

## April 2014 - March 2015

### Bloomfield Collegiate School

The Board of Governors of Bloomfield Collegiate School was fined £7,500 plus costs of £1,750 at Belfast Crown Court on 14 May 2014 when they pleaded guilty to three breaches of health and safety legislation:

Regulation 4(1) of the Control of Asbestos Regulations (Northern Ireland) 2007.

Article 4(1) and 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978.

The case relates to the management of asbestos in the former preparatory school building at Bloomfield Collegiate. The HSENI was alerted to issues in relation to the condition of asbestos in the building and an investigation in May 2012 confirmed the presence of damaged asbestos in the building.

### Eglinton (Timber Products) Ltd

Eglinton (Timber Products) Ltd was fined £8,000 plus costs of £1,500 at Derry Crown Court on 3 June 2014 after previously pleading guilty to a breach of Article 4 of the Health and Safety at Work Order (NI) 1978 (duties to employees).

The case arose following an incident on 25 July 2013 at the company's premises in Eglinton, Co Derry. A 22 year old man became trapped after coming into contact with a rotating cog mechanism of a timber processing machine as he was attempting to adjust the position of the cog. As a result his hand was instantly amputated by the machine parts. He had been with the company for 7 weeks and had not received proper training in maintenance and servicing of machines.

An inspection by HSENI in 2012 had raised safe maintenance issues, however the company did not ensure that effective measures were used at all times during maintenance, following that inspection.

### Robert Ian Hamilton

Pomeroy farmer Mr Robert Ian Hamilton was fined £5,000 plus costs of £963 at Dungannon Crown Court on 30 September 2014 after he pleaded guilty at an earlier hearing to two breaches of health and safety legislation; Article 4 (1) of the Health and Safety at Work (Northern Ireland) Order 1978 and Regulation 6 of the Work at Height Regulations (Northern Ireland) 2005.

The case relates to an incident on 13 January 2014 where an employee of Mr Hamilton suffered severe injuries after falling 3.2 metres (10.5 ft) from the top of a mobile feed mixer. The incident occurred as a result of an unsafe system of work. The farm worker was in the process of loading molasses into the feed mixer through an opening at the top. To do this he had to climb up the side and onto the top of the feed mixer in order to open and close valves which regulated the flow of molasses. On this occasion the employee fell from the top of the mixer, suffering multiple head and body injuries.

The HSENI investigation found that there were no measures in place to prevent workers from falling from the mixer while adding the molasses. The use of a pump or other automated system capable of adding molasses would have removed the need for employees to access the top of the mixer.

## Abbey Roofing Specialists Limited

A Newtownabbey based company, Abbey Roofing Specialists Limited, were fined £9,000 plus costs of £1,500 at Laganside Crown Court on 12 November 2014 after pleading guilty to four breaches of health and safety legislation:

Article 4 (1) of the Health and Safety at Work (Northern Ireland) Order 1978.

Regulation 6 of the Control of Asbestos Regulations (Northern Ireland) 2012.

Regulation 10 of the Control of Asbestos Regulations Prosecutions (Northern Ireland) 2012.

Regulation 11 of the Control of Asbestos Regulations (Northern Ireland) 2012.

The case relates to an incident on 24 June 2013 where a 54 year old employee of the roofing contractor suffered multiple injuries after falling over three metres through asbestos cement roof sheeting. Abbey Roofing Specialists had been contracted to strip the roof sheets from a large garage, situated on Beechill Park Avenue, Belfast.

The incident occurred as a result of an unsafe system of work combined with a lack of onsite supervision. The HSENI investigation found that none of the simple and commonly available measures to prevent workers from falling, such as netting or airbags below the roof, were in place. Neither did the company use a Mobile Elevated Work Platform (MEWP) inside the garage which would have allowed the workers to access all areas of the roof quickly and safely from below.

Abbey Roofing Specialists Limited had not carried out a suitable and sufficient risk assessment before starting the work, which if completed would have set out how to remove the asbestos roof sheets safely. Neither had the company provided adequate training for its employees who could have been exposed

to asbestos fibres or taken the necessary precautions to limit the exposure to asbestos.

## A Diamond and Son (Timber) Ltd

A. Diamond and Son (Timber) Ltd was sentenced at Antrim Crown Court on 28 January 2015 for criminal safety failings that led to the death of a 54 year old employee Peter Lennon.

The company pleaded guilty to a breach of corporate manslaughter and was fined £75,000 plus £15,832 costs at Antrim Crown Court.

Today's judgement follows a joint PSNI and Health and Safety Executive for Northern Ireland (HSENI) investigation into the fatal incident, which took place on 27 September 2012.

Mr Lennon was carrying out a repair to a large automated machine when the accident occurred. Power to the machine had not been disconnected and during the work the machine moved, crushing and fatally injuring Mr Lennon. The investigation found that the repair could have been carried out safely and easily whilst the machine was isolated from all sources of power.

The investigation also revealed that the safety guards preventing access to dangerous parts of the machinery had been modified and were regularly bypassed for routine tasks. It was also found that the electrical safety key for the safety gates had been disabled, and operators did not know how to operate the machine in maintenance mode.

## B.A. Shaw Contractors Ltd

B.A. Shaw Contractors Ltd received a fine of £2,500 plus £49 costs and a £15 offender levy at Downpatrick Magistrates Court on 2 February 2015 for failure to protect employees' health while working with lead paint.

The company pleaded guilty to 4 breaches of health and safety legislation which resulted in its workers inhaling and ingesting lead dust over several months during 2012.

One employee was made ill and required hospitalisation due to exposure to lead while removing old paint. In addition, tests also found that a number of workers had elevated lead in their blood concentrations, with one having a blood lead level above that which would require him to be suspended from working with lead.

Lead can easily enter the body through normal breathing or swallowing, where it can accumulate and can cause debilitating symptoms. However, B. A. Shaw Contractors Ltd failed to recognise the significance of the lead paint present during a renovation project at a historical building near Downpatrick.

The subsequent investigation revealed that the company failed to ensure suitable precautions were taken to prevent exposure to lead when old paint work was being removed. The company also failed to provide adequate welfare facilities.

## G & J Crothers

G & J Crothers received a fine of £22,500 plus costs of £1,500 on 12 February 2015 at Laganside Courts after pleading guilty to one health and safety breach.

The case relates to an incident on 29 June 2013 which led to the death of 39 year old employee Michael Beston. G & J Crothers had undertaken to remove and replace tin roofing sheets from an agricultural type outbuilding. During the work Mr Beston stepped on a sheet that was not fixed in place, resulting in him falling approximately four metres.

The health and safety breach was as follows:

Article 4 (1) of the Health and Safety at Work (Northern Ireland) Order 1978.