

# Using mobile phone while operating excavator results in co-worker being struck on head with excavator bucket

## WHAT HAPPENED

A construction site worker has been prosecuted after he struck another worker on the head with the bucket on a digger.

He was prosecuted by the Health and Safety Executive (HSE) after an investigation found he had been using a mobile phone while operating a mobile excavator on a building site in Milton Keynes, and had not noticed his colleague.

Milton Keynes Magistrates' Court heard on the 25th April 2014 that the defendant had been operating the excavator at the Middleton site off Brickhill Street on 8th December 2012, working alongside a colleague who was driving the site dumper truck. The operation involved the defendant excavating and loading spoil material into the truck for transport to another location on the site.

The court heard that the driver of the dumper truck, had returned to the excavation site to await the next load of material. The defendant had been

using his mobile phone and, not realising his colleague had returned, rotated the upper body of the excavator causing the metal bucket to strike the driver on the side of his head.

The worker sustained multiple fractures to his jaw as well as a punctured and collapsed lung. He was hospitalised for ten days and did not return to work until 14 months later, and will require further surgery on his jaw.

The defendant, was ordered to pay compensation of £2,500 to the injured worker, and costs of £1,554 after pleading guilty to a single breach the Health and Safety at Work Act 1974.

Speaking after the hearing, HSE Inspector Stephen Manley said:

“Construction site vehicles are extremely powerful and, if the operator becomes distracted, can be highly dangerous.

“Road users are rightly banned from using mobile phones when driving cars. It’s clearly important that those in control of machinery – weighing up to 40 tonnes in some cases – need to be equally attentive and concentrate solely on the job at hand.

“This incident could easily have been avoided if the operator had followed site rules and not become complacent about his responsibilities when operating his vehicle.”

## LEARNING POINTS / ACTIONS TAKEN

- Have we considered the use of mobile media/phones when operating plant in our risk assessment?
- Do we have Safe Operating Procedures for loading/unloading vehicles on site
- Mobile phones, tablets, smartphones should not be used when operating/driving mobile plant.
- Have we ensured that we use competent operators and drivers?
  - Are all operators and drivers coming onto site aware of Safe Operating Procedures and site rules?
- Do we regularly check that procedures and site rules are being followed?

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LOCATION: CONSTRUCTION/DELIVERY SITE  
ACTIVITY: TRANSPORT & LOGISTICS / DELIVERY  
SUB ACTIVITY: MOBILE PLANT

ALERT STATUS: Normal  
DATE ISSUED: 30/04/2014  
INCIDENT No: 00379