

JERSEY / JUDGMENT

AG -v- Peter Green (Builders) Ltd

[2012] JRC 225 (30 November 2012)

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JUDGMENT

THE BAILIFF: 1. It is clear from what we have been told that the company in this case left Mr McClelland to get on with the contract and he was given insufficient support, guidance and supervision. As a result, when attending to a snagging problem, Mr McClelland and his colleague adopted an unsafe practice in using an unfixed ladder to gain access to a gutter; the unfortunate consequence was that he fell 11 feet and suffered a fracture to the vertebrae in his back. He remains in considerable pain and has clearly suffered a serious injury. 2. We accept that the company was lulled into a false sense of security because of Mr McClelland's very considerable experience and expertise. But the fact is that it was the company's duty to provide a safe system of work and they failed in that duty to Mr McClelland and their other employees. However, we accept that this is a company which takes its obligations seriously, we have been shown the training programme and that has been accentuated since this accident; it does not have a previous record, it has been cooperative and it entered an early guilty plea. We accept from what we have been told that this was not a case of a company seeking to save money by not taking its obligations seriously. We think the facts of this case are not dissimilar to those of the case of AG-v-Hamel Brothers Limited and the Jersey Royal Company Limited

[2012] JRC 080 . The company failed in its obligation, it in effect left the employees to look after themselves, and it must therefore be fined. But we agree with Advocate Ingram that in the circumstances we can properly reduce the level of fine. 3. The company is fined the sum of £20,000 together with costs of £2,500 and we give you three months in which to pay. Authorities Health and Safety at Work (Jersey) Law 1998, as amended. AG-v-Hamel Brothers Limited and the Jersey Royal Company Limited

[2010] JRC 080 . AG-v-R&M Sprinkler Installations Limited and SFS Fire Services Limited t/a Hall and Kay Fire Engineering

[2011] JRC 139 . R-v-F Howe & Son (Engineers) Ltd

[1999] 2 Cr App R (S) 37 . Page Last Updated: 13 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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