

Company fined £100,000 and director given suspended prison sentence after worker dies

A property development company has been fined £100,000 and building firm director handed a suspended prison sentence after a labourer was fatally crushed while demolishing a wall.

Jakub Fischer, a self-employed labourer, was hired as a sub-contractor by North West Facilities Limited to work on a house refurbishment project for Thorndyke Developments Limited on Mansell Street, Liverpool. The 41-year-old, who was originally from the Czech Republic, was tasked with demolishing a rear yard wall dividing the property from the neighbouring house on 5 June 2019.

That day, other workers on the job left the site at 3.30pm however, when a neighbour returned home from work at around 5.40pm they saw Jakub trapped between an outer kitchen wall and a collapsed section of the yard wall. He was pronounced dead at the scene by emergency services.

An investigation by the Health and Safety Executive (HSE) found the demolition work was not planned nor accounted for in the construction phase plan. No risk assessment or method statement was provided and Jakub was not trained to carry out safe demolitions. There was also a lack of supervision as the system of work implemented by Thorndyke Developments Limited and North West Facilities Limited prohibited non-English-speaking workers from carrying out demolitions.

Thorndyke Developments Limited, of Rodney Street, Liverpool pleaded guilty to breaching Regulation 4(1) of The Construction (Design and Management) Regulations 2015. They were fined £100,000 and ordered to pay £8,401.59 in costs at Wirral Magistrates' Court on 15 December 2022.

David Peter Hartley, a director at North West Facilities Limited, pleaded guilty to breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015, by virtue of 37(1) of the Act. Mr Hartley, of Trearddur Road, Holyhead, Anglesey was given 26 weeks imprisonment, suspended for two years, and ordered to pay £5,836 in costs at Wirral Magistrates' Court on 15 December 2022.

HSE Inspector Christine McGlynn said: "HSE will not hesitate to consider the roles of not only organisations when investigating serious incidents, but also those individuals such as directors and managers who are the controlling minds and best placed to direct work and ensure that it is carried out without risks to health and safety."

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. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: [Construction – Resources – Construction law \(hse.gov.uk\)](http://www.hse.gov.uk/resources/construction-law)
3. HSE news releases are available at <http://press.hse.gov.uk>