

# Company fined after worker suffered life changing injuries in transport incident

Kepak Group Limited (formally 2 Sisters Red Meat Limited), has been fined after a worker was seriously injured following a workplace transport incident. .

Merthyr Tydfil Magistrates' Court heard how, on 17 February 2017, an employee of a contractor that had a permanent presence on the Kepak's Merthyr Tydfil site, was struck by a forklift truck (FLT) when he was walking along the internal roadway at the back yard end of the site. He was struck from behind by the FLT and trapped beneath the metal container it was carrying. He was dragged along the ground and received multiple serious and life changing injuries, including the loss of a leg.

An investigation by the Health and Safety Executive (HSE) found that the company's workplace transport risk assessment did not ensure that suitable and sufficient traffic management arrangements, including pedestrian and vehicle segregation, were in place. The premises were operated by 2 Sisters Red Meat Limited at the time that the incident occurred. This company name was changed to Kepak Group Limited in July 2018.

Kepak Group Limited, of Cookston Road, Portlethen, Aberdeen, pleaded guilty to breaching Regulation 4 of the Workplace (Health, Safety and Welfare) Regulations 1992 and has been fined £600,000 and ordered to pay costs of £38,183. .

Speaking after the hearing, HSE inspector Rhys Hughes said: "This was a tragic and wholly avoidable incident, caused by the failure of the host company to undertake and implement an adequate risk assessment and ensure a safe system of work was in place".

"This risk was further amplified by the company's failure to implement a number of simple safety measures including separation and segregation of vehicles and pedestrians."

"There is ample published guidance and advice available that is in the public domain; both on the HSE website and from other reliable sources to assist dutyholders in deciding what measures they should put in place."

**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>

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## [Decking manufacturer and director sentenced after worker crushed](#)

A Stockport decking manufacturer and a company director have been fined after a delivery driver was crushed by a poorly lifted load.

Manchester Magistrates' Court heard how on the 30 April 2019, a HGV driver was delivering packs of five metre lengths of plastic deck boards to Ultimate Systems Ltd. Several packs of decking were stacked on pallets with an approximate weight of over 2000 kgs.

Company director Andrew Kerr used a forklift truck (FLT) to unload the delivery, lifting the entire stack of pallets at once, which exceeded the FLT load capacity. This caused the forklift to tip forward, which resulted in the load falling onto the HGV driver, trapping him between the load and his own vehicle.

The driver sustained crush injuries to the spine, multiple rib fractures, a broken left collarbone, a punctured lung and ligament damage to the neck. He spent six weeks in Manchester Royal Infirmary, four weeks in an induced coma. He was unable to work for a year.

An investigation by the Health and Safety Executive (HSE) found Mr Kerr was not trained to operate the forklift truck. There was no safe system of work for unloading or loading of decking, and no rules for visiting drivers to wait in a safe area.

Ultimate Systems Ltd of Second Avenue, Poynton Industrial Estate, Poynton, Stockport pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £38,000 and ordered to pay costs of £3,741.10

Andrew Kerr of Burnside Way, Winnington, Northwich pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was sentenced to 14 weeks imprisonment suspended for 18 months with an additional requirement to complete 180 hours unpaid work and ordered to pay costs of £3,472.30.

Speaking after the hearing, HSE Inspector Stuart Wood said: "Those in control of work have a responsibility to ensure the methods they use to unload and load vehicles is safe.

"If forklift truck operator training and specific site rules to visiting drivers had been in place the serious physical injuries sustained by this driver could easily have been prevented."

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# Company fined for failing to implement safe systems of work

A bakery has been fined for failing to provide suitable machinery guarding and poor electrical standards.

Luton Magistrates' Court heard how, during an inspection in June 2019 at Arnaouti Pitta Bread Bakery Limited's site in Hoddesdon, the company was found failing to maintain guarding standards and electrical safety, risking both amputation and electrocution. The company was prosecuted in 2016 for similar guarding and electrical safety issues.



An investigation by the Health and Safety Executive (HSE) found multiple access points to dangerous parts of machinery, indicating poor maintenance of the guards. Failures in maintenance also exposed employees to live electrical conductors.

Arnaouti Pitta Bread Bakery Limited of Stephenson Close, Hoddesdon, Hertfordshire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and Regulation 4(2) of the Electricity at Work Regulations 1989. The company was fined £66,000 and ordered to pay costs of £9,586.

Speaking after the hearing, HSE inspector Sandra Dias, said: "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.

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

"Companies need to ensure their electrical systems are maintained to prevent access to exposed live conductors".

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2. More about the legislation referred to in this case can be found at: [hse.gov.uk/electricity/maintenance/safety.htm](http://hse.gov.uk/electricity/maintenance/safety.htm); <https://www.hse.gov.uk/work-equipment-machinery/power.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on working safely with machinery and maintaining safe electrical systems, please visit our pages here: <https://www.hse.gov.uk/work-equipment-machinery/> and <https://www.hse.gov.uk/toolbox/electrical.htm>

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## [Construction company fined after excavation collapse](#)

Harlands Builders Limited has been fined for safety breaches after a ground worker was trapped having entered a two-metre-deep excavation.

Bridlington Magistrates' Court heard that on 26 June 2019, the company was undertaking groundworks at West Farm Stone, Creek Sunk Island, East Riding. The worker had entered an excavation in order to measure the depth when part of it collapsed on him.

An investigation by the Health and Safety Executive (HSE) found that the excavation had three sheer unsupported sides and was not battered back. The worker was trapped by the collapse and sustained a broken tibia and fibula on his left leg. Other workers were also put at risk as they went into the excavation to free the trapped man.

Harlands Builders Limited of Medina House, Station Avenue Bridlington, East Yorkshire pleaded guilty to breaching Regulation 22 (1) of the Construction Design Management Regulations 2015. The company has been fined £12,000 and ordered to pay costs of £1,139.

Speaking after the hearing, HSE inspector Sarah Robinson, said: "The excavation should have been supported or battered back, and no individuals should have been asked to go into the excavation whilst it was unsafe.

"This incident could have led to the death of the worker. The case highlights the importance of identifying and following any risk assessment that was set in place."

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3. HSE news releases are available at [www.press.hse.gov.uk](http://www.press.hse.gov.uk)
4. Further information can be found at: [www.hse.gov.uk/pubns/cis64.pdf](http://www.hse.gov.uk/pubns/cis64.pdf)

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## [Farming company fined after young worker injured](#)

T Cook & Son (Farmers) Ltd has been sentenced for safety breaches after a 17-year-old worker suffered crush injuries to his foot.

Bridlington Magistrates' Court heard that on 20 December 2017 a concrete panel was dropped during a lifting operation involving a telehandler vehicle on a farm in Owstwick, Yorkshire.

An investigation by the Health and Safety Executive (HSE) found that the panel was being installed to repair a pig shed. A telehandler was used to lower the panel, weighing over a tonne, into place and the load fell after the tines of the telehandler were withdrawn. The panel fell onto the young worker resulting in mid foot fractures and crush injuries.

T Cook & Son (Farmers) Ltd of Kenby Farm, Owstwick, Roos, Withernsea, East Yorkshire pleaded guilty to breaching Regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998. The company has been fined £4,690.00 and ordered to pay £11,905.96 in costs.

After the hearing, HSE inspector Sarah Taylor, commented: "All lifting activities should be properly planned by a competent person, appropriately supervised and carried out in a safe manner.

"This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices. HSE will not hesitate to take appropriate enforcement action against those responsible for lifting operations especially when young persons are put at risk."

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