

Construction firms fined due to unsafe removal of asbestos

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A construction company and a property management company have both been fined after failing to manage asbestos safely during a refurbishment of a former office block in Stockport.

Manchester Magistrates' Court heard how Samer Constructions Limited had been contracted by Swift Property Management MCR Ltd to refurbish the property in Hazel Grove, Stockport. Materials containing asbestos along with general waste had been discarded from the property, on and before 2 August 2018, and were spread across the roof of a one storey part of the block. Some of the materials had also fallen onto a car park area below that was not segregated from passing members of the public.

An investigation by the Health and Safety Executive (HSE) found that an asbestos survey carried out on 31 May 2018 identified the presence of asbestos containing materials (ACM's) including licensed ACM's, but this had not been passed to Samer Constructions Ltd prior to work being carried out. Swift Property Management MCR Ltd failed in its duty to pass the survey onto the contractor prior to work commencing. Samer Constructions Limited failed in its duty to identify whether a survey had been undertaken and went ahead with the work in a reckless manner resulting in two employees being exposed to asbestos fibres.

Swift Property Management Limited of Denison Road, Manchester pleaded guilty to breaching sections 2(1) and 3(1) of the health and Safety at Work etc. Act 1974. The company was fined £25,000 and ordered to pay costs of £3,428.

Samer Constructions Limited of Platt Lane, Manchester pleaded guilty to breaching sections 2(1) and 3(1) of the health and Safety at Work etc. Act 1974. The company was fined £12,000 and ordered to pay costs of £3,428.

Speaking after the hearing, HSE Inspector Phil Redman said: "These risks could so easily have been avoided by acting on the findings of the asbestos survey and carrying out correct control measures and safe working practices. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Notes:

Section 2(1) of the Health and Safety at Work etc. Act 1974 - It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

Section 3(1) of the Health and Safety at Work etc. Act 1974 - It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

Section 4(4) of The Construction (Design and Management) Regulations 2015 - A client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.

HSE on pre-construction information - Pre-construction information and any key design information, identifying risks that need to be managed during construction work, will be helpful in planning the construction phase and drawing up the construction phase plan. For example, pay attention to asbestos or other contaminants.

<https://www.hse.gov.uk/construction/safetytopics/planning.htm>