

fack families against corporate killers

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Den Le Bretton was 57 when he died on 3rd April 2001 Melbury Quarry St Austell.....

Den and Helen married in 1999 and both had children by previous marriages. Den had previously worked in civil engineering projects all over the country but when they married he decided to work nearer home in Cornwall. Though he would have preferred a civil engineering job he took the job in a quarry in St Austell as it was close by. His job was driving a big truck and for about four months he had been very unhappy about health and safety at the quarry. He felt the trucks were not maintained properly and had complained on several occasions. Once when he refused to drive a truck with bald tyres he was suspended! Although he felt health and safety was poor, as there are few alternative jobs, he felt compelled to stay in work.

Den was very nervous about going to work on the day he died. Helen suggested he stayed home, but he decided to go in reluctantly. Helen went to work at the local hospital where she was a nurse.

An inquest jury returned a verdict of "unlawful death through negligence" on a dumper truck driver who suffered multiple injuries when his vehicle flipped backwards off a collapsing tip. Denis Le Bretton, 57, of Penzance, managed to crawl out of his crushed cab at Melbur, near St Austell, but died six weeks later in the Royal Cornwall Hospital at Treliske.

During a two day inquest at Liskeard, a jury heard that the incident occurred last February on an allegedly dangerous china clay waste tip with no edge protection, no "bump bank" to indicate where he should stop in safety at least 20 feet from the edge, and no "banksman" to guide him. Mr Le Bretton, described as an experienced, sensible and competent operator, was an agency driver doing work for china clay company **Imerys**, using an American Caterpillar truck weighing 45 tonnes and carrying a 50 tonne load. The rock waste he was tipping was being processed below by Aggregate Industries. **Imerys**, Aggregate Industries and Mr Le Bretton's family were represented by solicitors who questioned those involved in the incident and Health and Safety Executive investigator Colin Mew.

After yesterday's verdict, Mr Mew passed his dossier to the Crown Prosecution Service who must decide whether criminal charges should be brought against **Imerys** or Aggregate Industries. The two companies could also be charged by the HSE for alleged health and safety offences. But solicitors acting for **Imerys** and Aggregate Industries, noting that East Cornwall deputy coroner Derrick Pepperell had expressly directed the jury not to return a verdict of "unlawful killing due to gross negligence", said that they

would consider their positions. An application to the High Court for a judicial review to quash the verdict is a possibility.

Mr Pepperell, summing up the evidence, stated that there was insufficient evidence to indicate recklessness or gross negligence by those owing a duty of care to Mr Le Bretton. He referred to the evidence of **Imerys** chargehand Denis Jeffery, who had been in charge of the tip, that he had warned truck drivers to watch out because there was no safety "bump bank" on the tip and had acted as banksman for two **Imerys** truck drivers before leaving the scene just prior to the arrival of Mr Le Bretton. Mr Pepperell advised that the three alternatives for the jury to consider were accidental death, misadventure or an open verdict.

But the jury disagreed, returning "unlawful death through negligence" to the delight of the Le Brettons and their solicitor Peter Gildener. Widow Helen Le Bretton, set to pursue a civil claim for compensation, said: "I've waited 12 months for the answers about why Denis died. No one from either company has talked to me."



On 21/08/03 after a trial for breaching health and safety offences in the killing of Denis Le Breton, Imerys and Aggregate were ordered to pay more than £380,000 in fines and costs.

Helen Le Bretton, Denis wife.