

HSE Press Releases EO71:04/EO77:04

Companies Fined for Construction Deaths

Two construction companies were fined a total of £110,000 at Stafford Crown Court on Thursday, 27 May 2004. The case followed an investigation by the Health and Safety Executive (HSE) into the death of Mr Mark Warrallo at the Seedy Mill Water Treatment Works site in Lichfield, Staffordshire on 17 January 2002.

Morrison Construction Ltd (now known as AWG Construction Services Ltd) and RMD Kwikform Ltd had earlier both pleaded guilty to health and safety offences. Morrison Construction Ltd was in charge of the construction site to which Mr Warrallo, a driver employed by co-defendant RMD Kwikform Ltd, was delivering a load of steel formwork. Mr Warrallo was killed when a mobile crane at the site was unloading his lorry and a bundle of steelwork weighing just under a tonne fell onto him.

HSE Principal Inspector Joy Jones, who led the investigation, said:
“Mark Warrallo tragically lost his life in this incident and HSE’s thoughts are with his family at this time. Lifting operations are by their very nature dangerous. That is why the law requires that all lifting operations, no matter how simple they may appear to be, should be properly planned and supervised by persons who are competent for the task.”

Mr Warrallo’s employer, RMD Kwikform Ltd, was fined a total of £100,000 and ordered to pay costs to HSE of £9,000 in respect of three offences: Section 2(1) of the Health and Safety at Work etc Act (HSWA) 1974; and regulations 3(1)(a) and 10(1)(b) of the Management of Health and Safety at Work Regulations (MHSWR) 1999.

Morrison Construction Ltd was fined £10,000 and ordered to pay costs of £40,000 to HSE for an offence under regulation 8(1)(c) of the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998.

Two construction companies, McNicholas Plc and Instalcom Limited were fined a total of £37,500 at the Old Bailey. The case, brought by the Health and Safety Executive (HSE) followed an incident on 7 September 2001, when a member of the public was run-over by a reversing works lorry.

Mrs Zafoora Begum attempted to cross the busy Eastern Avenue (A12) at Gants Hill, north-east London, near an out of use pedestrian crossing. She walked into the works area where a lorry operated by Instalcom, the project subcontractor, was parked. As she waited to cross the road, the lorry was started and slowly reversed a few metres. The driver did not see Mrs Begum behind the lorry and she was run-over and killed.

HSE inspector, Alec Ferguson, who investigated the incident, said:

“Mrs Begum’s death could have been avoided. Where drivers of vehicles have a restricted field of view, and particularly when reversing, employers must take effective measures to ensure that persons are not at risk of injury.”

At the time of the incident McNicholas, the principal contractor for the repavement project, had taken a pedestrian light controlled crossing out of action as it was in the middle of the area being repaved. The works area itself was closed off to the public with pedestrian barriers. **The project client had stipulated that no vehicle should reverse unless another person guided it back.**

When the incident happened, nobody assisted the driver to ensure it was safe to reverse. Had they done so the incident could have been avoided.

McNicholas Plc and Instalcom Limited each pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act (HSWA) 1974. McNicholas Plc was fined £25,000 and ordered to pay costs of £12,700 to HSE, whilst Instalcom Limited was fined £12,500 and ordered to pay £10,000 costs to HSE.