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## Health & Safety News Bulletin



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## BUILDER JAILED FOR CRIMINAL FAILURE TO REPORT SERIOUS INJURY

Under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) there is a legal duty on employers, the self-employed or someone in control of work premises to report and record some work-related accidents and injuries.

Failure to report 'reportable' accidents is a criminal offence and the responsible person can be sentenced in the Magistrates' Court with a fine up to £20,000, or in the Crown Court with an unlimited fine. Individuals deemed responsible for non-reporting can also face a period of imprisonment for up to two years.



In a recent Magistrates' Court case, the worker was clearing a site with an excavator so a new house could be built. The vehicle tipped while digging and it crushed his leg, resulting in amputation.

Westminster Magistrates' Court was told that the worker had requested a 3-tonne model, but a smaller, 1.7-tonne excavator was provided, and he was pressured to use it. An investigation by the Health and Safety Executive (HSE) found that the worker had no formal training for operating excavators.

The site manager failed to investigate and report the incident to the HSE within 10 days as required under RIDDOR.

The HSE was only able to start an investigation more than 8 months later when the worker complained. By this time crucial evidence relating to the cause of the incident was unobtainable and the work was almost completed.

The judge commented on how distressing it must have been for the worker on top of his life-changing injury, to know the incident was not being investigated.

There was no health and safety related documentation and there was no employers' insurance cover for the worker to claim against. The site manager had not obtained any health and safety related training during his 50 years in the construction industry.

The site manager pleaded guilty to a breach of Regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

He was jailed for 24 weeks and ordered to pay costs of £2,033.

Speaking after the hearing, the HSE inspector commented that the case reinforced how important it is that incidents are reported so they can be investigated, and improvements made to prevent serious incidents in future.

## Drone Users – Beware

New rules came into force in earlier this year governing how pilots can operate their drones. They harmonise the rules across all EU member states, Norway and Iceland – and will also be mirrored by the UK.

A major change is the removal of the distinction between commercial and recreational use, which may result in an increase in drone uses. The new rules also make it clear where drones can be flown, while also making tracing of ownership more streamlined.

Under the rules, even small drones will need to be registered with the relevant aviation authority, which in the UK is the Civil Aviation Authority. This is to ensure that authorities can trace who owns a drone if they are used in an irresponsible way or flown somewhere they are not allowed to be used.

There will be three new types of drone category: high, medium, and low:

- Low-risk or open-category drones will not require any authorisation but will be subject to strict operational limitations.
- Medium-risk or specific-category drones will have to have authorisation from the national aviation authority on the basis of a risk assessment.
- High-risk or certified-category drones will need to follow aviation rules, and this will apply to future drone flights with passengers.

The low-risk category, which accounts for the majority of hobbyist drones, will be managed through the CE mark, which is a process for products sold in Europe to ensure they meet health, safety and environmental standards.

But drones within this category will also have additional rules about where they can be flown:

- A1 – drones weighing less than 250g (0.55lb) can be flown over people.
- A2 – drones weighing more than 250g but less than 2kg must be flown at least 50m (164ft) away from people.
- A3 – drones weighing more than 2kg must be flown well away from people



With a potential increase in the use of drones, safety professionals may want to reassess their airborne perimeter security processes, especially those in the critical national infrastructure sectors.

## Director prosecuted for failing to comply with Enforcement Notices

A director of a woodworking company has been fined for failing to comply with Enforcement Notices served to protect the health and safety of his employees.

Swansea Magistrates' Court heard that in 2016 and 2018, Classical Joinery Group Limited, now dissolved, had not complied with four Enforcement Notices.

The Notices had been served to ensure compliance with controlling health risks associated with the use of hazardous substances and controlling fire and explosion risks from spraying a flammable substance.

An investigation by the Health and Safety Executive (HSE) found that by the director's consent or involvement, Classical Joinery Group Limited had failed to comply with all of the Improvement Notices served.

He pleaded guilty to four offences which breached the Health and Safety at Work etc Act 1974, was fined £2,000, given a 12-month community order, and ordered to pay costs of £6,488.36.

HSE Inspector Lee Jones said: "We do not tolerate disregard for health and safety and consider the non-compliance of HSE Enforcement Notices as a serious offence".

In this case, the director "chose to flagrantly ignore the support, guidance and warnings from the HSE to assist his compliance with the law; in doing so he put people at risk".



## Construction company fined after worker falls from garage roof

A construction company has been fined for failing to comply with work at height regulations, after a worker fell from a garage roof.

Kidderminster Magistrates' Court heard that in February 2020, the worker had accessed the roof using a ladder and was working on his knees with his side to the open edge whilst fitting a rubber trim.

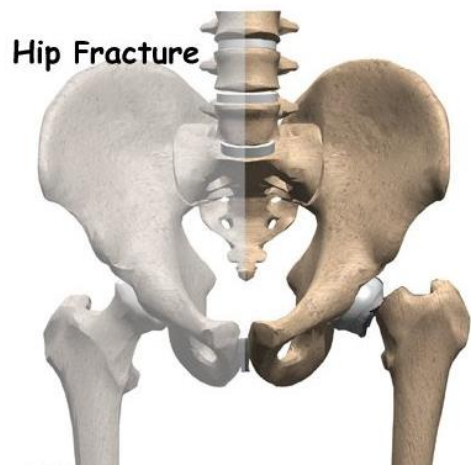
There wasn't any edge protection in place, and he fell from the roof, resulting in a broken hip, fractures to his foot and knee damage.

An investigation by the Health and Safety Executive (HSE) found that the work was not suitably planned. Although the company owned edge protection and suitable equipment to provide access to the roof, it was not used to carry out work on the garage.

There was not a suitable audit system to monitor what equipment was being used.

A.E.S. (Roofing Contractors) Ltd pleaded guilty to breaching the Work at Height Regulations SI 2005/735, was fined £30,000 and ordered to pay costs of £510.30.

HSE inspector, Aaron Fisher 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 unsafe work at height without suitable and sufficient controls in place is not acceptable. The HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards".

## Company fined after worker suffered chemical burns

Granville Oil & Chemical Company Ltd was sentenced this month for safety breaches, after a worker suffered chemical burns to both arms and one leg.

Sheffield Magistrates' Court heard that in 2016 a worker was involved in a spillage incident when making engine degreaser at a plant in Rotherham. The water-based product is made by blending Ultra-Concentrate with water.



The worker used a forklift truck to lift a container carrying 1,000 litres of Ultra-Concentrate to decant 250 litres of concentrate into three containers on the ground, each of which contained 750 litres of water. The company had specifically manufactured a rigid metal pipe to transfer the concentrate from one container to another.

As the employee drove the forklift truck into position, the forks of the truck suddenly dropped one or two feet, causing the metal transfer pipe to hit the ground and break. Ultra-Concentrate began to fall out of the container.

The worker exited the cab of the forklift truck and put his hand over the damaged valve to try and stem the flow. A large pool of concentrate had already formed on the ground, which the worker was stood in to reach the valve. This caused chemical burns to both his arms and one leg, requiring hospital treatment.

An investigation by the Health and Safety Executive (HSE) found the worker had no eye protection and his clothes were soaked in Ultra-Concentrate. He only wore safety boots, a high visibility waist coat and a pair of latex gloves. HSE also found there was no drench shower on site and workers were given no assistance or instructions to change from clothing or wash properly when in contact with harmful substances.

Granville Oil & Chemical Company Ltd pleaded guilty to breaching the Health and Safety at Work etc Act 1974, was fined £100,000 and ordered to pay £9,928.60 in costs.

HSE inspector, David Coackley, said: "The company had no systems in place for dealing with spillages and was not properly equipped to deal with the consequences of employees being contaminated with substances which might be harmful to their health".

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

