

# £400k fine for Bernard Matthews after health and safety breaches left worker paralysed

Bernard Matthews's Food Ltd has been fined £400,000 following two separate incidents where employees were seriously injured.

Colin Frewin was left permanently paralysed and spent six months in hospital following an incident at the company's Suffolk manufacturing plant.

Mr Frewin suffered multiple serious injuries, including a pierced left lung, several broken ribs, four fractured vertebrae and a spinal bleed. He was put in an induced coma for three weeks and is now classed as a T6 paraplegic and has been diagnosed with autonomic dysreflexia (AD).

Chelmsford Crown Court heard how 54-year-old Mr Frewin suffered the injuries on 28 January 2020. He'd been tasked with cleaning a large screw conveyor used to move poultry turkeys along and chill them. While working on the gantry between the spin chillers he noticed a turkey stuck at the bottom of it.

As he attempted to dislodge the turkey using a squeegee, Mr Frewin was drawn into the machine. It was only when a colleague noticed Mr Frewin was missing from the gantry and heard his cries for help, the emergency stop was pulled.

The HSE investigation found an unsafe system of work meant the chillers remained running as Mr Frewin went to dislodge the turkey.

In a victim personal statement, Mr Frewin described how his horrific injuries left him feeling "isolated" and in need of daily care.

"I will never walk again and so I will be in a wheelchair permanently," he said.

"I now have a suprapubic catheter, which was inserted via an operation.

"The district nurse has to give me bowel care every day and visits me daily at home.

"I also suffer from AD – a condition which is life threatening, as my body doesn't register if I'm ill.

"I have moved from my flat overlooking the sea, to a bungalow.

"However, I miss seeing the sea and being close to the seafront and all the amenities.

"I feel isolated as I cannot go out when I want as I need people to assist me."

Mr Frewin, who lives on his own, is visited by carers at least three times a day and can't even shower on his own.

"I can't socialise with my friends and family as much as I used to, as I can't fit my wheelchair into their homes," he added.

"Physical relationships are very hard as I can't get out much.

"The accident has affected my life and my family's lives.

"When I talk about the incident, I sometimes find this upsetting and then have restless nights."

There was another incident at the same plant five months earlier, on 12 August 2019, when a turkey deboning line had to be shut down after developing a fault.

As a result, 34-year-old Mr Adriano Gama, along with the rest of the employees, were moved to a surplus production line to continue the process.

Whilst working on the surplus production line, one of the wings became stuck in the belt under the machine. Mr Gama attempted to push it out of the way, but as he did so, his gloved hand became caught in the exposed sprocket of the conveyor and was drawn into the machine.

He was eventually freed and taken to hospital having suffered a broken arm and severe damage to the muscles in his forearm.

An investigation by the Health and Safety Executive (HSE) found that on the day of the incident pre-start checks were only completed on the production lines that were regularly used.

Therefore, when workers were asked to move to the surplus deboning line there was no system in place to ensure that it was checked prior to it being put into operation.

The investigation uncovered that two safety guards had been removed and a team leader responsible for the production lines had verbally reported this issue to the engineering team, but it was not followed up by either party.

Bernard Matthews Food Ltd of Sparrowhawk Road, Halesworth in Suffolk pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £400,000 and ordered to pay costs of £15,000.

After the sentencing, HSE Principal Inspector Adam Hills said: "Both incidents could have been avoided – the consequences were devastating for Mr Frewin in particular.

"If Bernard Matthews had acted to identify and manage the risks involved and put a safe system of work in place they could have easily been prevented.

"Fundamentally, you should not clean a machine while it is running.

“Companies need to ensure that risk assessments cover activities including cleaning and blockages, and that where appropriate, robust isolation and lock off mechanisms are in place for these activities.

“Prior to use you can put in place some pre-start checks and if faults such as missing guards are identified they need to be formally reported, tracked, rectified and closed out.”

- Bernard Matthews pleaded guilty at Chelmsford Crown Court to breaching section 2(1) of the Health and Safety at Work etc Act 1974 in relation to Colin Frewin and was fined £300,000.
- Bernard Matthews pleaded guilty at Chelmsford Crown Court to breaching section 2(1) of the Health and Safety at Work etc Act 1974 in relation to Adriano Gama and was fined £100,000.

#### **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: <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>