

[Case 409 – Store stops providing empty ‘tester’ perfume bottles](#)

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[Case 408 – Supermarket deli refused request to leave plastic wrapping on liver sausage](#)

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[Construction firm fined after worker fell from height](#)

Construction company Kier Construction Limited has been fined £400,000 after a worker fell from height.

Westminster Magistrates' Court heard how Jair Morales was installing plywood boards covering holes on the third floor of a building at a construction site in Uxbridge, Middlesex when he fell a distance of 3.95m to the floor below.

The court heard no steps had been taken to prevent him falling through the opening as he installed the plywood boards. Mr Morales suffered fractures in his pelvis and his arm following the fall and has been unable to work since the accident.

An investigation by the Health and Safety Executive (HSE) found that Kier failed to ensure the work was properly planned and carried out in a safe manner.

Kier Construction Limited of Tempsford Hall, Bedfordshire pleaded guilty to breaching section 4 (1) of the Work at Height Regulations 2005, has been fined £400,000 and ordered to pay costs of £1,534.

Speaking after the case HSE inspector Owen Rowley said: "This incident could have been a lot worse. The system that Kier Construction Ltd has in place to control the risk from installing the protection for openings was not implemented on site, ultimately resulting in the accident.

"The risks of working at height are widely recognised throughout the construction industry. This case highlights the importance of ensuring that all work at height is properly planned and carried out safely."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and

advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. 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>

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

[Norfolk farming company fined after death of worker](#)

The grain storage facility

A family owned Norfolk farming company has been fined after an employee died at its grain storage facility.

Norwich Crown Court heard that on 9 July 2014, Arthur Mason, 21, took turns with a colleague to undertake cleaning work inside grain bins at Hall Farm, Fincham, near Kings Lynn, run by Maurice Mason Ltd. He was standing directly on the stored grain, using a broom to clean down the exposed inner surfaces of the bin. He wore a harness fitted with a fall-arrest lanyard, which was secured to a fixed ladder inside the bin.

He began to sink into the grain, which was emptying slowly through a small opening at the bottom of the bin several feet below its surface. The court heard that any such movement or cavity in grain may be enough to create a 'quicksand' like effect.

The forces involved caused the fall-arrest component of the lanyard to unravel and extend. This caused him to sink still deeper into the grain. After alerting colleagues, who tried to assist, he swiftly became engulfed in the grain and subsequently drowned, despite most determined rescue efforts by farmworkers and emergency services.

An investigation by Health and Safety Executive (HSE) found that the employer of the deceased, Maurice Mason Ltd, failed to adequately identify and manage the deadly risks associated with cleaning grain stores. There was no safe system of work in place for this task, nor had anyone involved been provided with suitable training in how to complete it safely.

Maurice Mason Ltd of Hall Farm, Fincham, Kings Lynn, Norfolk, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974, and was fined £50,000 and ordered to pay prosecution costs of £22,000.

Speaking after the hearing HSE Inspector Paul Unwin said: "This tragic incident led to the avoidable death of a young man. This death could easily have been prevented if his employer had acted to identify and manage the risks involved, and to put a safe system of work in place. There should be little need for anyone to enter such grain bins as it may be reasonably practicable to clean them remotely from outside".

"The dangers associated with grain storage are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/^{[2][2]}
3. HSE news releases are available at <http://press.hse.gov.uk>

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[Care home fined after boy drowned in disused quarry](#)

A Kettering based care home company has been fined after a 16-year-old boy drowned at a disused quarry on a day trip.

The Old Bailey heard how two 16-year-old boys who were residents at Castle Lodge Home near Ely, Cambridgeshire, were taken on a day trip to Bawsey Country Park near Kings Lynn, Norfolk.

The park is a disused sand quarry containing parkland and flooded pits, and the two boys went into the water at the pits despite the no swimming signs. One of the two boys became trapped in weed on the bottom of the pit and drowned. His body was recovered later.

An investigation by the Health and Safety Executive (HSE) into the incident which took place on 16 July 2013 found the two residential support workers who accompanied the boys had very little experience and did not attempt to prevent the children entering the water.

No risk assessment was carried out prior to the trip and Castle Homes'

procedures were ineffective in ensuring the safety of the children while on trips outside of the home.

Castle Homes Limited, of High Street, Rothwell, Kettering, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc Act 1974, was fined £80,000 and ordered to pay costs of £20,000.

Speaking after the hearing HSE inspector Anthony Brookes said: "This boy's tragic death was entirely preventable if the Care Home had planned properly and managed the risk of taking residents to the abandoned quarry."

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