

# Warehouse owner fined after worker falls 30 feet through skylight

A Blackburn based warehouse owner has been fined after an employee of a roofing contractor Nizamuddin Gorji fell approximately 30 feet through a glass skylight on a warehouse roof resulting in severe life changing injuries.

Preston Crown Court heard that roofing contractor Nizamuddin Gorji was engaged by Floors 'n' Carpets Limited of Gate Street, Blackburn to over-clad the existing roof. Three operatives were employed to carry out the work which started on 13 May 2020. The following day, one of the employees, Taj Zahir fell through the roof sustaining serious injuries to his pelvis, arm, knee and face and has undergone extensive surgery since.

An investigation by the Health and Safety Executive (HSE) found that Floors 'n' Carpets Limited failed to undertake due diligence checks on the roofing contractor's documents and ensure a construction phase plan was prepared prior to work commencing. Nizamuddin Gorji previously pleaded guilty to failing to adequately plan the work and provide coverings or underslung nets to prevent or mitigate a fall through the fragile roof. He had not completed any health and safety training and did not adequately train the operatives he employed.

Floors 'n' Carpets Ltd of Gate Street, Blackburn pleaded guilty to a breach of Regulation 4(1) of the Work at Height Regulations 2005 and was fined £96,000 and ordered to pay costs of £36,919.75

Speaking after the hearing, HSE inspector Jackie Western, said: "The risks from working at height are well known. Those with control of work at height have a duty to ensure safe methods of working, which should include ensuring the use of suitable work equipment and adequate supervision."

## **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: [hsg33.pdf \(hse.gov.uk\)](http://hsg33.pdf(hse.gov.uk)) [Construction – Fragile surfaces industry health & safety \(hse.gov.uk\)](http://Construction - Fragile surfaces industry health & safety (hse.gov.uk))

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

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## [Solvay Derbyshire named winner of Risk Reduction Through Design Award 2022](#)

Solvay Derbyshire has triumphed at this year's Risk Reduction Through Design Awards for its innovative solution that helps protect workers from developing musculoskeletal disorders (MSDs).

The chemical engineering and manufacturing specialists won the prestigious award after overcoming stiff competition from innovators across a wide range of sectors.

The Risk Reduction Through Design Award 2021/22, sponsored by The Health and Safety Executive (HSE) and [Chartered Institute of Ergonomics and Human Factors \(CIEHF\)](#), recognises design innovation to reduce the risk of MSDs. MSDs include injuries and conditions that can affect the back, joints and limbs.

Winning company, Solvay Derbyshire, worked with designer Haviland Industrial Ovens to develop an innovative design solution for loading of resin mixing bowls into a warming oven.

Previously, two workers lifted 38kg mixing bowls containing resin up to 48 times per shift. They did this from a trolley at ground level into and out of the warming oven at the front of the resin film coating production line. This activity involved manually handling the resin mixing bowls and was identified by the company as a significant ergonomic risk.

The winning design replaced the high-level oven with a floor-level one. A bespoke trolley with a removable handle was designed, allowing the resin bowls to be wheeled directly into the new oven, eliminating the need to lift the bowls and reducing the manual handling risks. There are also fewer risks of resin spills and contact with the hot oven. The new design only requires one person to carry out the task, increasing productivity.

Head of HSE's Health and Work Branch and chair of this year's judging panel Ali Wellens said: "We would like to congratulate Solvay Derbyshire for their efforts to reduce the risks of MSDs in the workplace.

"The Risk Reduction Through Design Award is intended to highlight the important contribution that design changes can make in reducing risks of musculoskeletal disorders. This year, we were thrilled to receive so many innovative designs from businesses across a wide range of industries. The high volume of entries demonstrates some of the great work businesses are doing to protect their workers' health.

"MSDs are a significant risk to workers' health and we urge all businesses to consider how they could make design changes to eliminate or reduce the risks in their workplaces."

Solvay Derbyshire, was proud to receive the Risk Reduction Through Design Award in recognition of their work to reduce MSDs in the workplace.

A spokesperson for Solvay Derbyshire said: "The team at Solvay Heanor are delighted to have won this award and accept it on behalf of all the people involved with the problem solving process that effectively dealt with a significant ergonomic issue.

"We continue to strive to eliminate or reduce the risks

associated with manual handling tasks on site.”

The award was presented at the CIEHF’s annual (virtual) awards ceremony on the 17 June 2022.

Commendations were given to two further entries to the awards. Airbus Operations Limited received a commended entry for their design for the assembly of A350 aircraft wing outer trailing edge. British Wool were also commended for their solution for transporting and weighing of ‘wool sheets’.

Iris Mynott, Membership & Partnership Manager of the Chartered Institute of Ergonomics & Human Factors said: “We are delighted to collaborate with HSE on these awards to recognise innovation that can make a significant contribution to life, wellbeing and performance.

“Congratulations to our winner and two commended entries and thank you to everyone who entered.”

### **Notes to Editors:**

For more information on the award winner and commended entries visit: <https://www.hse.gov.uk/msd/awards.htm>

More information about Chartered Institute of Ergonomics and Human Factors (CIEHF) can be found here: <https://ergonomics.org.uk/>

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behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.

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## [Demolition company fined after fall from height fatality](#)

A dismantling and demolition company has been fined after a worker fell 30 feet to his death when part of a pipe bridge platform gave way.

Kirkcaldy Sheriff Court heard that John Gary Robertson, known as Gary Robertson, employed by CBR02 Limited (formerly known as Brown and Mason) suffered multiple injuries following a fall from height at Longannet Power Station, Fife on 6 February 2019.

A joint investigation by the Health and Safety Executive and Police Scotland into the incident found that the section of metal grating on the pipe bridge which the deceased had been standing gave way under his weight, as it had been extremely corroded. By failing to record the extremely hazardous condition of the pipe bridge the Company failed to undertake a suitable and sufficient risk assessment. In particular, the risk assessment, which formed part of the final, revised method statement, did not address the severely corroded nature of the pipe bridge, despite that being previously highlighted and requested by the client, Scottish Power. The Company failed to put necessary control measures in place, to inform employees of the hazardous condition of the pipe bridge, and to prevent access to it.

CBR02 Limited of Hertford Road, Middlesex pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company has been fined £5,000.

Speaking after the case HSE principal inspector, David Charnock, said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"In this case, adequate communication of suitable information and instructions would have made employees aware of the unsafe condition of the pipe bridge platform."

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## [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."

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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/)

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## **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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