

# Construction company fined after death of worker

Tonic Construction Ltd has been fined following the death of Shaun Carter.


Cheltenham Magistrates' Court heard how the employee of Tonic Construction Ltd was driving a forward tipping dumper on Tuesday 31<sup>st</sup> May 2016 onto the top of a spoil heap. The dumper became stuck on the edge of the spoil heap, and when Mr. Carter jumped off the vehicle, it flipped over striking Mr. Carter who sustained serious head injuries which he died from at the scene.

An investigation by the Health and Safety Executive (HSE) into the incident found that it was practice on this and other sites for dumpers to access spoil heaps with no barriers to prevent over-running. To compound the situation, an excavator had removed some of this particular spoil heap creating a sheer face.

Tonic Construction Ltd pleaded guilty to breaching Regulation 2 (1) of The Health and Safety at Work Act 1974 and have been fined £200,000 plus a victim surcharge of £170 and ordered to pay costs of £5565.80.

Speaking after the hearing HSE inspector Sue Adsett said: "Risks associated with the creation of spoil heaps had not been suitably and sufficiently assessed. Either the company should have decided on a safer method which avoided the need for the dumper to access spoil heaps (as they have done after the accident), or they should have introduced stricter management arrangements which would have included bunds at a safe distance from the edge."

## **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)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/) <sup>[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.

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# Company fined after worker suffers life-changing injury

A grain milling company has today been fined after a worker lost his right leg after being struck by a fork lift truck.

Chester Crown Court heard how, on 1 September 2015, two employees of Morning Foods Limited, were emptying a warehouse which contained old electrical equipment. One forklift truck was in operation to remove the redundant equipment by loading it onto pallets and taking it across the yard to be sorted into skips. A second was working separately to stack pallets of ingredients onto a trailer. On the day of the incident, Mark Johnson attempted to cross the yard to reach the pallets and skips but was struck by the second fork lift truck, injuring his right leg which later required amputation below the knee.

An investigation by the Health and Safety Executive (HSE) found that no measures had been taken to separate pedestrians from circulating vehicles and that the company could have installed temporary control measures to reduce the risk of collisions with moving vehicles.

Morning Foods Limited of, North Western Mills, Gresty Road, Crewe, pleaded guilty to breaching Regulation 17 (1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and was fined £30,000 and ordered to pay costs of £35,000.

Speaking after the incident, HSE inspector Jennifer French said: "Those in control of work have a responsibility to devise safe working methods and to provide the necessary information, instruction and training to their workers, in the safe system of working. If a suitable system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."

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4. <http://www.hse.gov.uk/workplacetransport/index.htm>

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## [Contractors fined after carrying out unlicensed asbestos removal work](#)

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## [Contractors fined for carrying out unsafe asbestos removal work without a licence](#)

Two contractors were sentenced today after removing asbestos pipe lagging without taking the necessary precautions to reduce exposure to asbestos.

Teesside Magistrates' Court heard how the two contractors were carrying out refurbishment work at a residential property in Hamsterley, County Durham. Having removed the ceiling in back room on the first floor of the property, the contractors discovered pipework running along the length of the roof space, wrapped in lagging. Samples taken of the lagging confirmed it contained asbestos.

An investigation by the Health and Safety Executive (HSE) found that, between 10 June 2016 and 12 July 2016, the two contractors removed the lagging, despite knowing it contained asbestos. Neither contractor held a licence to undertake this type of work nor did they have the necessary training. The investigation also found the asbestos removal was carried out without the required measures in place to reduce exposure to asbestos, thereby putting themselves and the house owner at risk of exposure to asbestos fibres.

Brian Michael John Barry, of Ponteland, Newcastle upon Tyne pleaded guilty to breaching regulations 8(1) and 11(1) of the Control of Asbestos Regulations 2012 and was fined £576 and ordered to pay costs of £847 costs.

David Jonathan Storey of Prudhoe, Northumberland, pleaded guilty to breaching regulations 8(1) and 11(1) of the Control of Asbestos Regulations 2012 and was fined £692 and ordered to pay costs of £844.

After the hearing, HSE inspector Andrea Robbins said "Asbestos is responsible for the premature deaths of approximately 5,000 workers each year.

"In this case, it was foreseeable that, in the absence of measures to reduce asbestos fibres becoming airborne during removal of the pipe lagging, that people were at risk of being exposed to them. It was reasonably practicable for the work to have been removed by a licensed asbestos removal contractor under fully controlled condition thus reducing the risk of exposure to asbestos.

"Our website and other publications clearly state that asbestos pipe lagging should only be removed by a licensed asbestos removal contractor, by trained asbestos operatives, and under fully controlled conditions to reduce exposure to asbestos."

For more information on this, please visit:

<http://www.hse.gov.uk/asbestos/licensing/licensed-contractor.htm>

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## **[Construction companies fined after worker injured in fall from height](#)**

Three construction companies have been today fined after a subcontractor fell four meters through a fragile roof light into an office space below.

Portsmouth Crown Court heard how, on 17 December 2015, an employee of Wessex Insulation Limited was injured when he was installing insulation to new ventilation ductwork on the roof of the Mountbatten Leisure Centre in. The employee suffered six fractures to his back.

An investigation by the Health and Safety Executive (HSE) found three companies; Dantherm Limited (the principal contractor), Wessex Building Services Limited (the main contractor on site) and Wessex Insulation Ltd (the insulation sub-contractor), failed to plan and manage the risk of falling through rooflights sufficiently.

Dantherm Limited of Windmill Business Park, Clevedon, pleaded guilty to breaching Regulation 13(1) of the Construction Design and Management Regulations 2015 and was fined £30,666 and ordered to pay costs of £6,646.16.

Wessex Building Services Limited of Wessex House, Shaftesbury, pleaded guilty to breaching Regulation 4(1)(a) of the Work at Height Regulations 2005 and was fined £425,000 and ordered to pay costs of £6,646.16.

Wessex Insulation Limited of Albany Road, Weymouth, pleaded guilty to breaching Regulation 9(2) of the Work at Height Regulations 2005 and was fined £70,833 and ordered to pay costs of £6,646.16.

Speaking after the hearing, HSE Inspector Jane Beckmann said: "Falls from height remain the most common cause of work-related fatalities and serious injuries in the construction industry and the risks associated with working at height are well-known".

"Working on or near fragile materials at height can be particularly dangerous and it is very important that those in control of the work identify the risk, plan to eliminate it if possible, or where it is not possible, take appropriate precautions to safeguard workers and others. Good management will also include regular monitoring that the controls in place are keeping people safe. It was fortunate that in this instance the worker involved made a full recovery, but it could have been a very different outcome."

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