

April 2016 - March 2017

Vertase FLI Limited - 27 February 2017

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

The sentencing comes after a Health and Safety Executive for Northern Ireland (HSENI) investigation into 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.

The health and safety breach was as follows:

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

Mid Ulster Contracts Ltd - 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 sentencing comes after a Health and Safety Executive for Northern Ireland (HSENI) investigation into 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.

The health and safety fines and breaches were as follows:

1. Article 4(1) Health and Safety at Work (Northern Ireland) Order 1978 (£10,000)
2. Article 5(1) Health and Safety at work (Northern Ireland) Order 1978 (£10,000)
3. Regulation 8(1)(a) Lifting Operations and Lifting Equipment Regulations (NI)1999 (£20,000)
4. Regulation 10(1) Personal Protective Equipment Regulations (NI) 1993 (£10,000)

Norman McKenzie - 10 March 2017

Portadown builder Norman McKenzie was sentenced on 10 March 2017 at Craigavon Crown Court for Health and Safety failings that led to the death of a worker and caused injury to another. The client, Ivan Reilly (farmer) 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.

The judgement follows a joint Police Service for Northern Ireland (PSNI) and the Health and Safety Executive for Northern Ireland (HSENI) investigation into a 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.

The health and safety fines and breaches were as follows:

Norman McKenzie:

1. Manslaughter: a 15-month custodial sentence suspended for three years
2. Article 4(1) by virtue of 4(2)(a) of the Health and Safety at Work (NI) Order 1978 - £1,000
3. Regulation 3(1)(a) Management of Health and Safety at Work Regulations (NI) 2000 - £1,000
4. Regulation 6(3) Work at Height Regulations (NI) 2005 - £1,000

Ivan Reilly:

1. Regulation 9(1) Construction (Design and Management) Regulations (NI) 2007 - £1,500