

# Contractor, client and director convicted after dangerous building site conditions

A contractor, client and director have been convicted after conditions at a building site were found to be dangerous.

Southwark Crown Court heard that inspectors from the Health and Safety Executive (HSE) visited the construction site on Gladesmore Road, London on numerous occasions in 2015 while building work was taking place at the property.

Inspectors found poor health and safety conditions on site including dangerous work at height, unshored excavations, and poor welfare facilities. This resulted in numerous prohibition notices, improvement notices and notifications of contravention being served on the contractor and client.

A HSE investigation found that the contractor, Mr Bodnariu, failed to plan, manage and monitor the work on site. The client company WEL Estates Limited failed to make suitable arrangements for managing a project, and the director of WEL Estates Limited, Mr Yoel Lew, had allowed the poor conditions on site.

Mr Bodnariu pleaded guilty to breaching regulation 15(2) of the Construction (Design and Management) Regulations 2015, and was sentenced to eight months imprisonment, suspended for 12 months, 250 hours of community service, and ordered to pay costs of £1,000.

WEL Estates Limited was found guilty of breaching Regulations 4(1) of the Construction (Design and Management) Regulations 2015, and was fined £20,000 and ordered to pay costs of £5,000.

Mr Yoel Lew was found guilty of breaching Section 37(1) of the Health & Safety at Work etc. Act 1974 and sentenced to 200 hours of Community Service.

Speaking after the hearing HSE inspector Sarah Robinson said: "Dutyholders 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>

Journalists should approach HSE press office with any queries on regional press releases.

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## [HSE to prosecute Celsa Manufacturing \(UK\) Ltd](#)

The Health and Safety Executive (HSE) has informed Celsa Manufacturing (UK) Ltd that it will be prosecuted following the explosion at Celsa steelworks, Splott, Cardiff on 18 November 2015.

The explosion resulted in the deaths of Mr Mark Sim and Mr Peter O'Brien, engineers at the company's Rod and Bar Mill, and injured other workers.

The families of Mark Sim and Peter O'Brien have been informed that Celsa Manufacturing (UK) Ltd will be prosecuted.

Celsa Manufacturing (UK) Ltd is due to appear at Cardiff Magistrates' Court on 11 September 2018 to face a charge under Section 2 (1) of the Health and Safety at Work Act.

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## [Yorkshire company fined after worker sustains chemical burns](#)

A rubber inflatable boat manufacturing and repair company has today been

sentenced after an employee sustained chemical burns while cleaning down a boat using solvents at its factory in Hull.

Hull and Holderness Magistrates' Court heard how, on 23 March 2016, a worker at Humber Fabrications (Hull) Ltd was tasked with cleaning the deck of a rigid inflatable boat using the solvent dichloromethane. The employee was using a fabric cloth soaked in dichloromethane to wipe and clean the deck of a boat being manufactured. During the work he began to feel light-headed and so took a five minute break. The worker returned to the boat, knelt down inside to carry on cleaning and subsequently collapsed. He was found sometime later by his colleagues lying in a pool of dichloromethane.

The employee was taken by ambulance to Hull Royal Infirmary, where he received treatment for chemical burns to his right underarm and back.

An investigation by the Health and Safety Executive (HSE) found the company failed to provide suitable control measures for the occasions when employees used dichloromethane to clean the inside of boats. The investigation found there was a failure to provide local exhaust ventilation, suitable respiratory protection or personal protective equipment. In addition, the company had failed to carry out an adequate risk assessment for the use of dichloromethane for cleaning boats and there was also a lack of instruction and training provided to employees for its use.

Humber Fabrications (Hull) Ltd of Wincolmllee, Hull was pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and was fined £10,300 with £2,214.10 in costs.

Speaking after the hearing, HSE inspector James Harvey said: "This case reinforces the importance of controlling the risks associated with the use of dichloromethane, which is an incredibly hazardous substance. HSE promotes substituting dichloromethane for less harmful alternative products which do the same job."

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## HSE releases annual agriculture fatality figures

The agricultural industry still has the highest rate of fatal injury in Great Britain according to the latest statistics released today by the Health and Safety Executive (HSE). Released on the first day of Farm Safety Week, HSE's annual agricultural fatal injury statistics have revealed that a total of 33 deaths were recorded in the sector between March 2017 and April 2018.

29 agricultural workers were killed at work with an additional four members of the public – two of them children – also dying. While this is an increase of four deaths compared with 2016/17 and one more than the five-year average of 32, the number is broadly similar to that seen in recent years.

The average rate of fatal injury in agriculture is 8.44 deaths per 100,000 workers, the highest of any sector and 18 times higher than the all industry average. Rick Brunt, Head of Agriculture at HSE said: "While we are seeing signs of an industry eager to improve this record, the high death rate emphasises the need for determined action by all involved in the farming industry if we are to bring about a real change to these appalling figures."

In a breakdown of statistics released by the workplace regulator, being injured by an animal came out as the top cause of death on a farm, causing eight deaths last year. This was followed by being struck by a moving vehicle (6), being trapped by something collapsing (5), being struck by an object (4) and falling from height (3). Although the order of the top killers fluctuates each year, the overall top four or five causes of death in the farming industry have remained static for years. The statistics also revealed that nearly half of the agricultural workers killed last year were over 65. The youngest person killed was four-years-old and the oldest was 85.

Rick Brunt said: "The causes of death have remained the same for years and the ways to prevent them are well known and straightforward. Work in the Farm Safety Partnership and through industry leaders suggests the industry is on the brink of tackling their problems.

"I urge farmers, managers and workers to step up to this challenge and drive down the toll of death, injury and ill health on Britain's farms. Please don't step back and accept this as the norm for your industry."

Read the full HSE statistics at:

<http://www.hse.gov.uk/agriculture/resources/fatal.htm>

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4. The published fatal injury statistics also include a breakdown by country and region. Recent research suggests that variations in fatal injury rates between the countries and regions of Great Britain are largely explained by differences in the industry composition of the workforce between the countries and regions.
5. Britain has consistently had one of the lowest rates of fatal injuries to workers. In 2015 the standardised fatality rate for Britain was one of the lowest of all European countries and compared favourably with other large economies such as France, Germany, Italy, Spain and Poland: <http://www.hse.gov.uk/statistics/pdf/fatalinjuries.pdf>
6. The reporting of health and safety incidents at work is a statutory requirement, set out under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). A reportable incident includes: a death or specified injury; any accident which does not result in a specified injury, but the injured person still has to take more than seven days off their normal work to recover; a work-related disease; a member of the public being injured as a result of work related activity and taken to hospital for treatment; or a dangerous occurrence, which does not result in a serious injury, but could have done.
7. Further information on these statistics can be found at: Fatal injuries: <http://www.hse.gov.uk/statistics/fatals.htm>
8. HSE agriculture statistics include fatal injuries in the farming, fishery and forestry sectors. One of the deaths of a child included in the statistics occurred in the forestry industry.

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## [North West company fined after two workers fall from height](#)

A Manchester-based principal contractor has today been sentenced for safety breaches after two workers both fell when working from height.

Leeds Crown Court heard how, on 3 October 2014, the two subcontracted joiners were working on the refurbishment and construction of new build dwellings at

the former Wharfedale Hospital in Otley, West Yorkshire. They were working in the bell tower at the site on a temporary access platform when it collapsed. The men fell approximately 3.4 metres onto a lower platform which also collapsed. They then fell a further 3.4m onto the ground floor of the building. The platforms were installed by PJ Livesey Living Space (North) Ltd to allow other contractors to access the roof structure. One of the workers injured their ankle while the other has suffered permanent nerve damage to the face.

An investigation by the Health and Safety Executive (HSE) found the work platforms had been designed by the site manager, an employee of PJ Livesey. The site manager was not competent to carry out such a design and the design had not been reviewed by another competent person. Consequently, the platform was unsafe and collapsed.

PJ Livesey Living Space (North) Ltd of Ashburton Park, Trafford Park, Manchester pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £56,000 and ordered to pay £7262.16 costs

After the hearing, HSE inspector Chris Tilley commented: "The risks associated with working at height are well known.

"Temporary works must always be designed to meet British Standards by a competent person and in the case of more complex works such as this, be subject to a secondary overview."

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