

## Construction company and employee sentenced after worker killed

A construction company and one of its employees have been sentenced for health and safety breaches after another worker was struck by an excavator and was killed.

Southwark Crown Court heard how, on 2 March 2014, during night work at a construction site in Stratford a site operative, Kevin Campbell, was struck by an excavator mounted vibrator (EMV) attached to a 35-tonne excavator that he was working in close proximity to. Mr Campbell had been disconnecting lifting accessories from a metal pile that had just been extracted from the ground when he was crushed against a concrete wall a short distance away. Mr Campbell died from his injuries. Another site operative who was directly next to him also faced a risk of being struck.



# Health and Safety Executive

An investigation by the Health and Safety Executive found the construction company which was the principal contractor; Clancy Docwra Limited, failed to ensure the safety so far as is reasonably practicable of its employees and of others who were not their employees working on the site. The investigation also found that Daniel Walsh, who was the site supervisor for the site and the person operating the excavator at the time, failed to take reasonable care for other persons on site at the time.

Clancy Docwra Limited of Coppermill Lane, Harefield, Middlesex pleaded not guilty to breaching Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974. The company was fined £1,000,000 and ordered to pay costs of £108,502.30.

Daniel Walsh of Eastcote, Orpington, Kent pleaded not guilty to breaching Section 7(a) of the Health & Safety at Work etc. Act 1974 and was given a 6 month custodial sentence, suspended for 12 months and ordered to pay costs of £15,000.

Speaking after the hearing, HSE inspector Darren Alldis said:

“This death was wholly preventable and serves as a reminder as to why it is so important for companies and individuals to take their responsibilities to protect others seriously and to take the simple actions necessary to

eliminate and minimise risks.

“If the risks had been properly considered by the company, and simple and appropriate control measures were put in place, then the likelihood of such an incident occurring would have been significantly reduced. Informing all site operatives of the specific risks they face when carrying out such tasks and the control measures required of exclusion zones, the importance of communication and the mandatory use of excavator safety levers were simple actions that should have been put in place and their effectiveness monitored.

“All those with legal responsibilities must be clear that HSE will not hesitate to take appropriate enforcement action including where appropriate prosecution against those that fall below the required standards”.

#### **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. [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>

The post [Construction company and employee sentenced after worker killed](#) appeared first on [HSE Media Centre](#).

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## **[Company sentenced after worker injured by unguarded machinery](#)**

A company that manufactures absorbent products has been fined after an agency worker suffered a life-changing injury to her hand when it was caught in a rotating fan blade.

Manchester Magistrates’ Court heard how, on 18<sup>th</sup> October 2017, the 34-year-old agency worker had been working her second shift at the NPS Worldwide UK Limited site at Oldham. While removing a blockage inside the filling machine she had been operating, her fingers became caught in an unguarded rotating fan. The agency worker lost parts of all of her fingers on her right hand, sustained extensive scarring to her stomach following an unsuccessful attempt to generate new skin growth to save her fingers, and continues to suffer post-traumatic stress disorder as a result of the incident and the injuries

sustained.

An investigation by the Health and Safety Executive (HSE) found the fan had not been suitably guarded, putting employees and agency workers at risk. The company had failed to carry out a suitable risk assessment and provide adequate information, instruction and training to workers. No first aid provision was available on the night shift when the incident occurred, and this contributed to the injured person suffering further as incorrect first aid was administered.

NPS Worldwide UK Limited of Vulcan Business Park, Derker Street, Oldham, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 3(2) of the Health and Safety (First Aid) Regulations 1981. The company was fined £28,000 and ordered to pay costs of £7,771.

HSE inspector Sharon Butler said after the hearing: "This injury could have easily been prevented and the risk should have been identified.

"Employers must make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. More information about machinery risks can be found at <http://www.hse.gov.uk/textiles/machinery/fibre-preparation.htm>
4. HSE news releases are available at <http://press.hse.gov.uk>

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**[Company and director sentenced after multiple workers diagnosed with hand](#)**

# arm vibration syndrome

A company providing specialised services in rock drilling, cliff stabilisation and rock anchors, and its director, have been sentenced after a number of workers were diagnosed with hand arm vibration syndrome (HAVS).

Plymouth Magistrates' Court heard how three employees had developed and reported symptoms of HAVS but no action was taken. The employees used tools such as rock drills and jack hammers for cliff stabilisation work which is often carried out by abseiling down a cliff and using the tools horizontally while working from ropes. The affected persons began to experience symptoms such as pins and needles and aching hands, in one case since 2000. An occupational nurse was employed in 2016 and the HAVS problem was identified.

An investigation by the Health and Safety Executive (HSE) found the risk assessment did not identify the actual exposure to vibration and had used out of date vibration data. The investigation also found there was no health surveillance in place until 2016 and employees were not made aware of HAVS and its symptoms. When symptoms were reported, the company had failed to take action.

Celtic Rock Services Limited of Bossell Road, Buckfastleigh, Devon pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974. The company has been fined £36,667 and ordered to pay costs of £3,560.

Alwyn Griffith Hughes Thomas, director of the company, also of Bossell Road, Buckfastleigh, Devon pleaded guilty to breaching Section 37 of the Health and Safety at Work Act 1974. He has been given a 12 week custodial sentence, suspended for one year, a 12 week curfew and ordered to pay costs of £3,560.

Speaking after the hearing, HSE inspector Caroline Penwill said: "This was a case of the company and its director completely failing to grasp the importance of HAVS risk assessment and health surveillance.

"If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor workers health and the employees' conditions would not have been allowed to develop, one of which was to a severe, life altering stage."

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The post [Company and director sentenced after multiple workers diagnosed with hand arm vibration syndrome](#) appeared first on [HSE Media Centre](#).

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## [Company fined after worker loses fingers clearing baler blockage](#)

A Manchester based company has been fined after an employee seriously injured his hand and lost two fingers whilst operating a baler at their site in Bradford Street, Bolton.

Manchester and Salford Magistrates' Court heard how, on 2 October 2018, the worker, who had been employed at Wrapp Recycling Ltd for just eight weeks, attempted to clear a blockage in the hopper of the machine while it was switched on.

After removing the guard he leaned into the machine and moved the blocked plastic. The ram then activated, crushing his hand. The incident caused extensive damage to his hand, including the amputation of two fingers for which he is still undergoing treatment. He has since been unable to return to work.

An investigation by the Health and Safety Executive (HSE) found the company had installed a removable guard as blockages in the machine occurred frequently. The employees were not informed of the dangers of accessing the hopper while the power was on and HSE found it was common practice to clear the machine by hand with the machine still running.

The investigation also found there was no suitable risk assessment in place which would have identified the necessary control measures needed, such as a fixed guard and a safe lock off.

Wrapp Recycling Ltd of Bradford Street, Bolton pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and was fined £13,000 and ordered to pay costs of £5,951.90.

Speaking after the hearing, HSE Inspector Catherine Lyon said: "This incident could so easily have been avoided by simply carrying out correct control measures and implementing a safe system of work.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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## [Two companies fined after employee falls from height](#)

Two firms have been fined after an employee of a construction company fell through a roof onto a concrete floor below.

Lincoln Magistrates' Court heard how on 23 January 2018 an employee of Italian construction company Zamperoni F.lli srl was refurbishing a shed structure at casting company Bifrangi UK, Lincoln.

As the man worked on the roof he stepped backwards from metal sheeting he was standing on onto a fragile roof light. The plastic material broke under his weight and he fell 5.44 metres to the ground. He sustained two broken arms and three broken ribs.

An investigation by the Health and Safety Executive (HSE) revealed both companies failed to risk assess and plan all aspects of the construction work on site, and failed to ensure the risks from the fragile roof lights were adequately controlled. Both companies also failed to ensure there was adequate safe access onto the roof of the shed. There was inadequate supervision and management checks throughout the work. They also failed to act on the previous instances of unsafe work to ensure safety.

Bifrangi UK of Shardlow Works, Grange Mill Lane, Sheffield pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc Act and was fined £140,000 and ordered to pay costs of £2,607.

Zamperoni F.lli srl of Via Strada Muson, 17-31011 Asolo (TV) Italy was not present in court, but in its absence was fined £54,000 and ordered to pay costs of £1,240.

Speaking after the hearing HSE inspector Martin Giles said:

“Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height

are well known.

“In this case the use of simple protective measures to prevent falls from and through the fragile roof light would have prevented the injury to this worker. Contractors working in host employers’ premises require adequate supervision and controls to ensure that they are working safely.”

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