

Appendix 2

Fatal Accidents 2014-2015

(Total =23; HSENI enforcement responsibility only)

Agriculture

Occupation (Age)	Employment Category	Description/General Location	Date of Accident
Farmer (64)	Self-employed	Died after falling from scaffolding in Clady.	29/04/14
Welder (23)	Member of Public	Died after being trapped in a confined space resulting in asphyxia. Found beside silage pit in Newry.	16/05/14
N/A (8)	Member of Public	Died after being overcome by slurry gas in Dunloy.	07/06/14
Farmer (72)	Member of Public	Died after a fall which resulted in a head injury from striking a piece of machinery in Garrison.	12/06/14
Farmer (81)	Self-employed	Died after being struck by a reversing tractor in Pomeroy.	24/06/14
Farmer (70)	Self-employed	Died after a tree being cut up rolled on top of him in Crossgar.	27/10/14 (died 29/10/14)
Farmer (71)	Self-employed	Died after being attacked by cattle in Ballinamallard.	29/11/14
Farmer (76)	Self-employed	Died after being crushed by a tractor in Downpatrick.	20/03/15
Farmer (56)	Member of Public	Died after falling off a ladder in Limavady.	26/03/15

Construction

Occupation (Age)	Employment Category	Description/General Location	Date of Accident
Roofer (44)	Employed	Died after falling from a roof in Newtownards.	28/05/14 (died 29/05/14)
Roofer (58)	Self-employed	Died after falling from a roof in Belfast.	02/06/14
Construction Worker (35)	Employed	Died after being struck on the head in Londonderry.	06/11/14 (died 07/11/14)
Construction Worker (21)	Employed	Died after being trapped under an excavator in Strabane.	06/01/15
Construction Worker (57)	Employed	Died after falling through a roof in Portadown.	20/01/15

Transport & Utilities

Occupation (Age)	Employment Category	Description/General Location	Date of Accident
Window Cleaner (53)	Self-employed	Died after falling off a ladder in Dromore.	20/08/14
Transport Owner (69)	Owner	Died after falling off the top of a lorry in Dromara.	19/12/14
N/A (48)	Member of Public	Died after being trapped under a bus in Lisburn.	29/12/14

Extractive Industries

Occupation (Age)	Employment Category	Description/General Location	Date of Accident
N/A (59)	Member of Public	Died after being crushed by the bucket of an excavator in Coleraine.	23/08/14
Quarry Owner (57)	Owner	Died after drowning at a quarry in Omagh.	05/03/15
Quarry Worker (62)	Employed	Died after being run over by a vehicle in Knockloughrim.	13/03/15

Other

Occupation (Age)	Employment Category	Description/General Location	Date of Accident
Forklift Operator (49)	Employed	Died after being crushed by a forklift that overturned in Nutts Corner, Crumlin.	02/08/14
Operative (63)	Employed	Died after being trapped in a conveyor belt in Belfast.	05/03/15 (died 19/03/15)
N/A (84)	Member of Public	Died after a fall in hospital in Londonderry.	10/03/15

Appendix 3:

Prosecutions 2014/15

The Board of Governors of 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 and Articles 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. 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) Limited

Eglinton (Timber Products) Limited 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 seven weeks and had not received proper training in maintenance and servicing of machines.

Robert Ian Hamilton

Pomeroy farmer, 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 when 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.

Abbey Roofing Specialists Limited

Newtownabbey based company, Abbey Roofing Specialists Limited, was 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 (Northern Ireland) 2012 and Regulation 11 of the Control of Asbestos Regulations (Northern Ireland) 2012. The case relates to an incident on 24 June 2013 when 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. 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 taken the necessary precautions to limit the exposure to asbestos or provided adequate training for its employees who could have been exposed to asbestos fibres.

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. The company pleaded guilty to a breach of corporate manslaughter and was fined £75,000 plus £15,832 costs at Antrim Crown Court. The judgement followed a joint PSNI and Health and Safety Executive for Northern Ireland (HSENI) investigation into the fatal incident, which took place on 27 September 2012. The employee 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 the employee.

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 the following breaches: Articles 4 and 5 of the Health and Safety at Work (Northern Ireland) Order 1978 and Regulations 5 and 6 of the Control of Lead at Work Regulations (Northern Ireland) 2003. The work resulted in workers inhaling and ingesting lead dust over several months during 2012. One employee required hospitalisation due to exposure to lead.

A number of workers had elevated lead in blood concentrations, with one having a blood lead level above that which would require him to be suspended from working with lead.

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 a breach of Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978). The case relates to an incident on 29 June 2013 which led to the death of a 39 year old employee. G & J Crothers had undertaken to remove and replace tin roofing sheets from an agricultural type outbuilding. During the work, the employee stepped on a sheet that was not fixed in place, resulting in him falling approximately four metres.

Appendix 2

FATAL ACCIDENTS 2015-2016 (Total = 12; HSENI enforcement responsibility only)

Occupation (Age)	Employment Category	Description	Date
Agriculture			
Farmer (61)	Self-employed	Died when the quad bike he was operating turned over on steep ground at his farm in Glenwherry.	10/06/15
Farmer (68)	Self-employed	Died following an attack by his Charolais bull in the field in Dungannon.	26/06/15
Farmer (79)	Self-employed	Died when struck by the front end loader fitted to a tractor in Downpatrick.	21/12/15
Farmer (68)	Self-employed	Died when struck by a telescopic handler which had been reversing out of a cattle shed in Omagh.	24/12/15
Farmer (67)	Self-employed	Died when he fell approximately 2m from the top of a manure drier in a poultry shed on his home farm near Dungannon.	17/02/16 Died 18/02/16
Farmer (56)	Self-employed	Died when struck by an unsupported forklift mast, which fell on top of him at his farm in Newry.	26/02/16
Food manufacturing			
N/A (4)	Member of Public	Died when crushed under a large metal tank in Lisburn.	13/08/15
Construction			
Builder (47)	Self-employed	Died when the stone saw he was using kicked back and struck him in the neck/throat in Enniskillen.	02/10/15
N/A (43)	Member of Public	Died as a result of hypothermia when he fell into the open excavation to the rear of a property and was found approximately 2 days later in Rathfriland.	28/03/16 Reported 31/03/16
Health			
N/A	Member of Public	Died when their wheelchair fell backwards in a hospital and they sustained a head injury. Antrim.	04/04/15 Died 23/04/15
Other			
Chimney Sweep (55)	Self-employed	Died when he fell off a two storey roof in Dungannon.	28/09/15
Mechanic (42)	Self-employed	Sustained serious injuries while working on a machine at a farm and later died in hospital in Omagh.	09/12/15

Appendix 3: Prosecutions

2015-16

Nigel Bell

Nigel Bell was fined £5,000 plus costs of £1,140 on 12 May 2015 at Downpatrick Crown Court today after pleading guilty to a breach of Article 4 of the Health and Safety at Work Order (NI) 1978. The case arose from an incident at Castle Park, Abbey Street, Bangor involving County Armagh fairground operator Nigel Bell on 24 April 2014.

The incident occurred during the dismantling and removal of a fairground ride during which a 27 year old employee was trapped after a trailer that was being pulled by nylon strapping rolled out of control. It came to rest when it hit a wall, crushing the worker who sustained a number of injuries to his body which required long-term medical treatment.

The investigation revealed that the method Nigel Bell was using to move the trailer was unsafe and there was no mechanism to stop it rolling too far. On this occasion his employee was crushed between the trailer and a wall.

EKS Tyres (NI) Limited

EKS Tyres (NI) Limited was fined £6,000 plus costs of £960 on 20 August 2015 at Dungannon Crown Court for failing to protect employees from exposure to asbestos. The health and safety breaches were Article 4(1) of Health and Safety at Work (Northern Ireland) Order 1978; Article 5(1) of Health and Safety at Work (Northern Ireland) Order 1978 and Regulation 4(3) of The Control of Asbestos Regulations (NI) 2012.

The case arose from an HSENI investigation into an incident in November 2013 when EKS Tyres (NI) Limited installed a new fire alarm system at its premises on Moneymore Road, Cookstown. HSENI's investigation found that there was no asbestos management plan for the premises, and as a result information on the location, type and condition of asbestos containing materials (ACMs) was not available.

Employees of EKS Tyres (NI) Limited who were working in the area at the time of the installation work were likely to have been exposed to asbestos.

Metallix Ltd

Metallix Ltd was fined £6,000 plus costs of £564 on 24 September 2015 at Antrim Crown Court for failing to protect employees from exposure to asbestos. The health and safety breaches were Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978; Regulation 4(3) of the Control of Asbestos Regulations (Northern Ireland) 2012 and Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978. The following charge was left on the books – breach of Regulation 11(1) of the Control of Asbestos Regulations (Northern Ireland) 2012.

The case arose from a HSENI investigation into how, over several days in April 2014, employees and sub-contractors at the company's premises at Pennybridge Industrial Estate, Ballymena were exposed to asbestos. Metallix Ltd manufactures metal components and sub-assemblies for the automotive industry and employs around 130 staff, with approximately 50 based at its Pennybridge site.

On or around 8 April 2014, while preparing the site for the installation of two overhead cranes in a workshop, asbestos insulation board was removed in an uncontrolled manner by two Metallix Ltd employees. In addition, from around 8 April 2014 to 15 April 2014 the contaminated area continued to be accessed by employees and sub-contractors.

Hayes Fuels and Stanley Gibson

Hayes Fuels, and independent safety consultant Stanley Gibson, were fined a total of £54,000, plus costs of £1,500 against Hayes Fuels on 15 October 2015 at Laganside Crown Court for health and safety breaches of Article 4(1) of the Health and Safety at Work (NI) Order 1978 and Regulations 10(4) of Work at Height Regulations (NI) 2005 which led to the death of 49 year old employee Robert Mark McCarroll. The case arose from an HSENI investigation into an incident at a Belfast premises operated by Hayes Fuels in March 2013.

Mr McCarroll was working in a warehouse where pre-packed fuel products stored on pallets were stacked on top of each other. The method of stacking used by Hayes Fuels resulted in some of the pallet stacks becoming unstable, and on the day of the incident the system of work involved Mr McCarroll working at the base of these pallets. Tragically, one of the pallet stacks fell over, resulting in the product falling on to Mr McCarroll who died two days later from his injuries.

Stanley Gibson, a health and safety consultant engaged to assist Hayes Fuels, had carried out a risk assessment of the area and had identified that there might be an issue with the storage system. However, he failed to complete the assessment and identify the control measures required to prevent material falling from height.

Quinn Building Products Limited

Quinn Building Products Ltd was fined

£100,000, plus costs of just over £7,700 on 22 October 2015 at Omagh Crown Court after previously pleading guilty to two health and safety breaches that resulted in the death of an employee in 2012. The health and safety breaches were Article 4 of the Health and Safety at Work Order (NI) 1978 and Regulation 5 of the Provision and Use of Work Equipment Regulations (NI) 1999. The case arose following an investigation conducted by HSENI into a fatal accident which occurred in the company's precast factory at Gortmullan, Co. Fermanagh. On 13 September 2012, Brian Óg Maguire, a 24 year old employee, was tensioning a steel rope measuring approximately 125 metres in preparation for the manufacture of precast cement slabs.

During the tensioning, the steel rope came adrift at one end and travelled towards Mr Maguire who was positioned in the safety cage.

Tragically in this case the steel rope was forced behind Mr Maguire where it struck an object. The rope splayed and two of the individual strands struck Mr Maguire causing fatal injuries.

The HSENI investigation revealed that three wedge segments which grip the steel rope showed signs of wear and damage. In addition, the tapered barrel, in which the grips were positioned, was worn beyond the manufacturer's recommended limits. Ultimately this resulted in the rope gradually slipping through the grips during tensioning and being released with a force estimated to have been in the region of six tonnes.

The company did not have suitable arrangements in place to check the grips and barrels were suitable to use, nor did it have a proper system to manage the use and rotation of these safety critical items.

Regen Waste Ltd

Regen Waste Ltd was fined £15,000 plus

costs of £664 on 18 November 2015 at Newry Crown Court for a health and safety breach of Article 4 of the Health and Safety at Work (Northern Ireland) Order 1978 after a 39 year old employee, Dariusz Jurczyk, sustained serious injuries resulting in amputation of his lower right leg.

The sentencing follows an HSENI investigation into how on 24 April 2014 Mr Jurczyk was struck by a reversing vehicle at the company's premises in Carnbane Industrial Estate, Newry. Regen Waste Ltd is a waste and recycling company, employing around 150 staff, which mainly processes household waste recyclables such as paper, cardboard, metal cans and plastics. The company operates a range of plant vehicles, including loading shovels, forklift trucks and skid-loaders throughout the site. On the day of the incident, Mr Jurczyk, along with other employees, was brushing up aluminium material from below and around a conveyor system into small piles for a skid-loader to remove. As Mr Jurczyk was brushing, the skid-loader operating in his area ran over his leg.

The HSENI investigation found the company had failed to ensure a safe system of work to prevent accidents. Proper consideration had not been given to how workers and vehicles could be kept apart, with the result that a person was run over resulting in horrific injuries. This lack of good all-round visibility on the skid-loader was also a significant factor.

Digital Fire and Security (NI) Limited

Digital Fire and Security (NI) Limited was fined £1,000 plus costs of £800 on 7 December 2015 at Dungannon Crown Court for failing to protect employees from exposure to asbestos. The health and safety breaches were Article 5(1) of Health and Safety at Work (Northern Ireland) Order 1978 and Regulation 5(a) of The Control of Asbestos Regulations (NI) 2012.

The case arose from an HSENI investigation into an incident in November 2013 when Digital

Fire and Security (NI) Limited were contracted to install a new fire alarm system at premises on Moneymore Road, Cookstown.

HSENI's investigation found that there was no asbestos management plan for the premises and that Digital Fire and Security (NI) Limited had failed to request a copy of such a plan prior to the commencement of their work.

Digital Fire and Security (NI) Limited commenced work on the alarm installation without knowledge of the location, type and condition of asbestos containing materials (ACMs) within the premises. While undertaking the work, two Digital Fire and Security (NI) Limited employees cut through an asbestos insulation board ceiling and as a result were exposed to asbestos.

John Thompson

Limavady farmer John Thompson was fined £2,500 on 17 December 2015 at Londonderry Crown Court for a health and safety breach of Article 4(1) of the Health and Safety at Work (NI) Order 1978 that resulted in a fatal accident on his farm in March of this year.

The case arose following an HSENI investigation into the accident where an employee fell approximately three metres while assisting Mr Thompson replace roof sheeting on a farm building. As a result of his fall on 26 March 2015, the 56 year old worker died from his injuries the following day.

Dale Farm Limited

Dale Farm Limited was fined a total of £30,000 plus costs of £2,500 on 12 January 2016 at Dungannon Crown following a guilty plea to Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978 and Regulation 4(1) of the Control of Asbestos Regulations (Northern Ireland) 2012.

The case relates to an incident on 13 March 2013 where two ventilation engineers were

exposed to asbestos fibres during extension work at Dunmanbridge Creamery, Cookstown. The two engineers had not been provided with information on the location of asbestos containing materials at the site prior to work commencing.

Dale Farm Limited had an asbestos management survey carried out 10 years prior to the incident.

However, an asbestos management plan had not been developed before the extension work began. Dale Farm Limited had also failed to update their asbestos register to take account of asbestos insulation board (AIB) that was discovered in 2007 in the area where the incident took place.

Watts Group PLC

Watts Group PLC was fined £30,000, plus costs of £1,149 on 27 January 2016 at Antrim Crown Court for three breaches of Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978 that resulted in two construction workers being exposed to asbestos.

Sentencing came after a HSENI investigation into how, in early 2013, Seamus Kelly, a joiner, and his colleague, Alan Tweed, were exposed to asbestos while replacing doors in the service ducts beneath Holywell Hospital, Antrim.

In addition to being the appointed project managers for the removal of asbestos containing materials from the underground service ducts, Watts Group PLC also organised and conducted an asbestos survey for these ducts.

The information contained in the survey was then used to develop illustrative site plans showing areas where asbestos was present and areas where it had been identified as having been removed.

Watts Group PLC provided these plans to a construction sub-contractor whose role was to remove and replace doors and to carry out other building work in the ducts.

HSENI's investigation found that the survey conducted by Watts Group PLC fell far below the required standards. In addition, asbestos was discovered in poor condition in numerous areas throughout the ducts, in areas where the Watts plans illustrated there was no asbestos.

Cherry Pipes Ltd

Cherry Pipes Ltd, Dungannon was fined £24,000 plus costs of £854 on 29 January 2016 at Antrim Crown Court for health and safety breaches of Article 4(1) of the Health and Safety Work at Work Order (NI) 1978; Regulation 9(1) of The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999; Regulation 9(2) of The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 and Regulation 10(1) of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 that led to the death of a worker in August 2014.

Sentencing came after an HSENI investigation into the fatal incident at the company's premises in Nutts Corner Business Park, Crumlin, County Antrim where a 49 year old employee was fatally injured when a forklift truck he was driving overturned, trapping him between the vehicle's safety frame and the ground.

The investigation found that the deceased was employed as a general operative, not a forklift truck operator and as a result had not been trained on the operation of the lift trucks by the company.

Richard Green

Rathlin Island farmer, Richard Green, was fined £1,000 plus costs of £300 on 12 February

2016 at Coleraine Magistrates Court for health and safety breaches of Article 4(1) and Article 4(2) (a) of the Health and Safety at Work (NI) Order 1978 and Regulation 6(3) of the Work at Height Regulations (NI) 2005 that resulted in multiple injuries to his employee, Mr Russell John Beresford.

Sentencing came after an HSENI investigation into how on 4 December 2014 Mr Beresford fell approximately four metres from a farm shed roof while replacing tin sheeting. As a result, Mr Beresford suffered fractured ribs and a fracture to his right elbow which required surgery.

Raptic Limited

Raptic Limited was fined £2,400 plus costs of £1,780.14 on 24 February 2016 at Laganside Crown Court for two health and safety breaches of Regulation 13 (2) of the Construction (Design and Management) Regulations (NI) 2007 and Article 5 (1) of the Health and Safety at Work (Northern Ireland) Order 1978.

Sentencing came after an HSENI investigation into an incident on 5 September 2014 in which a construction worker fell from height. The fall occurred while the worker, who sustained several serious injuries including nine broken ribs and a fractured left hand, was fitting panels during the construction of temporary decking at Galgorm Resort and Spa.

David Murphy

Dairy farmer David Murphy was fined £1,000 on 18 March 2016 at Armagh Magistrates Court for a health and safety breach of Article 4 of the Health and Safety at Work Order (NI) 1978 that led to the serious injury of a teenage worker.

Sentencing comes as a result of an HSENI investigation into the incident in June 2015 on Mr Murphy's land in Killylea, County Armagh. While erecting a fence, the young worker's left leg was impaled by one of the prongs of a silage buckrake which fell from the front of a telescopic materials handler.

Appendix 2

Fatal Accidents 2016-17

(Total = 16; HSENI enforcement responsibility only)

Agriculture

Occupation (Age)	Employment Category	Description	Date
Farmer (53)	Self-employed	Was killed by a bull on his home farm. It appears that the farmer was moving the bull across the open yard when it attacked him.	23/04/16
Farmer (57)	Self-employed	Died while cutting hedge with a chainsaw on his farm in Derrygonnelly	30/06/16
Farmer (30)	Self-employed	Died when clothes became caught in grain auger in combine harvester.	11/09/16
Farmer (52)	Self-employed	Died by drowning in slurry tank on his farm on Coagh	14/10/16
Farmer (73)	Self-employed	Farmer's wife killed while helping husband move cattle on their farm in Garvagh.	19/10/16
Farmer (75)	Self-employed	Killed by Limousin bull on his farm in Omagh	28/03/17

Food/ Manufacturing

Occupation (Age)	Employment Category	Description	Date
Forklift Driver (51)	Employee	Died when crushed between two machines in Omagh	14/07/16 Died 16/07/16
Admin Business (33)	Employee	Died when telescopic handler fell forward in Lurgan	11/08/16

Construction

Occupation	Employment Category	Description	Date
Construction Worker (38)	Self-employed	Died while working on lampposts in Warrenpoint	30/09/16
Subcontractor	Employed	Died while working on a roof in Belfast and fell through a panel	03/12/16
Builder (70)	Self Employed	Died after falling from a ladder in Belfast	29/03/17

Health

Occupation	Employment Category	Description	Date
Patient (102)	Member of Public	Died in a care home in Strabane	15/06/16
N/A (82)	Member of Public	Died following a fall in a care home in Newcastle	16/07/16
N/A (88)	Member of Public	Died in care home after choking on a piece of food.	21/11/16

Other

Occupation	Employment Category	Description	Date
Gardener (51)	Member of Public	Died after a fall from a ladder while cutting trees in Kells	20/08/16
Stevedore (36)	Employed	Died when equipment collapsed at Belfast Harbour Estate	21/03/17

Appendix 3: Prosecutions 2016-17

JDM Property Limited

On 7 April 2016, Belfast-based company JDM Property Limited was fined £9,000 plus costs of £1,700 after pleading guilty to three breaches of health and safety legislation.

The case arose following a Health and Safety Executive for Northern Ireland (HSENI) investigation into an incident on 7 February 2014 when workers were exposed to asbestos fibres during refurbishment of the Devenish Complex, Finaghy Road North, Belfast.

JDM Property Limited were contracted to undertake and manage refurbishment of the premises. The investigation found that prior to the work commencing, JDM Property Limited failed to ensure that asbestos had been identified and dealt with in the premises. During the refurbishment works, Asbestos Insulation Board (AIB) was broken up and several employees on site were exposed to asbestos fibres that were released.

McGoldrick Enterprises Ltd

On 6 May 2016, McGoldrick Enterprises Ltd, trading as Maine Private Nursing Home, was fined £10,000 plus costs of £8,279 at Antrim Crown Court for health and safety failings which led to the death of a 51 year old resident.

The HSENI investigation related to the tragic death in April 2013 of Mary Dowds at her nursing home in Randalstown Co. Antrim. Ms Dowds, who had physical and learning difficulties, was placed in a care chair with the use of a lap-belt. Mary was then left in her room unattended and inadequately observed, and was later found strangled by a poorly adjusted seat restraint as a result of slipping from her chair.

Ready Egg Products Ltd

On 3 June 2016, Ready Egg Products Ltd was fined £7,500 plus costs of £1,033 at Omagh Crown Court for health and safety failings that led to the serious injury of an employee.

HSENI investigated the incident at the Ready Egg premises, Lisnaskea, on 21 August 2014. A 56 year old employee with the company was injured when his hand was pulled into an unguarded conveyor roller while he carried out routine machinery maintenance. Sadly, as a result of his injuries, and after a number of operations, the employee lost all the fingers on his right hand.

The machine, a manure dryer common in egg production plants, had been supplied in 2012 without the appropriate guarding but was being used in the production process in this dangerous condition. At no time did the company recognise the need to guard the conveyor thereby exposing employees to significant risk of injury for some time.

Burke Shipping Services Limited

On 13 September 2016, At Londonderry Crown Court, Burke Shipping Services Limited was fined £15,000 plus costs of £800 for three health and safety breaches.

The HSENI investigation related to an incident on 20 August 2015 in which three male employees fell from a suspended work platform. The three employees were ejected from the platform as it was being used to remove them from the cargo hold of a ship they were emptying at Lisahally Terminal. The men fell a distance of between four to five meters and each received numerous fracture injuries.

The investigation found that the work platform was not properly attached to the crane and overturned as it was being lifted. The particular work platform should also not have been used for the purpose of lifting and moving personnel.

Vertase FLI Limited

On 27 February 2017, at Dungannon Crown Court, Vertase FLI Limited, a company based in Bristol, was fined £6,000 plus costs of £1,033 for one health and safety breach.

The HSENI investigation related to a workplace incident on 26 May 2015 in Omagh. Vertase FLI limited was contracted to carry out a lining project at a mining site in the Gortin area of Co Tyrone, which involved welding large rolls of lining membrane together on reclaimed land. The incident occurred when workers were tasked with unloading a delivery of the geotechnical lining membrane from a curtain sided lorry.

The rolls of membrane had been transported on curtain-sided trailers and were being off-loaded on site using straps attached to lifting chains suspended from an excavator.

However the rolls of lining had moved during transport from the manufacturer. On opening the curtain side it could be seen that the rolls were unstable, but Vertase FLI Limited did not put sufficient measures in place to stabilise the load or to remove personnel from the area. As a result, an employee working for them was struck by a falling roll of lining membrane, weighing approximately half a tonne, sustaining serious injuries.

Mid Ulster Contracts Ltd

On 10 March 2017, Mid Ulster Contracts Limited was fined £50,000 at Londonderry Crown Court for Health and Safety failings which led to the death of an employee.

The HSENI investigation related to an incident at a construction site at Culmore Road in Londonderry on 6 November 2014.

Mr Phillip Fenwick was assisting in a lifting operation of a roof truss, which was being hoisted by its apex using a homemade lifting accessory. During this operation Mr Fenwick was struck on the head by the roof truss, sustaining a fractured skull and tragically died the following day from his injury.

Norman McKenzie

On 10 March 2017, Portadown builder Norman McKenzie was sentenced at Craigavon Crown Court for Health and Safety failings that led to the death of a

worker and caused injury to another. The client, a farmer Ivan Reilly was sentenced at a previous hearing on 3 March 2017.

Mr McKenzie pleaded guilty to manslaughter and was given a 15 month custodial sentence suspended for three years. He was also fined £3,000, while Mr Reilly was fined £1,500.

Today's judgement follows a joint PSNI and HSENI investigation into the fatal incident which occurred on 20 January 2015 on Mr Reilly's farm on the Derrycarne Road, Portadown. Norman McKenzie was hired by Ivan Reilly to assist him in building a 3-bay farm shed at his premises at Derrycarne Road. However, no safety precautions whatsoever were in place to protect workers from falling while sheeting the high roof of the shed, and the situation further exacerbated by the fact that it was raining.

As a result, workers Petyo Hristanov and Millen Dimov both fell from the roof. Tragically, Mr Hristanov died as a result of his fall, while Mr Dimov received minor injuries.

Appendix 2

Fatal Injuries 2017-18

(Total = 11; HSENI enforcement responsibility only)

Agriculture (updated)

Occupation (Age)	Employment Category	Description	Date
Farmer (83)	Self-employed	Died following an attack by animal	01/06/17
Farmer (50)	Self-employed	Died following a tractor accident	07/07/17
Farmer (75)	Self-employed	Died during a vehicle maintenance operation	12/07/17
Farmer (49)	Self-employed	Died following a tractor/ and trailer incident	06/08/17
Farmer (67)	Self-employed	Died following an attack by an animal	08/09/17
Farmer (45)	Self-employed	Died following a quad bike accident	02/11/17
Farmer (75)	Self-employed	Died following an attack by an animal	29/03/18

Construction

Occupation (Age)	Employment Category	Description	Date
Construction worker (37)	Employed	Died in vehicle accident during roadworks	31/05/17
Builder (35)	Self-employed	Died as a result of a vehicle accident during construction works	23/02/18
Builder (62)	Self-employed	Died as a result of a fall on a construction site	03/03/18

Local Authority (Leisure)

Occupation (Age)	Employment Category	Description	Date
N/A (20)	Member of the public	Died as a result of a swimming incident	07/04/17

Prosecutions 2017-18

Mr Andrew Scott

On 12 September 2017 a County Antrim Mr Andrew Scott, a self-employed contractor from Ballyclare was fined £750 at Belfast's Laganside Magistrates Court for failing to ensure safety measures were adhered to when moving a 1.8 tonne concrete slab. During the lifting operation, the concrete slab toppled over causing serious injuries to an employee of Bryson Recycling Ltd.

Mr Charles Elkin

On 31 October 2017 Mr Charles Elkin, a farmer was fined £1,000 plus costs of £1,390.56 at Dungannon Crown Court. He pleaded guilty to failing to maintain safe conditions on his farm after a 14 year old worker was found unconscious in a tractor that was mixing slurry inside a farm building.

Philips Logistics Ltd

On 20 February 2018 Philips Logistics Ltd was fined £6,000 plus £1,248.48 costs when they pleaded guilty to failing to maintain safe working conditions at its premises at Tamnamore Road, Dungannon, after a company driver fell from a trailer. The driver was in the process of replacing the restraining bars, when he fell approximately 1.5 metres onto the ground below, sustaining serious injuries.

Traynors Ltd and Creightons of Finaghy Ltd

On 22 February 2018 Traynors Ltd and Creightons of Finaghy Ltd were fined £20,000 and £18,000 respectively (plus £1,268.64 costs each) at Laganside Court after an employee received crush injuries as a result of a car falling from a vehicle transporter on 27 November 2015.

Northern Excavators Ltd

On 1 March 2018, Northern Excavators Ltd, of Culcavy Road, Hillsborough, were fined £8,000 plus court costs of £1,092 after being found guilty of failing to remove an excavator bucket from the Belfast to Dublin railway line following an overnight operation for track rehabilitation works. This resulted in a 6-carriage passenger train striking the bucket the following morning, fortunately with no significant injuries to passengers on board.

Mason Animal Feeds

On the 23 March 2018 Mason Animal Feeds Ltd, of Marlacoo Road, Portadown, were fined £120,000 plus Court costs of £976 after being found guilty when a 17 year-old employee had his right arm dragged into the conveyor while trying to clear a blockage. As a result his right arm and wrist were severely damaged, to the extent that he now has very limited mobility in his hand and wrist.

Appendix 2

Fatal Injuries 2018-19

(Total = 12; HSENI enforcement responsibility only)

These figures do not include fatalities where the investigation has not yet established details to make a decision on their inclusion.

Agriculture

Occupation (Age)	Employment Category	Description	Date
Farmer (46)	Self-employed	Died following a tractor and slurry pump accident	11.06.2018
Farmer (70)	Self-employed	Died following a suspected attack by an animal	18.06.2018
Farmer (80)	Self-employed	Died following an attack by an animal at a mart	23.06.2018
Farmer (67)	Self-employed	Died following a fall from farm building	01.09.2018
Farmer (68)	Self-employed	Died during a vehicle maintenance operation	24.10.2018
Farmer (84)	Self-employed	Died following being struck by a tree	22.10.2018
Farmer (71)	Self-employed	Died following an attack by an animal	12.12.2018

Construction

Occupation (Age)	Employment Category	Description	Date
Builder (27)	Employed	Died as a result of a shutter panel falling on him	04.05.2018
Builder (46)	Employed	Died as a result of a fall from height during the construction of a new building	22.06.2018
Retired (65)	Self-employed	Died following fall while cleaning roof	29.10.2018

Local Authority

Occupation (Age)	Employment Category	Description	Date
Council worker (51)	Employed	Died following an incident involving a refuse disposal lorry	06.11.2018

Manufacturing

Occupation (Age)	Employment Category	Description	Date
Trainee Mechanic (17)	Employed	Died during a vehicle maintenance operation	23.05.2018

Appendix 3

Prosecutions 2018-19

Richard Boyland t/a North Antrim Potatoes

On 12 June 2018 a County Antrim Fertiliser Retailer, Richard Boyland, trading as North Antrim Potatoes, was fined £5,000 for a health and safety offence.

The injured man, who was a member of the public, was assisting Mr Boyland, whose forklift truck had become trapped during the unloading of fertiliser bags from a flatbed lorry. The recovery operation of the forklift involved it being towed by the lorry from the grass verge onto the public road. During this operation, the fork lift truck struck the member of the public, who sustained serious and life changing injuries to his leg.

Mr Derek Henderson

On 1 October 2018 Derek Henderson of Henderson Fireplaces Ltd was sentenced to four months imprisonment suspended for two years for installing gas fire appliances at eight locations in NI between 2010 and 2015 despite not being gas safe registered or holding the appropriate qualification at the time.

Asbestos Management Services

On 4 December 2018, Asbestos Management Services (AMS) Limited pleaded guilty to a breach of the Health and Safety at Work Order and was fined £7,500. This conviction was handed down after the company failed to identify the risk of asbestos containing materials in a County Antrim retail outlet.

Jonathan Belshaw t/a Belshaw's Recycling Service

On 24 January 2019, Jonathan Belshaw, trading as Belshaw's Recycling Service, pleaded guilty to failing to prevent the spread of asbestos when he was contracted to remove recyclable materials, including steel, from a disused premises at Charles Street, Portadown. Mr Belshaw was sentenced to 6 months imprisonment suspended for three years and fined £6,000.

Alan Little Ltd

On 21 March 2019, a County Armagh company was fined £50,000 for failings which resulted in the death of one of its employees at its premises in Lurgan.

Alan Little Ltd, of Queens Place, Lurgan pleaded guilty after an employee, Mr Jonathan Peden, suffered fatal injuries during an unloading operation. Mr Peden died after he was struck by a palletised load which fell from the forks of a telescopic handler during the operation. The driver of the lorry also sustained relatively minor injuries when he was impacted by the load as it fell.

The telescopic handler, which was on hire, was being operated by an untrained member of staff. The palletised load, weighing over two tonnes, consisted of a robot and an electrical control box. Neither was secured to the pallet, and during the lifting operation to remove the pallet from the lorry, the robot became unstable and toppled over, striking Mr Peden as it fell.