

April 2016 - March 2017

JDM Property Limited - 7 April 2016

At Belfast Crown Court on 7 April 2016 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.

The health and safety breaches and fines were as follows:

1. Article 5 (1) of the Health and Safety at Work (Northern Ireland) Order 1978 (fined £3,000)
2. Regulation 13 (2) of the Construction (Design and Management) Regulations (NI) 2007 (fined £3,000)
3. Regulation 5 of the Control of Asbestos Regulations (NI) 2012 (fined £3,000)

McGoldrick Enterprises Ltd - 6 May 2016

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

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

The health and safety breach was as follows:

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

Ready Egg Products Ltd - 3 June 2016

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

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

The health and safety breaches and fines were as follows:

1. Article 4(1) of the Health and Safety Work at Work Order (NI) 1978 (£4,500)
2. Regulation 9(1) of The Provision and Use of Work Equipment Regulations (NI)1999 (£2,000)
3. Regulations 11(1) of The Provision and Use of Work Equipment Regulations (NI)1999 (£1,000)

Burke Shipping Services Limited - 13 September 2016

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

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

The health and safety breaches and fines were as follows:

1. Art 4(1) of the Health and Safety at Work (NI) Order 1978 (£5000)
2. Regulation 4(1) of The Work at Height Regulations (NI) 2005 (£5000)
3. Regulation 5(1) of The Lifting Operations and Lifting Equipment Regulations (NI) 1999 (£5000)

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