

# Company prosecuted for failing to control risks to employees using vibrating tools

A company that manufactures and sells medical devices for the healthcare industry has been fined for failing to adequately control the risk to its employees from exposure to vibration when using vibrating tools. .

Newport Magistrates' Court heard that employees of Frontier Plastics Ltd worked at the company's Blackwood site in Gwent for long periods of time using vibrating tools including strimmers, hedge cutters, grinders, drills and linishers, without suitable controls to reduce the risks. As a result, two employees, the earliest of which had started at the company using vibrating tools in 1991, are suffering ill-health from hand arm vibration.

An investigation by the Health and Safety Executive (HSE) found that before August 2019 the company, failed to; adequately assess the risks of using vibrating tools, put in place measures to control the risk, provide suitable information, instruction and training on the risks to employees and place the employees under suitable health surveillance to monitor their condition.

Frontier Plastics Limited, a subsidiary of Verna Group International Limited, of Western Avenue, Chorley pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £246,000 and ordered to pay costs of £15,788.

Speaking after the hearing HSE inspector Sian Donne said: "This was a case of the company completely failing to grasp the importance of managing exposure to vibration. HAVS is a serious, disabling and permanent condition. If the company had put in place suitable controls to reduce exposure and health surveillance to monitor workers' health, then the employees' condition would not have developed to a severe and life altering stage."

Notes to Editors:

1. The [Health and Safety Executive \(HSE\)](#)<sup>[1]</sup> 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.
  2. More about the [legislation referred to in this case](#)<sup>[2]</sup>
  3. [Latest HSE press releases](#)<sup>[3]</sup>
  4. See more information about [Hand arm vibration at work \(hse.gov.uk\)](#)
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# Estate management partnership and tenant fined for gas safety breaches

Burghill Farms, a partnership trading as Dalhousie Estates, and Mr Piers Le Cheminant have been fined following an incident where one of the occupants of a holiday cottage was found collapsed in a bathroom heated by a portable cabinet propane gas heater.

Forfar Sheriff Court heard that on 28 October 2015, the victim, Thomas Oliver Hill, was staying with his girlfriend and her family at Glenmark Cottage, Tarfside, north-west of Edzel. They were renting the cottage from Mr Le Cheminant, who in turn rented the property from Burghill Farms who were paid 20 per cent of the rental income he received. Mr Hill had taken a bath in the bathroom, which was heated by the gas heater. His girlfriend and her family became concerned when he did not appear after an hour. They knocked on the bathroom door and forced entry when they didn't receive a response. Mr Hill was found collapsed next to the bathroom door and later died. A post-mortem confirmed the cause of death was carbon monoxide poisoning.

An investigation by the Health and Safety Executive (HSE) found that Burghill Farms and Piers Le Cheminant did not have a suitable and sufficient system of maintenance in place for the cabinet heaters and the cabinet heaters were placed in rooms which were too small for the heaters to be used safely due to a lack of suitable ventilation. However, these failings could not be proven to be causally connected to the death of Mr Hill.

Burghill Farms of Brechin Castle, Brechin, Angus pleaded guilty to breaching Regulation 36(2)(a) of The Gas Safety (Installation and Use) Regulations 1998 and Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000.

Piers le Cheminant of Poundsgate, Newton Abbot, Devon, pleaded guilty to breaching Regulation 35 of The Gas Safety (Installation and Use) Regulations 1998, and Section 33(1)(c) the Health and Safety at Work etc. Act 1974. He was fined £2,000.

Speaking after the hearing, HSE principal inspector Niall Miller said: "Landlords have a duty to maintain gas heaters in a safe condition, which in the context of movable gas appliances includes maintaining an appropriate operating environment."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
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## [Company fined after employee sustains serious burn injuries](#)

A company has been fined after a worker suffered serious injuries following an explosion at their factory.

Chelmsford Magistrate's Court heard how, on the 24 September 2019, employees at Fabric Flare Solutions Limited, Unit 7, Gosford Road, Beccles, Suffolk, were treating fabrics with a hydrophobic coating that gave off flammable vapours both during the application process and when subsequently drying in the spray room. The flammable vapours ignited causing an explosion just as a 51-year-old employee was walking past the spray room. The blast threw him several metres across the factory and he suffered serious burn injuries to 15 per cent of his body.

An investigation by the Health and Safety Executive (HSE) found that Fabric Flare Solutions Ltd failed to ensure the safety of their employees by not eliminating several sources of ignition in the spray room, including liquid petroleum gas space heaters, domestic light fittings, and other electrical equipment. The company had ignored the clear instruction on the safety data sheet for the substance to be kept away from sources of heat, hot surfaces, sparks, open flames, and other ignition sources.

Fabric Flare Solutions Ltd of 44 Pinbush Road, Lowestoft, Suffolk pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act 1974. The company was fined £26,000 and ordered to pay costs of £7,196.

Speaking after the hearing, HSE inspector Tim Underwood said: "Employers who handle, store or use flammable substances must consider the potential risk of fire and explosion and ensure they have robust procedures in place to assess and control risk at all times.

"This was a tragic and wholly avoidable incident, caused by the failure of the company to fully assess the risk and implement safe systems of work."

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## [Company fined after fatality at quarry](#)

A company has been fined after an employee was struck by an excavator and fatally crushed.

Inverness Sheriff Court heard that in May 2017 a crusher was being prepared for use following transportation from another quarry to Leiths (Scotland) Ltd, Kishorn Quarry, Nr Strathcarron, Wester-Ross, Scotland. Paweł Kocik was struck by a quick hitch on the dipper arm of an excavator and crushed between the quick hitch and side of the feed hopper of a mobile crusher.

An investigation by the Health and Safety Executive (HSE) found that a suitable and sufficient assessment of the risks to employees had not been made and that a safe system of work was not in place for erecting the hinged crusher feed hooper side plates, which required being lifted into position and secured with wedges and pins, along with the fitting of a cross brace beam in the feeder. Work at height in the feeder had not been properly assessed and insufficient information, instruction and training for the tasks had been provided.

Leiths Scotland Ltd of Cove, Aberdeen pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £130,000.

The Crown accepted that the failings detailed in the charge did not cause the death of the employee and the plea came before the court on a non-causal basis.

Mike Tetley, HM Specialist Inspector of Quarries said: "This case should serve as a reminder of the need for employers and quarry operators, as duty holders, to review their activities to ensure that a suitable and sufficient assessment of risk has been made and recorded, that the necessary equipment and controls are in place and sufficient information, instruction and training has been provided, especially when excavators are being used as lifting equipment."

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