

West Midlands timber yard fined after two workers struck by vehicle

A timber yard has been fined after two workers were seriously injured when they were struck by a side loader lift truck.

Wolverhampton Crown Court heard how, on 23 February 2015, two employees of Palmer Timber Ltd were walking across the yard at the site in Cradley Heath when they were hit by a side loader lift truck. One worker suffered a fractured ankle while his co-worker suffered multiple serious injuries including a fractured eye socket and collar bone, a severed thumb, damage to his tongue, broken bones in his forearm, a broken rib and further injuries which required skin grafts.

An investigation by the Health and Safety Executive (HSE) into the incident found that the company did not have effective precautions in place for vehicles and pedestrians to move around safely.

Palmer Timber Ltd of Station Road, Cradley Heath pleaded guilty to breaching Regulation 4, by virtue of Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992. The company was fined £730,000 and ordered to pay costs of £13,844.87 and a victim surcharge of £120.

After the hearing, HSE inspector Richard Littlefair commented: "This incident could have been much worse with the potential for fatal injuries. "There were reasonably practicable measures which should have been in place in order to allow vehicles and pedestrians to circulate in a safe manner."

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>

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Company fined after worker injured

An electrical contracting firm has been fined following one of its employees sustaining severe lacerations after his hand made contact with the moving blade of a mitre saw due to a faulty guard.

Nottingham Magistrates' Court heard the injured employee cut his hand while using a mitre or 'chop saw' with a faulty guard. The guard failed to return to position and cover the blade when the saw was in the upright position, meaning that when the employee reached across it he severely cut his wrist.

A Health and Safety Executive (HSE) investigation found that a lack of suitable maintenance meant the guard did not operate as intended and did not come down to cover the dangerous blade and protect the user.

AllRound Electrical Services Limited of High Street, Coleshill, Birmingham pleaded guilty of breaching Regulation 11 (3) of the Provision and Use of Workplace Equipment Regulations 1998. The company was fined £4,000 and ordered to pay costs of £1,060.50.

HSE inspector Philip Gratton said: "This case highlights the importance of regular proactive maintenance of work equipment, including mitre saws, to ensure equipment does not deteriorate to the extent that it puts people at risk. In this case AllRound Electrical Services Ltd failed to effectively maintain equipment which resulted in life-changing injuries to its employee."

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Devon construction company fined over

safety risk

A Devon based construction company has been fined after placing employees and members of the public at risk of serious injury by failing to suitably maintain their fleet of lorry mounted elevated work platforms (MEWP).

Following a fatal incident in Dawlish on 13 December 2014, a subsequent investigation by the Health and Safety Executive (HSE) found that the MEWP involved in the incident failed to automatically stop before overslewing, increasing the risk of vehicle overturn.

Exeter Crown Court heard that, prior to December 2014, there was an almost complete lack of a planned preventative maintenance systems at the company. The investigation also found that workers had not been given adequate information or instruction regarding how to use or maintain the machines or how to carry out pre-use checks. There is no suggestion that the failings of the company caused the fatal incident in Dawlish.

T J Smith Contracting Ltd of Pellew Arcade, Teign Street, Teignmouth was found guilty of breaching Regulation 2 (1) and 3 (1) of the Health and Safety at Work etc. Act 1974 and has been fined £60,000 and ordered to pay costs of £70,000.

Speaking after the hearing, HSE inspector Sue Adsett said: "Owners of high risk work equipment such as cherry pickers have a responsibility to ensure that they are safe. The manufacturers' maintenance regime should be followed, rather than simply carrying out repairs when the machine breaks down."

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4. The machine should automatically have stopped itself from rotating more than 180 degrees because only half of the stabilising legs were deployed. However, it 'overslewed' i.e. rotated further than it should have done, became unstable, and then overturned.
5. Further information about safe techniques can be found at: <http://www.hse.gov.uk/construction/safetytopics/mewp.htm>
6. New industry guidance on "Managing the safe condition of MEWPs" can be found at: <https://www.cpa.uk.net/sfpsq/#MEWPs>

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Falkirk company fined after employee killed

A company which manufactures freshly prepared meals was fined £176,000 when an employee was killed after being struck by empty food trays.

Falkirk Sheriff Court heard that, on 22 March 2016, an employee of Bakkavor Foods Limited was assisting in the task of unloading and moving empty food trays. The trays the fork lift truck was carrying made contact with a stack of empty food trays, which then collapsed and struck the employee, causing him to fall to the ground and strike his head. He died from his injuries approximately two weeks later.

An investigation by the Health and Safety Executive (HSE) found Bakkavor Foods Limited had failed to ensure there was sufficient segregation between the fork lift truck and the employees.

Bakkavor Foods Limited of Bridgeness Road, Bo'ness pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £176,000.

Speaking after the hearing, HSE inspector Stuart Easson said: "This was a tragic and wholly avoidable incident caused by the failure of the host company to implement safe systems of work.

"This risk was further amplified by the company's failure to undertake safety measures including segregating vehicles and employees".

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Balfour Beatty Utility Solutions Ltd fined half a million pounds after exposing workers to debilitating condition

Contractor Balfour Beatty Utility Solutions Ltd. has been sentenced today after exposing workers to a debilitating health condition over a nine-year period.

Balfour Beatty Utility Solutions Ltd was fined £500,000 after the Health and Safety Executive (HSE) found that workers at the company were exposed to hand-arm vibration between 2002 and 2011 which put them at risk of developing Hand-Arm Vibration Syndrome (HAVS).

HAVS is a permanent condition affecting the nerves and blood vessels of the hand. It can cause pain, tingling and numbness, making it difficult to carry out everyday tasks such as gripping and lifting objects, fastening buttons and zips, using a knife and fork or using a tooth brush. In some cases, the hands can have a continuous feeling of wearing mittens and hobbies such as fishing or gardening become impossible to do. Symptoms are often worse in winter when it's cold. The condition can render a worker disabled, affecting their chances of employment.

Sheffield Crown Court heard that workers at the company's sites were regularly exposed to hand-arm vibration while operating hand-held power tools such as hydraulic breakers and floor saws. An investigation carried out by HSE found that the company failed in its legal duty to ensure the risks to workers who used these tools was kept to as low a level as reasonably practicable. Balfour Beatty Utility Solutions Ltd. failed to assess the risk to workers' health, failed to put in place and monitor suitable risk control measures and failed to put in place a suitable system of health surveillance.

The company also failed to report to the enforcing authorities a significant number of cases of employees diagnosed with HAVS as was legally required.

Balfour Beatty Utility Solutions Ltd of Thorncliffe Park, Chapelton, Sheffield pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company also pleaded guilty to breaching Regulation 5 (1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. These failings occurred between 2002 and 2011. The company was fined £500,000 and was ordered to pay costs of £195,000.

Speaking after the hearing, HSE inspector Christine Mellor said: "This case was about failing to protect workers. Exposure to hand-arm vibration is a well-known risk which Balfour Beatty Utility Solutions Ltd. failed to adequately control.

“The company failed to heed warnings. Early health surveillance detected ill health but still this was not acted upon to prevent on-going exposure.

“This is a particularly serious case because of the extent and duration of failures. The breaches were repeated over several years and this resulted in persistent poor compliance and significant harm to workers.”

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4. Worker exposure is from hand held power tools typically floor saws, cut off saws, compactor plates, rammers and/or jack hammers used to access utility services running underneath public highways and to repair/replace street lighting.

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