

# Recycling company fined after worker killed by loading shovel



Ward recycling site in Hartlepool

A recycling company has been fined £2.15million after an agency worker was killed by a loading shovel at its site in Hartlepool.

Dean Atkinson lost his life when he was struck and run over by the vehicle at Ward Recycling Limited's premises on Windermere Road, Longhill Industrial Estate in January 2020.

Health and Safety Executive (HSE) inspector Stephen Garner said Mr Atkinson's death could have been prevented had Ward Recycling implemented an alternative traffic route for pedestrians at its site on Windermere Road.

Simple measures like providing suitable separation between pedestrians and vehicles are set out in HSE [guidance on workplace transport](#).

Mr Atkinson, 32, had been returning from the site's welfare cabins to his workstation on the picking line.

To do so, he needed to walk across a traffic area at the site where mobile plant, including two loading shovels, operated.

One of the loading shovels struck and killed Mr Atkinson when he was walking in the traffic area.

Mr Atkinson's death prompted investigations from HSE and Cleveland Police with Ward Recycling later being prosecuted by the Crown Prosecution Service (CPS). The company was found guilty to committing corporate manslaughter and breaching health and safety regulations after a trial at Middlesbrough Crown Court last month.

The HSE investigation into the incident found Ward Recycling, which went into liquidation in 2021, failed to protect pedestrians from the mobile plant operations it was carrying out at the site. There were no suitable traffic management arrangements in place, meaning pedestrians were at risk of being struck by moving vehicles, including loading shovels. Loading shovels are particularly dangerous if adequate segregation is not in place, in part due

to the limitations to the operator's visibility around the machine – a HSE visibility assessment found that an area over 10 metres in front of the vehicle could be obscured from the driver's view.

Ward Recycling Limited, formerly of St Peter's Square, Oxford Street, Manchester, was found guilty of breaching Section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007, Section 2(1) and Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £1.75m for corporate manslaughter and £400,000 for breaching health and safety regulations at Middlesbrough Crown Court on 26 January 2024.

HSE inspector Stephen Garner said: "This tragic incident could easily have been avoided if Ward Recycling had implemented simple control measures.

"Following the incident, it took the company less than a week to put in place an alternative traffic route to protect pedestrians.

"Had this been in place before the incident, Dean Atkinson would not have lost his life. Sadly, pedestrians being struck by vehicles on waste sites has caused many fatal accidents on waste sites and the industry should be well aware of the risks."

#### 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.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. The yellow line on the attached image shows the route pedestrians took from the welfare cabins to the picking line. The red line shows the loading shovel route.

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## [Manufacturing company fined £15,000 for wood dust failures](#)

A manufacturing company has been fined £15,000 after exposing its own workers to wood dust and failing to comply with two improvement notices.

Wood dust can cause serious and often irreversible health problems, including

sino-nasal cancer, asthma and dermatitis. Employers have a legal responsibility to prevent or adequately control exposure in the workplace.

After concerns were raised to the Health and Safety Executive (HSE), inspectors from the workplace regulator went to Billy Davidson NV Stables Limited's premises in Wingate, Durham on 17 June 2022. As a result, notices were served on the firm requiring it to undertake an examination of the local exhaust ventilation (LEV) system fitted to a chop saw and for failing to control exposure to wood dust from the use of a circular table saw.

Proper dust extraction can include having the right machinery, and vacuuming dust instead of sweeping is often required. HSE's easy-to-follow guidance can be found [here](#).

Despite the action taken by HSE, when inspectors returned to the site on 12 January 2023, the circular saw was still being used, despite the company saying it had been taken out of use. Likewise, the chop saw and LEV was also still being used, and the company had not provided HSE with confirmation it had been examined and was adequately controlling wood dust exposure.

The subsequent HSE investigation found the company had shown a disregard for health and safety due to their failure to comply with the improvement notices.

A HSE campaign to [protect workers from exposure to wood dust](#) is ongoing.

Billy Davidson NV Stables Limited was found guilty of contravening two counts of Section 33(1)(g) of the Health and Safety at Work etc Act 1974 and Regulations 9(2) and 7(1) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £15,000 and ordered to pay £4,500 in costs.

Speaking after the hearing, HSE inspector Clare Maltby said: "This company showed a blatant disregard to the safety of its own workers.

"Companies are responsible for controlling the exposure to wood dust, a substance which is hazardous to health and can cause long term health effects such as occupational asthma.

"Compliance could have been achieved by simply getting a LEV fitted to the circular table saw and getting a competent person to undertake a thorough examination and test of the LEV on the chop saw.

"This case demonstrates that we will not hesitate to prosecute companies who fail to comply with the law."

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3. Further details on the latest [HSE news releases](#) is available.

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## [Company director avoids prison over wood dust failures](#)

The director of a Norwich woodworking company has avoided an immediate spell behind bars after he exposed his employees to harmful wood dust.

Wood dust can cause serious and often irreversible health problems, including sino-nasal cancer, asthma and dermatitis. Employers have a legal responsibility to prevent or adequately control exposure in the workplace.

John Risby, the director of Turners and Moore Limited, was given a four month custodial sentence, suspended for two years, at Norwich Magistrates Court. The 33-year-old's company was also fined £40,000.

The Health and Safety Executive (HSE) carried out an inspection at the firm's Hurricane Way site on November 2017, which identified significant failings in its measures to control exposure of employees to wood dust. Enforcement action was taken, however a subsequent inspection in August 2022 showed the company had failed to maintain standards and further enforcement action was taken.

Dust extraction and vacuuming instead of sweeping can be some of the measures taken to control exposure to workers. Guidance on working in the [woodworking industry](#) is available and an [inspection-led campaign to protect workers continues](#).

Turners and Moore Limited of Hurricane Way, Norwich was fined £40,000 after pleading guilty to breaches of Sections 2 (1) and 3 (1) of the Health and Safety at Work Act 1974. The company must also pay £2,000 in costs. Director John Risby was given a four month custodial sentence, suspended for two years. He will also pay costs of £1,100 for breaching section 37 of the same Act.

After the hearing, HSE inspector Natalie Prince said: "This outcome should send a strong message out to anyone with a responsibility for protecting workers.

“Exposure to wood dust can cause serious ongoing health problems and businesses must do all that they can to protect their workers.

“This outcome should underline to those in the woodworking industry that the courts, and HSE, take a failure to protect the health of employees extremely seriously and will not hesitate to take action against companies that fail to do so.”

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and paralegal officer Sarah Thomas.

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## [Construction company fined after worker killed by an excavator](#)

A North Yorkshire construction company has been fined after a worker was struck on the head and killed by a 16-ton excavator.

On 13 January 2021, Dean Myers, an employee of HACS Construction Ltd, was undertaking groundwork activities in a partially excavated trench at a site in Ripley, North Yorkshire.



The site in Ripley, North Yorkshire.

During the works, the 56-year-old was struck on the head by the moving bucket of the excavator suffering catastrophic injuries to his face and head. He was pronounced dead at the scene by the ambulance service.

The groundworks team had been preparing the trench for the laying of new drainage. Mr Myers had moved to the foot of an existing manhole directly adjacent to the trench when the excavator was reported to have met resistance whilst digging.

With nothing in place to prevent his entry into the danger zone of the excavator, Mr Myers exited the manhole via a makeshift opening to investigate. However, the excavator driver and other workers were not in a position to see that he had entered the danger zone. Here the excavator bucket then swung into him with fatal consequences.

The Health and Safety Executive (HSE) has guidance on [excavator industry safety](#). The precautions needed include considering clearance, visibility and the bucket attachment.

HSE's investigation found that HACs Construction Limited had failed to identify or assess the risk arising from using the existing manhole chamber as an improvised refuge. This meant the company failed to implement a system whereby workers were prevented from entering the dangerous working zone of the excavator while the machine was being operated by a driver with limited sight. There was also inadequate supervision on site, alongside a failure to carry out monitoring visits which would have identified crucial safety failings.

At Leeds Magistrates' Court on 24 January HACs Construction Limited of Station Yard, Ripley, North Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £330,500 and ordered to pay £9,141.80 costs.

After the hearing, HSE inspector Ben Caines said: "This tragic incident could so easily have been avoided had HACs Construction Limited simply ensured that adequate control measures and safe working practices were identified and followed.

"The company should have put in place measures including the use of trained plant marshals for high-risk activities, such as the work Mr Myers was undertaking. Such measures are widely recognised and used across the construction industry as well as being advised within HSE and industry guidance."

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski.

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## [Two companies fined after a worker suffers serious injuries in a fall](#)

A construction company and a roofing contractor have been fined after a roofer suffered multiple fractures in a fall from a building roof.

Horizon Roofing Specialist Ltd had been appointed by principal contractor – Bromley-based Property Facilities Group Ltd – to originally undertake the installation of a new roof at Aspire Academy in Welling.

Following this, Horizon Roofing were appointed to replace the roof of an existing modular building that was being refurbished, due to the original contractor becoming unavailable to complete the work.

On 29 September 2020, three roofers began work on the modular building roof, and during the work an unexpected flare from a gas gun caused one of the roofers to stumble backwards and fall from the edge of the unprotected roof to the ground below.



An unexpected flare from a gas gun caused one of the roofers to stumble backwards and fall from the edge of the unprotected roof to the ground below

The roofer who worked for Horizon Roofing Specialist Limited, suffered multiple fractures to both of his legs which required surgery.

HSE has clear and concise guidance on carrying out [roof work safely](#).

An investigation by the Health and Safety Executive (HSE) found that Property Facilities Group and Horizon Roofing had failed to adequately plan, appropriately supervise, and ensure that the work was carried out in a safe manner.

Property Facilities Group Ltd, of Newman Road, Bromley, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £14,000 and was ordered to pay £1,619.25 costs at a hearing at Westminster Magistrates Court on 19 January 2024.

Horizon Roofing Specialist Limited, of Langham Road, Robertsbridge, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £3,333 and was ordered to pay £1,619 costs at the same hearing.

After the hearing, HSE inspector Gemma Cox said: "Too many workers are injured every year as a result of falling from roofs with unprotected edges. The victim sustained serious injuries which could have been prevented if basic, industry standard control measures had been put in place.

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

This HSE prosecution was brought by HSE enforcement lawyer Rebecca Schwartz and supported by HSE Paralegal Officer, Rebecca Foreman.

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