

Company and director fined after worker sustained life-changing injuries

A manufacturer of concrete architectural elements and garden ornaments, and its director, have been fined after an employee sustained life-changing injuries when his arms became trapped in a cement mixer.

Nottingham Crown Court heard that on 8 August 2018, the employee was using the cement mixer at the company's premises on Nottingham Road, Alferton, to prepare the concrete mix for the ornamental castings. The employee attempted to stop the machinery to retrieve something from the mixing pan. However, when he reached inside, his arms came into contact with the mixing paddles, and he was dragged almost entirely into the mixer. He managed to pull himself out but was seriously injured. As a result of the incident his left arm was amputated at the upper arm level and his right arm had to be amputated at the mid forearm. He also sustained injuries to his ribs, face, back and shoulders.

An investigation by the Health and Safety Executive (HSE) found that David Sharp Studio Limited had failed to take sufficient steps to guard against the risks of entrapment and injury posed by the cement mixer. The employee had been exposed to the risk of serious injury by requiring him to operate the mixer with the lid open whilst standing next to it. There was a failure to provide guards or to interlock the operation of the mixer in order to reduce the risk of accidental entrapment or foreseeable misuse. There was also a failure to train, instruct and supervise the employee to ensure that he was aware of, and followed, safe procedures for working on or near the mixer whilst it was in operation. The HSE investigation also established that the company Director, David Sharp, was aware of the unsafe conditions and allowed them to continue.

David Sharp Studio Limited of White House, Clarendon Street, Nottingham, pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £1,000.

David Sharp, also of Clarendon Street, Nottingham, pleaded guilty to a charge under Section 37 of the Health and Safety at Work etc. Act 1974. He was fined £2,000, disqualified from being a company director for seven years and ordered to pay full costs of £30,802.35.

HSE principal inspector Samantha Farrar said: "This incident could so easily have been avoided by simply providing effective guarding to prevent access to dangerous parts of machinery.

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

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: www.legislation.gov.uk/
3. HSE news releases are available at: <http://press.hse.gov.uk>
4. Further guidance on machinery safety can be found at: [Why is machinery safety important? \(hse.gov.uk\)](http://www.hse.gov.uk/why-is-machinery-safety-important/)

Former construction company directors sentenced for failing to prevent exposure to asbestos

Two former company directors have been sentenced and fined after a refurbishment project at a former department store was found to have disturbed asbestos containing materials (ACMs) while demolition work was still taking place.

Newcastle Crown Court heard that during October 2017, the former Joplings Department Store in Sunderland was undergoing refurbishment when workers disturbed large quantities of asbestos.

Following a reported concern regarding unsafe construction work at the site, an investigation by the Health and Safety Executive (HSE) found that demolition and stripping work had been carried out inside the property. The age of the building and previous refurbishment work meant that there were vast quantities of ACMs inside the building.

During several months of demolition and refurbishment work the ACMs had been broken up using sledgehammers and brute force. Asbestos fibres were spread across five floors of the building as well as outside of the city centre property. At the time of HSE's intervention, 1,315 square metres of contaminated waste was found across the shop floors and in the stairwell.

Former director of Keebar Construction, Alan Barraclough, of Hutton Lane, Guisborough was found guilty of breaching two counts of Section 37 of the Health and Safety at Work Act 1974 etc. He received a 14-month sentence, suspended for 2 years, and ordered to carry out 120 hours of unpaid community work within 12 months. He was suspended as a director for 10 years and ordered to pay costs of £44,774.21.

Former director of Keebar Construction, James Keegan, of Larkspur Road, Middlesbrough was also found guilty of breaching two counts of Section 37 of the Health and Safety at Work Act 1974 etc. He also received a 14-month sentence, suspended for 2 years, and ordered to carry out 120 hours of unpaid community work within 12 months. He was suspended as a director for 10 years and ordered to pay costs of £44,774.21.

Speaking after the hearing, HSE inspector Phil Chester, said: "Asbestos is responsible for the premature deaths of over 5,000 people each year. Younger people, if routinely exposed to asbestos fibres are, over time, at greater risk of developing asbestos-related disease than older workers. This is due to the time it takes for the body to develop symptoms after exposure to asbestos.

"Exposure to asbestos can cause four main diseases – Mesothelioma (a cancer of the lining of the lungs), asbestos-related lung cancer, Asbestosis (a scarring of the lungs); and Diffuse pleural thickening (a thickening of the membrane surrounding the lungs, which can restrict lung expansion leading to breathlessness).

"It can take anywhere between 15-60 years for any symptoms to develop after exposure. Companies need to recognise the dangers of removing asbestos without appropriate safety measures, to their employees and members of the public."

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[Company fined after contractor injured in a fall from height](#)

A manufacturing company has been fined after a contractor sustained injuries whilst working on the top of a machine.

Manchester Magistrates' Court heard that, on 30 July 2020, a contractor for Manufax Engineering Limited was working on top of the Correa machine which had an access gantry to reach the top.

However, the maintenance task he was carrying out meant he had to step outside of the gantry to reach a particular part of the machine. Whilst outside the gantry he lost his balance and fell. As he fell, he tried to grab the top of the machine but failed and fell 3.9 metres resulting in a fractured right elbow, two fractured ribs and two pelvis fractures.

An investigation by the Health and Safety Executive (HSE) found that the company had no safe system of work for the task that was being carried out, there was a lack of supervision and no formal monitoring system in place to ensure that employees and contractors were working safely on site. The task was not planned, supervised, or carried out in a safe manner.

Manufax Engineering Limited of Cromer Street in Stockport, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £26,000 and ordered to pay costs of £3,205.42.

HSE inspector, Stephanie Simcock, said after the hearing: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. Falls from height remain one of the most common causes of work-related injury and fatality in this country and the risks associated with working at height are well known."

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[Construction company fined and director sentenced after workers exposed to asbestos](#)

A Manchester based construction company has been fined and its director sentenced to a community order of 200 hours unpaid work after workers disturbed asbestos during a refurbishment project.

Manchester Magistrates Court heard that between May and June 2021, Sal Construction Ltd had been contracted to carry out refurbishment work of student accommodation at Darbshire House, Upper Brook Street, Manchester.

The project consisted of providing bathrooms for all rooms and constructing two studio flats. Work began by building two show rooms on the ground floor before beginning work on the top floor which was stripped back to brickwork. During this work, asbestos pipe lagging was removed, and debris spread across the site and in and around the skip in the yard area.

An investigation by the Health and Safety Executive (HSE) found that this work was carried out by five or six employees under the supervision of Sal Zardooi, the sole director of the company instead of a licenced asbestos removal contractor.

Sal Construction Services Limited of Finney Lane, Heald Green, Cheadle pleaded guilty to breaches of Section 2 (1) and Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £30,000 and ordered to pay costs of £2,133.45.

Salar Zardooi of Finney Lane, Heald Green, Cheadle pleaded guilty to breaches of Section 2 (1) and Section 3(1) of the Health and Safety at Work etc. Act 1974, by virtue of 37(1) of the Act and was sentenced to 200 hours unpaid work and to pay costs of £2,007.75.

Speaking after the hearing, HSE Inspector, David Norton, said: "These risks could so easily have been avoided by acting on the findings of the asbestos survey and 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 standards."

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2. More about the legislation referred to in this case can be found at: www.hse.gov.uk/asbestos/
3. HSE news releases are available at: <http://press.hse.gov.uk>