

# Contractor fined for failing to provide minimum welfare facilities

A principal contractor has been fined after repeatedly failing to provide minimum welfare facilities at a construction site in Burton on Trent.

Newcastle-under-Lyme Magistrates' Court heard that, for a period up to August 2018, Mr Jevgenijs Sondors of J S Services failed to provide minimum welfare facilities for workers on the site of a residential refurbishment on Shakespeare Road, Burton on Trent, despite being served Improvement Notices to put such facilities in place.



An inspection by the Health and Safety Executive (HSE) found there were no welfare facilities available for workers on the site for at least four and a half months. The site lacked hot water, a toilet, washing facilities and rest facilities. Following a concern being raised, HSE served two Improvement Notices and a Prohibition Notice on Mr Sondors who was acting as principal contractor for the refurbishment. Mr Sondors then installed a toilet in the property but it was not linked to the water supply. A watering can had to be used to "flush" the toilet. Water in the property was provided via a single cold water pipe attached to a wall with a bucket underneath. No cleaning or drying facilities were provided. Follow up visits to the site, after the compliance date for the notice expired, found that the necessary improvements had not been made.

Mr Jevgenijs Sondors of St Paul Street West, Burton on Trent was found guilty in his absence of breaching Regulation 13(4)(c) of the Construction (Design and Management) Regulations 2015 and Section 21 of the Health and Safety at Work etc Act 1974. A warrant had been issued for his arrest. Mr Sondors was arrested, taken in to custody and held for 24 hours before appearing before the Magistrates' Court. He was fined £300 and ordered to pay full costs of £3,851.06.

Speaking after the hearing, HSE inspector Katherine Cotton said: “The welfare facilities available for those working at the site fell far below the legally required standard. Construction workers should be provided with a minimum standard of welfare facilities including clean, flushing toilets and cleaning and drying facilities.

“Dutyholders should be aware that HSE will hold to account those who do not comply with health and safety legislation, or who do not comply with enforcement notices served on them.”

#### **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>

The post [Contractor fined for failing to provide minimum welfare facilities](#) appeared first on [HSE Media Centre](#).

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## **[Castings company fined after a worker’s hand was crushed in a machine](#)**

A foundry company who cast parts for the automotive industry has been fined after an employee had two fingers amputated while attempting to clear a blockage in a moulding machine.

Chesterfield Justice Centre heard that, on 28 February 2018, an employee of William Lee Ltd was attempting to clear a blockage of sand in a moulding machine using a length of metal rod at the company site on Callywhite Lane, Dronfield. The blockage cleared without warning and the employee’s right hand was crushed between the rod and the machine, resulting in two fingers being amputated, and a number of fractured bones.

An investigation by the Health and Safety Executive (HSE) found revealed that had a suitable and sufficient risk assessment been completed the company should have identified that there was a risk to

employees created by intervention in the machine when blockage clearance was required. Specific procedures should therefore have been created for blockage clearance. The company could then have developed appropriate instruction, training and information related to the task.

William Lee Ltd of Callywhite Lane, Dronfield, Chesterfield pleaded guilty of breaching the Health and Safety at Work etc Act 1974 section 2(1). The company was fined £60,000 and ordered to pay costs of £6,000.

Speaking after the hearing, HSE inspector David Keane said: "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."

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## **[Company fined following extensive fire at chemical site](#)**

Chemical company LMA Services Ltd has been sentenced for safety breaches after a fire which quickly took hold of buildings and storage areas at the site.

Leeds Magistrates' Court heard that on 30 June 2016, the fire started during a chemical dispensing operation in a Warehouse on Halifax Way, Pocklington Industrial Estate, Pocklington. Heptane, a highly flammable liquid, was being decanted from a bulk storage container into 4-litre metal cans. The operator dropped the can he was filling, exited the warehouse quickly and raised the alarm. He did not suffer any serious injury. The fire spread quickly and destroyed the warehouse, the adjacent warehouse and an external storage area between the two.



An investigation by the Health and Safety Executive (HSE) found that the process involved placing a bulk container of heptane onto racking at a height of about 1.5m. A table was then positioned beneath the bulk container onto which a small electrical weighing scale was positioned. Metal cans were placed onto the scale and an employee filled the cans by weight by manually operating a tap on the bulk container in the warehouse building.

A flammable vapour created during the process came into contact with an ignition source causing the vapour to ignite. HSE's investigation found that the most likely source of ignition was a spark from the electrical weighing scales.

LMA Services Ltd of Halifax Way, Pocklington Industrial Estate, Pocklington pleaded guilty to breaching Regulation 6 (3) of the Dangerous Substances and Explosive Atmospheres Regulations 2002. The company has been fined £14,000 and ordered to pay £2,377 in costs.

After the hearing, HSE inspector Dave Stewart commented: "The risks associated with the decanting operation were not fully understood by the company. There were potential ignition sources present within the area where a flammable vapour was likely to occur.

"This case highlights the importance of assessing risks associated with flammable atmospheres. Employers should ensure that adequate measures are taken to reduce the formation of flammable atmospheres so far as is reasonably practicable, and to ensure that only suitable electrical equipment is used in areas where a flammable atmosphere may be present."

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## [Haulage company fined after employee fell from height and sustained severe injuries](#)

W D Cormack & Sons, a partnership operating a haulage business, has been fined after a driver fell from a trailer to the ground.

Perth Sheriff Court heard that on 9 February 2016, the employee was securing a load of grain bags on a curtain-sided trailer, at Thormean Granary, Kinross, when he fell 2.88 metres from the trailer to the ground. He sustained severe injuries as a result of the fall.



An investigation by the Health and Safety Executive (HSE) identified that there was a failure to make a suitable and sufficient risk assessment and a failure to provide and maintain a safe system of work.

W D Cormack & Sons of, Castletown, Thurso pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £8,000

Speaking after the hearing HSE inspector Norman Schouten said: "This incident could have been avoided by implementing effective measures to control work at height on trailers. Load securing systems, which allow drivers to secure loads from the ground, can be easily fitted to curtain-siders.

"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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## [Company fined after worker suffers multiple injuries in fall from height](#)

Construction company, Sir Robert McAlpine Ltd was sentenced for safety breaches after worker, Mark Smith, fell 4.8 metres through an unprotected opening.

Leeds Magistrates' Court heard how, on 28 April 2016, Mr Smith, aged 36, was working at Stone Gappe Hall, Lothersdale, Keighley, owned by Richard McAlpine, a director of the McAlpine group of companies. Mr Smith was attaching straps to a water tank whilst preparing to move it to a lower floor of a water tower at the property, in order to paint the floor.



An investigation by the Health and Safety Executive (HSE) found that Mr Smith fell through an opening that did not have fixed edge protection. As a result, he sustained serious injuries including: a right tibial shaft fracture, a distal fibular fracture, a fracture to the left patella, orbital and nasal fractures, lacerations to the face, a concessional head injury, injury to his ribs and he was hospitalised for nine days. Mr Smith continues to suffer from psychological damage and has been unable to return to work.

Sir Robert McAlpine Ltd of Eaton Court, Maylands Avenue, Hemel Hemstead, Hertfordshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974, Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The company has been fined £260,000 and ordered to pay £38,299 in costs.

After the hearing, HSE inspector Paul Thompson commented: "Falls from height often result in life-changing or fatal injuries. In most cases, these incidents are needless and could be prevented by properly planning of the work to ensure that effective preventative and protective measures are in place such as edge protection or barriers built to the correct standard.

"This incident could have easily been prevented if the company had undertaken a thorough risk assessment and installed adequate edge protection around the opening to prevent falls."

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