on a mobile elevating work platform (MEWP) on 5 June 2013.

The MEWP extended to an unsafe angle and resulted in the MEWP falling onto

the M25 motorway. Mr Jeager-Fozard was working in the platform of the MEWP, falling with the device.

An investigation by the Health and Safety Executive (HSE) found that the device had become unsafe because a miscalibration of its secondary boom angle sensor, which started to extend even though the boom had not been raised to the necessary angle. It was found that the MEWPs secondary boom had raised to an angle around 6-degrees lower that required, the boom then extended beyond its safe working limit and tipped over.

The miscalibration occurred through incorrect data being manually manipulated and uploaded onto the machine via a laptop using password protected WebGPI software. The carrying out of warranty repairs on the machine during this period, including granting access to the WebGPI software, fell within the conduct of Genie UK Ltd's undertaking.

Genie UK Limited of The Maltings, Wharf Road, Grantham, Lincolnshire pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. The company was fined £270,000 and ordered to pay costs of £165,175.

HSE inspector Stephen Faulkner said: "This was a tragic and harrowing incident. Modern high reach MEWPs rely on accurate data to ensure they extend and operate safely, and steps should be taken to ensure the process of calibrating sensors is correctly followed.

"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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[Fabrication company in court after worker injured shoulder in lathe](#)

A metal fabrication company has been fined £22,000 after a worker's overalls were drawn into a lathe, trapping him and resulting in serious injury.

The employee of Oxford Engineering (Hampshire) Ltd, was working on the Semco Lathe at its site on Moreland Road, Gosport, when he became entangled by his work coat in the feed screws.

The overalls did not rip, and they were drawn very tightly on him causing his injuries. The lathe was slowed by the employee by pressing the foot brake, and then fully stopped when a colleague came to assist and pressed the emergency stop button.

The accident resulted in multiple breaks to his right shoulder, requiring a plate and screws to be inserted.

The Health and Safety Executive (HSE) found that the company failed to provide adequate guarding to prevent entanglement on the lead and feed screws for the lathe involved in the accident. The company failed to recognise the dangers, and that adequate guarding was required when working with machinery to protect workers from the dangerous moving parts.

Oxford Engineering (Hampshire) Ltd, of Anchorage, Gosport, Hampshire pleaded guilty to breaching Regulation 11 (1) of The Provision and Use of Work Equipment Regulations 1998 in the incident in February 2021. The company was fined £22,000 and ordered to pay costs of £6,617.42 at Portsmouth Magistrates' Court on June 24 2022.

After the hearing HSE inspector Nicola Pinckney said "This accident would not have happened if the company had identified the risk and ensured that appropriate guarding was in place.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery. 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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Glass company fined £80,000 after worker injured in fall from height

A glass manufacturing company has been fined £80,000 after a worker sustained serious injuries when he fell through a roof.

A worker at NSG Pilkington (UK) Ltd stepped from a load bearing roof to a fragile roof at Pilkington premises in St Helens and fell nearly three meters to the floor below. He sustained life changing injuries including a fractured lower back and right heel plus injuries to his shoulder and elbow. The court heard he was unable to return to his job, forcing him to retire early.

An investigation by the Health and Safety Executive (HSE) found that the NSG Pilkington (UK) Ltd, did not provide a safe system of work for working at height or ensure its control measures were implemented.

NSG Pilkington (UK) Limited of European Technical Centre, Hall Lane, Lathom, Lancashire, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and was fined £80,000 and ordered to pay costs of £767.

HSE inspector Joseph Wright said: "This incident could so easily have been avoided if appropriate control measures and a safe system of work had been in place.

"Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"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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