

# Tree surgeon fined after 16-year-old employee sustains life-changing injuries

A self-employed tree surgeon has been fined after a 16-year-old employee suffered serious injuries following a chainsaw incident.

Glasgow Sheriff Court heard how on 19 March 2018, at a domestic property in Glasgow, self-employed Dominic Di Pasquale, trading as Treetops Tree Surgeons, was using a chainsaw to fell trees and then remove the branches, while his employee collected the sections. As Mr Di Pasquale began to remove one of the branches, the young worker attempted to pick it up, unaware that it was still attached to the felled tree, the chainsaw jammed, pulling the employee's right arm into the blade. The 16-year-old sustained a partial amputation of his index finger and deep lacerations to his dominant hand, requiring multiple operations over a three-year period. These life changing injuries have left him permanently disfigured.

An investigation by the Health and Safety Executive (HSE) found that Mr Di Pasquale failed to provide a safe system of work which ensured chainsaw operators maintained safe working distances from other employees, to prevent them coming into contact with the blade. In addition, employees were not adequately trained or supervised when carrying out work with chainsaws.

Dominic Di Pasquale of Motherwell pleaded guilty to breaching Section 2(1) of Health and Safety at Work etc Act 1974 and has been fined £10,000.

Speaking after the hearing, HSE inspector Kim Ross said: "This incident was entirely preventable; the risks from working with chainsaws are well known. Employers have a responsibility to devise safe methods of working and to provide their employees with the appropriate information, instruction and training.

"This case particularly highlights the importance of protecting young workers who may be less familiar with risks in the workplace. HSE will not hesitate to take appropriate enforcement action, especially when young people are put at risk."

## **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>

4. For more information on working safely with vehicles at work, please visit:  
<https://www.hse.gov.uk/workplacetransport/>

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## [Employees sustain serious burns in explosion at vehicle servicing centre](#)

A commercial vehicle servicing and repair company has been fined after two workers suffered serious burns when flammable brake cleaning fluid ignited causing a fire.

Birmingham Magistrates' Court heard how on 27 March 2020 two employees used brake cleaning fluid to clean the grease from the walls of a vehicle inspection pit in the workshop. Shortly after they had finished cleaning the walls there was a loud bang and the entire wall of the pit where the brake cleaner had been applied became engulfed in flames. One employee managed to get out of the pit and ran to help his colleague whose clothing had caught fire, pulling him out of the pit and extinguishing the flames. Both employees received burns to their hands and legs. One sustained 60 per cent burns and had to undergo an emergency surgical procedure to relieve the pressure from the swelling which involved cutting either side of his shins on both legs and his left knuckle going down to his wrist. He subsequently underwent five skin graft operations on his left hand and both legs and spent six weeks in hospital.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred at STA Vehicle Centres Ltd in Starley Way, Birmingham, found that the company failed to carry out a risk assessment to consider whether it was possible to eliminate or reduce the risk. They had not considered replacing the dangerous substance with another non-flammable substance or using a different work process. Jet-washing, a safe alternative, was already in use at the company's other site.

The employees were not aware of the increased risks associated with using flammable fluid in a poorly ventilated area nor the need for appropriate personal protective equipment (PPE) to be worn.

STA Vehicle Centres Limited of Halesfield 22, Telford pleaded guilty to breaching Section 6 (1) of the Dangerous Substances and Explosive Atmospheres Regulations 2002. They were fined £28,000 and ordered to pay costs of £926.17.

Speaking after the hearing, HSE inspector Charlotte Cunniffe said "Employers should ensure flammable materials are used appropriately and provide training for employees in their correct use. This incident could have easily been

prevented.”

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about health and safety in motor vehicle repair and working with dangerous substances can be found at: [https://www.hse.gov.uk/foi/internalops/ocs/800-899/803\\_71/803\\_71id.htm](https://www.hse.gov.uk/foi/internalops/ocs/800-899/803_71/803_71id.htm)

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## [Food manufacturing company fined after worker severs finger](#)

A company based in Newthorpe, Nottinghamshire, which manufactures meat, pasta, alcohol, oil and meatless foods, has been fined after an employee sustained a serious injury to his fingers.

Nottinghamshire Magistrate’s Court heard how, on 29 September 2020, a worker’s left middle, ring and little fingers were severed from his hand while he was feeding pasta into a pasta cutting machine.

The New Product Development Department of Giorgio’s Continental Limited, (GCL) were trialling the production of a new shape of pasta. The trial involved the pasta being prepared to shape using a DL pasta cutting machine, followed by employees hand-rolling it into the finished product.

It was identified that the company’s pasta machine was not compatible with the new shape of pasta because the existing die from the pasta machine would have partitioned the pasta – a process which was not required on the trial product.

Prior to the incident, the die was removed from the machine which then exposed the cutting blades. It was suggested that the company continued with the trial using a temporary guard, which was a sheet of metal taped to the machine.

When the trial began the employee who was subsequently injured, was seen working at the machine with the cutting blades exposed.

He was also observed feeding the pasta into the machine and at one point his fingers made contact with the exposed cutting blades causing the injury.

An investigation by the Health and Safety Executive (HSE) found that GCL failed to ensure that effective measures were taken to prevent access to dangerous parts of machinery as the guard was removed and the interlocking protection device was defeated. A product trail was initiated, but there was no assessment or planning at a management level on how the trial could be completed safely. Ensuring the proper guard remained in place would have prevented this accident.

Giorgio's Continental Limited of Dunsil Road, Moorgreen Business Park, Newthorpe, Nottingham pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 in that it failed to ensure that measures were taken which were effective to prevent access to a dangerous part of machinery. The company was fined £33,000 and ordered to pay costs of £1938.40.

Speaking after the hearing, HSE inspector Leigh Stanley said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. 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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3. HSE news releases are available at <http://press.hse.gov.uk>

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**[HSE launches Working Minds campaign to encourage employers to promote good](#)**

# mental health in work

Work-related stress and poor mental health risk becoming a health and safety crisis for Great Britain's workplaces, the regulator has warned.

While the full impact of the Covid-19 pandemic is yet to be fully understood, mental health issues are the number one reason given for sick days in the UK. Last year more than 17 million working days were lost as a result of stress, anxiety, or depression. A recent survey by the charity Mind suggests that two in five employees' mental health had worsened during the pandemic.

In response the Health and Safety Executive (HSE) is today, Tuesday 16 November, launching its new campaign, 'Working Minds', at its *Health and Work Conference*, which examines issues relating to health at work. The campaign aims to help businesses recognise the signs of work-related stress and make tackling issues routine.

While 'Working Minds' is specifically targeting six million workers in small businesses, HSE is calling for a culture change across Britain's workplaces, to ensure psychological risks are treated the same as physical ones in health and safety risk management.

HSE's chief executive Sarah Albon said: "Work-related stress and poor mental health should be treated with the same significance as risks of poor physical health and injury. In terms of the affect it has on workers, significant and long-term stress can limit performance and impact personal lives.

"No worker should suffer in silence and if we don't act now to improve workers' mental health, this could evolve into a health and safety crisis.

"The pandemic has highlighted the need to protect the health of employees who have faced unprecedented challenges; the Government is committed to building back better and we want to make sure good mental health is central to this."

HSE is reminding business that no matter where people work, employers have a legal duty to assess the risks in the workplace, not just in terms of potential hazards and physical safety. They should also promote good working practices. It says this promotes an open environment where employees can share their concerns and discuss options to ease pressures.

Sarah Albon added: "Our campaign is focused on giving employers a clear reminder of their duties while championing reducing work-related stress and promoting good mental health at work."

The regulator has partnered with a number of organisations to highlight the triggers of stress, the legal duty of employers and how to manage the risks. The network of Working Minds champions includes the charity Mind, which supports and empowers anyone experiencing a mental health problem in England.

Working Minds is aimed specifically at supporting small businesses by providing employers and workers with easy to implement advice, including

simple steps in its '5 R's' to Reach out, Recognise, Respond, Reflect, and make it Routine.

Employers and workers wanting to know more about the Working Minds campaign, including the legal obligations, advice, and tools available, should visit: [workright.campaign.gov.uk/campaigns/workingminds](https://workright.campaign.gov.uk/campaigns/workingminds).

### **Comments in support of Working Minds**

Dane Kramberger, Head of Workplace Wellbeing Services at Mind, said: "We're really pleased to be supporting HSE's Working Minds campaign which aims to support businesses to promote good mental health among their staff. Mind has long been working with employers of different sizes and sectors to help them create mentally healthy workplaces, but this has never been more important. This campaign couldn't have come at a better time, given the impact the pandemic has taken on employers and staff.

"We recently surveyed over 40,000 staff working across 114 organisations. Two in five (41 per cent) employees told us their mental health had worsened during the pandemic."

Prof Neil Greenberg, Chair of the Occupational Psychiatry Special Interest Group at the Royal College of Psychiatrists, said: "Good mental health is just as important as good physical health, so it's vital that employers do all that they can to promote good mental health in the workplace. Employees should be given appropriate support to help minimise the likelihood of experiencing work-related mental health problems and be supported in their treatment and recovery if they do develop or live with a mental illness.

"HSE's campaign will give organisations and employers the necessary tools to spot potential signs of mental ill-health, and to develop or improve their practices to protect the psychological health of their staff."

Minister for Disabled People, Health and Work Chloe Smith said: "Making sure businesses have the right tools to recognise and support their employees with their mental health is key to creating healthy workforces across the country.

"Campaigns like this are so important and alongside our other measures to help reduce ill-health related job loss and initiatives such as Access to Work we can ensure even more people can stay in their job and thrive."

### **Notes to editors**

**The Health and Safety Executive (HSE) is Britain's national regulator for workplace**

1. 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)
2. HSE news releases are available at <http://press.hse.gov.uk>
3. The Working Minds campaign is supported by Mind, Lifelines Scotland, NHS, ACAS, Mates in Mind, the Farm Safety Foundation, the Royal College of Psychiatrists, the Plastics and Composites Group, the Department for Work and Pensions, the Civil Engineering Contractors Association, the Federation of Small Businesses, CONIAC and the UK Home Care Association.
4. While seeking to raise awareness and seek a culture change across workplaces nationally, the campaign is specifically targeting businesses with fewer than 20 employees with a focus on Agriculture, Construction, Health, Manufacturing, Motor trade (repairs not retail) – providing an audience of 1.1m SME businesses with 2 – 19 employees, approximately six million workers in total.
5. More information on today's conference can be found [here](#).
6. Dane Krambergar, Head of Workplace Wellbeing Services at Mind, Continued: “The main reasons cited (in the survey mentioned above) including work life interfering with home life and fears about job security. Although many staff felt more comfortable talking to their employer about their mental health, too often, staff told us they were not offered any additional support or adjustments to their roles. Investing in the mental health of your staff is not only the responsible thing to do, but it saves money in terms of reduced sickness absence and turnover and increased staff morale and productivity. Employers also have a legal duty under the Equality Act 2010 to make reasonable adjustments for disabled staff – this includes staff whose mental health has a substantial adverse effect on their daily lives and has lasted or is expected to last more than 12 months.”

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## [Polymer distribution company in court after worker's fingers severed](#)

A polymer distribution company has been fined after an employee's hand was trapped in machinery whilst attempting to remove a blockage.

Manchester Magistrates' Court heard how, on the 12 October 2018, an employee of Albis (UK) Ltd was filling an autoloader machine when a blockage occurred in the chute, preventing the product from dropping into the mixer. The employee opened the mixer in order to insert their hand into the chute to remove the blockage, at which point, the butterfly valve was released. This



caused the index finger of their right hand to be trapped resulting in the loss of the tip of the index finger below the first joint and the tip of his middle finger above the first joint.

An investigation by the Health and Safety Executive (HSE), found that the company had made alterations to the roof area of the premises sometime before the incident. Due to these, the length of the chute had had to be decreased making access to dangerous parts of the machine possible. A risk assessment had not been carried out subsequent to the shortening of the chute, neither had operatives been fully instructed on how to unblock the autoloader. The machine had also been reconfigured unbeknown to the safety manager, allowing the valve to continue moving when the interlock had been broken. The machine should have cut out when the mixer lid was opened, but it failed to do so, resulting in the incident.

Albis (UK) Ltd of Montgomery Way, Parkgate Industrial Estate, Knutsford, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £33,000 and ordered to pay costs of £3,684.

Speaking after the hearing, HSE inspector Martin Heywood said: "This incident could so easily have been avoided. Employers should ensure they carry out an assessment of the risks and put in safe system of works for the operation of all machinery. Employers should also ensure that adequate information, instruction and training is provided to all who use it."

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2. More about the legislation referred to in this case can be found at: [Why is machinery safety important?](#)
3. HSE news releases are available at <http://press.hse.gov.uk>