

# Company fined after worker fatally injured

Egger (UK) Limited has been fined after a self-employed lorry driver was killed making a routine delivery of recycled wood.

Kilmarnock Sheriff Court heard that on 3 October 2017, whilst standing on open ground at the rear of the trailer of his articulated vehicle, the driver Kenneth Aitchison was struck by a wheeled shovel loader operating in the yard at their Auchinleck premises in Scotland.

An investigation by the Health and Safety Executive (HSE) revealed that the company's risk assessments for workplace transport were not suitable or sufficient. This resulted in a failure to identify that pedestrians, including delivery drivers, were at risk of being struck by moving vehicles in the yard, despite the high level of vehicle movements and previous near misses. Consequently, the company failed to implement appropriate measures to control that risk, including the provision of designated pedestrian walkways.

Egger (UK) Limited of Technology House, Goldsworth Road, Woking pleaded guilty to breaching Sections 2(1) and Section 3(1) of the Health and Safety at Work Act etc 1974 and was fined £910,000.

Speaking after the hearing HSE inspector, Kathryn Wilson said: "The risks to pedestrians where vehicles are operating is well known. This incident could so easily have been avoided had the company identified the risks and put straightforward control measures and safe working practices in place. Had they done so the delivery driver would still be alive.

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



## 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](http://www.hse.gov.uk)

2. More about the legislation referred to in this case can be found at:

[www.legislation.gov.uk/](http://www.legislation.gov.uk/)

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

4. For more information on working safely with vehicles, please visit our dedicated page here: Vehicle and transport safety at work ([hse.gov.uk](http://hse.gov.uk))

The post [Company fined after worker fatally injured](#) appeared first on [HSE Media Centre](#).

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## [Roofer and scaffolder sentenced following fatal fall from height](#)

A roofer and a scaffolder have been sentenced following a fatal fall from height at a two-storey terraced house on Rosevine Road, Wimbledon.

Southwark Crown Court heard that on 26 November 2018, Philip Drinkwater and Anthony Bradley were working on the roof, which was accessed using a ladder and scaffolding that had been erected by Dean Glen. Later that day, Mr Drinkwater asked his co-worker, Mr Glen, to help him move some slates up onto the roof using an electric hoist. While he was carrying out this operation, he fell approximately six metres through a gap, which was adjacent to the hoist and landed on the ground where he died almost immediately.

An investigation by the Health and Safety Executive (HSE) found that Mr Glen had erected the scaffold leaving a 1.17m gap in the edge protection at the ladder access point without fitting a scaffold gate. Mr Glen had erected the scaffold when not fully qualified to do so and it did not comply with industry standards or legal requirements. Mr Drinkwater was in charge of the roof work, which he allowed to proceed despite the gap and unsafe ladder access. He lacked the training to manage health and safety on the site and failed to appoint a suitably qualified scaffolder to erect the scaffold.

Philip Drinkwater (trading as Prestige Roofing) of Meldone Sheepphouse Way, New Malden pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £5,000 and ordered to pay costs of £6,318.

Dean Glen (trading as DDP scaffolding) of Woodroyd Avenue, Horley pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £5,000 and ordered to pay costs of £6,318.

Speaking after the hearing, HSE inspector Kevin Smith: “The tragedy of this incident was that it was totally avoidable.

“Preventative measures were inexpensive and required little time or effort.

Reducing the size of the opening in the guard rails and installing a self-closing scaffold gate would have stopped this man from falling to his death. A scaffold gate costs around £40 and only takes a few minutes to install.

“Those involved in scaffolding and roof work on smaller sites need to be aware of the potentially devastating consequences of failing to put basic safeguards in place.”

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Guidance on HSE’s website: <https://www.hse.gov.uk/construction/faq-height.htm>
5. The National Access and Scaffolding Confederation (NASC) produce scaffold safety guidance which can be downloaded free via their website. This includes SG25:14 – Access and Egress from Scaffolds, via Ladders and stair Towers etc. which provides specific guidance on protecting access openings in guard rails on working platforms – [https://nasc.org.uk/shop/page/2/?swoof=1&product\\_cat=health-and-safety-guidance](https://nasc.org.uk/shop/page/2/?swoof=1&product_cat=health-and-safety-guidance)

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## [Principal contractor fined after worker suffered electrical burns](#)

A vertical farming, glasshouses and energy company has been sentenced after a worker came into contact with an 11kV overhead power line.

Beverley Magistrates’ Court heard that on 3 December 2018, a subcontractor scaffolding worker was unloading some scaffolding poles near power cables in Willerby, Hull, when one of the poles caught the overhead line. He sustained burns to his leg and foot and was hospitalised.

An investigation by the Health and Safety Executive (HSE) found that the site was very muddy, and operatives were unable to park their vehicles on site near the work area, meaning they had to move the materials onto the site by hand. There were also inadequate controls on site to warn of the overhead cables.

Cambridge Glasshouse Company Limited of Wallingfen Park, Main Road, Newport Brough, East Yorkshire pleaded guilty to breaching Section 14 of the Electricity at Work Act 1989. The company was fined £333,333 and ordered to pay costs of £1,235.

Speaking after the hearing, HSE inspector Sarah Robinson said: “The company should have planned the work to mitigate the risks and had better signage and controls around the site for overhead cables.

“This was a very serious incident and could have easily been fatal.”



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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Please see the link below to the page on HSE’s website that is the best guide to doing it the right way: [https://www.hse.gov.uk/pubns/gs6.](https://www.hse.gov.uk/pubns/gs6)

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## [Employer sentenced after worker falls 30 feet through skylight](#)

A roofing contractor has received a suspended sentence after an employee fell approximately 30 feet through a glass skylight on a warehouse roof in

Blackburn.

Preston Crown Court heard Nizamuddin Gorji was engaged by Floors 'n' Carpets Limited of Gate Street, Blackburn to over-clad the existing roof. He employed three operatives to carry out the work which commenced on 13 May 2020. The following day one of the employees fell through the roof sustaining severe life changing injuries to his pelvis, arm, knee and face and has undergone extensive surgery since.

An investigation by the Health and Safety Executive (HSE) found that Mr Gorji failed to adequately plan the roof work or consider the equipment required. There was no scaffolding in place around the building or under-slinging nets, covering fragile skylights and asbestos cement sheets. He had not completed any health and safety training and did not adequately train the operatives he employed.

Nizamuddin Gorji of Woodbine Road, Blackburn pleaded guilty to breaching Regulation 9 (2) and 6(3) of the Work at Height Regulations 2005. He received a 12-month prison sentence suspended for two years and was ordered to pay costs of £3,000.

Speaking after the hearing, HSE inspector Jackie Western said: "The risks from working at height, especially when involving fragile roof materials such as asbestos cement roof sheets and fragile rooflights, are well known. Those in control of the work have a responsibility to devise safe methods of working, which should include ensuring the use of suitable work equipment and adequate supervision."

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2. More about the legislation referred to in this case can be found at: [hsg33.pdf \(hse.gov.uk\)](#) [Construction – Fragile surfaces industry health & safety \(hse.gov.uk\)](#)
3. HSE news releases are available at <http://press.hse.gov.uk>

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# Company fined after repeated failures to maintain machinery safeguards

A food manufacturing company has been sentenced after repeated failures to maintain safety devices on its food processing machinery.

South Tyneside Magistrates' Court heard that on three separate occasions between July 2008 and March 2016, HSE inspectors visiting the premises of Coldconnection Limited found multiple food processing machines that had non-functional or defeated interlock safety devices. Notices were served on each occasion, requiring the company to remedy the defects, but on a fourth visit in August 2019, the same issues were found again.

The Health and Safety Executive (HSE) prosecuted the firm due to the repeated contraventions relating to these safety devices and the failure to maintain improvements.

Coldconnection Limited of Bladen Street Ind Est, Jarrow, Tyne And Wear pleaded guilty to breaching Regulation 11 (3)(c) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £14,000 and ordered to pay £928 costs.

Speaking after the hearing, HSE inspector Stephen Garner said: "While HSE would prefer to engage with businesses proactively through alternative enforcement tools, we can and will bring action through the courts where businesses are found to put their employees at unnecessary risk through repeated contraventions of health and safety law."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about health and safety in food and drink manufacturing can be found at: <https://www.hse.gov.uk/pubns/priced/hsg252.pdf>

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