

# Maritime freight and logistics company fined after employee fractures foot

A maritime freight and logistics company has been fined after a worker suffered multiple bone fractures to his foot when a forklift truck was driven over it.

Newport Magistrates Court heard how a worker was injured when a 15 tonne forklift truck drove over his foot during unloading and stacking of steel coils in a shed at premises in Corporation Road, Newport.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on the 5 January 2018, found that there was inadequate control of workplace transport risks. The company had also failed to conduct a suitable and sufficient assessment of controls for workplace transport.

Simec Ports (UK) Limited, formerly known as Cargo Services (UK) Ltd, was found guilty of breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company has been fined £200,000 and ordered to pay costs of £8,732.04.

Speaking after the case, HSE inspector, Sian Donne said: "Failure to ensure that workplace transport is managed safely is a serious breach of fundamental health and safety duties."

## **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. At the time of the incident, the injured worker was an employee of Cargo Services (UK) Ltd. The site was subsequently sold to SIMEC Ports (UK) Limited.

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# Company fined after an employee died and another worker was seriously injured

Concrete manufacturer Treanor Pujol Ltd was sentenced for safety breaches following two separate incidents including the death of an employee and series injuries to a second worker.

Health and Safety Executive (HSE) investigators also identified several electrical safety failings.

Leeds Crown Court heard how on 5 June 2014 Treanor employee Mathew Fulleylove, 30, was operating a mobile saw unit on Line 12 at the factory in Stourton, Leeds, while another employee was operating a mobile bed cleaner on Line 11. Mr Fulleylove was standing on the footwell of the saw unit as the other machine passed on the adjacent production line. As the bed cleaner came past, Matthew's head was crushed between the frames of the two machines and he was killed instantly.

An investigation by HSE found that it was the nature of production for machines to routinely pass each other on adjacent lines. On lines 11 and 12 the gap between the passing bed cleaner and saw machines was very small – between 65 and 93mm at different parts of the frames. It was identified that Treanor Pujol Ltd failed to identify the risk of crushing posed by the passing machines; failed to devise a safe system of work to control this risk and failed to provide adequate training in such a procedure to employees.

On 12 April 2018, in a second incident, a 47-year-old employee was operating a hooks machine, which embeds hooks into precast concrete when a fault developed during the operation. While attempting to reset the machine his elbow leant on a concrete dispenser box and a metal shutter designed to close off the flow of concrete. The metal shutter closed, trapping his hand resulting in a fracture and partial de-gloving of his left hand.

An investigation by HSE found that the machine was not fitted with working interlocks, meaning several of the machine doors could be opened to gain access to dangerous moving parts whilst the machine was operating.

In the early stages of the investigation into the incident involving Mr Fulleylove, HSE inspectors also noticed several electrical safety concerns with the equipment in the manufacturing shed. Inspectors carried out numerous visits between 2014 and 2018 and discovered further failings, one of which related to electrical equipment not being suitably constructed or protected from the environment. It was left in wet, dirty, dusty and corrosive conditions, which resulted in rapid deterioration and safety features becoming inoperable over time. This exposed employees to a risk of serious personal injury or death.

Treanor Pujol Ltd of former Bison Works site, Pontefract Road Leeds pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974, breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998, and breaching Regulation 3(1)(a) of the Electricity at Work Regulations 1989 by failing to comply with Regulation 6(c). The company has been fined £285,000 and ordered to pay costs of £56,324.97.

After the hearing, HSE inspector Kate Dixon said: "Treanor Pujol Ltd should have identified the risk of crushing between passing machines on the production lines. The company should have taken steps to reduce and control the residual risk, organising production to minimise the likelihood of machines passing each other on adjacent lines, as well as devising and implementing a safe system of work.

"This should have included a designated place of safety where operators were required to stand as a machine passed. The operator's manual for the bed cleaning machine stated an exclusion zone around the machine at 655mm should be implemented. If this had been in place, it would have addressed the significant crushing hazard and prevented the death of Mr Fulleylove."

Ms Dixon added: "In regard to the second incident, the company should have ensured that the dangerous parts of the Hooks Machine could not be accessed by anyone whilst they were moving by way of suitable guarding arrangements.

"Duty holders should ensure they carry out site specific risk assessments to identify any issues relevant to a particular location, task or piece of equipment. It is important to ensure where safe systems of work are required, employees are properly trained and monitored to ensure the correct way of working is followed."

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## **[HSE urges Blackburn businesses to take five steps to become COVID-secure](#)**

The Health and Safety Executive (HSE) is out and about talking to businesses in Blackburn and the surrounding areas to ensure they are COVID-secure to help tackle the coronavirus (COVID-19) outbreak.

To support the understanding of any patterns in the confirmed coronavirus cases in the area, HSE is working alongside Blackburn with Darwen Borough Council in the regulation of workplace health and safety and alongside local public health authorities. Inspectors are out visiting businesses across Blackburn and surrounding areas, putting employers on the spot and checking

that they are complying with the latest guidance.

To be COVID-secure means businesses need to put in place workplace adjustments, keep up to date with the latest guidance and put measures in place to manage the risk and protect workers and others. There are [five practical steps](#) that businesses can take to do that:

- Step 1. carry out a COVID-19 risk assessment
- Step 2. develop increased cleaning, hand washing and hygiene procedures
- Step 3. take all reasonable steps to help people work from home
- Step 4. maintain 2m social distancing where possible
- Step 5. where people cannot be 2m apart, manage transmission risk

Francine Cheney, HSE construction head of operations said: “The number of confirmed cases of the disease are currently high in the area. We are talking to local businesses and inspecting sites in and around Blackburn to understand how they are managing risks in line with their specific business activity.

“Becoming COVID-secure needs to be the priority for all businesses to tackle the rise in the number of cases in the area. It is a legal duty for employers to protect their workers and others from harm and this includes taking reasonable steps to control the risk and protect people from coronavirus. This means making workplace adjustments to become COVID-secure. We advise employers to work with their employees when implementing changes, to help increase confidence with workers, customers and the local community.”

As inspections across the country are ongoing, HSE has been utilising a number of different ways to gather intelligence and reach out to businesses across Blackburn with a combination of site visits, phone calls and through the collection of supporting visual evidence such as photos and video footage.

HSE and local authority inspectors are finding some common issues across a range of sectors that include: failing to provide arrangements for monitoring, supervising and maintaining social distancing, failing to introduce an adequate cleaning regime – particularly at busy times of the day – and providing access to welfare facilities to allow employees to frequently wash their hands with warm water and soap.

To support businesses, HSE are providing advice and guidance to manage risk and protect workers. Where some employers are not managing the risk, HSE will take action which can range from the provision of specific advice, issuing enforcement notices, stopping certain work practices until they are made safe and, where businesses fail to comply, this could lead to prosecution.

Sally Nicholson, HSE head of operations in Lancashire said: “All businesses are in scope for inspections, that means any size business in any sector can receive an unannounced inspection to ensure they are COVID-secure. By making sure that businesses have measures in place to manage the risks, we can benefit the health of the local community as well as support the UK economy.”

For the latest information and relevant Safer Workplaces guidance, see [www.gov.uk](http://www.gov.uk)

**Ends**

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. For HSE's working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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## [Plumbing and heating company fined after employee suffered burns in explosion](#)

A plumbing and heating company has been fined after an employee suffered serious burns following an explosion at a domestic property in Preesall, Lancashire.

Blackpool Magistrates' Court heard that on 13 March 2019, John Leadley Limited had been replacing a gas boiler in the hallway of a bungalow. As part of this work, an employee was soldering new water pipes when there was a sudden explosion, which caused serious burn injuries. The homeowners were in the property at the time of the explosion and were also put at risk of serious injury.

An investigation by the Health and Safety Executive (HSE) found that a flammable atmosphere had developed within the hallway of the property, which was subsequently ignited by a blow torch. A gas supply pipe has been cut prior to installation of the new boiler, but the open end of that pipe had not been sealed with an appropriate fitting. It was also identified that the gas supply had not been correctly isolated from the property, allowing gas to pass through the open-ended pipe into the hallway, creating the flammable atmosphere.

The company, John Leadley Limited, of Victoria Road East, Thornton Cleveleys pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health & Safety at Work etc Act 1974. The company was fined £5,000 and ordered to pay costs of £4,756.35.

Speaking after the hearing, HSE Inspector Anthony Banks said: "The injuries sustained to this employee could so easily have been avoided, simply by John Leadley Limited carrying out the correct control measures and safe working practices.

"Employers, and others, 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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## [Council fined following fatality caused by a tree branch striking a moving vehicle](#)

Wirral Borough Council has been fined after a branch from a tree fell and struck the vehicle of a pregnant mother while she was driving with her two children.

Elizabeth Stear suffered injuries and later, the sad loss of her prematurely born baby.

Liverpool Magistrates' Court heard that on the morning of 10 November 2016, 39-year-old Elizabeth, who was 36 weeks pregnant, had been performing the daily school run. She was driving along the A551 Arrowse Park Road with her 13-year-old daughter and six-year-old son when her moving vehicle was struck by a large branch falling from a mature horse chestnut tree. The branch broke through the windscreen and front driver window and struck the right side of Elizabeth's stomach. She was taken to hospital with suspected major trauma and her baby girl, Lucia Jayne Stear, was delivered by an emergency caesarean, living for 15 hours before sadly passing away.

An investigation by the Health and Safety Executive (HSE) found that the large branch, which fell had a crack on its upper edge where it was joined to the main trunk. It had begun to separate from the main trunk for at least one growing season before the failure. The tree, located within the boundary of Arrowse Park, adjacent to the highway, had not been inspected for at least 13 years. Wirral Borough Council failed to identify and manage the risks from falling trees and branches, and failed to implement a robust system of inspection of trees in its remit despite a similar incident occurring on

Arrowe Park Road in January 2015.

Wirral Borough Council of Town Hall, Brighton Street, Wallasey, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The Local Authority was fined £100,000 and ordered to pay costs of £49,363.

Elizabeth Stear said “Usually when you think of your children, you remember things like holidays, achievements, sports days, family days out, their favourite foods etc. We don’t have those memories for Lucia. We would like to thank our family and friends, Aintree Hospital, Liverpool Women’s Hospital neonatal team, the midwives, Honeysuckle team, the Police and Claire House who are still supporting me today.”

After the hearing, HSE inspector Rohan Lye said: “There are no winners in this sad case. Councils have a duty to proactively assess and control risks to members of the public. This tragedy could so easily have been avoided if the risk had been identified, warnings had been heeded and an adequate tree management system had been implemented.

“Tragically, due to these systemic failures, Elizabeth and Alex, together with their two children have been left without Lucia and have had to restructure their lives from the devastating impact they have each individually experienced.”

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