

8<sup>th</sup> February 2023

## **News**

### **Coventry City Council Fatality in Waste Services**

This sad fatality happened on 19<sup>th</sup> January 2023. Counsellors were deployed to give immediate support to employees and initial enquiries demonstrated that it was safe to continue to operate the waste collection service. Support has been given to the deceased's family. The police were involved in an initial investigation. Internal and HSE investigations are continuing and are likely to last some time.

### **HSE publishes annual work-related ill-health and injury statistics for 2021/22**

23rd November 2022

The estimated number of workers in Great Britain suffering a work-related illness is 1.8 million with stress, depression, and anxiety making up around half of cases, with an estimated 914,000 cases of work-related stress, depression, or anxiety in 2021/22.

An estimated 17 million working days were lost due to work-related stress, depression, or anxiety in 2021/22.

HSE's annual statistics release shows the impact work-related ill health is having on Great Britain's economic performance:

- 36.8 million working days were lost due to work-related ill health and non-fatal workplace injuries in 2021/22.
- The annual economic cost of work-related injury and new cases of ill health (excluding long latency illnesses such as cancer) was £18.8 billion in 2019/20.

The figures also show that 123 workers were killed in work-related accidents in 2021/22 and a further 565,000 workers sustained a non-fatal injury.

The COVID-19 pandemic continues to impact on the workplace. Of the 1.8 million suffering a work-related illness, an estimated 585,000 reported it was caused or made worse by the effects of the coronavirus pandemic. Around a quarter of these workers were in human health and social work. In addition, 123,000 workers suffering with COVID-19 believed they were exposed to the virus at work.

### **HSE Guidelines launched to help staff succeed at work and get businesses growing**

15th November 2022

- **New guidance will help employers support disabled people and those with long-term health conditions thrive at work**

- **Firms will be given advice on retaining staff as many businesses face recruitment difficulties**

The UK has record rates of employment, but disabled people are less likely to be employed than non-disabled people and are twice as likely to fall out of work.

The [new guidance](#) stresses the importance of making sure workplaces are accessible, that staff communication is clear and inclusive, and appropriate occupational health support is available.

The guidance is aimed at small-to-medium sized businesses who employ 61% of all UK employees. The Federation of Small Businesses found 51% of small businesses have employed a disabled person or someone with a health condition in the last three years.

The guidance helps workers understand what they might expect from, and should discuss with, their employers while makes it clear how employers can help their staff. Among the recommendations is making sure managers and workers feel confident talking about health and disability, and that any requests for changes to working patterns or modifications in the workplace are dealt with quickly.

The guidance focuses on early and supportive action that employers should take, outlines employers' responsibilities, and preventative steps they can take to help people stay in work and be a productive team member.

## **Update of Recent Cases**

### **Company fined after worker's scalp torn from head**

22nd November 2022

A company in Scunthorpe has been fined £70,000 after a 26-year-old employee's scalp and an ear were ripped off after his hair got stuck in a machine.

The man was working for Caspian Group Limited (formerly known as Caspian Access and Plant Hire Limited) when he went to oil a machine at the company's site on East Common Lane, Scunthorpe, on 25 October 2018.

His hair, which was tied back in a ponytail, became trapped in the machine's rotating shaft. His scalp was torn from the back of his head and his face was torn, ripping off one of his ears. He also had an injury to his left-index finger, with the tip having to be amputated.

The man was hospitalised for two weeks and required skin grafts.

An investigation by the Health and Safety Executive (HSE) found the machine, an MPC Micromatic Timber stress grading machine, was purchased second-hand and installed at Caspian around December 2017.

Since then, those working on the machine had been routinely required to gain access into the machine where dangerous parts, such as helical rollers, chain conveying mechanisms, rotating power bars and drive parts were all located.

The machine had obvious risks, which included workers being drawn in and crushed, which Caspian were aware of. However, the company failed to adequately control these risks by installing suitable guards that would have prevented access to this machine and possibly stopped this incident from happening. Instead, the firm relied on employees following a system of work which did not control the risks they were exposed to.

Caspian Group Limited, of East Common Lane, Scunthorpe, North Lincolnshire, pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company were fined £70,000 and ordered to pay £13,012.76 in costs at Grimsby Magistrates' Court.

#### Key points for the Council

There is a need to identify and manage the risks posed by machinery including the installation of guards where appropriate.

### **Confectionery firm fined after worker is injured in fall**

15th December 2022

A Scottish confectionery and meringue manufacturer has been fined £5,000 after a worker was badly injured in a fall from a forklift truck.

The employee of Lees of Scotland Limited was hurt while helping unload a delivery of equipment from a lorry using a forklift truck in the yard of the company's Coatbridge site on June 4, 2019.

The man had been asked to get on the forklift truck to try to help it stay upright because it couldn't lift the load.

The employee fell from the forklift truck, resulting in a broken arm, cuts to his head and muscle damage to his back. He was off work for more than four weeks, before returning on light duties.

Lees of Scotland Limited, North Caldeen Road, Coatbridge pleaded guilty to breaching Regulations Section 2(1) and Section 33(1)(a) of the Health and Safety at Work Act etc 1974. It was fined £5,000 at Airdrie Sheriff Court.

#### Key points for the Council

Work activities need a suitable and sufficient assessment of the risks including the use of appropriate machinery. Consideration needs to be given to the correct control measures and safe working practices.

### **Firm fined after blind man falls into open manhole**

15th December 2022

A family-run plumbing business has been fined £4,000 after a blind man fell into an open manhole.

The 62-year-old registered-blind resident of Hanover Court, a sheltered housing development in Banchory, Aberdeenshire, suffered injuries to his left leg in the fall on February 19, 2020.

The manhole at the sheltered housing development had been left open by A & R Services while a blockage was being cleared.

The company had failed to put in place barriers, signage or other protective measures to prevent anyone from accessing the pathway leading to the open manhole.

In addition, other than leaning the manhole cover against a door, no signage, barriers, guarding or other protective measures were put in place to prevent pedestrians from falling into the manhole while using the door.

A & R Services, of Stonehaven, Aberdeenshire pleaded guilty to breaching Sections 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £4,000 at Aberdeen Sheriff Court.

#### Key points for the Council

The correct control measures and safe working practices need to be in place for all work activities. Consideration needs to be given to all members of the public when working in public areas.

### **Council fined £280,000 after death of six-year-old girl hit by falling tree**

10th January 2023

A council has been fined £280,000 after the death of a six-year-old girl who was hit by a falling tree in her school playground.

Ella Henderson was playing with friends at Gosforth Park First School in Newcastle upon Tyne on 25 September 2020 when a decaying willow tree collapsed.

The Year 2 pupil was freed from under the tree by emergency services and taken to Newcastle's Royal Victoria Infirmary, where she died the following morning.

Several other children were hit by the falling tree but managed to escape, some with superficial injuries.

An investigation by the Health and Safety Executive (HSE) found the tree had decayed and was in a poor condition.

Newcastle City Council had failed to identify the extent of the decay or to manage the risk posed by the tree.

Newcastle City Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £280,000 and ordered to pay costs of £8,020 by South Tyneside Magistrates.

#### Key points for the Council

Routine inspections of potentially dangerous structures, including trees, in the public realm need to be carried out and appropriate remedial actions taken.

## **Company fined £180k after woman's hand had to be amputated**

17th January 2023

A Greater Manchester company has been fined £180k after a female employee lost her hand after it was dragged into a machine.

The Vita Cellular Foams (UK) Ltd employee was operating a blown line machine at the firm's Fifth Avenue premises in Dukinfield on 30 July 2020, when one of her colleagues isolated it from the main power supply after it became blocked with fibres.

The then 23-year-old unscrewed a Perspex window in a bid to identify the blockage, but as she began to remove the fibres by hand, the machine still had some residual power and began to move again, drawing in her right hand.

The woman's hand was drawn into the machine after it became blocked with fibres, Image: HSE

The tragic incident resulted in three fingers being removed before she required further surgery to have her entire right hand amputated.

The Perspex window had been added to the machine some years previously to allow engineers and operators to identify blockages, but had not been fitted with an interlocking guard, so moving parts could be accessed through removal of this when the machine was running. Risk assessments had not been reviewed since the window's addition to include the possibility of employees using it as a way to remove blockages, or to ensure that any excess energy in the machine was dispersed before it was accessed. The company should have ensured that tools were not readily accessible in order to remove the Perspex window.

Vita Cellular Foams (UK) Ltd of Oldham Road, Middleton, Greater Manchester pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. They were fined £180,000 and ordered to pay costs of £4,337.00 at Manchester Magistrates' Court.

### **Key points for the Council**

For work activities an assessment of the risks should be carried out and safe systems of work put in place particularly for the operation of all machinery, particularly when clearing blockages.

## **Civil engineering firm fined £4.4m following M6 works**

13th January 2023

Civil engineering firm Kier has been fined more than £4m after its workers twice struck overhead powerlines while working on the M6 motorway causing cables to land in the path of passing vehicles.

In one incident, an overhead cable the workers brought down hit a lorry. In an earlier incident, a cable landed on the motorway.

An investigation by workplace regulator the Health and Safety Executive (HSE) found after one incident Kier workers failed to immediately tell the network provider Scottish Power about the incident.

Both incidents happened on overnight road works part of the smart motorway scheme between junctions 16 and 18 near Sandbach in Cheshire.

During the first incident, a team of three workers were working a nightshift on 28 March 2018. The workers were clearing tarmac from the hard shoulder and loading a truck with a digger. As the driver moved the truck along with an attached loading bucket raised it struck and severed a 11kV overhead powerline that landed in the motorway and in a nearby field. The company failed to immediately tell Scottish Power, which meant the cable was reenergised a number of times while it was lying on the motorway and vehicles were passing.

During the second incident, another team of three workers from a sub-contractor were removing a temporary motorway barrier on 21 January 2019. The crane arm attached to their lorry loader struck an overhead cable which led to an unmarked 11kV powerline being hit and snapped by an oncoming lorry.

HSE found that inadequate planning from Kier meant the vehicle used in the first incident was unsuitable despite other more suitable vehicles being available. There was also no task-specific risk assessment available for the workers.

In the second incident, the workers said that they were unaware of the overhead hazards.

In relation to the first incident, Kier Infrastructure and Overseas Limited, of Clippers Quay, Salford pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. In relation to the second incident, they pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 13(1) of the Construction (Design and Management) Regulations 2015.

In total, the company were fined £4.415m and ordered to pay costs of £87,759.60 at Manchester Crown Court.

#### Key points for the Council

For activities work needs to be properly planned with an adequate risk assessment in place to protect employees and members of the public.

### **Company fined after surveyor dies**

18th January 2023

An Inverness company has been fined after a surveyor died from injuries caused by an electrical explosion.

Christopher Wayne Earley, a director at CWE Asbestos Consultants Ltd, was carrying out an asbestos survey on 10 December 2020.

Mr Earley was injured by an electrical explosion while inspecting an electric panel. He suffered burns to a third of his body, affecting his face, right arm, right side of his chest and left hand. Three months later, Mr Earley, a father-of-four, passed away aged 64 following multiple infections and sepsis complications brought on by his injuries.

An investigation by the Health and Safety Executive (HSE) found the switch room Mr Earley was surveying at the time of the incident was not in an appropriate condition. This created a risk as the live switch panels did not have a warning label indicating they were energised with electricity running through them.

There was no warning of electrical danger at the internal doorway between Shop 7 and the switch room – the internal door itself was missing. This failure to maintain the switch room in an appropriate condition was the underlying cause of the incident. The primary duty of care belonged to Global Energy Nigg Limited.

The remains of the end of the busbar following the electrical explosion.

Global Energy Nigg Limited of Henderson Road, Inverness, Highland pleaded guilty to breaching Section 3(1) and Section 33(1)(a) of the Health and Safety at Work etc Act 1974. They were fined £80,000 at Tain Sheriff Court.

#### Key points for the Council

Correct control measures and safe working practices always need to be in place, including the carrying out of appropriate maintenance and the provision of warning notices.

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