

# Sole director jailed after employee killed by excavator

Robert Harvey, sole director and employee of Front Row Builders Ltd has been sentenced after an employee, Nicholas Hall was crushed to death by an excavator bucket, which Harvey was operating.

The employee was pinned against the wall of an excavation pit for a vehicle wash bay that was under construction for Peter Lawless Road Planing Limited at Craighead Industrial Estate, Whistleberry Road, Blantyre.



Hamilton Sheriff Court heard that on 7 May 2016 work was being carried out by Front Row Builders Ltd employees to build a wall within an excavation. Robert Harvey operated an excavator to lower cement and blocks down into the hole for three other men who were working in the hole to use. Robert Harvey tipped the bucket to empty the mortar contents and shouted to Nicholas Hall to 'scrape the rest out with a shovel'. Nicholas was pinned against the wall by the excavator bucket and died of blunt force injuries to his chest and abdomen.

An investigation by the Health and Safety Executive (HSE) found that on Robert Harvey, an employee, had failed to undertake a sufficient assessment of the risks to those who had been instructed to work with him, he operated a long reach excavator without receiving the appropriate training or certification and he instructed Nicholas Hall, who was working within the

excavation, to remove mortar from the bucket.

Robert Harvey of Reston Drive, Glasgow pleaded guilty to breaching Section 7(a) and Section 33(1)(a) of the Health and Safety at Work Act etc 1974, and was given a 10 month custodial sentence.

Speaking after the hearing HSE inspector Helen Diamond said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working.

"If a suitable safe system of work had been in place prior to the incident, the death of this worker could have been prevented."

#### **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>

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