

## Waste management company fined £3m following HSE investigations

- Michael Atkin's partner says "enormous hole has been left".
- Mark Wheatley's parents called to the scene in Devon tragedy, partner pays tribute to "soulmate".
- National company in court on same day for two fatalities in England.

A waste management firm has been fined a total of £3 million following the deaths of two workers in separate incidents.

Michael Atkin and Mark Wheatley died following incidents in 2019 and 2020 respectively.

The families of both men say they are devastated after losing their loved ones.



Mark Wheatley (right) and his partner Keeley Martin

The Health and Safety Executive (HSE) investigated both incidents and subsequently prosecuted Valencia Waste Management Limited, formerly known as Viridor Waste Management Limited.

Michael, from Wetherby, lost his life while collecting a load of wastepaper bales at Valencia Waste Management Limited's Grendon Road site in Earls

Barton, Northamptonshire, on 10 October 2019.

The 63-year-old, a HGV driver employed by RT Keedwell, had been working at the site with a Valencia Waste Management employee, who was using a forklift truck to load Michael's lorry with rows of bales.

With three rows of bales already loaded on Michael's lorry, the Valencia employee then attempted to load a fourth row.

However, while loading the fourth row, some bales in the third row were dislodged and fell off the lorry, fatally crushing Michael. It seems Michael had been securing the other bales onto the lorry before he was crushed.

Each bale weighed at least 820kg.

Janet Atkin, Michael's partner, said: "Since the loss of Michael, it has left an enormous hole in my life, four years later I'm still traumatised and I don't sleep well."

A HSE investigation found it was not custom and practice at Valencia Waste Management Limited's Earls Barton site for bales to be loaded onto lorries by fork lift truck operators at the same time the lorry driver was strapping bales which had previously been loaded onto the lorry flatbed.

Systems were in place for drivers to remain within their cabs, or in some other safe location away from the loading activity, but this was not adhered to at the time of the incident.

HSE guidance can be found at: [Loading & unloading Vehicles safely \(hse.gov.uk\)](https://www.hse.gov.uk/load-unload-vehicles-safely/)

Mark Wheatley died following an incident on 17 January 2020 at the Dartmoor National Park Conservation Works depot in Bovey Tracey, Devon.

The 31-year-old, who was from Sutton Coldfield but lived in Teignbridge, Devon, was an agency worker on his second week.

Mark had been using a lorry to lift two skips at the same time, deploying a method called 'hot swapping'.

However, the skips were not compatible, as they were of different dimensions, and fell at an angle onto the back of Mark's lorry. He then got onto the lorry bed to rectify the situation but the skips overbalanced and fatally struck him.

John and Sue Wheatley, Mark's parents, arrived at the scene of the incident following a phone call from their son asking for help.

Sue said in a statement presented to the court: "Every single night as soon as I close my eyes, I see Mark lying crushed underneath the skip dead or dying. When we arrived at the scene we were held back by the police and so I couldn't get close to him and couldn't tell if he was dead or alive."

“That image is what I see every single night when I close my eyes and every single morning before I open my eyes. I shouted out to him that we were there. I will never know if he heard that or not.”



Mark Wheatley

Keeley Martin, Mark’s partner, said in her victim personal statement: “To say Mark was my soulmate really is an understatement, he really was the kindest most caring man anyone could have the pleasure of meeting, he made a positive impact on everyone he met. The day he was taken he took a part of me with him, I nor anyone who knew him will ever be the same again.”

A HSE investigation into this incident found Valencia Waste Management Limited had failed to carry out a suitable and sufficient risk assessment into skip operations meaning that safe systems of work and appropriate training were not implemented, and skips were not maintained in an efficient state. Furthermore, sizes were not displayed on the skips themselves.

HSE guidance can be found at: [Waste and recycling industries – Collection – Skip hire and waste transfer \(hse.gov.uk\)](https://www.hse.gov.uk/waste-and-recycling-industries-collection-skip-hire-and-waste-transfer/)

The transport and waste and recycling industries continue to contribute to workplace fatalities, with 21 deaths across the two sectors in 2022/23.

Following the incident on 10 October 2019, Valencia Waste Management Limited, of London Road, Stretton-on-Dunsmore, Warwickshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1 million at Loughborough Magistrates' Court on 6 September 2023.

Following the incident on 17 January 2020, Valencia Waste Management Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £2 million at Loughborough Magistrates' Court on 6 September 2023.

The company was also ordered to pay combined costs of £21,054.

Alan Hughes, senior enforcement lawyer at HSE, said: "These were two men at different stages of their lives, but the grief and pain across both families is devastating.

"Both deaths were avoidable. More needs to be done to make the use of vehicles on waste and recycling sites safer. We have a wealth of advice and guidance freely available."

This HSE prosecution was supported by HSE inspectors James Collins and Nicholas Moreby.

#### **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.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Sue Wheatley's statement presented to the court in full: "Mark was a very kind and caring soul and would help anyone out that needed it. I cannot think of anything that has not been affected by his senseless and unnecessary death. Everywhere we go we have memories and reminders of Mark. Having only been in Devon a short time and knowing how much Mark loved living in the area the memories are fresh, and they hurt that he is no longer here. Every single night as soon as I close my eyes, I see Mark lying crushed underneath the skip dead or dying. When we arrived at the scene we were held back by the police and so I couldn't get close to him and couldn't tell if he was dead or alive. That image is what I see every single night when I close my eyes and every single morning before I open my eyes. I shouted out to him that we were there. I will never know if he heard that or not. Emotionally, I feel completely dead and empty inside. I have no joy in my life and cannot remember the last time I really smiled or laughed."

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# Company fined after workers injured by explosion

A manufacturing company in West Yorkshire has been fined £200,000 after workers were seriously injured by an explosion.

Three workers at Weir Minerals Europe Limited sustained burns while operating a furnace at the firm's site on Halifax Road in Todmorden on 25 February 2020.

They had been melting a large amount of steel before an explosion took place in the furnace. It had most likely been caused by water entering the furnace while the workers were adding in the scrap metal.

The three men suffered burns to their faces, heads and backs. There was also resulting damage to the surrounding equipment.

A Health and Safety Executive (HSE) investigation found that Weir Minerals Europe Limited was aware of the risk associated with wet scrap metal being added to the furnace. However the protection from rain that was in place at the time of the incident was not adequately implemented and maintained.

HSE guidance can be found at: [Molten metals industry – Safety topics \(hse.gov.uk\)](#)

Weir Minerals Europe Limited, of Halifax Road, Todmorden, West Yorkshire, pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £200,000 and ordered to pay £6,095 in costs at Bradford and Keighley Magistrates' Court on 5 September 2023.

HSE inspector Jackie Ferguson commented: "This was a serious incident that could so easily have been avoided. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

This HSE prosecution was supported by HSE enforcement lawyer Matt Reynolds.

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3. Further details on the latest [HSE news releases](#) is available.
  4. We do not have any pictures for this prosecution.
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## [Printing company fined after worker's hand crushed](#)

A commercial printing company has been fined £100,000 after an employee's hand was crushed by a laminating machine.

The man had been working for Celloglas Limited at the firm's site at Cross Green Industrial Estate in Leeds.

He was attempting to fix a laminating machine on 25 November 2020 when his right hand was drawn into the device and crushed between two rollers. The worker, who was 31 at the time, realised the machine had broken while he was feeding the device with paper.

The incident led to the man's right hand sustaining soft tissue crush injuries as well as nerve damage and contact burns to his right wrist. The injuries to his hand meant the man could not drive for seven months following the incident and also led to him suffering with anxiety and PTSD.

A Health and Safety Executive (HSE) investigation into the incident found the laminating machine was not adequately guarded and that the company failed to review existing risk assessments for the machine which required the production of a safe system of work.

HSE guidance can be found at: [Managing risks and risk assessment at work – Overview -HSE](#)

Celloglas Ltd, of Exeter Way, Theale Commercial Estate, Theale, Reading, pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £100,000 and ordered to pay £5,165.09 in costs at Leeds Magistrates' Court on 30 August 2023.

HSE inspector Darian Dundas commented: "A review of existing risk assessments for the machine should have identified that a safe system of work was required to keep operatives safe from harm. Had such a review taken place then this incident could so easily have been avoided."

This HSE prosecution was supported by HSE enforcement lawyer Gemma Zakrzewski.

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## [Latest construction campaign to prevent ill health from moving and handling materials](#)

- Around 42,000 construction workers suffer musculoskeletal disorder (MSDs) which can cause years of agonising aches and pains
- Serious aches, pains and strains can affect every part of someone's life
- Construction site inspections focused on moving and handling in materials throughout September and October



Moving and handling heavy or bulky objects on construction sites is needlessly harming the health of tens of thousands of workers every year.

Working in construction is a physically demanding job and many construction workers' health is suffering due to pain in muscles, bones, joints and nerves that affect every aspect of their lives and in many cases their ability to work and earn a living.

The Health and Safety Executive (HSE) is warning construction workers that the long-term impact on their health can leave them struggling to stand, walk, or sit down.

From 4 September 2023, HSE inspectors will be carrying out inspections of construction sites, focusing on the health risks of moving and handling materials on site.

Supporting the inspections initiative is HSE's communications campaign 'Work Right Construction. Your health. Your future' ([LINK](#)), to raise awareness of the risks when moving and handling materials on site and provide advice for employers and workers.

Inspections in 2022 found widespread methods that can protect workers such as the use of mechanical equipment to handle large glazing panes, using small inexpensive air bags to help to position heavy doors when being installed, and the use of all-terrain pallet trucks to move blocks and brick-lifters to carry bricks around site.

However, inspectors also found many examples of poor practice, some of which resulted in enforcement action, such as a worker lifting an 80kg kerb on his own without any assistance from machinery, lifting aids or colleagues, and a 110kg floor saw that had to be moved into and out of a work van by two operatives at a street works site.

The law requires employers to control the risks of ill health of their workers, which includes pain in muscles, bones, joints and nerves that can develop over time, known as musculoskeletal disorders (MSDs). However, in the most recent period an estimated 42,000 people in the construction industry suffered from a work-related musculoskeletal disorder, which can cause years of agonising aches and pains. This amounts to 53% of all ill health in the construction sector.

If moving and lifting is managed properly, a physical job on a building site should not disrupt every part of workers' lives.

Before work starts, moving and handling risks should be considered and prevented where possible at the design stage. Once on site, employers should talk to workers about controlling existing risks and make sure appropriate measures are in place, such as the right training, aids and equipment.

Matt Birtles, principal ergonomist at HSE, said: "It is important that the issue of manual handling is not downplayed. Serious aches, pains and strains should not be accepted as routine when working in construction. These can dramatically affect every part of someone's life – with sufferers struggling to get themselves dressed and undressed, and unable to pick up their children or grandchildren.

"The culture of a site may mean many people feel uncomfortable talking about these issues but if your back has gone or if you're in agony whenever you move your arms, measures need to be put in place to address the causes."

HSE's Acting Head of Construction Division Mike Thomas said:

"MSDs affect the lives of tens of thousands of construction workers and can lead to a lifetime of suffering. However, there are simple measures that can be taken to prevent this.

“Everyone involved in construction has a role to play in keeping people safe and healthy. We want everyone in the industry, from designers to contractors and their workers, to be aware of the risks associated with any moving or lifting task and put appropriate measures in place.

“The health of workers must be considered when planning construction work so that they can carry out their jobs without fear of injuring themselves or developing aches, pains and strains, including being provided with the correct equipment to lift and move materials 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. <https://www.hse.gov.uk/>
2. HSE has a tool which can be used by employers to assess the risks to their workers of ill health. It can be found at: [Manual handling assessment charts \(the MAC tool\) \(hse.gov.uk\)](https://www.hse.gov.uk/manual-handling-assessment-charts-the-mac-tool)
3. More information about the HSE campaign, *Your Health. Your Future* can be found at: [WorkRight Construction: Your health. Your future – Work Right to keep Britain safe](https://www.hse.gov.uk/workright-construction-your-health-your-future-work-right-to-keep-britain-safe)
4. Statistics on the incidence of MSDs are published in the annual Labour Force Survey – [LFS – Labour Force Survey – Self-reported work-related ill health and workplace injuries: Index of LFS tables \(hse.gov.uk\)](https://www.hse.gov.uk/lfs-labour-force-survey-self-reported-work-related-ill-health-and-workplace-injuries-index-of-lfs-tables)

Support for the HSE campaign, *Your Health. Your Future*: Geraldine Brammer, HCLG MSD lead and Occupational Health Leader, Europe, Laing O’Rourke

“Health in Construction Leadership Group (HCLG) is supportive of HSE’s campaign as we know MDS’s can have a huge impact on our construction colleagues and their ability to undertake their roles safely. MSD’s also impact on our colleagues quality of life beyond the construction site, both from a physical and psychological perspective.

“Working collaboratively is imperative in supporting the understanding of MSD’s. Within the HCLG MSD sub-group, we are working towards producing campaign videos for the construction industry to raise further awareness and drive meaningful action to shift the acceptable level of risk around MSD’s in the industry. A united industry approach is an exciting opportunity ahead of us, showing joined up leadership which is meaningful and ultimately changes behaviours.”

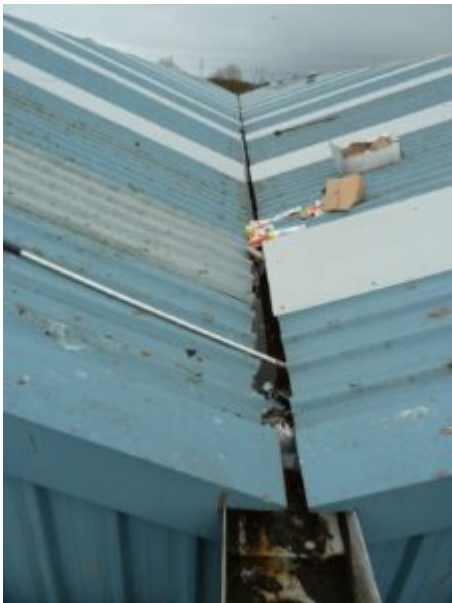
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# Company fined after worker suffers life-changing injuries in fall

A Cumbrian construction company has been fined after a man was critically injured falling 10m through the roof of an industrial unit.

Craig Dickson, 39, from Carlisle, suffered multiple serious fractures, in the incident on Heathlands Industrial Estate, Kingmoor Park, Carlisle, on 25 March 2022.

CK Steelwork & Cladding Ltd were the contractor undertaking work on the roof of the building. The roof was known to be fragile, and, at the time of the incident, safety nets were being erected below the work area, although this work had not been completed.



Unit roof

Despite this, Mr Dickson was taken onto the roof by a supervisor to assess the job. While crossing an area of the roof that was not protected by the nets, he stepped onto a weak skylight which gave way, and he fell head-first around 10m onto the concrete floor below.

Mr Dickson shattered most of the bones in his face, hands, and wrists. He lost four teeth and severely damaged his knee. He spent six weeks in intensive care and was confined to a wheelchair for five months. Since the accident he has endured constant pain, and 17 months later is still unable to work; he will never be able to return to his former profession.

HSE has guidance on [working safely at height](#).

In a victim impact statement Craig Dickson said: “The accident broke every bone in my face and knocked out my front four teeth. This has made me have zero confidence and major anxiety, which I now have to see a psychiatrist for, every week. My nose was badly broken, which has left me with no sense of

smell, and I have difficulty breathing through it.

“Before my accident I was a very physically and mentally active person and attended the gym on a daily basis and was a keen fell walker and liked to socialise. I am now left in severe pain and now have anxiety and I’m always anxious and find it hard, if not impossible to do anything like I did before the accident.”

An investigation by the Health and Safety Executive (HSE) found that CK Steelwork & Cladding Ltd of Barras Lane Estate, Dalston, Carlisle, had failed to take appropriate precautions to ensure the safety of workers on the roof.



Skylight roof

The company pleaded guilty to breaching regulation 4(1) of the Work at Height Regulations 2005. They were fined £16,000 and were ordered to pay £4,462.59 in costs at a hearing at Carlisle Magistrates Court on 31 August 2023.

After the hearing, HSE inspector Michael Griffiths said: “This was a very serious incident, and it is fortunate Craig wasn’t killed.

“Work on fragile roofs should be planned and controlled, otherwise there is a very high likelihood of a potentially fatal fall, or one resulting in life changing injuries, as we have seen in this case.”

This HSE prosecution was supported by Jonathan Bambro and Rebecca Forman in HSE’s Legal Services Division.

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