

Construction company fined after worker killed during demolition work

A construction company was fined half a million pounds after a father-of-two was killed when a re-enforced concrete slab collapsed underneath him during a demolition project.

Southwark Crown Court heard that on 14 April 2014, 33-year-old labourer Dainius Rupsys from Lithuania was working with an excavator operator at the site on Grosvenor Square in London, as part of the operation to demolish the existing multi-storey building before 31 residential flats could be built.



Mr Rupsys had been burning through reinforcing steel bars with an oxy-propane lance to assist the excavator operator's efforts to remove part of the re-enforced concrete slab. Another worker had alerted the supervisor that their work had made the structure unsafe and the demolition was halted. However, the supervisor then ordered the removal of props supporting the remaining slab and less than ten minutes later it collapsed. The Court heard that the 360 excavator may have moved back onto the slab after the props were removed.

Mr Rupsys, the 360 excavator and its operator in the cab all fell with the slab. Mr Rupsys suffered severe head injuries and died at the scene, while the excavator operator injured his back.

An investigation by the Health and Safety Executive (HSE) found that in the weeks before the incident CCTV from overhead cameras showed demolition work had been carried out unsafely, that Mr Rupsys was not adequately trained to use the oxy-propane lance and that he had no training on using the safety harness, which was not attached when the incident occurred.

McGee Group Limited (McGee) of Athlon Road, Wembley, Middlesex, who was the principal contractor for the project, pleaded guilty to a breach of Regulation 22(1)(a) of the Construction (Design and Management) Regulations 2007. The company was fined £500,000 with £66,236,22 in costs.

HSE inspector Andrew Verrall-Withers commented after the hearing:

“In the weeks prior to this tragic incident workers were regularly put at an acute risk of falling. This is a case of a company wanting to have good systems to protect the workers, but not paying enough attention to what was actually happening at the site.

“This young man’s death could have been prevented. Mr Rupsys should not have been allowed to operate an oxy propane lance. Employers have a duty to check workers have sufficient skills, knowledge, experience and training before they allow them to use equipment.”

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

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[Steel fabrication company fined after steel cages fall onto employee](#)

A steel fabrication company has been fined after steel cages fell onto a worker’s leg, resulting in multiple fractures.

Chelmsford Magistrates’ Court heard that, in November 2017, an employee of Lemon Groundwork Solutions Limited was using a gantry crane to lift a steel cage from a stack of cages at the company site in Wickford, Essex. These steel cages were free-standing on the floor, each weighing 1188kg, and were stacked between 2-4 cages high in an unstable pyramid formation, without chocks to support the load. When the employee used the gantry crane to lift the top cage from the stack, two cages at the bottom rolled onto his left foot and leg, fracturing his tibia and fibula bones. As a result, the worker had to undergo reconstructive surgery where metal rods, plates and pins were

inserted into his leg.

An investigation by the Health and Safety Executive (HSE) found that prior to the incident, Lemon Groundwork Solutions Limited had failed to implement a safe system of work for storing cages and had not provided their employees with sufficient information, instruction, training and supervision to store and handle cages safely. The company had additionally failed to determine the maximum height that the cages could be stacked and suitable means to secure the cages to prevent movement and collapse. The task of stacking cages was also not adequately risk assessed.

Lemon Groundwork Solutions Limited of Russell Gardens, Wickford, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £130,000 and ordered to pay costs of £5589.99.

Lemon Groundwork Solutions Limited had previously been served Improvement Notices by HSE regarding the safety of its lifting operations and the management of vehicles and pedestrians in its yard. In November 2018, the company was fined £100,000 for a breach of Section 2(1) of the Health and Safety at Work etc Act 1974, following an incident in 2016 in which an employee was struck by a bundle of steel rebar that fell off a forklift, causing multiple fractures to his leg.

Speaking after the hearing, HSE inspector Eleanor Kinman said: "This incident could easily have been prevented if the company had adopted safe control measures for storing and handling cages, and adequately supervised the task."

"Companies should be aware of the risks of handling metal stock, and that it should always be stored and stacked so it is not likely to move, fall and cause injury."

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4. Guidance on the handling of metal stock is available in HSG246 – Safety in the storage and handling of steel and other metal stock at <https://www.hse.gov.uk/pubns/books/hsg246.htm>

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Teaching company fined after teacher run over by delivery van

St Andrew's Tutorial Services Ltd has been fined after a teacher sustained serious injuries when she was struck by a delivery van.

Cambridge Crown Court heard that on 26 February 2016, the 48-year-old teacher was on a trip to the UK, bringing students to the college from Italy. Whilst at the front of St Andrew's College, Station Road, Cambridge, the driver reversed over the teacher, only stopping his delivery vehicle after members of the public alerted him. The teacher sustained multiple fractures and crush injuries; her head was just inches away from one of the tyres.



An investigation by the Health and Safety Executive (HSE) found that St Andrew's Tutorial Services Ltd had not adequately segregated vehicles and pedestrians. Although the company had identified measures that would likely have prevented this incident, it failed to implement them.

St Andrew's Tutorial Services Ltd of Station Road, Cambridge pleaded guilty to breaching Regulation 17(1) of the Workplace Health & Safety and welfare Regulations. The company was fined £30,000 and ordered to pay costs of £9,197.78.

After the hearing HSE inspector Sandra Dias said: "This was a distressing and completely avoidable incident, the failure of the host company to implement safe systems of work, caused a visiting driver to carry out his own flawed assessment and an unsafe manoeuvre, resulting in horrific injuries to a teacher carrying out work on an overseas visit to the UK.

"The company failed to undertake a number of simple safety measures including segregated areas for vehicles and pedestrians, implementing a one-way system to reduce reversing in areas there were likely to be pedestrians and designated areas for delivery vehicles."

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[Sole trader fined after worker injured](#)

Duffy Skylining has been fined following an incident when a worker suffered serious injuries after being struck by a tree.

Fort William Sheriff Court heard that on 4 February 2016, Malcolm Duffy and three employees were felling trees on land adjacent to the A82 north of Fort William, contracted by the Forestry Commission. While dealing with a taller tree, around eight metres in height, Mr Duffy made preparatory cuts and then checked with the rest of the team to ensure they were in a safe place. Mr Duffy thought his colleagues understood that he was about to fell the tree. After the initial cut was made, Mr Duffy made his felling cut at the same time as Mr Strachan dragged a large branch from the brash pile into the path of the felling tree. The tree stuck him on the left side of his helmet and left shoulder.



An investigation by the Health and Safety Executive (HSE) found that the exclusion zone normally used, which requires that no one would be positioned within two tree lengths of a tree being felled, was not adhered to on this occasion. Had there been a clearly defined system of communication, it would have prevented the misunderstanding where Mr Duffy thought that workers appreciated the tree was about to be felled. That particular tree being taller, steps should have immediately been taken to identify and enforce a wider exclusion zone, preventing any person from entering within two tree lengths of that tree.

Malcolm Duffy, trading as Duffy Skylining of Commerce House, South Street, Elgin, Moray pleaded guilty to breaching Sections 2 and Section 33 (1) (a) of the Health and Safety at Work Act etc 1974 and was fined £8,000.

After the hearing, HSE inspector, Penny Falconer 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 life changing injuries sustained by the employee could have been prevented."

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[Printing company sentenced after employee suffers finger amputations](#)

Harrier LLC, a photo processing, printing and gift manufacturing business based in Newton Abbot has been sentenced after a worker suffered serious injuries when his hand was caught in machinery.

Exeter Magistrates' Court heard that on 19 January 2017, 44-year-old agency worker Neil Williams was working on a corner rounding machine at a site in Newton Abbot. The machine is hand operated with top and bottom blades and can also be activated by a foot pedal. While adjusting the settings of the cutter, Mr Williams put his fingers between the blades to ensure a flush fit. While he tightened them in place, his foot slipped and hit the foot pedal even though it was of a protected or "shrouded" design. The blade came down and severed his ring finger, middle finger and most of his index finger.

An investigation by the Health and Safety Executive (HSE) found Mr Williams was not suitably trained and the safe system of work for the corner cutter failed to set out a safe way to change the template size.

Harrier LLC of Brunel Road, Newton Abbot pleaded guilty to breaching Regulation 3(1) of the Management of Health & Safety at Work Regulations 1999. The company has been fined £98,000 and ordered to pay costs of £6,756.50 plus a victim surcharge of £170.

Speaking after the hearing HSE inspector Melissa Lai-Hung said: "The company fell significantly below the expected standard. Mr Williams' injuries have been life changing. This incident was foreseeable and preventable.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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