



Safety Bulletin 102

HSE press release - company prosecuted after ignoring improvement notice

The Health and Safety Executive (HSE) have warned companies that they face serious consequences if they do not carry out repairs or comply with Improvement Notices.

The warning follows the prosecution of DG Engineering Co. Ltd of Jackson Street, St Helens, who failed to carry out repairs or comply with an Improvement Notice to repair the workshop roof, which placed the health and safety of employees at risk.

The company pleaded guilty to two charges under health and safety legislation and were fined a total of £5,000 and ordered to pay £1,628 costs. The company were also ordered to carry out the repairs within four months.

The site is an engineering workshop where racking for the glass industry is fabricated. The company were charged under Section 2(2)(d) of the Health and Safety at Work etc Act 1974 that they failed to ensure that the roof of the engineering workshop was kept in a safe condition and failing to comply with an enforcement notice served under Section 21.

The court heard that on the 7 June 2007 the HSE received an anonymous complaint about the condition of the roof of the company. A hole in the roof caused by a missing roof panel meant that workers were affected in poor weather conditions as it rained in on them and was very cold.

The factory owners were asked to write to HSE with their proposed actions but failed to do so. A further complaint was made - the company were contacted and the owners again said they would set out their proposals.

No response was received by HSE and the premises were visited by an inspector who issued an Improvement Notice requiring repairs to be carried out by the 18 January. This notice was not complied with and the company were prosecuted.

Health and Safety Executive Inspector Martin Heywood said:

“Companies have a duty to ensure the health and safety of employees. This missing roof panel was clearly jeopardising their safety and should have been repaired.”

“The company were given ample opportunity to carry out this work, but had failed to do so. The staff wanted the roof repaired because they were getting wet and cold, but there was also a risk of further falling debris.”

“Health and safety legislation is in place for the safety of employees and this prosecution was only taken after repeated attempts had been made to encourage the company to carry out the repairs. Companies must understand that they cannot ignore the law.”



Notes

1. Section 2(2)(d) of the Health and Safety at Work etc Act 1974 says: “so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks”

The company were charged under Section 21 that they failed to ensure that the necessary repairs were undertaken by the date specified on the Improvement notice.

If you require any further information, clarification or assistance with the above, then please do not hesitate to contact us;

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Source – Health and Safety Executive
www.hse.gov.uk