

# Buildings material manufacturer fined for health and safety failings

A buildings material manufacturer has been sentenced after a worker was diagnosed with Hand Arm Vibration Syndrome (HAVS) after repeatedly using vibrating tools above the recommended limits; and a second worker sustained electrical burns in a separate incident.

Peterborough Magistrates' Court heard that the employee was diagnosed with HAVS after a HSE investigation established that he had been using percussive tooling at the company to clean down a machine used for forming cement sheets using a jet pressure washer, pneumatic chisels and a Kango hammer where he was regularly exposed to vibration above the recommended limit. Whilst a health assessment in 2012 had identified the symptoms of HAVS, recommending the employee was referred to a physician for detailed medical examination, this did not happen until 2016 when the employee was diagnosed with late stage 2 HAVS. This is a serious irreversible health condition, causing the fingers to become blanched and numb, preventing the employee from working with vibratory equipment.

In an unrelated case on 1 September 2017, a second employee sustained electrical burns to his left arm and side of face. The employee was with a second electrician installing a temporary cable repair to switchgear which was around 60 years old. Whilst the employees were trained electricians, neither had the competence to work on the switchgear and they were not provided with any circuit diagrams, drawings or an instruction manual. Neither were there any job specific risk assessments or safe systems of work in place. The two employees isolated all the switches on the right-hand bank of the panel, which was supplying electricity to production machinery, and assumed that this would render the back of that bank of switches as safe. However, whilst working on the last cable connection, the tool used by one employee met a live bus bar terminating support strip. This caused a flash, which resulted in electrical burns.

Etex (Exteriors) UK Ltd of Lichfield Road, Burton-on-Trent pleaded guilty to breaching Regulations 6(4), 7(1) of the Control of Vibration at Work Regulations 2005; Regulation 4 (3) of Electricity At Work Regulations Act 1989; and Regulation 5 of Management of Health and Safety at Work Regulations 1999. The company was fined £282,100 and ordered to pay costs of £12,294.

Speaking after the hearing, HSE inspector Roxanne Barker said: "With regards to the case of Hand Arm Vibration Syndrome this company failed to implement and maintain a system that would suitably monitor the recorded results of vibration data and trigger times, therefore failing to have effective controls in place to limit the duration and magnitude of exposure to vibration. They also failed to ensure that their employee was under suitable health surveillance to identify problems at any early stage to prevent serious ill health.

“Etex (Exteriors) UK Ltd also failed in its duty to ensure that those undertaking electrical work were suitably competent and given the right information to complete tasks safely.”

#### 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. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [hse.gov.uk/vibration/hav/index.htm](http://hse.gov.uk/vibration/hav/index.htm)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Juice manufacturing company fined after worker loses fingers](#)

Fruit juice manufacturer, AMC Freshly Squeezed (UK) Ltd, has been fined after an employee had three fingers of their right hand severed whilst cleaning a screw conveyor.

Liverpool Magistrates’ Court heard that on the 25 July 2019, a production operative was carrying out the daily process of cleaning the extraction area at their premises in Whitemoss Business Park in Skelmersdale. Whilst the screw conveyor, which is used for removing waste pulp and peel from the building, was being cleaned the employee noticed that no water or debris was exiting the drain as it normally would. In an attempt to remove the blockage, the worker inserted their hand through the drain hole resulting in the severing of two fingers below the second knuckle and one below the first. The hospital attempted to reattach the fingers, but was unsuccessful. The worker has since been unable to resume their former employment.

An investigation by the Health and Safety Executive (HSE), found that although removal of the drain plug was done daily, the company failed to identify and therefore eliminate the dangers involved in accessing the moving

parts of the open drain point of the screw conveyor. No risk assessments were undertaken and no safe systems of work were in place. The company did not provide staff with adequate training or make them aware of the dangers associated with the machinery being used.

AMC Freshly Squeezed (UK) Ltd of Degrave House, Whitemoss Business Park, Skelmersdale pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. They were fined £16,000 and ordered to pay costs of £2,400.

Speaking after the hearing, HSE inspector David Bellis 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, including tasks such as cleaning. 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>

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## [Company and director sentenced for exposing workers to asbestos](#)

A wood working company and its director have been fined after an inspection by the Health and Safety Executive (HSE) found a series of failings and risks associated with significant quantities of asbestos-containing materials within the premises.

Bristol Crown Court heard that on 10 August 2016, during an unannounced visit to a workshop on Moravian Road, Bristol, the asbestos insulating board lining the building was found to be in very poor condition with many panels having extensive damage. Enforcement notices were served requiring the risks to be controlled and the asbestos materials to be removed by a licenced contractor.



Enquires further to the inspection identified that the company, and its director Wayne Braund, had failed to ensure a suitable and sufficient assessment was carried out to determine whether asbestos was present, and take relevant action to ensure any risks associated with the asbestos materials were controlled. They also fabricated documents to make it appear that the asbestos materials were going to be removed by a relevant licenced contractor.

Stairs2U (Bristol) Limited of The Old Bus Depot, Moravian Road, Bristol pleaded guilty to a charge under Regulation 4 of the Control of Asbestos Regulations 2012. The company was fined £25,000.

Wayne Braund of Fieldgrove Lane, Bitton, Bristol pleaded guilty to a charge under Section 37 of the Health and Safety at Work etc Act 1974. He was sentenced to six months imprisonment suspended for eighteen months and ordered to pay £25,000 costs.

Speaking after the hearing, HSE inspector Stacey Gamwell said: "The risks associated with asbestos-containing materials are well known and advice and guidance is freely available from HSE.

"Duty holders are required to manage the risks from asbestos in any non-domestic premises and ensure that a suitable and sufficient assessment is undertaken to identify asbestos-containing materials and ensure that any risks are controlled. "

"Employers should not undertake any work with asbestos materials which exposes their employees to asbestos unless the risks have been assessed and relevant control measures have been implemented. Work associated with many categories of asbestos materials including those in this case may only be undertaken by a suitably licenced asbestos removal contractor under stringent procedures."

For separate offences prosecuted by the Fire Service, Mr Braund was sentenced to a further 12 months in prison, suspended for 18 months. He was also fined £25,000 and ordered to pay £25,000 costs.

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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. [hse.gov.uk](https://www.hse.gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
4. Further information about safe techniques can be found at: <http://www.hse.gov.uk/asbestos/duty.htm>

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## [HSE releases annual workplace fatality figures for 2020/21](#)

Provisional data released today shows that a total of 142 workers were killed at work in Great Britain in 2020/21, an increase of 29 from the previous year, though the number of deaths in 2019/20 (113) was low compared to other recent years.

In statistical terms the number of fatalities has remained broadly level in recent years – the average annual number of workers killed at work over the five years 2016/17-2020/21 is 136.

Over the past 20 years there has been a long-term reduction in the number of workplace fatalities, demonstrating that Great Britain is one of the safest places to work in the world.

[The figures released by the Health and Safety Executive \(HSE\)](#) relate to workplace incidents. They do not include deaths arising from occupational exposure to disease, including Covid-19.

HSE's Chief Executive, Sarah Albon, said: "Whilst the working world in which we now live has created new health challenges for workers and for those who have a duty towards them, safety must also remain a priority. Whilst the picture has improved considerably over the longer term and Great Britain is one of the safest places to work in the world, every loss of life is a tragedy, we are committed to ensuring that workplaces are as safe as they can be and that employers are held to account and take their obligations seriously."

The three most common causes of fatal injuries continue to be workers falling from height (35), being struck by a moving vehicle (25) and being struck by a moving object (17), accounting for more than half of fatalities in 2020/21.

These figures also continue to highlight the risks to older workers with around 30 per cent of fatal injuries in 2020/21 involving workers aged 60 or over, even though such workers only make up around 11 per cent of the workforce.

In addition, members of the public continue to be killed in connection with work-related incidents. In 2020/21, 60 members of the public were killed as a result of a work-related incident.

The figures for Mesothelioma, which is a cancer contracted through past exposure to asbestos and is one of the few work-related diseases where deaths can be counted directly, show 2,369 people died in Great Britain in 2019. This is seven per cent lower than the average of 2,540 deaths over the previous seven years.

Current mesothelioma deaths largely reflect occupational asbestos exposures that occurred before the 1980s. The figure for 2019 is consistent with projections that a reduction in total annual deaths would start to become apparent at this point. However, it is still not certain how quickly annual deaths will decline.

A fuller assessment of work-related ill-health and injuries, drawing on HSE's full range of data sources, will be provided as part of the annual Health and Safety Statistics release on 16 December 2021.

#### 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.
2. The figures released today of both fatal injuries and mesothelioma deaths make up part of a long running series enabling both short and long-term comparisons of change. Putting the number of fatal injuries in context of previous years' data is difficult given the disruption to the economy caused by the COVID-19 pandemic and the government response, which have had a significant effect on the UK labour market. Many businesses ceased operating or changed their working practices, while government interventions have allowed for the furloughing of workers. The number of workplace deaths in 2020/21 should be seen in the context of these challenges in the labour market.
3. The fatal injury statistics are based on deaths from work-related incidents. They do not include deaths from occupational diseases or diseases arising from certain occupational exposures (including COVID-19). RIDDOR reports involving Covid fatalities are available [here](#). The number of COVID-19 death reports are not directly comparable with the number of fatal injuries published today.
4. Agriculture, forestry and fishing continues to account for a large share of the annual worker fatality count – 34 in 2020/21, up from the record low of 21 seen in 2019/20. It has the highest rate of fatal injury of all the main industry sectors, with the annual average rate over the last five years around 20 times as high as the all industry rate.
5. The waste and recycling sector, a relatively small sector in terms of employment,

accounted for three worker deaths in 2020/21. While this is the lowest number of deaths in this sector in each of the last five years, numbers are small and subject to year-on-year fluctuation. This sector has one of the highest rates of fatal injury to workers (around 17 times as high as the five-year-average all industry rate).

6. The construction sector accounted for the largest share of fatal injuries to workers in 2020/21 – 39. The annual average rate of fatal injury over the last five years in construction is around four times as high as the average across all industries, but considerably less than the rate in both agriculture; and waste and recycling.

7. Work-related fatal injuries: [Fatal injuries in Great Britain \(hse.gov.uk\)](https://www.hse.gov.uk/fatal-injuries-in-great-britain/)

8. Mesothelioma: [Mesothelioma statistics for Great Britain, 2020 \(hse.gov.uk\)](https://www.hse.gov.uk/mesothelioma-statistics-for-great-britain-2020/)

9. Latest HSE press releases: Latest press releases – [HSE Media Centre](https://www.hse.gov.uk/media-centre/)

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## [Building Safety Bill introduced](#)

The government has today (5 July) introduced the Building Safety Bill in the House of Commons.

The Building Safety Bill will implement recommendations made in Dame Judith Hackitt's 'Building a Safer Future' report which highlighted a need for significant cultural and regulatory change. The Bill also paves the way for the official formation of an independent Building Safety Regulator (BSR).

Peter Baker, Chief Inspector of Buildings at HSE, said:

"I welcome the introduction of the Building Safety Bill, which will give HSE the tools to deliver its important role as the Building Safety Regulator and is an important step in setting out what will be expected of future duty holders.

"Everyone involved in higher risk buildings from design, construction and day-to-day operations will manage and control building safety in a way that is proportionate to the risks. This will ensure these buildings are safer for those who live in them and they have a stronger voice. I encourage duty holders to use the Bill's introduction in preparation for the new, more rigorous regulatory regime.

"The Building Safety Regulator will continue to work with industry and others to deliver the new building safety regime to ensure that residents of higher risk buildings are safe, and feel safe, in their homes now and in the future."

(ends)

Read the government's press release on the Building Safety Bill here: [www.gov.uk/government/news/new-regulator-at-heart-of-building-safety-overhaul](https://www.gov.uk/government/news/new-regulator-at-heart-of-building-safety-overhaul)

The Building Safety Bill can be found here: [bills.parliament.uk/bills/3021](https://bills.parliament.uk/bills/3021)

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