

Construction company fined after a dumper truck overturned trapping an employee

A construction company was fined after a driver was trapped when a dumper truck overturned at a site in Liskeard, Cornwall.

Plymouth Magistrates' Court heard how on the 12 April 2019 an employee became trapped when the truck overturned on the construction site. The employee was not wearing a lap belt and was operating the dumper truck without deploying the roll-over protective structure. He suffered multiple crush injuries to his body, when the dumper overturned.

An investigation by the Health and Safety Executive (HSE) found the company, Jim Elliot & Son, had failed to assess the competence and the skills of the operator ahead of work on the refurbishment project. The company also failed to induct the employee on starting work at the site thus failing to identify that the employee had the necessary skills, knowledge and experience to operate the dumper.

It was also identified that the company had failed to undertake a risk assessment or prepare a construction phase plan. These measures, along with a suitable site induction would have identified that the employee did not have the required competence, training, skills and knowledge to ensure that the work was carried out safely and the dumper operated in accordance with its operator's manual.

Jim Elliott of The Grove, Crow's Nest, Liskeard, Cornwall was found guilty of breaching Section 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £850 and ordered to pay £2,000 in costs.

Speaking after the hearing, HSE inspector Georgina Symons said: "This incident could have easily been prevented if the company had assessed the risk related to operating site dumpers and ensured that its workers had the skills and competence necessary to do so safely."

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: www.legislation.gov.uk
3. HSE news releases are available at <http://press.hse.gov.uk>

The post [Construction company fined after a dumper truck overturned trapping an employee](#) appeared first on [HSE Media Centre](#).

[Company director and project manager sentenced after construction worker sustained fatal crush injuries](#)

A company director and project manager were sentenced after an untrained and unsupervised worker was killed when the forward tipping dumper truck he was operating overturned.

Swansea Crown Court heard how on 1 October 2016 the employee was working alone at a construction site in West Aberthaw, Vale of Glamorgan. He was operating a dumper truck around a construction site, which had no designated traffic routes.

The worker was operating the vehicle when it overturned causing him to either be thrown or jump from the vehicle. The worker was not wearing a seatbelt.

The 38-year-old man was found two days later with fatal crush injuries at the bottom of a ramp, which formed part of a spoil heap. His injuries were consistent with being struck by the rollover protection structure (ROPS) bar of the overturning dumper truck.

An investigation by the Health and Safety Executive (HSE) found that the access ramp was uneven, made up of loose ground; and the slope and cross slope of the ramp exceeded the dumper truck's machine maximum operating capacity. Untrained operators regularly used construction vehicles on routes that were not suitable for the vehicles and there was no effective management of health and safety on the construction site.

Project Manager at TSD group Graham Kuhlmann of Parcau Road, Bridgend pled guilty to breaching section 3(2) of the Health and Safety at Work etc. Act 1974, he received a 21-week custodial sentence suspended for 12 months and was ordered to pay £5,000 in costs.

Sole director of Pro'conn Limited, the principal contractor at the site, Kevin March of Fields Park Road, Pontcanna, Cardiff pled guilty to breaching Section 37(1) of the Health and Safety at Work etc. Act 1974, he received a 32-week custodial sentence suspended for 12 months and was ordered to pay £20,000 in costs.

Speaking after the hearing, HSE inspector Paul Newton said: "The risks associated with untrained operators using construction vehicles on uneven ground with excessive slopes are foreseeable. This was a tragic and wholly avoidable incident.

"Those responsible for managing health and safety on construction sites should ensure that traffic routes are safe, designed and managed, for the vehicles using them; and only those with the necessary skills, training and knowledge should be asked to operate construction vehicles."

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[Insulation firm fined after employee suffered serious hand injury](#)

A manufacturer of industrial insulation has been fined after an employee suffered serious injuries to his hand while trying to clear a blockage from a machine.

Manchester Magistrates' Court heard that the employee was working at Kingspan Industrial Insulation Limited's factory in Derbyshire when a cutting machine became blocked. Kingspan

produce a variety of pipe insulation for industrial use, resins and other substances are blended then poured into a foil outer layer before being baked to become rigid foam insulation. The outer foil 'skin' then needs trimming to get rid of the excess. The excess foil is extracted away from the process and cut into smaller pieces by a cutter.

On the night of the 18 August 2018, the cutter became blocked, the worker had seen others unblock the cutter so isolated the cutter and started to unblock it himself. However, he had only isolated the fan and as he was looking down the pipe to identify the location of the blockage, his left hand came into contact with the rotating blade causing the loss of a finger and other serious injuries.

An investigation by the Health and Safety Executive (HSE) found that the company failed to provide sufficient information, instructions and supervision for the clearing of blockages. Operators were undertaking the task with inadequate awareness of the risks, resulting in an injury to an employee.

Kingspan Industrial Insulation Limited of Glossop Brook Road, Glossop, Derbyshire pleaded guilty of a breach of section 2(1) of the Health and Safety at work etc. Act 1974. The company were fined £80,000 and ordered to pay costs of £1,988.45.

Speaking after the hearing, HSE Inspector Lindsay Bentley said: “Those in control of work have a responsibility to provide the necessary information, instructions and supervision to their workers about the safe system of working. If adequate information, instructions and supervision had been provided prior to the incident, the injuries sustained by the employee could have been prevented.”

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. For HSE’s working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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[Waste recycling company fined after employee fatally injured](#)

Enva Scotland Limited has been fined following an incident where a 28-year-old employee, Martin Kane, was fatally injured whilst cleaning a mobile

shredder.

Paisley Sheriff Court heard that on, 28 March 2018, at their Burnbrae Road, Paisley site, two employees were trying to remove waste that was trapped between a heavy magnet and a hopper on the shredder machine. Mr Kane was struck by the magnet, which fell after he manually removed the locking pins that were keeping the magnet in place. He sustained extensive head injuries and died as a result.

An investigation by the Health and Safety Executive (HSE) found that Enva Scotland Limited failed to provide employees engaged in cleaning and using the shredder with adequate training, information and instruction on the deployment of the magnet fitted to the shredder.

Enva Scotland Limited, Unit 49, Burnbrae Road, Linwood Industrial Estate, Linwood, Paisley, Renfrewshire pled guilty to breaching Sections 2(1) and 33(1)(a) of the Health and Safety at Work Act and was fined £264,000.

After the hearing, HSE inspector Russell Berry said: “Employers have a duty to provide safe systems of work for their employees and to provide adequate information, instruction and training on those systems of working. It should have been a relatively simple task to clean the shredding machine using the controls on the machine, as it was designed to be self-cleaning.

“On this occasion, the employer failed to ensure Mr Kane had received adequate information, instruction and training regarding the safe operation and methods of cleaning the machine. It led to Mr Kane adopting an unsafe method for moving the magnet whilst trying to clean the machine manually, resulting in this tragic but entirely preventable incident.”

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[Building contractor fined for asbestos failings at a domestic property construction project](#)

A company has been fined for failing to complete the correct asbestos survey at a domestic construction project.

Salisbury Magistrates' Court heard how, on 18 October 2017, there was a gas explosion at a flat at Market Place, Chippenham where construction work had been carried out to develop the property into flats.

Following the gas explosion, an investigation by the Health and Safety Executive (HSE) found Prestige EA Ltd failed to plan, manage and monitor construction work to prevent persons from being exposed to risks associated with asbestos. Prestige EA Ltd was contracted to advise and manage the development of the property into four flats above a retail unit. The wrong type of asbestos survey was carried out before the work so the work completed was not in compliance with the law.

The now liquidated Prestige EA Ltd of St James Court, St James Parade, Bristol pleaded guilty to breaching Section 3 of the Health and Safety at Work etc. Act 1974 and was fined £2,000 and must pay costs of £3,000.

Speaking at the hearing, HSE inspector Leo Diez said: "Duty holders must make sure construction work is properly planned, managed and monitored to ensure asbestos work is carried out in a safe manner to the required standard.

"The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations.

"HSE will not hesitate to take action against companies who disregard the law and place lives at risk.."

Roderick Standing was a senior manager at the now dissolved Longwood Building Ltd and was contracted by Prestige EA Ltd to carry out the construction work. Following a trial, Mr Standing was found not guilty of breaching Section 3 of the Health and Safety at Work etc. Act 1974.

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