

# Companies fined after dad crushed to death by machine

Two companies have been fined after a father-of-three was crushed to death by a machine.

The Health and Safety Executive (HSE) investigation found the incident was entirely avoidable and Russell Hartley would still be alive had this work been planned, managed and monitored to a sufficient standard.

Mr Hartley, was a self-employed engineer from Sheffield who had been hired by Premier Engineering Projects Ltd to replace machinery at a materials recycling facility on Twelvetrees Crescent, Bow, London.



Russell Hartley

The 48-year-old led a group of four engineers tasked with replacing a Trisomat screen, known colloquially as a 'flip-flop', on 24 February 2020, when the incident occurred.

The flip-flop, a machine that sorts different sizes of waste, was fixed within a metal structure at height in a bay at the site.

The crane, supplied by M&M Mobile Crane Hire Ltd, was first used to lower the

flip-flop from its position at the site.

Mr Hartley, who also had three grandchildren, then took over using a telehandler. With the flip-flop resting on the telehandler's forks, the machine began to go further down the bay.

The flip-flop became jammed in the bay when Mr Hartley attempted to reverse the telehandler.

The crane was then used again to lift the flip-flop off the telehandler, which unknown to the workers, had its forks slightly raised above ground level.



Mr Hartley was crushed to death by a Trisomat screen (pictured here)

As the crane moved towards the telehandler, the flip-flop toppled forwards off the forks and crushed Mr Hartley. Another worker, who was standing on the flip-flop at the time, was thrown off the machine but escaped serious injury.

The HSE investigation found that two contractors, Premier Engineering Projects Ltd and M&M Mobile Crane Hire Ltd, failed to ensure the safety of those involved in carrying out the replacement of the Trisomat screen. The work being undertaken was not properly planned, supervised or carried out safely, and the assessment of the risks arising from the work was both unsuitable and insufficient. Mr Hartley was working with nine other engineers, also hired by Premier Engineering Projects, as well as three workers from M&M Mobile Crane Hire Ltd at the site.

Mr Hartley's wife, Debbie, said in her victim personal statement: "Russell was everything to us. He was funny and one of the nicest guys you could ever meet. Nothing was ever too much. If it needed doing, he got it done. He was a fantastic father and husband. He worshipped his grandkids and all his family.

"I feel like sometimes I am just waiting for him to come home. I can't accept

that he has gone as I couldn't say goodbye. Nothing prepared me for that moment. I thought he would be here and live on forever.

"All he ever wanted was to keep his family happy and looked after and I will try to keep that dream alive."

Premier Engineering Projects Ltd, of Industry Road, Carlton, Barnsley, South Yorkshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £28,000 and ordered to pay £9,277.48 in costs at the Old Bailey on 1 August 2024.

M&M Mobile Crane Hire Ltd, of David Road, Colnbrook, Slough, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £48,000 and ordered to pay £9,500 in costs at the Old Bailey on 1 August 2024.

HSE inspector Mark Slater, who investigated this incident alongside HSE inspector David Beaton, said: "Had this work been planned, managed and monitored to a sufficient standard, this incident was entirely avoidable and Mr Hartley's family would still have him in their lives. Risks arising from the lifting and moving of equipment of this size and nature are entirely foreseeable, and work of this nature should be afforded the utmost respect and care."

This prosecution was brought by HSE enforcement lawyer Kate Harney, who was supported by HSE enforcement lawyer James Towey and HSE paralegal officer David Shore.

#### **Notes to editors:**

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## **[Ten HSE stories you might have missed this summer](#)**

It has been a busy start to the summer for HSE with many prosecutions

throughout June and July.

Here are **TEN** prosecution cases you might have missed during that time:

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

On 5 June, Tata Chemicals Europe Limited was fined more than £1 million at Chester Crown Court.

The case was brought against the firm following the death of a young father who died 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.



Michael alongside his sons Billy and Mikey

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.

You can read the full story here: [Tata Chemicals fined following young father's death | HSE Media Centre](#).

### **Openreach fined following death of engineer**

Telecommunications giant Openreach was given a £1.34 million fine after an engineer died while trying to repair a telephone line in Wales.

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

A joint investigation by 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.



Alun Owen

Mr Owen, 32, 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. As he attempted to cross the remaining section of the river, he slipped in a deeper part and the force of the river swept him away.

He was described by his family as a 'loving and selfless character'.

You can read more on this story here: [Openreach fined following death of engineer | HSE Media Centre](#)

### **Construction company fined £2.345m after worker drowned in river**

Construction company BAM Nuttall Ltd was fined following the death of worker Gary Webster, who lost his life two days after drowning in the River Aire on 30 October 2017.

Mr Webster and another worker had been on a boat removing debris at the bottom of the weir gates at Knostrop Weir when it capsized. The boat had been pulled into turbulent water, caused by the considerable flow of water flowing over the top of the weir.

The 60-year-old was repeatedly pulled under the water and was eventually recovered by a diver 14 minutes later. The other worker managed to swim to safety.

Mr Webster was pronounced dead on 1 November 2017 at Leeds General Infirmary.

You can read more about this case here: [Construction company fined £2.345m after worker drowned in river | HSE Media Centre](#)

## **Housing company fined after worker killed by concrete blocks**

On 19 June, Avant Homes (Scotland) Ltd was fined more than £300,000 after a driver was crushed to death by falling concrete blocks at a construction site in South Lanarkshire.

Conor Joseph Morgan had been delivering materials to Shott Farm in High Blantyre, a construction site being operated by the firm, when the incident happened on 19 April 2017.

The 45-year-old, who was employed as a HGV driver for Regen Waste Limited, was crushed as the concrete blocks were being unloaded from the articulated flatbed trailer using an excavator with pallet fork attachment. However, the length of the pallet forks fitted to the excavator exceeded the width of the pallet being unloaded.

As the pallet was being lifted the forks caught a second pallet of concrete blocks causing them to topple from the edge of the trailer and onto Mr Morgan.

You can read more about this case here: [Housing company fined after worker killed by concrete blocks | HSE Media Centre](#)

## **Livestock auctioneers fined after man, 75, killed by cow**

Llanelli Magistrates fined the operators of a livestock market on 20 June after a cow being auctioned managed to escape and kill a pensioner.

Father-of-two Huw Evans was knocked down and trampled by the cow in the Welsh town of Whitland on 19 November 2022.



Huw Evans

A worker at J.J. Morris Limited was also injured in an unsuccessful attempt to capture the cow, which later ran towards Whitland Rugby Club and a railway line before being captured and put down by Dyfed-Powys Police.

You can read more about this story here: [Livestock auctioneers fined after man, 75, killed by cow | HSE Media Centre](#)

### **Charitable trust fined following death of volunteer**

Wilts & Berks Canal Trust was fined £30,000 after 62-year-old volunteer was killed while carrying out restoration work on 24 August 2016.

Peter Konitzer was fatally crushed when a section of a wall collapsed onto him in an excavation at Pewsham locks. He had been inside the excavation removing temporary propping that was supporting the wall when a section of it collapsed.



A section of the wall collapsed while Mr Konitzer was inside the excavation

The trust had been carrying out the restoration work as part of its project to preserve, conserve and improve the route of the Wilts and Berks Canal. However, it failed to ensure the safety of its volunteers working on it.

A joint HSE and Wiltshire Police investigation found the temporary propping to be inadequate and there was no clear method for the safe installation or removal of props during the work.

You can read the full press release here: [Charitable trust fined following death of volunteer | HSE Media Centre](#)

### **Explosives manufacturer fined £670,000 after worker dies**

At a hearing at Swindon Magistrates' Court on 27 June, a manufacturer of military explosives was fined following the death of a 29-year-old.

Piotr Zukowski was killed in an explosion at a factory in Salisbury being operated by Chemring Countermeasures Limited. Another man was seriously injured following the blast on 10 August 2018.



Piotr Zukowski was killed following an explosion in 2018

The pair had been cleaning a vessel used in the production of MTV – an explosive substance used in military flares.

Piotr's mother Elżbieta, said her life 'stopped' on the day her son was killed.

You can read more about this story here: [Explosives manufacturer fined £670,000 after worker dies | HSE Media Centre](#)

### **Engineering firm fined after employee sustains serious injuries at HS2 site**

On 15 July, St Albans Magistrates fined an engineering firm after a worker sustained multiple injuries while working at a HS2 construction site in Hertfordshire.

The mechanical engineer had been employed by EMC Elite Engineering Services Ltd when he fell more than 30 feet on 20 November 2022.

The man, who was 57 at the time, fell through a gap in a conveyor's stairway and landed on the concrete floor below. He sustained a fractured pelvis, skull, hip, jaw and two broken wrists.

He spent two months in hospital following the incident, undergoing surgery requiring him to have six plates inserted into his face.





A still of the CCTV which captured the moment the man fell

You can read more about this prosecution here: [Engineering firm fined after employee sustains serious injuries at HS2 site | HSE Media Centre](#)

### **£240,000 fine for company after fall left man paralysed**

A Cheshire-based electrical transmission company was fined more than £200,000 after a man was left paralysed following a fall from height.

North Wales man Gavin Pugh had been demolishing and replacing electricity pylons in East Staffordshire when the incident happened on 6 April 2022.



Gavin Pugh fell more than 30 feet during work to demolish electricity pylons in East Staffordshire

Birmingham Magistrates Court heard how Mr Pugh and his colleagues were unaware of previous work already undertaken to loosen bolts on the tower. This caused him to fall more than 30 feet.

He spent six months in hospital and has been left unable to work as a result of his extensive injuries.

You can read the full story here: [£240,000 fine for company after fall left man paralysed | HSE Media Centre](#)

### **Recycling company fined £3m after one man died and another seriously injured**

A national recycling firm was fined £3 million after one man died and another was seriously injured as they decommissioned an old North Sea gas rig.

Stephen Picken, 62, and Mark Kumar were working for Veolia ES (UK) Limited at an onshore facility in Great Yarmouth when the incident happened on 17

October 2019.

The pair had been removing an overhanging piece of metal pipework (known as a skirt pile), weighing in excess of 27 tonnes, from a jacket (a structure placed in the sea, designed to support oil and gas rig platforms), when it gave way. The pile struck the mobile elevating work platform (MEWP) containing the men, throwing them to the ground about 12 metres below.



The aftermath of the incident in Great Yarmouth.

Mr Picken died at the scene and Mr Kumar suffered serious life-changing injuries.

A HSE investigation identified serious failures including shortcomings in terms of supervision.

You can read more about this case here: [Recycling company fined £3m after one man died and another seriously injured | HSE Media Centre](#)

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## [Wolverhampton company fined after worker hit by forklift truck](#)

A manufacturing company based in Wolverhampton has been fined £30,000 after a welder sustained serious injuries when he was struck by a forklift truck.

David Lucas was working for Fablink UK Limited at its weld shop site on Stafford Road when he was hit by the reversing forklift on 12 January 2023.

The forklift driver was moving large jigs in and out of a welding pen when it struck 45-year-old Mr Lucas. He sustained injuries including a fractured ankle and a broken elbow, and spent several days in hospital.

An investigation by the Health and Safety Executive (HSE) revealed that there were inadequate measures to segregate pedestrians and vehicles at the site,

including the weld shop where the accident happened. It was commonplace for forklifts to enter the welding areas and pens whilst pedestrians were in close proximity.

Arrangements for monitoring the condition of vehicles was also inadequate and poor maintenance regimes were in place. The forklift truck involved in the accident was in a poor state of repair, including a broken horn and excessively worn tyres. The risk assessment for workplace transport was not suitable and sufficient, and the company had received previous HSE advice in relation to workplace transport and in particular about vehicle and pedestrian segregation.

Fablink UK Limited of Stafford Road, Wolverhampton pleaded guilty at Dudley Magistrates Court to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. They were fined £30,000 and ordered to pay costs of £6,104.

HSE inspector Heather Campbell commented "This case emphasises the dangers to safety from poorly managed workplace transport and plant maintenance.

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

The prosecution was brought by HSE enforcement lawyer Edward Parton and HSE paralegal officer Helen Jacob.

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5. Guidance for [working safely with vehicles](#) is available.

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## [Company fined £160,000 after worker loses legs](#)

A company has been fined £160,000 after an employee lost both legs whilst

working at its site near Warrington.

On June 2022, Andrew McAuley, from Runcorn, an employee of William Stobart & Son Limited was picking orders at the firm's warehouse in Appleton Thorn.

The 64-year-old was working in close proximity to a forklift truck (FLT) which was being used to load pallets of slate tiles onto a waiting truck. The FLT was carrying two pallets, one on top of the other. The top pallet was not secured to the one below, and when the driver turned the vehicle, both pallets became detached from the forks, with the upper pallet striking Mr McAuley, crushing his legs.



A pallet of slate tiles crushed Andrew McAuley's legs

Mr McAuley had to have both legs amputated below the knee. He has been left dependent upon a wheelchair and unable to drive or climb stairs, leading to the need for extensive adaptations to the family home.

An investigation by the Health and Safety Executive (HSE) found that William Stobart & Son Limited failed to ensure this area of the warehouse was organised so that vehicles and pedestrians were segregated and circulated in a safe manner and loads were secured so far as was reasonably practicable.



The incident happened at the firm's warehouse in Appleton Thorn, near Warrington

William Stobart & Son Limited, of Ashville Way Industrial Estate, Sutton Weaver, Runcorn, Cheshire pleaded guilty to breaching regulation 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £160,000 and ordered to pay £4,478 costs at a hearing at Warrington Magistrates Court on 30 July 2024.

The prosecution was supported by HSE enforcement lawyer Sam Tiger and paralegal Sarah Thomas.

After the hearing HSE Inspector Lorna Sherlock said: "Mr McAuley has been left with devastating and life changing injuries.

"The company failed to implement a safe system of work for loading and unloading activities, thereby exposing employees, and others, to the risk of being struck by loads or workplace vehicles. This case illustrates the consequences of failing to segregate vehicles and pedestrians, and to properly secure loads.

"This injury could easily have been prevented. Employers should make sure they assess work activities sufficiently and apply effective control measures to minimise the risk from workplace transport."

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5. Guidance for [working safely with vehicles](#) and [securing loads](#) is available.

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## **[HSE to lead investigation into](#)**

# incident at Lambeth Country Show

The Health and Safety Executive (HSE) is now leading the investigation into a ride malfunction at the Lambeth Country Show.

On 8 June 2024, four people were injured as a result of the incident which occurred at Brockwell Park in London.

The ride involved in this incident is now being forensically examined by specialists at HSE's Buxton Science and Research Centre.

HSE inspector Stacey Gamwell said: "We will continue to thoroughly investigate what happened and determine whether there were any breaches of health and safety law at the time of this incident. Once we have finished our investigation, a decision will then be made on whether formal enforcement is required in line with our enforcement policy. We remain in contact with those affected by the ride's malfunction and will keep them updated throughout our investigation."

The Metropolitan Police had previously been the lead agency, with primacy officially signed over to HSE on 16 July.

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