

# Selection of Health & Safety Prosecutions (May 2008 and December 2008)

DATE	PENALTY	BREIF FACTS
May 2008	Three compnaies: £200,000 each (with £42,000costs)	Balfour Beatty PLC and joint venture partner GT Railway Maintenance Ltd were each fined for failing to ensure the safety of non-employees after a contractor suffered a massive electric shock from live overhead power lines while working on the West Coast Main Line resulting in 30% burns and the amputation of part of his leg. Elec-Track installations Ltd (now known as Hythe Realisations Ltd) were also fined for failing to safe guard its own employees.
May 2008	Siemens Dematic Ltd: £100,000 (with £47,000 costs) Stow (UK) Ltd: £80,000 (with £41,000 costs) Project Manager: £2500 (with £500 costs) Health and Safety Officer: £2500 (with £500 costs)	A German worker died when he fell 8.5 m when plastic tie wraps were used to secure guardrails at a distribution centre where he was working. The principal contractor, Siemens Dematic Ltd (now known as Oldbury (Banbury) Ltd) and racking installation contractor Stow (UK) Ltd will find for failing to ensure the safety of non-employees. Siemens project manager, who was found not guilty of manslaughter, was fined for failing to take these will care for the health and safety of himself and others. These sites self-employed health and safety officer contracted for the project by Siemens was fined for knowing that the plastic tie wraps were being used to secure guard rails but did nothing to intervene.
June 2008	Company: £166,000 (with £22,612 costs)	Dennis Eagle Ltd, a manufacturer of refuse collection vehicles, was fined following the death of a worker who was killed when he was crushed when inadequate wheel chocks failed to prevent a vehicle from moving forwards when the parking brake was released.
June 2008	Company: £170,000 (with £30,000 costs)	Steel giant Corus were fined following the death of a machine operator who died after a 260 kg block fell on him from height as he worked underneath a crane.
June 2008	Company: £120,000 (with £51,000 costs)	Calders and Grandidge Ltd (part of the French multinational construction materials company Saint Gobain Building Distribution Ltd), were fined for two breaches of the Management of Health and Safety at Work Regulations 1999 for failing to have arrangements in place to manage the introduction of new products and systems and for failing to perform a suitable and sufficient risk assessment for the loading of steel poles onto trailers. This follows the death of HGV driver after he fell 15 feet from his trailer and suffered fatal head injuries.
July 2008	Two companies: £300,000 each (with £50,000 each in costs)	HP Bulmer Ltd and Nalco Ltd were fined following the deaths of two people and more than 20 other members of public falling ill after an outbreak of Legionella in September 2003. The sentencing hearing was told that Legionella bacteria were found in two cooling towers at Bulmer's plant. HP Bulmer Ltd had employed Nalco Ltd, a water treatment company, as part of the strategy to manage risk from Legionella bacteria that could occur as a result of the use of evaporative water-cooling towers at the Bulmer's site.
July 2008	Apollo Cradles Ltd: £115,000 (with £45,000 costs) Bradway Construction Ltd: £25,000 (with £18,000 costs)	Four employees of Bradway Construction Ltd were using a suspended access cradle provided by Apollo Cradles Ltd to work on the maintenance and painting of an office building when the cradle failed causing them to fall from a height of 10m. As a result one man died; the others were injured.
July 2008	Company fined £200,000 (no costs)	Lafarge Cement UK were fined for failing to provide employees with adequate training, instruction, supervision and a failure to make suitable risk assessments. This follows an incident where a quarry worker was left scarred and his ear amputated when he became caught in the fan of motor, left uncovered in a quarry's stacker machine. The machine is used to crush limestone to make cement.
July 2008	Company: £120,000 (with £12,122.53 costs)	Rolls Royce Plc were fined for failing to ensure that its staff were not exposed to hazardous substances following an incident where 5 agency workers were exposed to hazardous substances including potassium fluorosilicate, fumes from hot metal cutting and oxides of sulphur, resulting in all suffering from skin rashes and two of the men suffering respiratory problems.
August 2008	R Maskell Ltd: fined £150,000 (with £30,000 costs) LCH Contracts: £70,000 (with £13,821 costs)	R Maskell Ltd were fined following breaches of the HSWA for failing to ensure its employees health (£100,000 fine) and the Construction (Health, Safety and Welfare) Regulations 1996 for failing to comply with fire safety regulations (£50,000 fine). Its subcontractor, LCH Contracts, a licensed asbestos remover, were likewise fined for two breaches of the Control of Asbestos at Work Regulations 2002 (£50,000 and £20,000 fine respectively). R Maskell Ltd were carrying out building refurbishment work and had, after discovering asbestos, sub-contracted LCH Contracts to carry out asbestos removal. The HSE investigation found the building to be contaminated with asbestos containing materials and evidence was found that asbestos insulation board had not been correctly removed following inadequate safety or disposal procedures.

DATE	PENALTY	BRIEF FACTS
August 2008	Company: £10 token fine Company Director: 12 months imprisonment and banned from being a company director for five years.	Company Director Sharaz Butt of Alco Construction Ltd pleaded guilty to manslaughter and admitted three health and safety offences on behalf of the company, including failing to ensure the safety of employees and failing to give staff proper training following the death of a builder who fell 12 feet through a skylight.  No costs were awarded against either Mr. Butt or the company, worth the company being fined a token amount of £10 owing to the financial means of both parties. The judge said he would have fined the company tens of thousands of pounds had the company being in a position to pay such an amount.
August 2008	Company: £400,000 (no costs)	The Scottish Coal Company Ltd was fined when two of its employees were killed when their vehicle was crushed by a 100 tonne capacity dump truck. The dump truck driver could not see their vehicle because it was in a blindspot.
September 2008	Company: £125,000 (no costs)	Glasgow construction company Curol Contracts was fined for failing to provide a safe system of work for its employees after an employee died following a fall of more than 8 m from the upper balcony area of a former cinema that was being converted into a nightclub. The concrete slabs on which employees were standing gave way as a result of the supporting mechanism having already been cut away.
October 2008	Company: £300,000 (no costs)	Mitie Engineering Services (Edinburgh) Ltd was fined for failing to ensure the safety at work of its employees when one of its employees was killed when he came into contact with a live conductor in a cable on which he was working. The employee was installing cables, fixtures and fittings when the incident happened. Despite being labelled "not in use", the cable he was working on was live; it had not been safely and securely isolated from the electricity supply. Furthermore the employee was not provided with the necessary test equipment to prove the cable was dead, nor the means to securely isolated circuit.
October 2008	Company: £250,000 (no indication as to costs)	Pentons Haulage and Cold Storage were fined for not ensuring its employees safety (£225,000 fine) and for failing to use proper planning, organisation and control of protective measures pursuant to the Management of Health and Safety at Work Regulations 1999 (£25,000 fine). This follows the death of an employee driver who was crushed to death between his own and another lorry of the company when the other lorry reversed.
October 2008	Two companies: £600,000 each (no costs)	Talisman Energy, the operator of a rig, owned by Bluewater were fined for failing to ensure the safety of non-employees and Aker Kvaerner Offshore Partner, the subcontractor that employed the deceased, were fined for failing to ensure its employees safety following the death of one person and the entry of another in April only managed lifting operation. In essence a pneumatic hoist was being used to lift items out of a tank of the Bleo Holm support vessel through a small hatch at main deck level. To steel beam clamps, weighing 21.5 kg, were among items that fell from the load striking the individuals below.
November 2008	Sellafield Ltd: £150,000 (with £50,500 costs) PC Richardson and Co Ltd: £100,000 (worth £25,000 costs)	Sellafield Ltd (then operating as British Nuclear Fuels Limited), the owners of Sellafield nuclear plant and its subcontractor who was responsible for decommissioning a chimney at Sellafield nuclear plant, were fined following the death of a work man who fell 95 m to his death inside an industrial chimney.
December 2008	Two companies: £150,000 each (with £41,500 each in costs)	Energy giants Shell UK and Amec Group were fined following the death of a gas rig worker who fell to his death whilst carrying out maintenance work on a badly corroded external metal staircase on the Shall-operated Sole Pit Clipper offshore gas installation in the North Sea.
December 2008	Company: £200,000 (with £71,400 costs)	Taylor Woodrow Construction Ltd, the company responsible for managing the building project of the National Assembly for Wales building, were fined when a supervisor employed by subcontractors was killed after a wall collapsed, throwing him from his ladder.
December 2008	Company: £250,000 (with £80,000 costs)	Oakwood Leisure Ltd was fined for failing to ensure the safety of the public following the death of a 16-year-old girl who plunged 100ft to her death after she was ejected out of a high-speed theme park ride at the Oakwood Theme Park.