

Company fined £100,000 and director given suspended prison sentence after worker dies

A property development company has been fined £100,000 and building firm director handed a suspended prison sentence after a labourer was fatally crushed while demolishing a wall.

Jakub Fischer, a self-employed labourer, was hired as a sub-contractor by North West Facilities Limited to work on a house refurbishment project for Thorndyke Developments Limited on Mansell Street, Liverpool. The 41-year-old, who was originally from the Czech Republic, was tasked with demolishing a rear yard wall dividing the property from the neighbouring house on 5 June 2019.

That day, other workers on the job left the site at 3.30pm however, when a neighbour returned home from work at around 5.40pm they saw Jakub trapped between an outer kitchen wall and a collapsed section of the yard wall. He was pronounced dead at the scene by emergency services.

An investigation by the Health and Safety Executive (HSE) found the demolition work was not planned nor accounted for in the construction phase plan. No risk assessment or method statement was provided and Jakub was not trained to carry out safe demolitions. There was also a lack of supervision as the system of work implemented by Thorndyke Developments Limited and North West Facilities Limited prohibited non-English-speaking workers from carrying out demolitions.

Thorndyke Developments Limited, of Rodney Street, Liverpool pleaded guilty to breaching Regulation 4(1) of The Construction (Design and Management) Regulations 2015. They were fined £100,000 and ordered to pay £8,401.59 in costs at Wirral Magistrates' Court on 15 December 2022.

David Peter Hartley, a director at North West Facilities Limited, pleaded guilty to breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015, by virtue of 37(1) of the Act. Mr Hartley, of Trearddur Road, Holyhead, Anglesey was given 26 weeks imprisonment, suspended for two years, and ordered to pay £5,836 in costs at Wirral Magistrates' Court on 15 December 2022.

HSE Inspector Christine McGlynn said: "HSE will not hesitate to consider the roles of not only organisations when investigating serious incidents, but also those individuals such as directors and managers who are the controlling minds and best placed to direct work and ensure that it is carried out without risks to health and safety."

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: [Construction – Resources – Construction law \(hse.gov.uk\)](http://www.hse.gov.uk/construction-resources-construction-law)
 3. HSE news releases are available at <http://press.hse.gov.uk>
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[Moving and handling materials in construction: early findings from HSE's latest health campaign](#)

A snapshot of good and bad manual-handling practices on construction sites across Great Britain has been revealed in six weeks of inspections.

The Health and Safety Executive (HSE) carried out more than 1,000 inspections in October and November, checking how workers were moving heavy, bulky and awkward-to-handle materials.

The inspections by Britain's national regulator for workplace health and safety revealed many examples of good practice.

These included the use of mechanical equipment to handle large glazing panes, using small inexpensive air bags to help to position heavy doors when being installed, and the use of all-terrain pallet trucks to move blocks and brick-lifters to carry bricks around site.

But HSE inspectors also found many examples of poor practice, including a worker lifting an 80kg kerb on his own without any assistance from machinery, lifting aids or colleagues, and a 110kg floor saw that had to be moved into and out of a work van by two operatives at a street works site, both of which resulted in enforcement action.

Working in construction is a physically demanding job and many construction workers suffer injuries to muscles, bones, joints and nerves that affect their health and ability to work.

HSE's Acting Head of Construction Division Mike Thomas said: "Lifting and moving heavy, bulky and awkward-to-handle objects on construction sites is harming the health of thousands of construction workers to such a degree every aspect of their lives is affected."

“The 1,000 plus inspections just completed took place across a range of construction sites to check the action businesses are taking to ensure their workers’ health is being protected.

“We know from early analysis that HSE’s MAC Tool (Manual Handling Assessment Charts) was used by inspectors at a large number of inspections to improve duty holders’ understanding of the risks and inform enforcement decisions.

“A full evaluation of the inspection data is underway, and we will release more information in due course.”

HSE’s MAC Tool helps to assess the most common risk factors in lifting, carrying and handling activities. It was developed to identify high-risk manual handling and points users towards the factors they need to modify to control these risks.

The law requires employers to prevent the ill health of their workers, which includes injuries to muscles, bones, joints and nerves that can develop over time, known as musculoskeletal disorders (MSDs).

Moving and handling risks should be considered and prevented where possible at the design stage. Once on site and before work starts, employers should talk to workers about controlling existing risks to make sure that the right handling aids, equipment and training are in place to prevent MSD injuries.

HSE Inspector Ian Whittles said: “How materials are moved around site and used in the construction process needs to be considered from the design stage right through to the construction stage.

“For example, planning for how materials are moved and handled from the point of delivery to the point of installation on all kinds of sites from small domestic projects with limited access, to large inner-city commercial sites.”

Supporting the inspections, HSE ran a communications campaign ‘Your health. Your future’, which raised awareness of the inspections through media, social media, podcast and webinars to provide helpful advice, information, and links to guidance, for employers and workers.

Over a million connections were made to the campaign via the social media channels alongside extensive stakeholder and press coverage.

Notes to editors:

1. For further advice and guidance visit [WorkRight Construction: Your health. Your future – Work Right to keep Britain safe](#)
2. 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.

[Firm fined after blind man falls into open manhole](#)

A family-run plumbing business has been fined £4,000 after a blind man fell into an open manhole.

The 62-year-old registered-blind resident of Hanover Court, a sheltered housing development in Banchory, Aberdeenshire, suffered injuries to his left leg in the fall on February 19, 2020.

The manhole at the sheltered housing development had been left open by A & R Services while a blockage was being cleared.

An investigation by the Health and Safety Executive (HSE) into the incident found that A & R Services failed to make a suitable and sufficient assessment of the risk posed by the open manhole.

The company had failed to put in place barriers, signage or other protective measures to prevent anyone from accessing the pathway leading to the open manhole.

In addition, other than leaning the manhole cover against a door, no signage, barriers, guarding or other protective measures were put in place to prevent pedestrians from falling into the manhole while using the door.

A & R Services, of Stonehaven, Aberdeenshire pleaded guilty to breaching Sections 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £4,000 at Aberdeen Sheriff Court on December 14, 2022.

HSE principal inspector Niall Miller said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

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

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2. More information about the [legislation](#) referred to in this case is available.
 3. Further details on the latest [HSE news releases](#) is available

[Confectionery firm fined after worker is injured in fall](#)

A Scottish confectionery and meringue manufacturer has been fined £5,000 after a worker was badly injured in a fall from a forklift truck.

The employee of Lees of Scotland Limited was hurt while helping unload a delivery of equipment from a lorry using a forklift truck in the yard of the company's Coatbridge site on June 4, 2019.

The man had been asked to get on the forklift truck to try to help it stay upright because it couldn't lift the load.

The employee fell from the forklift truck, resulting in a broken arm, cuts to his head and muscle damage to his back. He was off work for more than four weeks, before returning on light duties.

An investigation by the Health and Safety Executive (HSE) found that Lees of Scotland Limited had failed to make a suitable and sufficient assessment of the risks arising from a lifting operation undertaken by employees.

This involved the unloading of a lorry using a forklift truck which was not capable of lifting the weight of the loads.

Lees of Scotland Limited, North Caldeen Road, Coatbridge pleaded guilty to breaching Regulations Section 2(1) and Section 33(1)(a) of the Health and Safety at Work Act etc 1974. It was fined £5,000 at Airdrie Sheriff Court on December 13, 2022.

HSE inspector Ashley Fallis said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

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

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[Cold weather working: Helping staff stay safe and warm](#)

Employers are being reminded of their responsibilities to keep workers safe as cold weather continues to affect large parts of the country.

Great Britain's workplace regulator, the Health and Safety Executive, is stressing the importance of [protecting workers during the cold weather](#). It comes as the Met Office has issued a level three cold weather alert until Thursday December 15 for large areas of the UK.

John Rowe, Head of Operational Strategy, said: "We're calling on all employers to take a sensible approach during the cold weather we are experiencing. There are lots of jobs that will be more difficult in the current conditions. Most employers will recognise this and make appropriate accommodations for their staff. That is the right thing to do.

"It's also important employers ensure staff are working in a reasonable temperature. People working in uncomfortably cold environments are less likely to perform well and more likely to behave unsafely because their ability to make good decisions deteriorates."

Temperatures in indoor workplaces are covered by the Workplace (Health, Safety and Welfare) Regulations 1992, which place a legal obligation on employers to provide a "reasonable" temperature in the workplace.

All employers are expected to ensure indoor workplaces are kept at a reasonable temperature. [The Approved Code of Practice](#) suggests the minimum temperature should normally be at least 16 degrees Celsius. If the work involves rigorous physical effort, the temperature should be at least 13 degrees Celsius.

John Rowe said: "Complying with the code of practice is the right thing for an employer to do. By maintaining a reasonable temperature, employers are likely to maintain the morale and productivity of their staff as well as improving health and safety."

Ends