

Balfour Beatty and London Underground Fined £433,000

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London Underground Limited and Balfour Beatty Rail Limited were today fined £100,000 & £333,000 respectively, after pleading guilty to breaking health and safety laws which led to a worker suffering life-changing injuries, in a prosecution brought by the Office of Rail and Road (ORR).

In the early hours of 4 June 2016, Mr Adrian Rascarache, 36, was struck by a Road Rail Vehicle (RRV), and his lower body was crushed between the RRV and the platform edge of Whitechapel station, resulting in serious injuries to his pelvis.

Snaresbrook Crown Court heard that ORR's investigation found that despite London Underground and Balfour Beatty being aware of the risks posed by allowing workers to guide RRVs by walking along the track in front of the machine, there was no safe system of work put in place that night to address the risk. In fact, a decision had been taken not to adopt a procedure called 'send and receive', which eliminated the need for people to walk between machines, as it was considered a slower method of working.

ORR also found that on the night of Mr Rascarache's injury, workers were not given the required safety briefings before starting their shift, as the signing-in procedure had been deliberately by-passed.

Ian Prosser, HM Chief Inspector of Railways said:

'Today's sentences send a clear message that the health and safety of workers must not be compromised. In this instance, corners were cut as a response to perceived time pressure. This is unacceptable and resulted in the terrible injuries suffered by Mr Rascarache.

'The safety of workers is an absolute priority for the ORR and we will take appropriate action against organisations or individuals when failings are found.'

1. London Underground and Balfour Beatty Rail Limited to pay £30,000 in costs each.
2. London Underground Limited and Balfour Beatty Limited were found in breach of s3(1) of the Health and Safety at Work etc. Act 1974, which requires the employer to ensure that persons other than their employees were not exposed to risks to their health and safety during the activity of moving Road Rail Vehicles.
3. A Road Rail Vehicle is a machine that is generally used for lifting, digging or levelling track. The machine involved was fitted with a bucket at the time of the incident which restricted the driver's view. Mr. Rascarache was not directing the driver at the time of the incident.
4. The Office of Rail and Road is the UK's rail regulator and strategic roads monitor for England. Follow us [@railandroad](#).

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