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MONTHLY NEWSLETTER

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Silica in stone working – new advice for installers of stone worktops

Stone workers are at risk of exposure to airborne particles of stone dust containing respirable crystalline silica (RCS) when processing stone, including engineered stone, by cutting, chiselling, and polishing.

Why this matters?

Breathing in the silica particles in stone dust over time can cause permanent, life-changing, and often fatal lung conditions.

This includes:

- silicosis
- chronic obstructive pulmonary disease (COPD)
- lung cancer

New guidance available

HSE has worked with the industry to create new guidance that will help protect worktop installers. The guidance explains what employers and workers need to do to stay safe from stone dust.

The guidance covers 3 main areas:

competent staff and effective processes - how to ensure workers are properly trained and processes protect them.

pre-installation actions - what to do before installation begins.

on-site installation actions - how to work safely during installation.

As well as stone worktop installers (which is the main target of new guidance) other worksite employees are also potentially exposed to RCS including those working with or cutting stone / tiles and those drilling into brickwork and / or stone.

Your risk assessment / safe working procedure should include what control measures are deemed necessary to minimise exposure.

Following on from this, one of the considered control measures could be the use of RPE (Respiratory Protective Equipment). See next item.

Release of a video on the Face Fit Respirator Demonstrator model (FFRED)

In partnership with the British Safety Industry Federation, HSE has published a refreshed version of a video on the Face Fit Respirator Demonstrator model (FFRED).

The video is for tight-fitting RPE. It provides information for workers and their employers about:

why it is important for individuals to have face fit tests for tight-fitting masks, such as disposable filtering face pieces (FFPs) and reusable half-face mask types.

the importance of it having a good seal to the face.

what happens if the respirator does not fit properly.

HSE's guidance on fit testing basics for RPE has also been refreshed to provide information of how to maintain the hygiene of face fit testing kit.

SALES DIRECTOR TRIED TO PASS AS SELF-EMPLOYED TO AVOID LIABILITY FOR APPRENTICE'S FALL

A HSE investigation found that the apprentice was carrying out roof surveying work at a factory on Industrial Estate when the accident happened. The sales director and another roofer were present on the roof at the time. The trainee was placed in an induced coma for three weeks and has been unable to work since his discharge from hospital.

The HSE inspector identified that the director of the roofing firm was charged under s 37 (1) of the Health and Safety at Work Act because the offence could be attributable to his neglect.

"During the investigation, the director described himself as a self-employed sales consultant, but it later became clear that he had been given full senior management status from day one of his appointment and was receiving a regular weekly fee at the same level as other senior directors.

When the case was heard at Court, it was accepted that he was a senior director of the company. He had been

formally appointed to the board of directors, six months after the accident.

The director had "personally" sold the roof repair job to a another company, which provides and maintains heating, air conditioning and fire suppression systems to the transport sector, but was planning and managing it himself. "He was supervising the work and aware of what was going on and agreed to it. The lack of fall prevention and protection measures was personally attributable to his neglect."

The HSE investigation found that the director had met the clients, prepared the quote and risk assessment and was leading workers on the day of the accident. He had personally surveyed the roof, taking photographs and preparing the survey report. This meant that he was fully aware of the roof's height and dimensions and the presence and condition of the large number of fragile skylights.

He also failed to identify the need for fall protection measures in his survey report and marked the question asking if scaffolding was required with a "N/A".

This was a survey report that he had personally developed. The survey did not include any other consideration of the requirements for safe access or fall prevention or protection measures.

He had met managers and informed them that scaffolding was not needed and gave assurances that precautions would be taken at the roof edges in the form of a rail or barrier.

On the day before the accident, the director had signed a risk assessment, which was not specific to the risks on-site, did not identify risks from fragile skylights and did not specify the control measures used to prevent falls.

Because the director had not informed that he was on site with the roofers, the client had no opportunity to check that appropriate precautions had been taken.

The director pleaded guilty to the s 37 breach and pleaded guilty to breaching reg 4(1) of the Work at Height Regulations and was fined £120,000. The director was given a 12-month community order that required him to do 200 hours' unpaid work and to submit to an electronically monitored curfew between 8pm and 6am for a period of four weeks. Both were also ordered to pay full prosecution costs. The table shows how the Sentencing Council guidelines were applied to Adam Askey.

Summing up, the district judge said the risks must have been obvious to the director. Even if the court accepted his lack of training in risk assessment, he had taken on a role he was not qualified for, which had raised the company's culpability. The judge also added that they also

agreed that a prohibition notice issued against him for unsafe work at height was an aggravating feature and that there was an element of profit before safety.

Penalty: £120,000 plus £1309 costs.

SKIP HIRE BOSS HANDED SUSPENDED SENTENCE FOR IGNORING ENFORCEMENT NOTICES



A Health and Safety Executive (HSE) inspection has landed a skip company and its director in court.

WHAT HAPPENED?

HSE inspectors visited **** (Skips) Limited's site in Sheffield on 8 August last year, after receiving reports of poor conditions.

When inspectors arrived, they found skips loaded with waste material stacked along the public highway and piles of other waste preventing workers from safely moving around the site and blocking access to facilities, including staff toilets.

Immediate action was taken by HSE, which issued prohibition notices preventing any further stacking of the skips. However, a follow-up visit less than a month later found that the

enforcement action had been ignored.

THE INVESTIGATION

Subsequent enquiries found the company did not hold Employers' Liability (Compulsory Insurance), a legal requirement. Further prohibition notices were served, including the prevention of hand-sorting of waste from skips on the pavement, due to the risks to passing members of public.

Investigators found there had been a steep decline in general health and safety standards at the firm, giving rise to significant risk to employees and members of the public.

AS THE SOLE DIRECTOR, [THE DEFENDANT] ALSO WORKED ON THE SITE AND WAS FULLY AWARE OF THE POOR CONDITIONS WHICH HIS EMPLOYEES WERE SUBJECTED TO

With no effective health and safety management and an apparent loss of control over general conditions, there had been no attempt to reduce the risk from hazards on-site to safeguard employees. The company, and its sole director, failed to comply with the enforcement notices.

IN COURT

At Sheffield Magistrates' Court, ***** (Skips) Limited was found guilty of non-compliance with three prohibition notices and to breaching sections 2(1) and 3(1) of the Health and Safety at Work Act, and section 1(1) of

the Employers' Liability (Compulsory Insurance) Act 1969. The company was fined £65,000 and ordered to pay £13,280 in costs at the hearing on 23 January 2025.

The company director was found guilty of non-compliance with two prohibition notices and to breaching sections 2(1) and 3(1) of the Health and Safety at Work Act by virtue of section 37(1), and also section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969.

He was given an eight-month custodial sentence, suspended for 12 months, and must complete 150 hours of unpaid work. He was also disqualified as a company director for three years and ordered to pay £13,280 in prosecution costs.

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