

# Construction firm fined after worker fell from height

Construction company Kier Construction Limited has been fined £400,000 after a worker fell from height.

Westminster Magistrates' Court heard how Jair Morales was installing plywood boards covering holes on the third floor of a building at a construction site in Uxbridge, Middlesex when he fell a distance of 3.95m to the floor below.

The court heard no steps had been taken to prevent him falling through the opening as he installed the plywood boards. Mr Morales suffered fractures in his pelvis and his arm following the fall and has been unable to work since the accident.

An investigation by the Health and Safety Executive (HSE) found that Kier failed to ensure the work was properly planned and carried out in a safe manner.

Kier Construction Limited of Tempsford Hall, Bedfordshire pleaded guilty to breaching section 4 (1) of the Work at Height Regulations 2005, has been fined £400,000 and ordered to pay costs of £1,534.

Speaking after the case HSE inspector Owen Rowley said: "This incident could have been a lot worse. The system that Kier Construction Ltd has in place to control the risk from installing the protection for openings was not implemented on site, ultimately resulting in the accident.

"The risks of working at height are widely recognised throughout the construction industry. This case highlights the importance of ensuring that all work at height is properly planned and carried out safely."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [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>

Journalists should approach HSE press office with any queries on regional press releases.

---

## Norfolk farming company fined after death of worker

### The grain storage facility

A family owned Norfolk farming company has been fined after an employee died at its grain storage facility.

Norwich Crown Court heard that on 9 July 2014, Arthur Mason, 21, took turns with a colleague to undertake cleaning work inside grain bins at Hall Farm, Fincham, near Kings Lynn, run by Maurice Mason Ltd. He was standing directly on the stored grain, using a broom to clean down the exposed inner surfaces of the bin. He wore a harness fitted with a fall-arrest lanyard, which was secured to a fixed ladder inside the bin.

He began to sink into the grain, which was emptying slowly through a small opening at the bottom of the bin several feet below its surface. The court heard that any such movement or cavity in grain may be enough to create a 'quicksand' like effect.

The forces involved caused the fall-arrest component of the lanyard to unravel and extend. This caused him to sink still deeper into the grain. After alerting colleagues, who tried to assist, he swiftly became engulfed in the grain and subsequently drowned, despite most determined rescue efforts by farmworkers and emergency services.

An investigation by Health and Safety Executive (HSE) found that the employer of the deceased, Maurice Mason Ltd, failed to adequately identify and manage the deadly risks associated with cleaning grain stores. There was no safe system of work in place for this task, nor had anyone involved been provided with suitable training in how to complete it safely.

Maurice Mason Ltd of Hall Farm, Fincham, Kings Lynn, Norfolk, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974, and was fined £50,000 and ordered to pay prosecution costs of £22,000.

Speaking after the hearing HSE Inspector Paul Unwin said: "This tragic incident led to the avoidable death of a young man. This death could easily have been prevented if his employer had acted to identify and manage the risks involved, and to put a safe system of work in place. There should be little need for anyone to enter such grain bins as it may be reasonably practicable to clean them remotely from outside".

"The dangers associated with grain storage are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

## Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [www.hse.gov.uk](http://www.hse.gov.uk)<sup>[1][1]</sup>
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2][2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk>

Journalists should approach HSE press office with any queries on regional press releases.

---

## Care home fined after boy drowned in disused quarry

A Kettering based care home company has been fined after a 16-year-old boy drowned at a disused quarry on a day trip.

The Old Bailey heard how two 16-year-old boys who were residents at Castle Lodge Home near Ely, Cambridgeshire, were taken on a day trip to Bawsey Country Park near Kings Lynn, Norfolk.

The park is a disused sand quarry containing parkland and flooded pits, and the two boys went into the water at the pits despite the no swimming signs. One of the two boys became trapped in weed on the bottom of the pit and drowned. His body was recovered later.

An investigation by the Health and Safety Executive (HSE) into the incident which took place on 16 July 2013 found the two residential support workers who accompanied the boys had very little experience and did not attempt to prevent the children entering the water.

No risk assessment was carried out prior to the trip and Castle Homes' procedures were ineffective in ensuring the safety of the children while on trips outside of the home.

Castle Homes Limited, of High Street, Rothwell, Kettering, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc Act 1974, was fined £80,000 and ordered to pay costs of £20,000.

Speaking after the hearing HSE inspector Anthony Brookes said: "This boy's tragic death was entirely preventable if the Care Home had planned properly and managed the risk of taking residents to the abandoned quarry."

## Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

Journalists should approach HSE press office with any queries on regional press releases.

---

## [£600,000 fine for Council contractor after major burns to employer](#)

The underground cabling at the scene of the incident

Gloucester Crown Court heard the 61-year-old man was working at the site on Eastgate Street on 29 May 2015. While trying to replace the traffic light pole he came into contact with a live underground cable which immediately gave him the electric shock and set him on fire. The man, who was an employee of another company asked by Amey to carry out the work, received burns to his hands, arms, stomach, face, legs and chest.

An investigation by the Health and Safety Executive (HSE) found that although this was the first time this particular group of individuals worked on an Amey project, Amey did not provide adequate information on the location of underground services in the area. The inquiry also found that Amey's supervision of the work was not adequate, and it had not properly managed the risks from the underground services.

Amey LG Limited, of Edmund Halley Road, Oxford, pleaded guilty to breaching Regulation 25 (4) of the Construction (Design and Management) Regulations 2015. The company was fined £600,000 and ordered to pay costs of £15,498.

After the hearing HSE Principal Inspector Helena Tinton said: "This man suffered life changing injuries as a result of this incident. He's not been able to return to work, he still can't use his hands properly and has been left both physically and mentally scarred by what happened. Had Amey given adequate information to the team working on site, and had Amey ensured the work was properly planned and supervised, this incident could have been

avoided.

“This case should act as a reminder to local authorities and their contractors of the risks of working underground and the danger of severe electric shocks.”

For further information please visit

[www.hse.gov.uk/construction/safetytopics/underground.htm](http://www.hse.gov.uk/construction/safetytopics/underground.htm)

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [hse.gov.uk](http://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 [www.hse.gov.uk/press](http://www.hse.gov.uk/press)

Journalists should approach HSE press office with any queries on regional press releases.

---

## **Company fined after worker’s foot was exposed to machinery**

A company that produces and supplies wood shavings for use as horse bedding has been fined after a worker suffered a serious foot injury at its site in Andover, Hampshire.

Basingstoke Magistrates’ Court heard that Bedmax Limited failed to protect its employee from dangerous parts of machinery. On 26 October 2015 Philip Eysers was operating the log deck, which is part of a machine that shreds trees, when his foot slipped and became lodged in a gap exposing him to the wheels of the machine which conveyed the logs. The severity of the injuries to his toes meant his big toe was cut back several times, his other four were fractured and eventually reconstructive surgery was required.

A Health and Safety Executive (HSE) investigation found that a panel that would have prevented access had been removed and not replaced where the employee was working.

Bedmax Limited, whose office is in Belford, Northumberland, pleaded guilty to

breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. The court heard on 8 March 2017 that the company was fined £17,293.60 and ordered to pay costs of £623.60.

Speaking after the judge passed sentence, HSE Inspector Andrew Johnson said: "Bedmax fell below the expected standard. The necessary panel that would have prevented the incident was missing, rendering the man vulnerable as soon as he took to his task. This was a fundamental and basic health and safety failing which should have been easily avoided."

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [www.hse.gov.uk](http://www.hse.gov.uk)<sup>[1][1]</sup> <sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/) <sup>[2][2][2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>