

April 2021 - March 2022

Nickell & Richmond Limited - 27 May 2021

The Bangor based company pleaded guilty at Belfast Crown Court to a total of four health and safety offences which resulted in the death of a worker at a house building site in Jordanstown. The company was fined a total of £40,000.

The prosecution arose as a result of an HSENI investigation into the incident which took place on 22 June 2018 when Mr Terrence McCloud from Belfast, aged 46, fell approximately 2.8 metres through an opening on the first floor where a staircase was to be built. Mr McCloud died later as a result of his injuries.

The HSENI investigation found that the company had earlier placed trestles and barrier tape to mark out and prevent access to the stairwell. The safety measures in place at the time of the incident were not sufficient to prevent Mr McCloud or any other person from falling.

The investigation also found that the company had not carried out a suitable and sufficient risk assessment and had failed to plan, manage and monitor the construction phase of the house building project.

Breaches and fines were as follows:

- a) Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978, fine £10,000
- b) Regulation 3(1)(b) of the Management of Health and Safety at Work Regulations (NI) 2000, fine £10,000
- c) Regulation 13 of the Construction (Design and Management) Regulations (Northern Ireland) 2016, fine £10,000
- d) Regulation 6(3) of the Work at Height Regulations (Northern Ireland) 2005, fine £10,000

William James Doyle - 5 July 2021

Mr William James Doyle, a farmer from Ballyward, Castlewellan was prosecuted for breaches of Health and Safety legislation. The case followed the death in May 2018 of Mr Toirdealbhach Larkin, known as Turlough, a 27 year old employee of Mr Doyle.

Mr Larkin had been working as a casual labourer on the farm owned by Mr Doyle since February 2018. In May 2018 a new farm shed was being built, with steel shuttering panels being used to support the concrete walls while they set.

Early on the morning of 4 May 2018, Mr Larkin had been working alone at the farmyard. Later another worker arrived at the farm and discovered Mr Larkin trapped between a steel shuttering panel and an adjacent steel fence. Sadly, Mr Larkin passed away at the scene.

Breaches and fines were as follows:

- a) Article 4(1), of the Health and Safety at Work (Northern Ireland) Order 1978, fine £25,000.

Envirogreen Polymers Limited - 20 September 2021

Envirogreen Polymers Limited were fined £5,000 at Newry Magistrates Court after pleading guilty in court for failing to adequately prevent access to the dangerous parts of a baler machine.

The Court heard that on 15 August 2019, an HSENI inspection found that a safety interlock on a baling machine had been bypassed, meaning there were no measures in place to stop employees accessing dangerous parts of the machine during operation.

Breaches and fines were as follows:

- a) Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978, fine £5000

Riverview Farms Ltd and William McColgan - 30 September 2021

An investigation by HSENI found that on 27 January 2017 while work was underway to dismantle a farm building owned by Riverview Farms Limited, an unsecured working platform which was being used to access the roof structure fell from the forks of a telescopic handler operated by Mr McColgan. Two workers who were standing within the working platform fell to the ground. Whilst both workers were injured, one suffered life changing injuries.

Riverview Farms Limited, the commercial client for whom the work was taking place, failed to monitor how the work was conducted on the site, and ultimately ensure the health and safety of any workers.

The investigation also focused on the use and suitability of the working platform during the dismantling of the farm building. The platform which was of a non-integrated type, had not been secured to the telescopic handler at the time of the incident.

Breaches and fines for William McColgan were as follows:

- a) Article 5(2) of the Health and Safety at Work (Northern Ireland) Order 1978, fine £600

Breaches and fines for Riverview Farms Ltd were as follows:

- a) Article 5(1), of the Health and Safety at Work (Northern Ireland) Order 1978, fine £6,000

CKMR Contracts Ltd, Northstone (NI) Ltd, Paul Braham & Sons Ltd - 9 December 2021

All three companies pleaded guilty at Newry Crown Court and were fined £30,000, £50,000 and £10,000 respectively.

The prosecution followed an investigation by HSENI into the circumstances of an incident that resulted in 38 year old, Ronan Mulroy, suffering fatal injuries during a construction project at Church Street, Warrenpoint on 30 September 2016. The project involved the replacement of street lighting columns.

The investigation also found that a thorough examination of the quick hitch and lifting accessory had not been completed; the operator of the excavator had not received training in relation to the use of excavators for lifting operations; and the risk assessment relied on by CKMR Contracts Limited was not suitable and sufficient.

Breaches and fines for CKMR Contracts Ltd are as follows:

- a. Article 4(1) by virtue of Article 4(2)(a) of the Health and Safety at Work (Northern Ireland) 1978; fine £15,000
- b. Regulation 3(1) of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000; fine £15,000

Breaches and fines for Northstone (NI) Ltd are as follows:

The Construction (Design and Management) Regulations (Northern Ireland) 2016 Regulation 13(1); fine £50,000

Breaches and fines for Paul Braham & Sons Ltd are as follows:

The Construction (Design and Management) Regulations (Northern Ireland) 2016 Regulation 15(2); fine £10,000

Taggart Homes Limavady Limited - 20 December 2021

Taggart Homes Limited was fined £20,000 and prosecuted following an investigation into an incident which took place on a house building site in Derry/Londonderry on the 27 June 2019.

A brick layer, working as a sub-contractor, fell backwards from an unguarded trestle work platform while working on the first floor area of a house under construction. On falling from the platform, he subsequently fell through a stairwell opening and sustained serious injuries.

Breaches and fines were as follows:

- a. Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978: fine £10,000;
- b. Regulation 13 of the Construction (Design and Management) Regulations (Northern Ireland) 2016: fine £10,000.

Oriental Developments Limited - 6 January 2022

Oriental Developments Limited pleaded guilty to three separate health and safety offences at Antrim Crown Court and was fined £15,000.

The HSENI investigation followed a complaint of unsafe work practices, alleging worker exposure to asbestos during construction work at the Ballybrakes Business Park, Ballymoney in October 2018. Following the analysis of samples taken by HSENI Inspectors, asbestos containing materials were confirmed to be present throughout the unit. None of the tradespersons that were working on site had been advised that asbestos containing materials were present before construction work commenced.

Of significance, the investigation also found that previous enforcement action had been taken by HSENI Inspectors against Oriental Developments Limited in respect of assessing and managing asbestos at the same location.

Breaches and fines were as follows:

- a) Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978: fine £5,000;
- b) Regulation 7(1) of the Control of Asbestos Regulations (Northern Ireland) 2012: fine £5,000;
- c) Regulation 16 of the Control of Asbestos Regulations (Northern Ireland) 2012: fine £5,000.

Portadown Recycling Skip Hire Limited - 4 February 2022

The prosecution arose as a result of an HSENI visit to the factory site where an Inspector observed workers throwing what was believed to be asbestos cement sheeting onto the ground through a window opening of the derelict factory building. Significant amounts of this material was also noted in the immediate area outside the building. The material was later confirmed to contain asbestos fibres consistent with those found in asbestos cement sheeting.

During the inspection, the Inspector did not observe the use of any control measures that are required during the removal of asbestos containing materials. In addition, employees of Portadown Recycling Skip and Hire Ltd were not wearing suitable respiratory protective equipment designed to further reduce the potential exposure of workers to asbestos fibres. At the time of the visit, the Inspector served a prohibition notice preventing any further asbestos removal work from continuing.

Breaches and fines for Portadown Recycling and Skip Hire Ltd are as follows:

- a) Article 4(1) by virtue of Article 4(2) (a) of the Health and Safety at Work (Northern Ireland) Order 1978: fine of £1750
- b) Article 4(1) by virtue of Article 4(2) (c) of the Health and Safety at Work (Northern Ireland) Order 1978: fine of £1750
- c) Regulation 5 of the Control of Asbestos Regulations (Northern Ireland) 2012: fine of £1750;
- d) Regulation 6(1) of the Control of Asbestos Regulations (Northern Ireland) 2012: fine of £1750;
- e) Regulation 7(1) of the Control of Asbestos Regulations (Northern Ireland) 2012: fine of £1750;
- f) Regulation 16 of the Control of Asbestos Regulations (Northern Ireland) 2012: fine of £1750.

Moy Park Limited and Victor Foster Poultry Services Limited - 11 February 2022

The prosecution came about following an HSENI investigation into an incident which occurred in 2017 that resulted in an employee receiving life changing crush injuries.

The investigation found that on 1 December 2017, a male employee (aged 31) of Victor Foster Poultry Services Limited was working along with others in a commercial chicken house at a site in Moira, County Down. While working in near dark conditions he received multiple crush injuries when he was struck by a forklift truck. The only light sources in the chicken house at the time of the incident consisted of blue lights on the forklift truck, and head torches worn by the workers who had personally provided the equipment themselves. Despite the poorly lit conditions, Moy Park Limited had supplied the workers with dark blue overalls.

Both companies were found to have failed in their legal responsibilities to ensure safe working conditions in the chicken house where a forklift truck was required to operate in the same area as pedestrian workers.

Breaches and fines for Moy Park Limited are as follows:

Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978: fine £125,000.

Breaches and fines for Victor Foster Poultry Services are as follows:

Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978: fine £18,000.