

# Waste management company fined after workers suffered multiple fractures

A waste management company has been sentenced for safety breaches after an employee and an agency worker both fell from height.

Leeds Crown Court heard that, on the 4 September 2018, an employee of Associated Waste Management Limited was walking across a first-floor gantry at the company's premises in Morley, Leeds, when one of the metal mesh panels gave way beneath his feet. He fell approximately four metres into the bay below and sustained a double break to the left leg, a break to the right leg and a broken ankle. An agency worker came to assist him, but he also fell through the missing floor panel and sustained a dislocated and fractured shoulder.

An investigation by the Health and Safety Executive (HSE) found that the mesh panel gave way because the clips, which held it in position had become dislodged after a shovel loader, working in the bay beneath the gantry, stuck the frame of the gantry. Due to the height of the gantry, when the shovel loader raised its bucket it came into contact with the gantry. Repeated striking of the gantry resulted in a number of clips, which held the gantry panels in place, becoming loose or dislodged.

Associated Waste Management Limited of St Bernards Mill in Gelderd Road, Gildersome, Morley, Leeds pleaded guilty to breaching Sections 2(1) and 3(1) of the Health & Safety at Work etc Act 1974. The company has been fined £760,000 and ordered to pay costs of £16,170.

Speaking after the hearing, HSE inspector Darian Dundas said: "The company did not have a suitable inspection regime in place.

"This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."

## **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. [hse.gov.uk](http://hse.gov.uk)<sup>[1]</sup>
  2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)<sup>[2]</sup>
  3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
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# Company fined after employee suffered serious injuries during lifting operation

A luxury motor yacht manufacturer has been fined after a worker suffered serious crushing injuries to his right hand during a lifting operation.

Leicester Magistrates' Court heard how on 3 December 2018, an employee suffered serious crushing injuries to his right hand during the lifting of a storage cage at Fairline Yachts manufacturing facility at Nene Valley Business Park, Oundle. As there was no goods lift in the manufacturing unit an overhead crane was used. As the cage was lifted it began to tip and fall in the direction of the employee. The cage trapped his hand against a boat trolley causing serious crushing injuries to the employee's dominant right hand.

An investigation by the Health and Safety Executive (HSE) into the incident found that the lifting operation was not properly planned by a competent person, appropriately supervised or carried out in a safe manner.

Fairline Yachts Limited of Nene Valley Business Park, Oundle pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £230,000 and ordered to pay costs of £7,410.

Speaking after the hearing, HSE inspector Aaron Butel said: "When undertaking lifting operations involving lifting equipment companies should ensure that they are always properly planned by a competent person, appropriately supervised and carried out in a safe manner.

"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.legislation.gov.uk/](http://www.legislation.gov.uk/)  
[www.hse.gov.uk/work-equipment-machinery/loler.htm](http://www.hse.gov.uk/work-equipment-machinery/loler.htm)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## Scaffolding company MD receives suspended jail sentence and fine for maintenance failings

The Managing Director of a scaffolding company has been fined after an employee died when he was struck from behind by a forklift truck.

Leicester Magistrate's Court heard how on 20 June 2016, Shaun Flynn had just finished loading a lorry in the yard of Boss Scaffolding (Northampton) Limited when he was struck from behind by the raised forks of a moving forklift truck. He subsequently died from his injuries.

An investigation by the Health and Safety Executive (HSE) found that Boss Scaffolding director Leon Gill and an employee of the company failed to take reasonable care for the health and safety of others who might be affected by the poor management of risks arising from the use of a counterbalance forklift truck in a state of disrepair.

Company director Leon Gill of Bosworth Cottage, Main Street, Little Brington, Northampton, NN74HS pleaded guilty of breaching Section 7 of the Health and Safety at Work Act 1974. He was sentenced to 10 weeks imprisonment suspended for eighteen months and ordered to pay £7,000 fine and £45,000 costs.

Speaking after the hearing, HSE inspector Jenna McDade said: "This case highlights the importance of regular pro-active maintenance and inspection of work equipment, to ensure equipment does not deteriorate to the extent that it puts people at risk. Sadly the tragic death of Mr Flynn could have been prevented.

"Companies and individuals 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. More about the legislation referred to in this case can be found at: [legislation.gov.uk](http://legislation.gov.uk)/For further information on managing the risks associated with lift trucks can be found here: [Lift trucks – Vehicles at work – HSE](#)

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

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## [Fabrication company and director in court after worker injures finger in machinery](#)

A handrail manufacturing company has been fined after an employee's hand was drawn into a roller and crushed.

Manchester Magistrates' Court heard how, on the 27 March 2019, an employee of Dealercast Ltd in Hardy Street, Eccles was being trained by company director Chris Ellor to use a rolling machine to bend pieces of steel tube. While the employee was feeding the tubing between the rollers of the machine, the heavy-duty gloves he was wearing caught between the tubing and one of the rollers. His hand was drawn into the machine injuring his little finger, which later had to be amputated from the second knuckle.

An investigation by the Health and Safety Executive (HSE) found that the company had not performed a machine specific risk assessment so the risk of entanglement in moving parts had not been highlighted. The employee had no previous experience of working on this type of machine and had not completed training. As employees were under pressure to carry out jobs quickly, they were feeding metal tubing into two rollers at a time. The company failed to recognise the dangers of using gloves when working with machinery, which was standard practice, as the company had not provided instruction on the correct procedures.

Dealercast Ltd of Barton Hall Industrial Estate, Hardy Street, Eccles, Manchester pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £3,661.

Director Christopher Ellor of Arncliffe Road, Bury, Greater Manchester pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work

etc. Act 1974, by virtue of 37(1) of the Act. He was fined £1,280 and ordered to pay costs of £3,461.

Speaking after the hearing, HSE principal inspector Peter Lennon said: "Employers should ensure they carry out an assessment of the risks and put in place a safe system of work for the operation of all machinery. Companies should be aware of the responsibility upon company directors to recognise the way in which their employees are working. Employers should also be aware of the risk of entanglement when wearing gloves whilst operating machinery.

"Had the company put in place a clear system of work and prohibited the wearing of gloves when operating this machinery, the incident could have been avoided."

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2. More about the legislation referred to in this case can be found at: [www.hse.gov.uk/pubns/books/122.htm](http://www.hse.gov.uk/pubns/books/122.htm)
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## [Pedestrian fatalities prompt HSE safety notice on use of wheeled loading shovels](#)

Britain's safety regulator has today, 25 October, issued a [safety notice](#) on the use of wheeled loading shovels, widely used in the waste and recycling sector.

The Health and Safety Executive (HSE) notice follows nine fatal vehicle-pedestrian collisions in the past four years. Six of these occurred in the waste and recycling sector, with the remainder involved moving wood chip.

HSE has identified issues of poor visibility caused by the bucket and load, the engine at the rear and the cab pillars, significantly reducing the drivers' ability to see pedestrians and, to a lesser extent, other vehicles. The use of larger capacity buckets, which has become common practice where low-density material is being moved, makes forward visibility significantly

worse.

Regulation 4 of The Provision and Use of Work Equipment Regulations 1998 (PUWER) requires machinery to be suitable for the purpose for which it is used. This also applies if the equipment is adapted, for example by fitting a larger bucket.

Manufacturers and other specialist suppliers have attempted to address the problem by adding 'visibility slots' or mesh at the top of buckets, but evidence from investigations suggests these are ineffective when the bucket is in the carry position or obscured by the load. Camera systems have been under development for some time, but their effectiveness remains unproven and are not widely available.

Head of HSE's Waste and Recycling team, HM Principal Inspector of Health and Safety, Tim Small, commented:

"Poorly planned use of wheeled loading shovels can have fatal consequences. This safety notice reminds duty holders who use these machines of the need to fully assess and actively manage the risk of vehicle-pedestrian collisions. Currently, the only effective control measure is strict segregation of vehicles and pedestrians. If you cannot ensure that segregation, you should not use larger capacity buckets or wheeled loaders, but employ alternative work methods such as using different machinery and/or site management arrangements.

"Before using wheeled loaders – or making changes to them – you should review your workplace transport risk assessments to ensure they will be safe to use in your environment and in the way you intend to use them. By implementing appropriate risk controls, needless pedestrian deaths could be avoided."

The safety notice can be viewed [here](#).

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2. The safety notice can be viewed [here](#).
3. **Further information**

[Workplace transport safety – A guide to workplace transport safety \(HSG136\)](#)

[Workplace transport safety checklist \(hse.gov.uk\)](#)

[Safe Transport at Waste and Recycling Sites WASTE 09 – Waste Industry Safety and Health Forum \(WISH\)](#)

[Provision and Use of Work Equipment Regulations 1998 \(PUWER\) – Work equipment and machinery](#)

[Hand Sorting of Recyclables \('Totting'\) With Vehicle Assistance WASTE 18 – Waste Industry Safety and Health Forum \(WISH\)](#)