

# Garden landscaper sentenced after worker dies

A garden landscaper has been handed a suspended prison sentence after a worker was killed when a moving circular saw kicked back into his groin.

The labourer, who had been working for Watford-based gardener Mr Fernando Araujo for just two days, was killed in the incident at a house on Harewood, Rickmansworth, on 11 August 2021.

The 31-year-old had been assisting Mr Araujo, 54, with the installation of railway sleepers along the edge of the front garden driveway.

At the time of the incident he was using an angle grinder fitted with a toothed circular saw blade to cut the wooden sleepers.

Prosecuting, Health and Safety Executive (HSE) enforcement lawyer Jon Mack told St Albans Magistrates' Court that the use of a toothed saw blade on an angle grinder made it a dangerous machine.

The guard had also been removed from the grinder as the circular saw blade fitted was larger than the original grinder disc on the power tool.

In addition, the sleeper had been placed in a skip and was not secured whilst being cut. While attempting to cut the sleeper, the tool kicked back under power into the worker's groin causing him to sustain a serious, fatal laceration.



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An investigation by the HSE found that Araujo failed to ensure that work equipment was used only for operations for which, and under conditions for which, it was suitable. Changing from the use of an abrasive wheel through fitting of a circular saw blade meant a dangerous machine was created.

HSE guidance can be found at: [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) \(hse.gov.uk\)](https://www.hse.gov.uk/l24/l24.htm)

Sentencing, District Judge Margaret Dodd said: "Whatever sentence I pass will not compensate his family for their loss. Nothing can compensate the family for their loss, and the sentence in no way indicates the value of a life."

Mr Fernando Araujo, of Croxley View, Watford, pleaded guilty to breaching Regulation 4(3) of Provision and Use of Work Equipment Regulations 1998 and Section 33(1)(C) of the Health and Safety at Work etc. Act 1974. The 54-year-old was sentenced to six months in prison, suspended for two years, ordered to complete 200 hours of unpaid work and pay £3,467.72 in costs at St Albans

Magistrates' Court on 9 January 2024.

HSE inspector Jenny Morris said: "This tragic incident led to the avoidable, horrific death of a young man. It could easily have been prevented if the correct equipment was selected so that the wooden sleepers could have been cut safely. Power tools should be used safely and only for the purpose for which they have been designed."

This prosecution was brought by HSE enforcement lawyer Jon Mack 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.