



## *Important News*

29<sup>th</sup> October 2007

**To:** BFFF Members' Health & Safety Contacts

### **HEALTH AND SAFETY PROSECUTIONS - UPDATE OCTOBER 2007**

As part of our partnership work with the Local Authority (LA) and the Health and Safety Executive (HSE), we are able to provide information to all members regarding relevant prosecutions on Health and Safety related matters.

For your information, we have stated below brief details regarding some of the latest examples of prosecutions during the third quarter of 2007 as reported by the HSE.

#### **HSE warns of the dangers posed by machinery after employee breaks arm**

HSE is advising companies using machinery to have systems in place to check safety mechanisms. The warning comes after an employee suffered a broken arm at Dairy Crest Ltd in Dagenham.

Dairy Crest Ltd were fined £5,000 and ordered to pay costs of £3,599 after pleading guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974 at a Magistrates court on 15<sup>th</sup> August.

The incident happened on 20<sup>th</sup> October 2005. An employee suffered two breaks and severe muscle and ligament damage to his left arm after a milk bottle filling machine started unexpectedly whilst his arm was inside an open hatch, the machine catching his sleeve and pulling his arm further in. As a result, the employee had to undergo major reconstructive surgery and was off work for nearly a year.

The HSE investigation found that the hatch was guarded with a polycarbonate cover, fitted with an interlocking device, but this should not have been open at the time of the incident. If the interlocking device had been working properly the machine would not have re-started when the hatch was open. The investigation also found that Dairy Crest Ltd did not have an adequate management system in place to ensure checks on guards were carried out properly.

HSE said 'this incident shows that companies must ensure all work equipment is safe for use and have an adequate health and safety system in place'.

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### **Food company fined £33,000 and ordered to pay costs**

In August, food company Pann Crisp from Wrexham was ordered to pay £33,000 in fines and costs after two forklift truck drivers were badly injured. The company said that it had 'learned lessons' after it admitted two breaches of the Health and Safety Act.

One employee had suffered two broken legs when he was run over by another forklift. Also only 11 days previously, another employee had suffered back injuries when his pallet truck fell from a trailer.

The HSE commented outside the court 'This case shows a complete lack of planning and thought by the management'. A company statement following the incident said the company had learned lessons from both accidents and was continually assessing and improving its safety policies.

### **1<sup>st</sup> October 2007- Cleaning company fined £7,000 and ordered to pay £14,257 costs**

On 1<sup>st</sup> October, the Health and Safety Executive (HSE) warned companies to ensure that procedures are in place to ensure work equipment is kept in a safe condition.

The warning comes after a Hutton, Lancashire firm was last week fined £7,000 and paid £14,257 costs after pleading guilty to a breach of health and safety law after an employee fell approximately three metres from a faulty ladder - suffering permanent disability.

Gazelle Steam Cleaning Services Ltd of Rosewood Farm on Liverpool Road, Hutton pleaded guilty to a breach of Section 2 (1) Health & Safety at Work etc Act 1974. Gazelle specialises in cleaning brick and stone and was carrying out brick cleaning work as a sub contractor on the Macclesfield site. At the time of the employees fall, he was standing on the seventh rung near the top of an aluminium ladder, power washing brickwork he had treated with acid. The accident occurred because the ladder on which he had been working suffered from acid corrosion to such an extent that it snapped in two. Furthermore it is apparent that the cleaning company had no system for rigorously and regularly checking ladders for corrosion and other faults.

The HSE stated 'What happened was foreseeable and there was much that was reasonably practicable that could have been done to ensure safety. Indeed, the company took steps to improve its system after the accident had occurred.'

BFFF

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