

# 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."

**Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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>

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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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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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# Managing director receives suspended sentence after worker is burned in petrol tank explosion

A managing director has received a suspended sentence after an employee suffered severe burns on a construction site in Swynecombe, Henley-on-Thames, Oxfordshire.

Milton Keynes Magistrates Court heard how managing director of MWJ Construction Ltd, Marcin Wojtas failed to take reasonably practicable precautions for the decommissioning of a petrol tank, which resulted in an explosion.

An investigation by the Health and Safety Executive (HSE) into the incident that occurred on 9 July 2018, found that the injured person and another operative were instructed by Mr Wojtas to use an angle grinder to remove the tank lid to speed up the decommissioning of the tank. While performing this task, the petrol vapours within the tank were ignited and an explosion occurred. The injured person sustained burns to 26 per cent of their body.

The investigation also found Mr Wojtas had been informed by an officer from the Petroleum Enforcing Authority that the work to decommission the fuel tank was a specialised operation and needed to be completed by a competent contractor. Neither operative had any of the training, experience or knowledge required to make them competent.

Marcin Wojtas of Hatfield Road, London pleaded guilty to breaching section 37 of the Health and Safety at Work etc. Act 1974. He was given a six month suspended sentence and ordered to pay total costs of £8,455.48.

Speaking after the hearing, HSE inspector David Tonge said: "The accident could have been prevented if the work was appropriately planned through an adequate risk assessment. Had this been the case, competent operatives would have conducted the work, the tank would have had its hazardous contents (petrol vapour and petrol) removed safely and equipment appropriate to use around an explosive atmosphere would have been used."

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