

Warburtons Fined £2million after Worker Fall

National bread makers Warburtons has been fined £2million after a worker was hospitalised following a fall.

Wolverhampton Crown Court heard how on 11 November 2013 Andrew Sears was cleaning one of the mixing machines at their Wednesbury bakery, a routine job he carried out every few weeks, when he lost his footing and fell nearly two-meters.

The father-of-one, who had worked at the factory since 2007, was hospitalised with a compression fracture in his spine.

He was not able to return to work until December 2014 but was unable to continue in his old role and was dismissed in December 2015 after another long period of sick leave.

The Health and Safety Investigation found that Warburtons Limited routinely expected their workers to access the top of the mixers to clean them. The workers were often unbalanced and would brace themselves to stop from falling.

The workers were not adequately supervised and there had been no training on how the mixer needed to be cleaned at height. The company failed to control the risk of falls from height when carrying out this routine cleaning activity.

Warburtons Limited, Hereford Street, Bolton, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulation 2005 and was fined £2million and ordered to pay costs of £19,609.28.

HSE inspector Mahesh Mahey said "This case highlights how important it is for companies to fully assess the risks from work activities at height and to take appropriate action to prevent injury in the workplace.

This should have been prevented, falls from height is one of the biggest killers in the workplace and even falls from fairly low levels can be extremely dangerous. Mr Sears life has been changed forever but he his injuries could have been more severe."

Simon Boyd Calls for Serious Review of Safety Laws Following Brexit

By SHP Online

The TUC has called on Prime Minister Theresa May to make clear to Britain's bosses that "any watering down of workers' rights following Brexit is off the table" following the emergence of a letter sent to MPs by Simon Boyd, the head of REIDsteel, which details a list of workers' rights on areas such as working hours, holiday pay and health and safety that he wants abolished once Britain leaves the EU.

The letter, which calls for a "serious review" of safety laws, shows that some bosses who campaigned to leave the EU saw the Brexit vote as a means to an end for scrapping workers' rights, says the TUC.

Mr Boyd, says that his medium-sized enterprise that employs 130 direct staff and around 400 indirect with a turnover circa £30M and the capacity to achieve £50, "has steadily been losing its advantage over other competing countries as a result of changes forced upon us through damaging directives and regulations that have come about as a result of our membership of the EU."

Mr Boyd's letter asks MPs to spare "a little of their valuable time to view annexed attachments so that they can see the serious damage membership of the EU causes to all UK based businesses and their staff, and in particular SMEs who cater for over 60% of employment in our country".

The annexed attachments include:

- the Working Time Directive (WTD) and the European Court of Justice (ECJ) – ruling's on the WTD;
- employment law;
- health and safety regulations; and
- Construction Products Regulations (CPR):- the CE mark.

On health and safety Mr Boyd continues in his letter: "When the Construction Design and Management Regulations came into effect, the paperwork mountain grew significantly and the accident rate across the UK went up. Business owners then had to consider more administrative staff to deal with all the boxes that had to be ticked out of this regulation and the many others that have come into play since the introduction of the EU "six pack" in the mid 90's".

Adding: "While not all health and safety regulation is bad (some of it is good), bad employers continue to flout the rules as they are largely unpoliced and don't care anyway; while the majority of hard working people are near having a mental breakdown over how to do their job. The result; a back covering highly administrative process has been allowed to grow which has negatively affected UK productivity levels."

TUC general secretary Frances O'Grady said: "The Leave campaign promised people more control over their lives. But now bad bosses are trying to hijack Brexit to let them walk all over working people. No-one voted to leave to lose vital protections like safe working hours and fair holiday pay."

She added: "The Prime Minister promised working people that all rights and protections that come from the EU will be safe when Britain leaves. She must stand firm now, and guarantee that the UK will respect all existing rights at work. And she must go further and promise Britain's workers that her government will mirror all new protections for workers in the rest of Europe while the UK is negotiating to leave to leave the EU."

Maximum Jail Term for Plant Hire Manager Following Fatal Incident

By Lauren Applebey

The 57-year-old manager of an access plant hire firm has been sentenced to a maximum penalty of two years' imprisonment for his neglect of health and safety obligations that led to the death of one man and caused serious injury to another.

After a 16 day trial at Airdrie Sheriff Court, Donald Craig was found guilty of a breach of health and safety legislation.

Failures:

It was heard how on 20 June 2012, Gary Currie, a safety net rigger, and Alexander Nisbet, a self-employed operator contracted by Craig Services, were in the basket of the platform removing netting from the facade of the Buchanan House office block at Port Dundas Road in Glasgow city centre when the third main boom section buckled causing the platform's basket to fall 28 metres (approx. 92 feet) to the ground, with the result that Alexander Nisbet was seriously injured and Gary Currie suffered fatal injuries.

The fatal incident followed an earlier event, in May 2011, involving the platform after which Craig Services & Access Limited had instructed a repair to the damaged section of the main boom.

The repair had been incorrectly carried out and J M Access Solutions Ltd subsequently failed in their duty to carry out an adequate thorough examination of the platform.

Sentencing:

Donald Craig was convicted of health and safety breaches. He was jailed for two years – the maximum penalty possible.

Hamilton based Craig Services and Access Limited was fined after being found guilty of three charges relating to the collapse, including failures in relation to its maintenance and was fined a total of £61,000. Another company, J M Access Solutions Ltd, was fined £30,000 for its failure to carry out a systematic and detailed thorough examination of the platform and its safety-critical parts.

Gary Aitken, Head of Health and Safety Division said: "This incident, which resulted in the death of Gary Currie and caused serious injury to Alexander Nisbet, could have been avoided had Donald Craig and Craig Services & Access Limited heeded advice and taken measures to maintain the platform in a safe condition.

"At the centre of this all was the decision to instruct this repair. It was a decision that left Gary Currie and Alexander Nisbet exposed to an unacceptable risk and was essentially an accident waiting to happen.

"A MEWP is a safety critical piece of equipment and it was highly foreseeable that such a repair would risk the lives of those using the equipment.

"This incident has left family and friends devastated at the loss of a loved one. "Hopefully this prosecution will remind other employers that failure to fulfil their obligations can have tragic consequences and that they will be held to account for their failings."

HSE Principal Inspector Graeme McMinn stated: "The death of Gary Currie was entirely preventable. Craig Services and Access Ltd and Donald Craig were advised by the manufacturer to replace the damaged boom. Instead, they chose a much cheaper repair that left the boom in an unsafe condition.

Guidance in the British Standard "Safe Use of MEWPS" advises that repairs to any parts of the MEWP structure should be in accordance with the procedure specified by the manufacturer.

"At the time of the accident the MEWP had a catalogue of defects some of which were safety critical demonstrating that Craig Services and Access Ltd did not have an adequate proactive maintenance and reactive repair system in place within the company.

For a complex piece of equipment such as the MEWP, that system should have included daily pre-use checks, intermediate inspections and maintenance based on manufacturer recommendations and six monthly thorough examinations carried out by a competent person independent of the MEWP owner.

“The competence and diligence of a thorough examiner is vital as it is they who declare the MEWP safe to use. JM Access Solutions Ltd failed to carry out a diligent thorough examination and declared the MEWP safe to use.

The British Standard provides guidance on what an examination should include following a major repair on a MEWP structure. Non-destructive testing and load testing should have been carried out and overload testing discussed with the manufacturer. “This tragic accident should highlight the absolute duty for owners of MEWPS to maintain them to ensure continued safe operation.”

Three Construction Companies Fined after Worker Fall

Three companies from Essex have been fined after a worker fell over seven meters through a fragile roof he was replacing.

Chelmsford Crown Court heard how Rafal Myslim was standing on the fragile roof at Dengie Crops Ltd in Asheldem, when the asbestos sheeting gave way and he fell 7.5m onto a concrete floor, hitting a number of pipes within the building on the way down. There was no safety netting or other protective equipment to prevent him from falling and he suffered a hematoma on the brain.

An investigation by the Health and Safety Executive found three companies at fault for the fall. Dengie Crops Ltd contracted Ernest Doe & Sons Ltd, who are an agricultural machinery supplier, to help the company replace their roof.

Ernest Doe & Sons Ltd did not have the appropriate experience and subcontracted the work to Balsham (Buildings) Ltd who worked out how the roof replacement should take place. Balsham then subcontracted the actual replacement of the roof to Strong Clad Ltd.

Ernest Doe & Sons Ltd were unable to act effectively in their role as principal contractor because they had no experience of working in construction. They could not effectively oversee Balsham (Buildings) Ltd plans that had highlighted the risk of a fall.

None of the parties involved put in place safety measures for 40% of the roof that did not have netting below. They relied too heavily on the verbal briefings to workers reminding them of where the netting was rather than putting in place effective safety measures for the whole roof.

Ernest Doe & sons Ltd, of Ulting, Essex, pleaded guilty to breaching Regulation 22 of the Construction (Design and Management) Regulations 2007. They were fined £360,000 and ordered to pay costs of £10,000

Balsham (Buildings) Ltd, of Balsham, Cambridge, pleaded guilty to breaching 4(1)(a) and 4(1)(c) of the Work at Height Regulation 2005. They were fined £45,000 and ordered to pay costs of £7,000

Strong Clad Ltd, of Castle Hedingham, Essex, pleaded guilty to breaching 4(1)(a) and 4(1)(c) of the Work at Height Regulation 2005. They were fined £7,000 and ordered to pay costs of £3,000

HSE inspector Adam Hills said: “The dangers of working on fragile roofs are well documented. Every year too many people are killed or seriously injured due to falls from height while carrying out this work. “Work at height requires adequate planning, organisation and communication between all parties. This incident was entirely preventable and Mr Myslim is lucky to be alive.”

Construction Safety Solutions Ltd

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Useful Web Links/Information

- HSE Website www.hse.gov.uk
- Institution of Occupational Safety and Health www.iosh.co.uk
- www.gov.uk (The Business Link website has a tool to help small businesses get a summary of the legislation that is relevant to them (not just on health and safety))
- www.hse.gov.uk/workplacehealth/index.htm (Free and impartial advice for businesses of 5-250 people)
- www.hse.gov.uk/asbestos/index.htm (HSE Asbestos Information)