

## CASE STUDY: EMPLOYER JAILED FOLLOWING DEATH OF WORKER



A Tyneside firm and one of its directors have been fined and a County Durham man jailed after a worker fell to his death from a cherry picker.

Ken Joyce, 53, was working for Allan Turnbull at the time of the incident. He was dismantling the structural steelwork of a roof at the Swan Hunter Shipyard in Newcastle when a falling roof beam knocked over the cherry picker in which Mr Joyce was standing. He suffered fatal head injuries.

A joint investigation carried out by Northumbria Police and the Health and Safety Executive (HSE) established that North Eastern Maritime Offshore Cluster Ltd (NEMOC) had subcontracted the dismantling work to Allan Turnbull. During the trial, the jury was told that NEMOC and its director, Christopher William Taylor, failed to ensure the safety of its workers by not checking that Mr Turnbull had the necessary competence to carry out the work.

The police and HSE investigation found that Allan Turnbull did not plan the work adequately or ensure a safe system of work was in place for dismantling the steelwork.

Following the trial Allan Turnbull, 61, was found guilty of gross negligence manslaughter and sentenced to three years in prison. NEMOC was fined £1 for each offence after it was found guilty of breaching ss.2(1) and 3(1) of the Health and Safety at Work, etc Act 1974. The company is now in liquidation. Its director, Mr Taylor, was also found guilty of breaching ss.2(1) and 3(1) of the Health and Safety at Work, etc Act 1974 and was fined a total of £30,000 and ordered to pay £50,000 costs.

HSE Inspector Emma Scott commented on the case:

“This was a tragedy that could easily have been prevented had a safe system of work been in place. I hope other companies can learn from this and ensure they take the necessary action to deal with the high risk involved with work of this nature.”