

# Manufacturing company fined after worker suffered finger amputation

A West Yorkshire cosmetic manufacturing company has been fined after a worker lost part of a finger while cleaning a machine.

On 8 October 2021, the man was working on a tube filling machine at Orean Personal Care Limited at its base in Cleckheaton, West Yorkshire.

He was supervising five members of staff who were using the machine to fill tubes with a product that needed to stay hot. During the process the machine became contaminated and had to be cleaned. When the employee was cleaning the machine, part of it moved, trapping his finger, and causing the injury. Part of his middle finger was amputated, and he still suffers pain in his finger end and may require additional surgery.

An investigation by the Health and Safety Executive (HSE) found that the interlocked guard had been bypassed to allow the machine to run with the guard door open. The risk was not managed properly and a range of employees from machine operators to cleaning staff were exposed to it.

HSE has detailed guidance on [machine safety](#).

On 16 January at Leeds Magistrates' Court, Orean Personal Care Limited of Stubbs Beck Lane, Cleckheaton, West Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £300,000 and ordered to pay £4,511.70 in costs.

After the hearing, HSE inspector Justine Lee said: "Moving machinery can cause serious injury and it is essential that access to it is prevented at all times, including during maintenance and cleaning work. The use of effective guarding is an absolute duty and, when complied with, will prevent this type of injury."

This prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski.

## **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. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

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## [Metalworking fluids: Most businesses inspected 'not doing enough' to protect workers](#)

- New online quiz launched to help plug knowledge gaps

Back in September last year, the Health and Safety Executive (HSE) announced it was [carrying out inspections](#). Since then more than half of those checks have identified failings.

This is a highly technical, specialist field applying precision engineering – but it can also cause harm to the lungs and skin. HSE says more needs to be done to keep workers safe.

In a bid to improve knowledge in this area, HSE has created [an online quiz](#) as part of the ongoing campaign.



The online quiz can test and improve knowledge

The [annual statistics on work-related ill health and workplace injuries](#) for 2022/23 show 12,000 people die each year from lung diseases linked to exposure to hazardous substances at work. In addition, 19,000 new cases of breathing and lung problems are thought to have been caused or made worse by work.

The manufacturing industry has a substantially higher rate than average for occupational asthma.

HSE inspector Fiona McGarry said: “It is clear that not enough is being done to protect workers and keep them safe and healthy.

“Our inspections found that there are still far too many businesses which do not have key control measures or health surveillance in place.

“As a result, enforcement action is being taken against these manufacturers.

“The creation of the quiz is a really easy way for people to test their

knowledge about how best they should be protecting workers.”

Exposure to metalworking fluids – also referred to as ‘white water’ – can cause harm to the lungs and unprotected skin. Despite this, many of the firms inspected were not carrying out health checks. Health surveillance is a legal requirement where there is exposure to fluid or mist.

The inspections so far also found poor performance around the control of metalworking fluids in businesses that use computer numerical control (CNC) machines. To protect workers, employers should reduce exposure by putting control measures in place. Local Exhaust Ventilation (LEV) should be fitted on CNC machines to carry away any harmful metalworking fluid mist.



HSE inspector Fiona McGarry

HSE inspector Fiona McGarry, added: “Lung problems and irritated skin don’t have to be associated with working with metalworking fluid if you take the right precautions.

“It is really important that control measures and fluid quality checks are in place to keep workers healthy. Health checks are essential to identify signs of ill-health early.”

More about the ongoing campaign, and tips on how to keep workers safe, can be found here.

[Machinists and metalworking fluid – Work Right to keep Britain safe](#)

HSE will continue to carry out unannounced inspections between now and the end of March 2024.

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2. More about the campaign can be found at: [Machinists and metalworking fluid – Work Right to keep Britain safe](#).
3. HSE's [annual statistics on work-related ill health and workplace injuries](#) for 2022/23 are available.
4. ☐ Test your knowledge by [taking the metalworking fluids quiz](#).

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## [Man handed community order for illegal removal of asbestos](#)

A Hartlepool man has been handed a community order after he admitted removing asbestos from a school when he wasn't licenced to do so.

Sean Thomas Faulkner, 55, also intentionally falsified clearance paperwork after removing asbestos containing materials from Our Lady Lourdes School in Shotton Colliery in March 2021. He carried out similar work several months earlier at a domestic property on Park Road in Middlesbrough in November 2020.

The Health and Safety Executive (HSE) has recently updated its guidance on [asbestos safety](#) and has just launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

Teesside Magistrates' Court heard that Faulkner failed to hold a licence to safely remove asbestos. He also failed to ensure a four-stage clearance was carried out on both jobs by a person accredited by an appropriate body, posing serious risk.

A HSE investigation found Faulkner had received the relevant training on how to safely remove licenced asbestos and was therefore fully aware of the legal requirement to hold a licence.

Faulkner of Berkeley Avenue, Hartlepool pleaded guilty to six charges, three charges at each offence location including contravening Regulations 8(1) and 20(3) of the Control of Asbestos Regulations 2012 and breaching Section 33 (1)(m) of the Health and Safety at Work etc. Act 1974.

He was given an 18-month community order, which consists of 15 days of rehabilitation, 90 days of monitored alcohol abstinence as well as him carrying out 150 hours of unpaid work. He will also pay costs of £1000.

HSE inspector Stuart Whitesmith said: "Asbestos related disease still kills around 5,000 workers each year in Great Britain. It can be present today in any building or industrial process plant built or refurbished before the year 2000.

"In this case Mr Faulkner intentionally falsified paperwork necessary to ensure the safety of both workers, other staff and vulnerable members of public.

"We will not hesitate to take action where individuals disregard health and safety law such as can be seen in this case."

This HSE prosecution was brought by HSE enforcement lawyer Karen Park.

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## **[Company fined and director receives suspended prison sentence after scaffolder suffers electric shock](#)**

A Kent scaffolding company has been fined and its director given a suspended prison sentence after a scaffolder suffered an 11,000-volt electric shock.

Steven Gilmore, 36, was working for contractor Canterbury City Scaffolding Ltd alongside a small team of scaffolders, to erect a temporary roof scaffold at an open-air drinks depot in Snow Hill, Crawley, West Sussex.

Canterbury City Scaffolding Ltd had been contracted by Drinks Warehouse UK Ltd to erect the temporary roof structure over its open-air depot in order to provide shelter for operations during the winter months.

On 29 November 2021 the father-of-one struck a live 11kV power line running across the site while lifting a six-metre scaffold tube. He then fell over five meters to the ground suffering a badly broken leg. Mr Gilmore sustained life-changing electrical burns to both hands, which he will never regain full use of.

An investigation by the Health and Safety Executive (HSE) found that Canterbury City Scaffolding Ltd and its director had failed to ensure the high-risk temporary roof scaffold assembly job near a high voltage line was properly risk assessed.

The investigation also highlighted that, despite being fully aware of how close the temporary roof scaffold was being built to the 11kV line, no attempt was made by the scaffold contractor or its director to consult UK Power Networks (Network Operator) about line voltage and safe clearance distances.

While directing the scaffold assembly works on site himself, the director allowed his team of scaffolders to use six-metre-long metal scaffold tubes at near vertical angles within striking distance of the high voltage line without any precautions to prevent injury.

Work around [overhead power lines](#), no matter how temporary, is high risk with serious or fatal consequences if not carefully planned and carried out. Every year people at work are killed or seriously injured when they come into contact with live overhead power lines. Those responsible for work near overhead lines must have a clear understanding of the associated risks and precautions that need to be taken.

At Brighton Magistrates' Court on 22 September 2023 Canterbury City Scaffolding Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. Director, Ian Pepper, 48, of Hoath near Canterbury pleaded guilty to an offence under Section 37(1) of the Health and Safety at Work etc. Act 1974. Sentencing was adjourned to 15 January 2024.

The company was fined £50,000 and Ian Pepper was sentenced to 18 weeks in prison, suspended for 12 months, and ordered to undertake 200 hours unpaid work and 20 rehabilitation activity requirement days.

Speaking after the sentencing hearing, HSE Inspector Susie Beckett said: "This scaffolder's injuries were life-changing and could have been fatal.

"This incident could have been avoided if this high-risk scaffold job had been properly planned, including seeking free advice from the Network Operator on what precautions to take, and then implementing those well-established precautions to prevent accidental contact with the overhead line."

This prosecution was brought by HSE enforcement lawyer Jon Mack.

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## [Keep people safe from future dangers of asbestos, regulator warns](#)

- The dangerous material was banned from construction 25 years ago
- Asbestos may still be present in buildings built before 2000
- New HSE campaign emphasises legal duties to manage asbestos

Buildings that people use in their daily lives, such as workplaces, schools and hospitals are the focus of a new campaign to keep people safe from asbestos.

Asbestos: Your Duty launching today, Monday 15 January, aims to improve understanding of what the legal duty to manage asbestos involves.

The Health and Safety Executive (HSE) wants anyone with responsibilities for buildings to do everything they must do to comply with the law and prevent exposure to this dangerous substance, which was widely used in post-war construction before it was completely banned in 1999.

The legal duty to manage asbestos covers a wide range of buildings such as museums, schools, hospitals, and places of worship, as well as workplaces like offices and factories.

Businesses and organisations responsible for premises built before the turn of the century, and especially those between 1950 and 1980 when the use of asbestos in construction was at its peak, must carry out the necessary checks and understand their legal responsibilities.

People who visit or work in these buildings will not be exposed if asbestos is properly contained. But it can become dangerous when disturbed or damaged.

Updated information, new templates (including an asbestos management plan template), and explanatory videos can be found on [HSE's website](#) to help anyone who is unsure of their legal duties – or just need to refresh themselves – on what they need to do.

HSE will check how asbestos is managed when visiting a range of buildings – like schools and hospitals – requiring those responsible for managing

asbestos risks to ensure they have the right arrangements in place.

Sarah Albon, HSE's chief executive said: "To keep people safe from the harms of asbestos, a culture of safely managing asbestos is needed in our building industry and among those responsible for buildings.

"Asbestos exposure in Great Britain is still the single greatest cause of work-related deaths due to exposures decades ago.

"Together, we must protect people in the workplace and reduce future work-related ill health."

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