

# Two companies fined after driver is crushed while unloading vehicle

Two companies have been fined after a heavy goods vehicle (HGV) driver suffered fatal chest injuries while unstrapping a load on a trailer.

Andrew Bayley-Machin, 41, of Park Drive, Cheadle, Stoke-on-Trent was fatally crushed when he was hit by a pack of steel gates that fell approximately three metres from a load on a flatbed trailer.

The vehicle had been loaded with the gates at Joseph Ash Ltd of Stafford Park 6, Telford and driven by Mr Bayley-Machin to the premises of his employer LM Bateman & Company Ltd in Cheadle Road, Cheddleton, Staffordshire when the incident happened on 20 June 2018.

An investigation by the Health and Safety Executive (HSE) found that arrangements for planning and restraining loads were inadequate to ensure that the stability of goods was independent of the load straps so that release of the straps did not allow the load to fall from the vehicle.

LM Bateman and Company Limited of Island Works, Cheadle Road, Cheddleton, Leek, Staffordshire pleaded guilty to breaching Sections 2 (1) and 3(1) of the Health and Safety at Work Act 1974. They were fined £120,000 and ordered to pay costs of £16,334 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Joseph Ash Limited of Westhaven House, Arelston Way, Shirley, Solihull, West Midlands pleaded guilty to breaching Sections 2(1) and 3 (1) of the Health and Safety at Work Act 1974. They were fined £244,500 and ordered to pay costs of £17,834 and a victim surcharge of £100 at North Staffordshire Justice Centre on 7 November 2022.

Following the hearing, HSE inspector Wendy Campbell said: "This death would have been prevented had an effective system for managing load restraint been in place at both companies.

"This is a reminder to all companies of the need to properly assess and apply effective control measures when securing loads to minimise the risks from transporting goods on road vehicles."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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)
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>

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## [Ventilation testing company fined for putting hundreds at risk](#)

A company that tests ventilation systems has been fined for putting hundreds of workers at risk of serious lung diseases.

Airtec Filtration Ltd was used by businesses across the UK to test extract ventilation systems, which reduce exposures to airborne contaminants in a workplace.

An investigation by the Health and Safety Executive (HSE) found the firm, which is based in St Helens, Merseyside provided its customers with inaccurate test results, potentially leaving staff in those businesses unaware of the risks they faced.

In one incident, when assessing a car manufacturing business, the Airtec engineer failed to identify the presence of rubber fumes, which are carcinogenic and can lead to cancer.

In another, a baking company used flour and other respiratory allergens, which the engineer identified inadequately as food dusts. The Airtec engineer failed to provide any other information to highlight the presence of asthmagens, which can lead to occupational asthma.

Between 2018 and 2019 Airtec Filtration Ltd were providing Through Examination and Tests (TEXT) of local exhaust ventilation (LEV) systems, which are designed to control substances dangerous to health.

The company claimed their work met the requirements of the Control of Substances Hazardous to Health Regulations (COSHH) 2002.

However, the testing the testing reports provided to businesses were insufficient as hazardous substances were not adequately identified, and the local exhaust ventilation tests were not carried out correctly.

HSE inspectors visited multiple sites, where testing was undertaken by Airtec and at each one a number of significant and common failings were found.

As a result, Airtec was served with an Improvement Notice on 23 October 2019.

The Improvement Notice required Airtec to provide training to their engineers to ensure that they had adequate knowledge, training and expertise in the assessment, evaluation and control of risk arising from exposure to hazardous substances, so as to not expose persons who might be affected, to a potential health risk.

An investigation by HSE found that Airtec was aware of the need for a competent person who held professional qualifications to carry out the testing but did not provide the necessary training for their engineers.

Airtec Filtration Ltd, of Manor Street, St Helens pleaded guilty to contravening Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £2,666 and ordered to pay costs of £4,074 at Manchester Magistrates' Court on 4 November 2022.

The issue came to light when HSE inspectors requested TEXT reports relating to LEV systems from a number of businesses as part of routine inspections and investigations. LEV is an engineering control system installed to reduce exposures to airborne contaminants such as dust, mist, fume, vapour, or gas in a workplace.

The documents received by inspectors raised concerns about the accuracy of Airtec Filtration Ltd's services who had tested the LEV systems for a number of businesses.

HSE inspector Rose Leese-Weller said: "Airtec Filtration Ltd provided inadequate training to their engineers while claiming to provide a thorough testing service for LEV systems.

"They provided businesses with unsatisfactory reports based on limited or inconclusive evidence, with little or no consideration of the level of risk of different hazardous substances.

"Inhalation of hazardous substances at work can have devastating consequences to workers leading to occupational asthma, cancer, chemical asphyxiation or neuro-toxic effects.

"This company completely flouted regulations potentially putting hundreds of workers at serious risk. HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards, we hope this sentencing sends out a stark warning to the industry."

People who believe they may have been exposed to a hazardous airborne substance in the workplace will understandably be anxious and concerned about the possible effects on their health.

Anyone who is concerned about possible exposure to hazardous substances from work activities is advised to consult their GP and ask for a note to be made in their personal record about possible exposure, including date(s), duration, type of substance and likely exposure levels (if known).

In some circumstances, the GP may refer them to a specialist in respiratory medicine.

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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>[3

4. For further guidance on Local Exhaust Ventilation (LEV) workplace fume and dust extraction visit: [Local exhaust ventilation – workplace fume and dust extraction \(hse.gov.uk\)](http://www.hse.gov.uk/local-exhaust-ventilation-workplace-fume-and-dust-extraction) and [Local exhaust ventilation – Frequently asked questions \(hse.gov.uk\)](http://www.hse.gov.uk/local-exhaust-ventilation-frequently-asked-questions)

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## [Companies given six-figure fines after HGV driver seriously injured](#)

Three companies have been given six-figure fines after a driver was crushed between a reversing HGV and a forklift truck in a warehouse beside Heathrow Airport.

An employee of Davies Turner Air Cargo Limited was collecting a consignment from Airworld Airlines Ltd's site at the X2 Hatton Cross Centre, which is alongside the airport, in August 2017.

A vehicle, operated by Saints Transport Limited, which was collecting a consignment from Unilode Aviation Solutions UK Limited, also based at the X2 Hatton Cross Centre, reversed causing the employee to become crushed between the rear of the vehicle and the forklift truck, resulting in serious injuries.

The X2 Hatton Cross Centre is owned by Brixton (Hatton Cross) 1 Limited and is managed by Segro Administration Limited.

HSE visited the X2 Hatton Cross Centre and an investigation found the site layout did not segregate those working or visiting the site, so far as reasonably practicable, from being struck by moving vehicles.

None of the defendants had taken responsibility for managing traffic. Neither did they communicate, co-operate or co-ordinate with one another.

Segro Administration Limited, of New Burlington Place, London pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 Section 3(1). Airworld Airlines Ltd, of High Street, Sunninghill, Ascot, and Unilode

Aviation Solutions UK Limited, of Hatton Cross Centre, Heathrow, Middlesex, both pleaded guilty to breaches of the Health and Safety at Work etc. Act 1974 Sections 2(1) and 3(1).

Segro Administration Limited was fined £320,000 and ordered to pay costs of £17,584, Airworld Airlines Ltd was fined £120,000 and ordered to pay costs of £17,605, and Unilode Aviation Solutions UK Limited was fined £110,000 and ordered to pay costs of £10,878 at Southwark Crown Court on 1 November 2022.

Following the guilty pleas, the prosecution reconsidered the charges laid against Brixton (Hatton Cross) 1 Limited, Saints Transport Limited and Davies Turner Air Cargo Limited, and determined that it was no longer in the public interest to continue with their cases. The prosecution offered no evidence, and these defendants were found not guilty.

Speaking after the case, HM Acting Principal Inspector Sarah Pearce said: "This incident was entirely avoidable. Workplace transport incidents fatally injure 50 workers in Great Britain a year, with 5,000 other incidents resulting in serious personal injury.

"Where reasonably practicable, reversing manoeuvres should be avoided and pedestrians and moving vehicles segregated.

"Where businesses share a workplace, as in this case, they should ensure that there are systems in place for sufficient communication, co-operation and co-ordination so that others are aware of the risks arising from their undertaking."

## Notes to editors

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice; promoting training; new or revised regulations and codes of practice; and working with local authority partners by inspection, investigation and enforcement. [gov.uk](https://www.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>
  4. Further information about workplace transport arrangements can be found here: [Vehicle and transport safety at work \(hse.gov.uk\)](https://www.hse.gov.uk/vehicle-transport-safety-at-work)
  5. Further information on shared workplace duties can be found here: [Multi-occupancy workplaces \(hse.gov.uk\)](https://www.hse.gov.uk/multi-occupancy-workplaces)
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# ISMA UK joins HSE's Working Minds campaign

The Health and Safety Executive (HSE) has added the International Stress Management Association (ISMA<sup>UK</sup>) as its latest partner on the Working Minds campaign.

Working Minds was launched by HSE last year and is aimed specifically at supporting small businesses by providing employers and workers with easy to implement advice and tools to help them recognise and respond to the signs and causes of stress and support better mental health in the workplace.

Stress, anxiety and depression are the number one reasons for work-related illness in the UK. [Statistics published by HSE](#), covering the 2020/21 period, show that, of the 1.7 million workers suffering from a work-related illness, almost half (822,000) was due to stress, depression or anxiety.

Whether you're a small business or a large corporation, the law requires all employers to carry out a stress risk assessment and act upon the findings to prevent work related stress and support good mental health in the workplace.

Together with partners such as ISMA<sup>UK</sup>, HSE invites business and organisations across the nation to support its campaign and become Working Minds Champions to help raise awareness and drive change.

Elizabeth Goodwill from Stress and Mental Health Policy at HSE, said: "We're calling for a culture change across Britain's workplaces so that recognising and responding to signs of stress become as routine as managing workplace safety and we can't do it alone. We're delighted to be working with ISMA<sup>UK</sup> to help prevent stress and support good mental health.

"Working Minds helps employers to follow 5 simple steps based on risk assessment. They are to **Reach out** and have conversations, **Recognise** the signs and causes of stress, **Respond** to any risks you've identified, **Reflect** on actions you've agreed and taken, and **make it Routine**. It needs to become the norm to talk about stress and how people are feeling and coping at work.

Carole Spiers, Chair of ISMA<sup>UK</sup>, said: "We are very pleased to partner with the HSE on their Working Minds campaign. This resonates strongly with ISMA<sup>UK</sup> as the lead professional body for workplace and personal stress management, wellbeing and performance.

"The pandemic unleashed unprecedented change, bringing increased stress levels and consequent mental health issues with it. Employee wellbeing and mental health support are just as important as profit and productivity – because each is entirely dependent upon the other.

A report by [Deloitte](#) estimates that the total annual cost of poor mental health to employers has increased by 25% since 2019, costing UK employers up

to £56 billion a year.

She continued: “With remote and hybrid working on the increase, businesses are being judged more than ever on how they treat their employees and on what specific support they are making available to them. It is essential, therefore, that we understand the importance of wellbeing in the workplace – whether that be at the office, either full-time or on a hybrid basis, or working remotely.

“Effective, unrestricted communication at all levels is crucial to achieve optimum working and productivity, reinforcing an atmosphere in which there is job security and trust, both of which are essential for employee wellbeing at every level within an organisation.”

Find out more <https://workright.campaign.gov.uk/campaigns/working-minds/>

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. To read more about HSE’s Working Minds campaign click here: <https://workright.campaign.gov.uk/campaigns/working-minds/>
4. ISMA<sup>UK</sup> is a leading professional body for workplace and personal stress management, wellbeing and performance, promoting sound knowledge and best practice in stress management, resilience, wellbeing and mental health for over 30 years. ISMA<sup>UK</sup> endorses and uses the HSE guidelines for managing stress in the workplace. To find out more about ISMA<sup>UK</sup>, visit [isma.org.uk](https://www.isma.org.uk).
5. For press and media enquiries please contact Carole Spiers, Chair of ISMAUK, on +44 (0) 77 688 78910 or at [chair@isma.org.uk](mailto:chair@isma.org.uk) or Jennie Atkins, HSE Senior Communications Manager, at [Atkins@hse.gov.uk](mailto:Atkins@hse.gov.uk) or on 07880 425244.

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**[Family-run company fined after member](#)**

# of public is crushed

A family-run plant hire company has been fined after a member of the public was crushed at its Cambridgeshire site.

On 30 January 2020, a FDS (Cambridge) Ltd employee was moving and processing a stockpile of concrete and brick rubble using an excavator at the company's site on Ely Road, Little Thetford, Ely, Cambridgeshire.

A member of the public then came onto the site in a vehicle and was removing building waste from their trailer when they became trapped against the trailer by the reversing excavator, sustaining multiple fractures to both of their legs.

The Health and Safety Executive (HSE) found that members of the public should not have been able to get onto the site unchallenged. Additionally, they should not have been permitted to park near an operating machine which the company should have either barriered off or put suitable arrangements in place to ensure that it had ceased operating whilst people were in the vicinity.

FDS (Cambridge) Ltd of Ely Road, Little Thetford, Ely, Cambridgeshire pleaded guilty to contravening Regulation 3 (1) of the Health and Safety at Work Act 1974. The company were fined £18,000 and ordered to pay £9,354.58 in costs at Peterborough Magistrates' Court on 4 November 2022.

After the hearing, HSE inspector Roxanne Barker said: "This was a tragic and wholly avoidable incident, caused by the failure of the host company to implement safe systems of work, considering the breadth of their operations, including, and especially, those which involved visitors to their site.

"This risk was further amplified by the company's failure to undertake a number of simple safety measures including the segregation of vehicles and pedestrians."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Guidance on workplace transport safety can be found at: [Workplace transport safety – A guide to workplace transport safety \(hse.gov.uk\)](https://www.hse.gov.uk/workplace-transport-safety/)