

Sole trader fined after worker injured

Duffy Skylining has been fined following an incident when a worker suffered serious injuries after being struck by a tree.

Fort William Sheriff Court heard that on 4 February 2016, Malcolm Duffy and three employees were felling trees on land adjacent to the A82 north of Fort William, contracted by the Forestry Commission. While dealing with a taller tree, around eight metres in height, Mr Duffy made preparatory cuts and then checked with the rest of the team to ensure they were in a safe place. Mr Duffy thought his colleagues understood that he was about to fell the tree. After the initial cut was made, Mr Duffy made his felling cut at the same time as Mr Strachan dragged a large branch from the brash pile into the path of the felling tree. The tree struck him on the left side of his helmet and left shoulder.



An investigation by the Health and Safety Executive (HSE) found that the exclusion zone normally used, which requires that no one would be positioned within two tree lengths of a tree being felled, was not adhered to on this occasion. Had there been a clearly defined system of communication, it would have prevented the misunderstanding where Mr Duffy thought that workers appreciated the tree was about to be felled. That particular tree being taller, steps should have immediately been taken to identify and enforce a wider exclusion zone, preventing any person from entering within two tree lengths of that tree.

Malcolm Duffy, trading as Duffy Skylining of Commerce House, South Street, Elgin, Moray pleaded guilty to breaching Sections 2 and Section 33 (1) (a) of the Health and Safety at Work Act etc 1974 and was fined £8,000.

After the hearing, HSE inspector, Penny Falconer said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working.

“If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented.”

Notes to Editors:

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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>

The post [Sole trader fined after worker injured](#) appeared first on [HSE Media Centre](#).

[Printing company sentenced after employee suffers finger amputations](#)

Harrier LLC, a photo processing, printing and gift manufacturing business based in Newton Abbot has been sentenced after a worker suffered serious injuries when his hand was caught in machinery.

Exeter Magistrates’ Court heard that on 19 January 2017, 44-year-old agency worker Neil Williams was working on a corner rounding machine at a site in Newton Abbot. The machine is hand operated with top and bottom blades and can also be activated by a foot pedal. While adjusting the settings of the cutter, Mr Williams put his fingers between the blades to ensure a flush fit. While he tightened them in place, his foot slipped and hit the foot pedal even though it was of a protected or “shrouded” design. The blade came down and severed his ring finger, middle finger and most of his index finger.

An investigation by the Health and Safety Executive (HSE) found Mr Williams was not suitably trained and the safe system of work for the corner cutter failed to set out a safe way to change the template size.

Harrier LLC of Brunel Road, Newton Abbot pleaded guilty to breaching Regulation 3(1) of the Management of Health & Safety at Work Regulations 1999. The company has been fined £98,000 and ordered to pay costs of £6,756.50 plus a victim surcharge of £170.

Speaking after the hearing HSE inspector Melissa Lai-Hung said: “The company fell significantly below the expected standard. Mr Williams’ injuries have been life changing. This incident was foreseeable and preventable.

“Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery.”

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[Farming Business fined after employee crushed by concrete beam](#)

A farming business has been fined after one of its employees fell from a trailer and was crushed to death by a concrete beam that fell with him.

Folkestone Magistrates’ Court heard that on 13 March 2018, Trevor ‘Ted’ Elson of A.A. Clifton Limited, Burmarsh, was working with other employees to move six-metre-long concrete beams from the farmyard to the farmhouse, where an extension was under construction at the site at Haguelands Farm, Burmarsh Road, Burmarsh, Kent. Each beam weighed more than 300 kg and needed to be lifted by a mechanical telehandler. Whilst on the trailer, attaching lifting chains to unload a beam, the deceased tripped and fell from the edge, catching one of the beams which was unstable from the way previous beams had been removed. This beam then fell from the trailer, landing on his upper body and crushing him to death.



An investigation by the Health and Safety Executive (HSE) found that the operation to move the beams was carried out at short notice and had not been properly planned. The employees were left to decide how to do it themselves, leading to an unsafe system of work. None of them had been trained in lifting and slinging operations.

A.A. Clifton Limited of Hagueldands Farm, Burmarsh, Kent pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and were fined £30,000, with full costs of £5446.50.

Speaking after the hearing HSE inspector Stephen Green said “This tragic incident led to the avoidable death of a long-term employee. It could easily have been prevented if his employer had acted to identify and manage the risks involved, and to put a safe system of work in place. Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working.”

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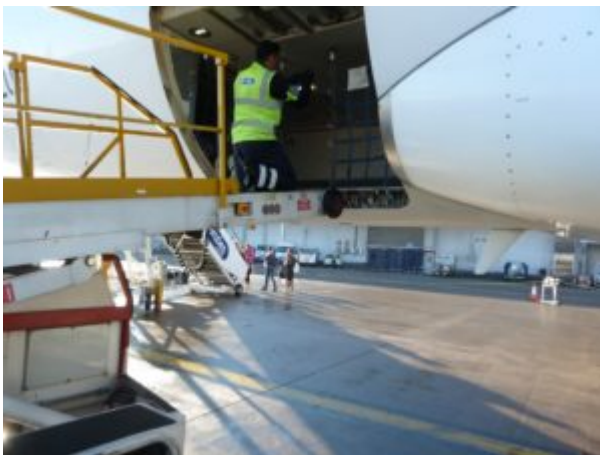
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[Company fined after airport baggage handler suffers skull fractures and brain injury](#)

A company providing a range of airline ground support services has been fined after an employee fell from a height of more than two metres.

Luton Magistrates' Court heard that on 24 December 2016 Rebecca Smith of Menzies Aviation (UK) Limited was injured during the loading of luggage onto an aircraft during an aircraft turnaround at London Luton Airport. Ms Smith fell through a gap in the railing at the top of a luggage belt-loader, whilst kneeling upon it to fasten cargo straps, when the belt loader was struck by a passing vehicle. She fell 2.2m (7 feet) on to the tarmac below. The fall resulted in a loss of consciousness. Ms Smith suffered a brain injury, fractures of the skull and cheekbone. She also suffered permanent hearing loss in her right ear.



An investigation by the Health and Safety Executive (HSE) found Menzies Aviation (UK) Limited had foreseen the risk of a collision between the various vehicles operating in a congested space around the aircraft during a turnaround but had failed to implement measures to guard against the risk of driver error when manoeuvring vehicles around aircraft. The investigation also found the company was aware that belt-loaders had a gap in the railings between the aircraft and the barriers but failed to put in place any meaningful measure to control the risk that someone might fall through.

Menzies Aviation (UK) Limited of London Heathrow Airport, Hounslow pleaded guilty, to breaching section 2(1) of the Health and Safety at Work etc. Act 1974 and has been fined £181,5000 and ordered to pay costs of £21,043.

Speaking after the case, HSE inspector Emma Page said:

“Airports are busy and complex workplaces where workers face many hazards, particularly from the movement and operation of aircraft and vehicles. Currently, accident rates in the industry are well above the national average for all industries. Companies should assess the risks to their own and others’ employees and put in place measures to control these risks.

“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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[Roofing company fined after worker](#)

fall

A roofing company has been fined after a worker suffered serious back injuries when he fell from a ladder whilst transporting a bucket full of broken tiles.

Folkestone Magistrates' Court heard that on 2 October 2018, AU Roofing and Building Ltd workers were working on a roof in Elmes Avenue, Ramsgate, Kent where they were required to carry buckets of materials by hand down the scaffold access ladder. Davey Battams, aged 31, was unable to maintain a constant three points of contact with the ladder, resulting in the fall.



An investigation by the Health and Safety Executive found the contractor had not provided basic lifting aids, such as a wheel and pulley, which would have eliminated this risk.

AU Roofing and Building Services Ltd of Canterbury Road East, Ramsgate, Kent pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Etc. Act 1974. The company has been fined £28,800.00 and ordered to pay costs of £4,213.70.

After the hearing, HSE inspector Andrew Cousins commented: "This incident could have been so easily avoided by simply providing basic and inexpensive lifting aids, which are industry standard.

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

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