

# Construction company fined after a dumper truck overturned trapping an employee

A construction company was fined after a driver was trapped when a dumper truck overturned at a site in Liskeard, Cornwall.

Plymouth Magistrates' Court heard how on the 12 April 2019 an employee became trapped when the truck overturned on the construction site. The employee was not wearing a lap belt and was operating the dumper truck without deploying the roll-over protective structure. He suffered multiple crush injuries to his body, when the dumper overturned.

An investigation by the Health and Safety Executive (HSE) found the company, Jim Elliot & Son, had failed to assess the competence and the skills of the operator ahead of work on the refurbishment project. The company also failed to induct the employee on starting work at the site thus failing to identify that the employee had the necessary skills, knowledge and experience to operate the dumper.

It was also identified that the company had failed to undertake a risk assessment or prepare a construction phase plan. These measures, along with a suitable site induction would have identified that the employee did not have the required competence, training, skills and knowledge to ensure that the work was carried out safely and the dumper operated in accordance with its operator's manual.

Jim Elliott of The Grove, Crow's Nest, Liskeard, Cornwall was found guilty of breaching Section 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £850 and ordered to pay £2,000 in costs.

Speaking after the hearing, HSE inspector Georgina Symons said: "This incident could have easily been prevented if the company had assessed the risk related to operating site dumpers and ensured that its workers had the skills and competence necessary to do so safely."

#### Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)
3. HSE news releases are available at <http://press.hse.gov.uk>

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