

£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
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>

Groundworks contractor fined for petrol fire

A Kent groundwork contractor has been fined after a worker sustained serious burns following petrol being thrown on a bonfire.

On 24 June 2020, a 26-year-old groundworker employed by Kent County Surfacing Ltd was working on a new residential development in Ramsgate, Kent when a co-worker used petrol on a bonfire. The groundworker was unaware of this and after he was instructed to light the bonfire, it engulfed him in flames as the petrol vapour ignited. The worker suffered serious burns and underwent two skin graft operations to his left hand, left arm, left side of torso and both his legs.

Groundworkers help prepare a construction site and ensure it is ready for the structural work to start.

An investigation by the Health and Safety Executive (HSE) found the company had failed to appropriately supervise their operatives and failed to provide

them with the appropriate information and instruction, so far as is reasonably practicable to ensure work was carried out without risks to health or safety.

At Folkestone Magistrates on 10 October, Kent County Surfacing Ltd of 7 Mariners View, Deal, Kent, pleaded guilty to breaching Regulations 15 (8) of the Construction (Design & Management) Regulations. They were fined £10,000 and ordered to pay costs of £7,333.42.

Speaking after the hearing, HSE inspector Ross Carter said: "The operative's injuries are life changing and could have easily been fatal.

"This serious incident and devastation should have been avoided if those in control of the work provided the appropriate supervision, information and instructions to their workers."

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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](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

Furniture retailer fined for insurance breach

A Bedford furniture retailer has been fined for not having the right insurance.

Exclusive Oriental Classics Ltd and its director Mr Kian Hoo Tay appeared at Luton Magistrates Court on 10 October for failing to have Employers' Liability (Compulsory) Insurance (ELCI).

The court heard an investigation by the Health and Safety Executive (HSE) discovered the failure when one of the company's employees was injured at work on 1 March 2022.

Exclusive Oriental Classics Ltd and Mr Hoo Tay had failed to renew the insurance policy that expired on 13 May 2021.

Exclusive Oriental Classics Ltd, of Bellfield Avenue, Harrow, pleaded guilty to breaching Section 1(1) of the Employers' Liability (Compulsory) Insurance Act 1969, fined £1,650, a victim surcharge of £165 and ordered to pay costs of £1750.

The Director, Mr Kian Hoo Tay, of same address pleaded guilty to breaching Section 1(1) of the Employers' Liability (Compulsory) Insurance Act 1969, fined £1,650, a victim surcharge of £165 and ordered to pay costs of £1750.

After the hearing HSE inspector Emma Page said: "Every employer needs to ensure that they have Employers' Liability (Compulsory) Insurance in place to ensure against liability for injury or disease to their employees arising out of their employment.

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

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/ ; www.hse.gov.uk/pubns/hse40.htm
3. HSE news releases are available at <http://press.hse.gov.uk>

[Building firm fined after workers were put at risk during warehouse renovation, and for breaching Prohibition Notice](#)

A building firm has been fined after putting workers working at height at risk during the refurbishment of a former warehouse building in London and for breaching a Prohibition Notice.

Shiva Ltd, a property investment company, were using a site-made cradle during the renovation of the five-story building on Bermondsey Street in the south-east of the capital.

Cradles are temporary suspended work access platforms widely used in the construction industry, which are commonly suspended from cables and raised and lowered into position by winches.

However, Westminster Magistrates' Court heard that on and before 26 February 2019, the company put operatives at risk of falling from height while unsafely refurbishing the front façade of the building.

Despite being served with a prohibition notice by the Health and Safety Executive (HSE) the company continued the work the following day.

An investigation by the HSE found that workers were at significant risk of falling from height by manually lifting the cradle from the open edge of the roof and working from height near unprotected openings; and that the work was not appropriately supervised. The company also obstructed justice by refusing to allow the HSE inspector access to the site.

As such, Shiva Ltd failed to ensure the health, safety, and welfare of those carrying out the work.

On 10 October Shiva Ltd of Lincoln Tower, Westminster Bridge Road, London, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974, and breaching the Prohibition Notice. They were fined £46,000 and ordered to pay costs of £24,688.10.

Speaking after the hearing HSE Inspector Sharon Boyd said: "Inspectors will not hesitate to take appropriate enforcement action against dutyholders who fall below the required standards and put lives at risk.

"Working at height remains one of the biggest causes of fatalities and major injuries. In 2021/22, falls from height accounted for 29 fatal injuries in the workplace."

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 3. HSE news releases are available at <http://press.hse.gov.uk>
 4. Further guidance can be found at: [Working at height: A brief guide \(hse.gov.uk\)](http://www.hse.gov.uk/working-at-height/)
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Contractor fined after unsafe work leaves food factory employee seriously injured



Contractor Bedford Transmissions Limited has been fined after a man fell from height and was seriously injured at a food factory.

Bedford Transmissions Limited, trading as BT Lerson, had been contracted by Veetee Rice to move and replace machinery within their factory in Rochester.

On 17 August 2020, an employee of Veetee Rice, stood on an unsecured metal plate left in place by BT Lerson the evening before and fell a height of approximately 2.5metres.

The employee's spine and pelvis were damaged in several places which required a lengthy stay in hospital and meant that he was unable to return to work for several months.

An investigation by the Health and Safety Executive (HSE) found that BT Lerson did not properly plan, appropriately supervise, or ensure that the work was carried out safely. BT Lerson failed to identify the fall from height risk and necessary controls in their planning and did not take account of Veetee Rice's employees who were working in the area.

In the lead up to the incident, BT Lerson worked over the top of the hole where the employee of Veetee Rice fell, with no suitable measures to prevent falls of their own workers. BT Lerson then left the factory site with 2 unsecured aluminium plates covering the 2.5 metre drop with only plastic barrier tape marking the area.

That night, the employee was cleaning the work area when he stood on the unsecured metal plates and fell through.

At Folkestone Magistrates' Court on October 10, Bedford Transmissions Limited pleaded guilty for a breach of Regulation 4(1) of the Work at Height Regulations 2005. They were fined £8,000 and ordered to pay costs of £7,194.32.

Speaking after the hearing, HSE inspector Peter Bruce said: "This incident could have easily been avoided if Bedford Transmissions had properly supervised and planned this work, to ensure that the work was carried out so far as is reasonably practicable safely.

"Working at height remains one of the biggest causes of fatalities and major injuries. In 2021/22, falls from height accounted for 29 fatal injuries in the workplace.

"It is important that companies properly plan the work they are undertaking at height putting in place measures to protect their own employees as well as others who have access to their work area. It is also important that, when working at an external premise, employers work together and communicate how a site will be left and whether additional measures are needed."

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2. More about the legislation referred to in this case can be found at: <https://www.legislation.gov.uk/ukxi/2005/735/contents/made>
3. Guidance related to topics in this case can be found at: <https://www.hse.gov.uk/pubns/priced/hsg159.pdf>, <https://www.hse.gov.uk/pubns/priced/l24.pdf> and <https://www.hse.gov.uk/pubns/indg401.pdf>.
4. HSE news releases are available at <http://press.hse.gov.uk>