

# Openreach fined following death of engineer

Openreach Limited has been fined £1.34 million after an engineer died whilst trying to repair a telephone line.

Alun Owen, from Bethesda, died after he slipped and fell into the River Aber in Abergwyngregyn and was swept away on 6 October 2020.

The 32-year-old has been described by his family as a 'loving and selfless character'.

An investigation by the Health and Safety Executive (HSE) and North Wales Police, found that a number of Openreach engineers had been attempting to repair the telephone lines, which ran across the river, over a period of two months. They had been working both near and in the river. At the time of the incident, there had been flooding in the area which meant the river was much higher and faster flowing than usual.

Mr Owen entered the water and made his way to an island in the middle of the river in order to try and throw a new telephone cable across to the other side by taping it to a hammer and then throwing the hammer. Whilst attempting to cross the remaining section of the river, he slipped in a deeper part and the force of the river swept him away.



Alun Owen

The investigation found that there was no safe system of work in place for work on or near water, nor had Mr Owen – and others working by the river – received training, information or instruction on safe working on or near water.

A statement from Mr Owen's family said: "The genuine love and affection shown

to us since the tragedy that unfolded on the 6 October 2020 is a real testimony to Al and how everyone just loved his friendly, loving and selfless character.

“Although it’s sometimes difficult to see beyond the sorrow, we will keep his memory alive through reminiscing those many precious moments he had in his love-filled life.”

Openreach Limited pleaded guilty to breaching Section 2 (1) of the Health and Safety at work etc. Act 1974. The company was fined £1.34 million and ordered to pay costs of £15,858.35 at Llandudno Magistrates’ Court on 5 June 2024.

Speaking after the case, HSE inspector Christina Roberts said: “This was a tragic incident that resulted in the death of a much loved young man.

“Mr Owen’s family, friends and colleagues have always remained in our thoughts.

“His death would have been preventable had an effective system for working on or near water been in place.

“Mr Owen should not have been put in the unsafe working situation. Companies should learn the lessons from this incident if they have staff who may work on or near water and be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

North Wales Police Detective Chief Inspector Andy Gibson said: “Our thoughts remain with Alun’s family at this difficult time.

“North Wales Police worked closely with HSE and whilst it was a protracted and lengthy investigation, it was critical that any failings were identified and acted upon.”

This prosecution was brought by HSE senior enforcement lawyer Nathan Cook and supported by HSE paralegal officer Sarah Thomas.

#### **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.
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# Tata Chemicals fined following young father's death

Tata Chemicals Europe Limited has been fined after a young father died following an incident while erecting a scaffold tower in a chemical plant in Northwich.

Michael Densmore, from Halewood in Merseyside, died following complications to the wound he sustained after his right foot slipped into a trough containing a liquid chemical calcium hydroxide – more commonly known as 'milk of lime' – causing chemical and thermal burns.

The 37-year-old father-of-four was one of a number of scaffolders employed by Altrad NSG to erect scaffolding at Tata's Lostock Hall site.

On 30 November 2016, during the course of this work, Mr Densmore stepped over a trough which contained milk of lime – which had been heated to approximately 90 degrees centigrade. His right foot slipped on an unfastened lid covering the trough, resulting in him sustaining chemical and thermal burns to his foot and ankle.

He was airlifted to Whiston Hospital burns unit, where he received specialist treatment and underwent surgery on 8 December and was discharged just over a week later. However, on 3 January 2017, while at home, he suffered a haemorrhage to his right foot and was taken to hospital following a 999 call, but tragically died.

In a statement issued by his family, Micheal was described as 'a loving and amazing role model' to his sons and two nieces.



Michael alongside his sons Billy and Mikey

"Our lives fell apart and have not been the same since that terrible day," they said. "Nobody should have to lose someone they love, due to an accident that happened at work.

"A mother should never have to give CPR to her own son, and a partner, should never have to tell their children that their dad will not be coming home.

"Michael has missed so many life events in the past seven years, including missing his nieces having their own babies, his eldest son giving him a grandson, his youngest boys communions, to name just a few.

"What hurts us the most is the fact that he will never be able to complete all the plans he had for life, including marrying his Helen.

"The trauma, we have all suffered as a family, cannot truly be put into

words. We were once a small happy close-knit family, who all lived life to the full, with Michael being the leader and now we just about get through each day.”



Michael Densmore

The Health and Safety Executive (HSE) investigation found there was no permit in place for hazardous work in a live chemical plant. Little proper thought had been given to the risks involved by those responsible for ensuring staff safety. As far as the scaffolding team was concerned, there was no clearly understood plan to address these risks. Mr Densmore had only received a brief induction when he started work on the site some months before. Crucially, he had not been warned that there would be chemical product flowing through the plant and that the lids to the trough had not been properly sealed. Tata employees had been seen working on or near the troughs and there were no visible warning signs in place.

It also found that there had been previous prosecutions of Tata Chemicals Europe relating to health & safety failures at Lostock Hall and nearby Winnington Lane.



The incident took place at Tata's Lostock Hall site

Tata Chemicals Europe Limited, of Winnington Lane, Northwich, Cheshire pleaded guilty to breaching Section 3(1) of the Health and Safety at work etc. Act 1974. The company was fined £1.125 million and ordered to pay £60,603.54 in costs at Chester Crown Court on 5 June 2024.

Speaking after the case, HSE inspector Matt Lea said: "This tragic death could have been preventable had Michael Densmore and his colleagues been managed under a robust permit to work system for working in a live chemical plant containing corrosive chemicals which had been heated almost to boiling point.

"Michael should not have been put in this unsafe working situation and should have been warned about the dangers of stepping over the troughs and that they were still in operation.

"Companies should learn the lessons from this incident if they have staff or contractors working in a similar environment and be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

This prosecution was brought by HSE enforcement lawyer Chloe Ward and supported by HSE paralegal officer Sarah Thomas.

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# Construction company fined following death of HGV driver

A Nottinghamshire-based engineering and groundworks contractor has been fined £233,000 for safety breaches after a 52-year old HGV driver was struck and killed by the mast of a piling rig at a house build site in Annan, Dumfries and Galloway.

On 21 January 2021, Gary Dobinson, who was employed by another company, visited the Hallmeadow development off Elm Road with his lorry to collect and transfer the piling rig owned by Van Elle Limited.

Tragically, as the mast of the rig was being lowered in preparation for its transportation, it suddenly collapsed and struck Mr Dobinson. Site workers and the emergency services raced to the scene to try to help him, but he sadly died from his injuries.

An investigation by Police Scotland and the Health and Safety Executive (HSE) found that insufficient measures had been taken to maintain the piling rig in a safe condition prior to the incident. Specifically, the securing lug for one of the mast's retaining pins was badly corroded and failed, allowing the pin to displace, causing the mast to topple.

HSE guidance on maintaining and inspecting plant can be found here: [The safe use of vehicles on construction sites: A guide for clients, designers, contractors, managers and workers involved with construction transport – HSG144 \(hse.gov.uk\)](#)

Van Elle Limited, of Southwell Lane, Kirkby-in-Ashfield, Nottinghamshire pleaded guilty to breaching Regulation 5 of the Provision and Use of Work Equipment Regulations 1998. The company was fined £233,000 at Dumfries Sheriff Court on 4 June 2024.

HSE inspector James Caren said: "All work equipment should be subject to suitable inspection and maintenance to ensure that it can be used without risk to the safety of those using it and those in the vicinity. Construction plant are exposed to harsh conditions and require effective inspection and maintenance regimes to avoid safety defects developing.

"The company should have had robust measures in place to maintain the piling rig so that it was structurally sound and could be operated safely."

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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. HSE guidance on protecting the public can be found here: [Public protection – construction industry health & safety \(hse.gov.uk\)](#)

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## [Reminder for farmers to keep visitors safe this summer](#)

Britain's workplace regulator, is calling on farmers to do all they can to make sure those visiting their farms are kept safe and healthy.

It is the time of year when some farmers consider hosting "open farm" events, perhaps as part of [Open Farm Sunday](#), happening on Sunday 9 June 2024. Open farm events allow members of the public to visit participating farms and witness farming first hand.

Both visitors and farmers can find these open days informative, engaging and rewarding, however farmers also have a legal duty to make sure visitors are kept safe and well.

Wayne Owen, an inspector from the Health and Safety Executive (HSE) says many of the measures farmers must put in place are easy to apply.

"Events like Open Farm Sunday provide the chance for the public to get an insight into this really important industry," he said.

"However, it is important that farmers understand the risks on their farm and ensure that visitors are protected from them.

"As well as safety risks from things such as moving vehicles and animals, there are also potential health risks that the farmers will need to control.

"By following some simple steps, both farmers and the public can get as much out of these visits as possible."

In a bid to assist in identifying and controlling risks to visitors, the Access to Farms industry group has produced an [Industry Code of Practice](#) (ICOP) which is available to download free from the [Access To Farms](#) website. As well as guidance on how to control risk, the ICOP includes a useful checklist for farmers to use. There is also a shorter summary guide, and a



guide for schools planning to take pupils to farm events.

HSE was consulted in the production of the ICOP. It provides sensible, proportionate and balanced advice to farms on how to comply with health and safety law and keep visitors safe and well.

Key components of a well-managed open farm event include:

- Making sure the event is risk assessed and well planned.
- Ensuring that the farm and farm staff understand the risks on site, including zoonotic risk (i.e. risks from diseases or bugs carried by animals).
- Providing visitors with enough information on the risks and the controls in place (e.g. the importance of properly washing hands after touching animals, before eating or drinking, and before leaving site).
- Controlling visitor access to animals.
- Supervising visitor contact with animals. Providing separate clean areas for petting of animals. Preventing visitors going into the pens with animals.
- Providing suitable facilities for washing hands (normally this will be hot and cold water, liquid soap and paper towels) and directing visitors to use them after petting animals, before eating food, before and after using any play equipment, and before leaving site.
- Hand washing gels are not an acceptable substitute for washing facilities.
- If visitors are allowed to consume food or drink on site, providing separate clean eating areas, near hand washing facilities.
- Good prominent signage on site giving important information to visitors (but don't rely on signage alone to give those important messages).
- Ensuring that visitors are not exposed to other risks on the farm e.g. by fencing off high risk areas or activities and keeping people away from traffic routes and moving vehicles.

By following these principles farms can hold safe and enjoyable open farm events.

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# [Skip hire and waste recycling company fined after worker is injured](#)

A family run and owned skip hire, waste and recycling business in Scotland has been fined £24,000 after a worker sustained serious injuries to his left hand and forearm on the blades of a machine.

Barry Edward Pae, formerly known as Barry Edward Vaughan, an employee of W M Russell & Sons Limited was injured while he attempted to change the blades of a rapid granulator machine. He sustained serious and irreversible injuries which included complete amputation of his left index, middle and ring fingers, and an open fracture to his left wrist following the incident on 9 April 2021.

An investigation by the Health and Safety Executive (HSE) found that the company failed to provide a safe system of work for changing the cutter blades. This included a failure to provide sufficient information, instruction, and training on how to isolate the granulator when changing the cutter blades or carrying out other maintenance.

HSE guidance can be found at: [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) \(hse.gov.uk\)](#)

At Dunfermline Sheriff Court on 30 May 2024, WM. Russell & Sons Limited of Lilliehill, Dunfermline pleaded guilty to breaching the Health and Safety at Work etc Act 1974, Section 2(1), and 33(1)(a) between 2 April and 9 April 2021, both dates inclusive. and were fined £24,000.

Speaking after the case HSE inspector Laura Dempster said: “Those in control of work have a responsibility to provide a safe system of work for their employees and to provide the necessary information, instruction and training on that system.

“If a safe 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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