

UK: Sonae Industrial gets slap on wrist for deaths of two workers

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Legal proceedings over the workplace deaths of James Bibby, 25, and Thomas Elmer, 27, finally ended at Liverpool Crown Court on December 4, almost five years after their deaths.

The men died on December 7, 2010 from multiple injuries after they were dragged into machinery at a wood-chip processing factory in Kirkby, Merseyside, owned by Sonae Industrial.

After earlier pleading guilty to neglect under Section 2 of the Health and Safety at Work etc. Act 1974, Sonae was fined £220,000. Metso Paper Ltd, otherwise known as Valmet Ltd, a pulp and paper technology and service supplier that was both men's employer, was fined £190,000. Both companies were ordered to pay £107,000 in court costs.

During the 2013 inquest, it was disclosed that the men had not been instructed by either company on how to isolate the conveyor belt from the power supply. Both firms failed to ensure that workers and contractors had adequate training.

At the July 10 hearing, it was disclosed that neither Sonae nor Metso conducted a risk assessment of the maintenance work to be carried out by Bibby or Elmer on December 7, the day they died. A general risk assessment, dated October 2008, "was neither suitable nor sufficient".

Control measures, called "permits to work", were left blank before being issued to contractors on the day of the tragedy. Nigel Lawrence, prosecuting, said there were "systemic" safety failures at Sonae and that "no safe system of work" was in place.

He added, "The overall position was one of complete confusion and conflict. Everyone seems to have had a different view as to who should do what, how they should isolate and when it should occur. This wasn't just confusion on the part of the many contractors

engaged by Sonae to carry out maintenance work; it was also wholesale confusion among Sonae's own workforce."

An investigation by the Health and Safety Executive (HSE) found multiple failings by both companies to properly assess the risks associated with the work.

Following the outcome of the case, Mike Sebastian, HSE principal inspector, said: "James Bibby and Thomas Elmer should not have died. This is perhaps the most horrific case I have ever had to deal with and has had a devastating effect on both families."

Sebastian added, "Carrying out straightforward risk assessments is about protecting workers from serious harm, suffering life-changing injuries or, in this tragic case, death. If both companies had put in place the simple steps to protect their workers' safety these two young men would still be with us today."

The conveyor belt they were working on carried wood chipping that dropped into a silo. It was triggered automatically when machinery started the dumping process.

At the earlier inquest into the deaths, it was disclosed that weeks before Bibby and Elmer died, another employee at the Kirkby factory had a near miss when he was almost dragged into a conveyor belt.

The site, which opened in 2000, was badly damaged by a large fire in August 2011 in which a demolition worker, James Dennis Kay, 62, from Heywood, Greater Manchester, died. The plant was affected by a second fire in January 2012 and it closed later that year with the loss of 220 jobs.

Following Kay's death, the *World Socialist Web Site* highlighted the most severe safety and environment breaches carried out by the company. On August 2015, we reported on the abrupt dismissal of the largest class action of its kind in UK history by a High Court judge,

Mr. Justice Robert Jay. The action was brought against Sonae by 16,626 residents living close to the Kirkby factory. The case hinged on the pollution caused by the massive fire that burned for eight days in June 2011, creating large clouds of smoke and ash that residents said affected their families' health.

Dismissing the residents' claims, Justice Jay said, "Human beings are naturally susceptible and suggestible, particularly if they are made to believe that they form part of a coherent group with shared experiences, and if they risk none of their own resources in bringing a claim."

In August 2011, the WSWs interviewed campaigner Donna Liley who had made contact with residents living around a Sonae plant in Rocky Drift, Mpumalanga, South Africa, who also claimed the pollution from the plant was harmful to their health.

No criminal action was brought regarding the death of Kay.

At the time of the fatalities at Sonae, the WSWs reported that the HSE was under threat from government cuts. By last year, the HSE had suffered cuts of more than 40 percent to its budget and staffing levels. The trade unions have done nothing to oppose these attacks. Indeed, as companies drive for bigger profits, at the expense of workers' jobs, wages and livelihoods, they are able to count on the acquiescence of the unions.



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