



# Safetyform Monthly Newsletter - November 2021

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*Welcome to the latest edition of the Safetyform monthly newsletter, bringing you up to date with all the latest construction health & safety news.*

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## Safety Alert

### Lung Cancer Awareness



November is Lung Cancer Awareness Month.

If exposure to certain hazardous substances is not properly controlled, it can cause life-changing lung disease including cancer.

As an employer, you're obliged by law to control the risks to your workers from exposure to hazardous substances.

Breathing in dusts, gases, fumes and vapours in the workplace can cause serious, long-term lung damage. Often, this can be due to being exposed to a substance many years before.

Some common hazardous substances are:

- silica dust – found in stone, rock, sand and clays
- welding fumes
- flour dust
- wood dust
- asbestos.

By protecting your workers effectively now, you can prevent them from suffering from severe, often incurable, lung-related health problems in the future.

You must use someone competent to ensure the control measures you put in place are effective for your workplace. Because of the specialist skills, knowledge and experience needed to deal with the risks from exposure to dust, gases fumes and vapours, it's likely you'll need advice from someone outside your business.

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*For competent advice, contact Safetyform today.*

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## Safetyform News

### New Safetyform Brochure



Watch this space our exciting Safetyform Brochure 2022, coming soon!

## What's in the News?

### Scaffolding company MD receives suspended jail sentence and fine for maintenance failings

The Managing Director of a scaffolding company has been fined after an employee died when he was struck from behind by a forklift truck.

Leicester Magistrate's Court heard how on 20 June 2016, Shaun Flynn had just finished loading a lorry in the yard of Boss Scaffolding (Northampton) Limited when he was struck from behind by the raised forks of a moving forklift truck. He subsequently died from his injuries.

An investigation by the Health and Safety Executive (HSE) found that Boss Scaffolding director Leon Gill and an employee of the company failed to take reasonable care for the health and safety of others who might be affected by the poor management of risks arising from the use of a counterbalance forklift truck in a state of disrepair.

Company director Leon Gill of Bosworth Cottage, Main Street, Little Brington, Northampton, NN74HS pleaded guilty of breaching Section 7 of the Health and Safety at Work Act 1974. He was sentenced to 10 weeks imprisonment suspended for eighteen months and ordered to pay £7,000 fine and £45,000 costs.

Speaking after the hearing, HSE inspector Jenna McDade said: "This case highlights the importance of regular pro-active maintenance and inspection of work equipment, to ensure equipment does not deteriorate to the extent that it puts people at risk. Sadly the tragic death of Mr Flynn could have been prevented.

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*"Companies and individuals 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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## Site supervisor fined after worker suffered serious injuries

A site supervisor has been sentenced for safety breaches after a 46-year-old worker became entangled in a conveyor belt sustaining serious injuries to his hand and arm.

Leeds' Crown Court heard that, on 20 October 2016, an operative was working on a conveyor belt on an automated waste picking line at Associated Waste Management (AWM) Ltd in Canal Road, Bradford, when it became damaged and needed repair. Whilst the operative was working to repair the conveyor line, it started moving and his arm became entangled, which caused muscle and tissue damage.

An investigation by the Health and Safety Executive (HSE) found that AWM site supervisor Andrew Hughes, who had control of the site in the absence of the site manager, was responsible for completing a permit for the repair work and isolating the line. However, on his way to complete the permit he became distracted with another matter and the permit to work and isolation were not completed. This meant that the conveyor belt restarted during the repair work injuring the employee. Andrew Hughes of Heathmoor Park Road, Illingworth, Halifax, West Yorkshire pleaded guilty to breaching Section 7 (1) of the Health & Safety at Work etc Act 1974. He was given a four-month prison sentence suspended for 12 months and ordered to pay costs of £1,000.

Speaking after the hearing, HSE inspector Darian Dundas said: "Mr Hughes failed to implement company policy and procedure in respect of permits to work and isolation.

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*"This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."*

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## Unregistered gas fitter sentenced after carrying out illegal work

A self-employed gas fitter from Burnley has received a 15-month community order after carrying out gas work without being Gas Safe registered.

Preston Crown Court heard that Adam Kilbride carried out work at two properties in Burnley in December 2018 and January 2019, whilst falsely claiming to be Gas Safe registered.

Following notification of installation defects by the occupiers of the properties, Gas Safe inspectors visited one of the properties and found the work to be of a poor standard. It was classed as 'At Risk' and 'Not to Current Standards'

An investigation by the Health and Safety Executive (HSE) found Adam Kilbride was not a registered with Gas Safe Register and was also found to have falsely pretended to be Gas Safe Registered.

Adam Kilbride of Burnley pleaded guilty to breaches of Regulations 3(3), 26(1) and 3(7) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to a 15-month community order and 100 hours of unpaid work. He was also ordered to pay £400 compensation to the homeowner and ordered to pay costs of £6000.

Speaking after the hearing, HSE inspector Caroline Shorrock said: "Adam Kilbride undertook gas work which he knew he was not registered to do. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met in order to prevent injury and loss of life."

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*"Installers will be prosecuted if they carry out gas work without the proper qualifications. We would advise all householders to check that anyone they allow to work on the gas supply is gas safe registered. This can be done at the Gas Safe Register website."*

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## Scaffolding company fined after crane operator electrocuted

A company has been fined after a worker was fatally electrocuted whilst operating a lorry mounted crane.

Cardiff Crown Court heard how on 17 May 2016, ASL Access Scaffold Limited employee Martin Tilby was fatally electrocuted when the crane he was operating struck an overhead powerline whilst he was unloading materials in a field at Cowbridge, South Glamorgan.

An investigation by the Health and Safety Executive (HSE) found that no risk assessment had been carried out in the field where the incident happened, and no control measures were put in place to prevent contact with the overhead powerlines.

ASL Access Scaffold Limited of Bridgend Industrial Estate, Bridgend was found guilty of breaching Sections 2 (1) of the Health and Safety at Work Act 1974 and LOLER Regulation 8(1). The company was fined £160,000 and ordered to pay costs of £45,000.

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*Speaking after the hearing, HSE inspector Damian Corbett said: "This death was easily preventable, and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from striking overhead powerlines. This*

*death would have been preventable had an effective system for managing unloading materials been in place.”*

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## **Construction company fined for employee asbestos exposure**

MS Properties (Northern) Ltd have been fined for safety breaches after employees were exposed to asbestos on 22 March 2019 after removing false ceiling tiles during a shop conversion at 309-315 Hesse Road, Hull.

Beverley Magistrates’ Court heard that the company had not commissioned a refurbishment asbestos survey prior to the work commencing. Employees removed over 1000m<sup>2</sup> of asbestos insulation board (AIB) ceiling tiles in an uncontrolled manner, exposing them to asbestos.

An investigation by the Health and Safety Executive (HSE) found that the company’s director, and the casual labourers they employed, spent approximately three to four weeks removing the suspended ceiling, along with the ceiling tiles which contained asbestos, to install new stud walls to divide the shop floor into separate units. The labourers were unskilled and untrained. They were provided with a claw hammer to knock the tiles down. The asbestos-containing tile debris was then shovelled or collected into approximately 62 one tonne bags.

MS Properties (Northern) Limited of Becksid Business, Becksid Road, Bradford, pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012. The company has been fined £16,000, ordered to pay £3,011.87 in costs and a victim surcharge of £190.

After the hearing, HSE inspector Trisha Elvy commented: “If the company had identified any asbestos on the site through a refurbishment asbestos survey, carried out by a competent surveyor, and had it removed by licenced asbestos removal contractors prior to the refurbishment work commencing, then MS Properties (Northern) employees would not have been exposed to asbestos.

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*“No matter how small or large your company, there is a need to prevent exposing your employees and the public to asbestos by ensuring that it is identified on site prior to any work commencing.”*

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## **Contact Us**

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