

# Company fined after fatality involving a mobile elevating work platform

A Lincolnshire based manufacturing company that specialises in lifting and handling equipment has been fined after an employee died after falling with a work platform onto the M25 motorway.



Reading Crown Court heard that Rick Jeager-Fozard, an employee of Kimberly Access Limited, was carrying out a routine pre-delivery inspection on a mobile elevating work platform (MEWP) on 5 June 2013.

The MEWP extended to an unsafe angle and resulted in the MEWP falling onto the M25 motorway. Mr Jeager-Fozard was working in the platform of the MEWP, falling with the device.

An investigation by the Health and Safety Executive (HSE) found that the device had become unsafe because a miscalibration of its secondary boom angle sensor, which started to extend even though the boom had not been raised to the necessary angle. It was found that the MEWPs secondary boom had raised to an angle around 6-degrees lower that required, the boom then extended beyond its safe working limit and tipped over.

The miscalibration occurred through incorrect data being manually manipulated and uploaded onto the machine via a laptop using password protected WebGPI software. The carrying out of warranty repairs on the machine during this period, including granting access to the WebGPI software, fell within the conduct of Genie UK Ltd's undertaking.

Genie UK Limited of The Maltings, Wharf Road, Grantham, Lincolnshire pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. The company was fined £270,000 and ordered to pay costs of £165,175.

HSE inspector Stephen Faulkner said: "This was a tragic and harrowing incident. Modern high reach MEWPs rely on accurate data to ensure they extend and operate safely, and steps should be taken to ensure the process of calibrating sensors is correctly followed.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

**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>

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## [Fabrication company in court after worker injured shoulder in lathe](#)

A metal fabrication company has been fined £22,000 after a worker’s overalls were drawn into a lathe, trapping him and resulting in serious injury.

The employee of Oxford Engineering (Hampshire) Ltd, was working on the Semco Lathe at its site on Moreland Road, Gosport, when he became entangled by his work coat in the feed screws.

The overalls did not rip, and they were drawn very tightly on him causing his injuries. The lathe was slowed by the employee by pressing the foot brake, and then fully stopped when a colleague came to assist and pressed the emergency stop button.

The accident resulted in multiple breaks to his right shoulder, requiring a plate and screws to be inserted.

The Health and Safety Executive (HSE) found that the company failed to provide adequate guarding to prevent entanglement on the lead and feed screws for the lathe involved in the accident. The company failed to recognise the dangers, and that adequate guarding was required when working with machinery to protect workers from the dangerous moving parts.

Oxford Engineering (Hampshire) Ltd, of Anchorage, Gosport, Hampshire pleaded guilty to breaching Regulation 11 (1) of The Provision and Use of Work Equipment Regulations 1998 in the incident in February 2021. The company was fined £22,000 and ordered to pay costs of £6,617.42 at Portsmouth Magistrates’ Court on June 24 2022.

After the hearing HSE inspector Nicola Pinckney said ‘‘This accident would

not have happened if the company had identified the risk and ensured that appropriate guarding was in place.

“Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery. Companies 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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3. HSE news releases are available at: <http://press.hse.gov.uk>
4. Further guidance on the safe isolation of plant and equipment can be found at: The safe isolation of plant and equipment – HSG253 ([hse.gov.uk](http://hse.gov.uk))

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## [Glass company fined £80,000 after worker injured in fall from height](#)

A glass manufacturing company has been fined £80,000 after a worker sustained serious injuries when he fell through a roof.

A worker at NSG Pilkington (UK) Ltd stepped from a load bearing roof to a fragile roof at Pilkington premises in St Helens and fell nearly three meters to the floor below. He sustained life changing injuries including a fractured lower back and right heel plus injuries to his shoulder and elbow. The court heard he was unable to return to his job, forcing him to retire early.

An investigation by the Health and Safety Executive (HSE) found that the NSG Pilkington (UK) Ltd, did not provide a safe system of work for working at height or ensure its control measures were implemented.

NSG Pilkington (UK) Limited of European Technical Centre, Hall Lane, Lathom, Lancashire, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and was fined £80,000 and ordered to pay costs of £767.

HSE inspector Joseph Wright said: “This incident could so easily have been avoided if appropriate control measures and a safe system of work had been in place.

"Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard."

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4. More information and guidance can be found at: <https://www.hse.gov.uk/work-at-height>

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## [Death of Rachel Fisk – an update from HSE](#)

The investigation into the death of a Royal Air Force sergeant has been handed over to the Health and Safety Executive.

Rachael Fisk died on September 2 last year during a training event at RAF Weston-on-the-Green in Oxfordshire. Sgt Fisk was taking part in a parachuting exercise.

*A joint investigation was launched with and led by Thames Valley Police. The police have concluded their investigation into offences of corporate manslaughter and gross negligence, the Health Safety Executive (HSE) will now lead the investigation.*

*The criminal inquiry will determine if any breaches under the Health and Safety at Work Act have occurred.*

HSE principal inspector Stephen Faulkner said: *"It is important HSE completes the investigation into Rachel's death to determine the cause of this incident.*

"HSE will draw upon the evidence gathered so far and call upon its own specialist investigators and independent support in what is likely to be a complex investigation.

“During the investigation we will continue to keep in touch with Rachel’s family as we send them our deepest sympathies at this difficult time.”

Ends

**Notes to Editors:**

1. Please click on the following link to see [statement](#) from Thames Valley Police.
2. 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)

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## [HSE publishes new Science Review](#)

A human cough simulator to test the effectiveness of face shield protection during the pandemic, reducing the risk of the transmission of COVID to delivery drivers and gas explosion tests in a life size replica house are just some of the studies scientists working for the Health and Safety Executive (HSE) have completed in the last 12 months.

All three are listed in HSE’s annual science review, which has been published today.

Using real life work cases as examples, the publication focuses on ways science and evidence is being used to protect people and places, helping everyone lead safer and healthier lives.

The annual review illustrates the mix of activities that has helped to ensure that HSE’s response to the Covid pandemic was informed by the best available evidence. In addition, it has also provided information that has helped HSE with evidence that was needed as an enabling regulator, and secure justice against those who breach the law.

This includes:

- Reducing work-related ill health: Investigation of COVID-19 in the workplace – outbreaks, mitigation measures, transmission – incorporating work from HSE’s leadership of ‘PROTECT’ (one of the UK’s National Core studies for COVID)
- Building Safety: Preliminary identification of potential serious incident scenarios for high-rise buildings

- Enabling industry to innovate safely: supporting the move towards net zero by supporting and enabling a safe transition to hydrogen in the existing gas network

The review also highlights the range of studies HSE scientists are working on to protect people and places by managing workplace health and safety risks and helping to maintaining Great Britain's record as one of the safest countries to work in.

This includes:

- Chemical regulation, enabling the safe and sustainable use of chemicals: Assessing the toxicity, hazards and risks of chemicals in order to protect human health, and new methods to monitor occupational exposure to chemicals
- Investigation of ignition of flammable mists
- Providing evidence to underpin effective working practices in the asbestos removal industry

The review shows how HSE brings people and organisations together, sharing knowledge, expertise and data, to make a real impact on reducing death, ill health and injury.

This includes:

- A multi-centre European human biomonitoring study
- The future of health and safety in advanced manufacturing
- Developing a framework for socio-economic impact data management in India

HSE's Chief Scientific Adviser and Director of Research, Professor Andrew Curran, said: "I'm extremely proud that our scientists, engineers, analysts and clinicians have continued to deliver a world-class programme of work.

"This is aligned to the policy and regulatory needs of HSE to protect people and places and helps ensure that Great Britain is one of the safest places to work anywhere in the world."

The HSE Annual Science Review is available at [HSE – Science, engineering and evidence](#)

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