

## fack families against corporate killers

### **Mark Wright killed in a recycling plant in North West on 13<sup>th</sup> April 2005.**

By Dorothy and Douglas Wright, parents.

Our son Mark was a big soft teddy bear of a man who was intensely loyal and trusting. He was 37 years old and had been with his wife since he was 19 and had 2 young children, whom he just adored.

Mark was employed as an HGV driver in a scrap metal processing yard but some months before he was killed the general manager told him to operate the metal crushing machine when the operator retired. He was given a little on the job training but none on the machine involved in his killing.

A few weeks before his death he was off work due to acute lung pain, which he felt, was due to inhaling toxic fumes from contaminated metal. He told us he was going to look for another job because he was worried about his safety and he thought somebody would get killed one day.

On 11<sup>th</sup> April 2005, my birthday, Mark phoned, excited as he had got another job. He said he was so relieved and would hand in his notice the following day. He was burned to death the next day in an explosion and fire at work.

On 12<sup>th</sup> April 4000 aluminium aerosols were taken from a factory owned by a large national company who make air fresheners for Tesco. This company had apparently received improvement notices from HSE regarding the lack of safety and security under which they stored their gas filled aerosols. The haulier who took them had no license to transport volatile materials to the recycling company and the company who made them had no idea they had gone until after Mark was killed.

There are various versions of what happened but the end result was, the general manager accepted the aerosols for crushing for scrap in spite of the fact that he had personally carried out a risk assessment in which he decided that aerosols would never be accepted for processing without a certificate of degassing and being punctured. It is relevant I think that aluminium scrap is worth approximately 10 times the rate of ordinary metals and there is a huge market. Mark was unaware of this risk assessment.

The general manager instructed Mark to load the aerosols into the baling machine on which mark had never been trained. The operator's manual for the machine clearly showed a very distinct warning that it should never be used to crush enclosed cylinders or anything containing volatile substances and to deviate from this instruction would cause danger to the operator. It also clearly said that the owner and each operator must read the book and sign it before using the baler. The general manager admitted having seen the manual but Mark was never shown it. The managing director, the owner of the machine, said that the manual was available in the office should any worker wish to read it, which would be difficult if they don't know it exists. He also said that the general manager just told the workers verbally of any risk assessment as the workers wouldn't bother to read them if written. Does that sound like a responsible employer?

Once loaded, the general manager switched the machine on then left to attend to something outside the building. Almost immediately there was a huge explosion and fireball, the heat from which sealed the door and Mark was trapped inside, the door was rammed and Mark actually walked onto the ambulance before collapsing. They said at the Hospital that they don't know how he walked from that building but I know my son would have been so determined to live, and he was very stubborn. In the one act of kindness shown to us, the hospital kept our son on a life support system long enough for us to drive the 5 hours needed to be there to say our goodbyes.

Result of investigation under the Joint Protocol on Work related Death – CPS decided there was insufficient evidence to prosecute any individual for gross negligence manslaughter and therefore under existing law it is impossible to prosecute the company for corporate manslaughter.

The inquest was finally held in February 2009 and a narrative verdict given. Following the Inquest the CPS charged the general manager Mr Roberts with manslaughter, but this was overturned as an abuse of process at a hearing in February 2010 and Mr Roberts pleaded guilty to a Section 7 of the Health and Safety at Work Act (HASAWA) offence. Deeside Metals were charged with offences under HASAWA and the Management of Health and Safety at Work Regulations, and Jeyes of Mold were charged with offences under HASAWA, to which they only pleaded guilty recently allowing a sentencing hearing to go ahead on Monday 13<sup>th</sup> December at Caernarfon Crown Court.

### **Dorothy and Douglas Wright**

