



# Safetyform Monthly Newsletter - March 2022

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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

### Wood Dusts



Wood dust can cause serious health problems. It can cause asthma, which carpenters and joiners are four times more likely to get compared with other UK workers. The Control of Substances Hazardous to Health (COSHH) Regulations 2002 require that you protect workers from the hazards of wood dust. Hardwood dust can cause cancer, particularly of the nose.

#### **Exposure Limits:**

Both hardwood and softwood dusts have a Workplace Exposure Limit (WEL) which must not be exceeded.

The WEL for hardwood dust is 3mg/m<sup>3</sup> (based on an 8-hour time-weighted average).

The WEL for softwood dust is 5mg/m<sup>3</sup> (based on an 8-hour time-weighted average).

For mixtures of hardwood and softwood dusts the WEL for hardwood dust of 3mg/m<sup>3</sup> applies to all wood dusts present in that mixture.

#### **Extraction:**

Provide dust extraction (also known as local exhaust ventilation or LEV) at woodworking machines to capture and remove dust before it can spread.

Design the extraction system to take into account:

- the number and type of machines to be connected to it, the ones that are used together and the layout of the workshop or factory. This information should be supplied by the user.
- the machine manufacturer's information or an experienced body's information on air flow and extraction cross-sectional areas or volume flow rates (VFR) required for each extraction connection for each machine.

Educate workers about the risks from wood dust and the control measures required. They should know how to use the extraction properly. Fitting air flow indicators will help, as these will show them if it is working correctly, for example if dampers are open or shut and also if maintenance is required.

### **Health Surveillance:**

Because wood dust causes asthma any health effects must be picked up early.

For most woods, low level health surveillance will do. When someone first starts in a job where they are exposed to wood dust they should fill in a questionnaire.

After six weeks they should then complete a follow up questionnaire and this should then be repeated annually.

## **Safetyform News**

### **Construction Safety Services**



Construction sites can be dangerous places. The Construction (Design & Management) Regulations 2015 apply to all construction work, regardless of the duration or size of the project.

As a business you are required to consider all health and safety risks that could arise during the project. You will need to make sure measures are put in place and ensure that the site is safe, and that operatives and members of the public are protected from harm

Let Safetyform assist you with your Health and Safety requirements. We have consultants based all over the UK with years of experience in the construction industry, with our goal to help clients maintain a safe working environment.

The Construction Safety services we provide include but are not limited to:

- Client CDM Adviser
- Principal Designer Adviser
- New Contractor Appraisals
- Construction Health and Safety Consultancy
- Site Inspections and Audits
- Training.

Get in touch today for more information on how we can assist you: [info@safetyform.co.uk](mailto:info@safetyform.co.uk).

## What's in the News?

### Asbestos removal company fined for failing to protect workers

An asbestos management company director has been jailed after failures to protect workers from asbestos exposure during a major refurbishment project in Plymouth.

Plymouth Magistrates' Court heard that in February 2017, concerns were raised by workers at Ensure Asbestos Management Limited who believed they were being put in danger whilst carrying out refurbishment work at a department store.

An investigation by the Health and Safety Executive (HSE) found irregularities in the asbestos surveys and clearance certificates, with some found to be fraudulent. Ensure Asbestos Management Limited had been contracted to carry out an asbestos survey, remove all identified asbestos-containing materials (ACMs) from the building and then carry out the initial strip-out of the building before it was refurbished. However, the company was found to have deliberately cut corners in managing the danger of asbestos exposure putting workers at risk.

- Ensure Asbestos Management Limited of Station Road, Sawbridgeworth, Hertfordshire pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £100,000. Because the company is in liquidation, there is no prospect of a payment being made and so no order for costs was made.

Director of Ensure Asbestos Management Billy Hopwood of Swanstead, Basildon, Essex pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974. He has been sentenced to 10 months imprisonment, immediate concurrent on each charge. He has also been disqualified as a director for five years

Contracts Manager at Ensure Asbestos Management Phillip Hopwood of Churchgate Street, Harlow, Essex pleaded guilty to breaching Sections 2(1), 3(1) and 33(1)(m) of the Health and Safety at Work etc Act 1974. His sentencing was adjourned until a later date.

Speaking after the hearing HSE inspector Georgina Symons said: "Ensure Asbestos Management Limited – a previously licensed asbestos removal contractor – failed to work within the law despite

having a wealth of knowledge on the risks associated with exposure to asbestos and the necessary training to have done so safely. They deliberately falsified documents and cut corners."

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*"Workers should be supported by their employers when they raise health or safety concerns. The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations."*

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## Company fined after employee injured by a forklift truck

A company specialising in interior and exterior stonework has been fined after an employee sustained serious injuries when he was struck by a forklift truck.

Peterborough Magistrates' Court heard how on 22 January 2019, an employee of Tudor Stonework Limited was injured whilst moving stone slabs during a lifting operation. The system of work required two operatives to walk in front of the forklift truck to steady a suspended load. However, during this operation the forklift truck ran over the foot of one of the operatives resulting in an open fracture to his left leg as well as crush injuries to his foot.

An investigation by the Health & Safety Executive (HSE) into the incident found that the system of work for transporting stone slabs was not safe, as it required the operatives to be in close proximity to the moving forklift truck.

Tudor Stonework Limited of Silver Street, Enfield, Middlesex pleaded guilty to breaching Sections 2(1) of the Health and Safety at Work Act 1974. The company was fined £466 and ordered to pay costs of £5,570.

Speaking after the hearing, HSE inspector Tom Pouncey said: "Industry practices should be reassessed where other stonemasons may be transporting stone slabs in a similar way."

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*"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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## Suspended sentence for owner of Merseyside roofing firm

A roofing company owner has been given a suspended sentence after a member of the public reported a concern regarding unsafe work at height.

Liverpool Crown Court heard how, on 5 March 2021, company owner Phillip McGinn and two workers were replacing roof tiles on a detached dormer bungalow, in Lydiate on Merseyside, without any scaffolding or edge protection in place to prevent them from falling a distance liable to cause personal injury.

An investigation by the Health and Safety Executive (HSE) found that Phillip McGinn had failed to take suitable and sufficient measures to ensure that work at height was carried out safely. He had failed to provide sufficient work equipment to prevent a fall or to minimise the distance or consequences of a fall.

The court also heard that this was not the first time that HSE had encountered poor working practices from Phillip McGinn. The HSE took previous enforcement action and prosecuted Mr McGinn for a similar offence in 2012.

Phillip McGinn of Lydiate, Merseyside, was found guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005. He received a thirteen-month suspended prison sentence, 200 hours of unpaid work and ordered to pay costs of £1,000.

After the hearing, HSE inspector Anthony Stuart Hadfield said: "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".

## Company fined after employee injured by a forklift truck

A company specialising in interior and exterior stonework has been fined after an employee sustained serious injuries when he was struck by a forklift truck.

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## Roofing contractor sentenced after worker falls from height

A roofing contractor has been sentenced after an unpaid casual labourer fell through a skylight during the renovation of an old asbestos cement roof, at an industrial building in Exeter.

Plymouth Magistrates' Court heard that on 23 October 2018, the labourer, who wanted to gain industry experience having never previously worked on roofs, was instructed by Ian Davey (trading as Exe Fibreglass) to cut fibreglass for the roof of the building. Once the fibreglass was cut, the labourer went up onto the roof to observe the fitting by Mr Davey and another colleague. He stepped on a fragile skylight, which gave way causing him to fall five and a half metres to the floor

below. He suffered multiple fractures to his hand and wrist, which required surgical wiring to repair, and also fractures to his ribs.

An investigation by the Health and Safety Executive (HSE) found that the work had not been properly planned. There was a lack of training or experience in the supervision of others working at height. There were no preventative safety measures in place for the skylights such as netting, crawl boards or safety harnesses in use.

Ian Davey trading as Exe Fibreglass of Beacon Hill, Exmouth pleaded guilty to breaching Section 9(2) of the Work at Height Regulations 2005. He was given a 12 month community order, which includes 80 hours of unpaid work, and has been ordered to pay costs of £3,000.

Speaking after the hearing, HSE inspector Peter Buscombe said: "This incident could so easily have been avoided by simply using correct control measures and following safe working practices."

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## **Company, director and excavator operator fined after two workers sustain severe injuries in separate incidents**

J Murphy Aggregates Ltd, Shaun Murphy and James Duggan have been sentenced at Leeds Crown Court for safety breaches after a worker was struck by a falling excavator. In addition, J Murphy Aggregates Ltd was sentenced for safety breaches in a separate incident after a wagon driver sustained severe crush injuries to his right leg when he was dragged under a 360 excavator.

York Crown Court had previously heard that J Murphy Aggregates Ltd was engaged in waste management/collection of non-hazardous waste, typically tarmac, brick rubble and broken concrete, which is further broken down and then sold on as hardcore to building sites. The sole director is Shaun Murphy. Prior to the incident, the company were using agency staff on occasion to cover some tasks.

An investigation by the Health and Safety Executive (HSE) found that James Duggan had been initially employed as a crusher machine operator via an employment agency and held a Construction Plant Competence Scheme (CPCS) card to do so. However, he was then employed directly by Shaun Murphy to operate a tracked excavator, despite not holding formal qualifications for operating one. Mr Duggan was using the excavator to "munch" a stockpile when the ground below the excavator collapsed. The excavator then tumbled down the stockpile and collided with a worker who was catapulted off the crushing machine he was maintaining at the time.

The 58-year-old worker suffered multiple fractures to both legs, a dislocated kneecap, a right sided fracture to the pelvis and hip, two punctured lungs, and a right sided fracture to the skull. He also required ten stitches to the head. He remained in hospital for a year, during which time his right hip was removed. His right leg is now significantly shorter than his left leg.

J Murphy Aggregates Ltd of Viaduct Street Pudsey Leeds West Yorkshire pleaded guilty to breaching Section 2 (1) and Section 3 (1) of the Health & Safety at Work etc Act 1974. The company was fined £70,000.



Shaun Murphy, Director, of Viaduct Street, Pudsey, Leeds pleaded guilty to breaching Section 2 (1) and Section 3 (1) by virtue of section 37(1) of the Health & Safety at Work etc Act 1974. He was sentenced to an eight-month custodial sentence, suspended for two years, and 160 hours of community service. He is also required to attend 20 rehabilitation activity requirement days and pay £2,242.50 costs.

James Duggan, Excavator Operator, of Snawthorne Grove, Castleford West, Yorkshire pleaded guilty to breaching Section 7 (a) and Section 3 (2) of the Health & Safety at Work etc Act 1974. He received an eight-month custodial sentence, suspended for two years, and order to pay £2,242.50 costs.

J Murphy Aggregates Ltd was also sentenced in relation to a later incident in which a wagon driver sustained severe crush injuries to his right leg when it was dragged under a 360 excavator.

Leeds Magistrates' Court had previously heard that, on 4 December 2020, the wagon driver's tipper vehicle was being loaded with rubbish by a 360 Excavator. He was standing watching this being done. He then approached the side of the wagon to retrieve some overhanging rubbish, before walking between the excavator and wagon and standing towards the rear of the vehicle near to the right-hand track of the excavator. The excavator tracked forwards, dragging his right leg under it, and crushing it.

His right leg was broken and degloved below the knee. He underwent several operations to repair the open fractures and have muscle and skin grafts. A muscle graft subsequently failed in his right ankle and following other complications his right leg was amputated below the knee. His left leg has also been left badly scarred and damaged from the skin and muscle grafts taken from it.

An investigation by the Health and Safety Executive (HSE) found that there was no effective segregation between heavy vehicles and pedestrians in the yard. CCTV footage of the two weeks prior to the accident showed several occasions where plant machinery almost contacted a pedestrian. In the period immediately prior to the accident, other pedestrians are seen on foot within the danger zone of the excavator as it is loading wagons with rubbish.

J Murphy Aggregates Ltd of Viaduct Street, Stanningley, Pudsey, West Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. For this offence, the company was fined £50,000. J Murphy Aggregates Ltd was ordered to pay a total of £8,750 costs.

After the hearing, HSE inspector David Beaton commented: "These cases are a damning indictment of a company which has consistently permitted unsafe systems of work. Shaun Murphy failed to ensure that James Duggan had the relevant skills, knowledge, experience and training to use the excavator at the site. James Duggan knew he was only qualified to operate a crusher as permitted by his CPCS card.

"The result was this tragic incident which could so easily have been avoided by using the correct control measures and safe working practices.

"That another worker should sustain injury as a result of J Murphy's failure to implement safe systems of work is deplorable. Segregation measures should have been in place to prevent pedestrians from being within the danger zone.

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*"I hope this case sends strong signals to businesses that HSE will not hesitate to take action where employers fail to meet health and safety standards and put their workers and the public at risk."*

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## Fines after fatal fall from scaffolding

A 54-year-old man has been fined £4,000 after being convicted of breaking health and safety laws after his father fell and died in South Gloucestershire, while working for his company.

Arthur Harbutt, 78, from Birmingham, died after falling from scaffolding at Centaurus Retail Park, South Gloucestershire, on 5 March 2018.

His son Garry Harbutt, of Oldbury, West Midlands, was convicted of an offence under the [Health and Safety at Work Act 1974](#) following a trial at Bristol Crown Court but cleared of a charge of manslaughter by gross negligence.

In addition, Night and Day Glaziers Ltd were fined £31,500 and ordered to pay £15,000 in costs after admitting a charge of failure to discharge a duty on 17 January.

Night and Day was contracted to refit a shop unit at the retail park when the incident happened. Both Garry and Arthur Harbutt were among a group of men moving a large glass panel up steps on a scaffolding platform, which had no internal edge protection, when Arthur Harbutt fell. He suffered severe head injuries in the fall and died later the same day in hospital.

Major Crime Investigation Officer Matthew Stokes said: "This is a tragic incident which was entirely preventable if proper protections had been put in place. This has been a terrible ordeal for Arthur Harbutt's family and friends, and our thoughts are very much with them."

HSE inspector, Ian Whittles, said: "[Working at height](#) remains one of the biggest causes of fatalities and major injuries. This tragic incident highlights the importance of appropriate planning, using scaffold designed for the purpose and the need for clear communication between scaffolder and client to keep workers safe. Our thoughts remain with Mr Harbutt's family."

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