

Carlisle company fined after customer fatally crushed to death.

[17th January 2020](#)

A Carlisle auto-salvage company was fined after a customer was trapped and fatally crushed when a lift truck he had purchased was being loaded onto his own recovery vehicle.

Carlisle Crown Court heard that on 15 February 2018, a lift truck purchased from Michael Douglas Auto salvage Ltd was lifted using the company's skip lorry onto a recovery vehicle at Stainton Road, Etterby. The metal ring on the lift truck that the winch wire was attached to failed, causing the lift truck to fall and trap Mr Paul Spence against the skip lorry.



An investigation by the Health and Safety Executive (HSE) found that the company had failed to ensure that this complex lifting process was properly planned by a competent person and that it had failed in its duty not to expose customers to risk. A competent person would have identified that this loading method with this equipment was fundamentally unsafe.

The Company Michael Douglas Auto salvage Ltd of Stainton Rd, Etterby, Carlisle pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £23,000 and ordered to pay costs of £8,000.

Sandra Spence, Mr Spence's widow said:

"Paul was taken too early, in a tragic way, and didn't deserve his life to end this way. There is a big empty hole in my heart, he was a very loving husband and father. Paul always had a smile on his face and lived for his family."

Speaking after the hearing, HSE inspector Matthew Tinsley commented:

"This incident could so easily have been avoided should the lift have been properly planned and appropriate equipment and safe working practices been employed as a result.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Worker killed by forklift truck

| Oct 26, 2018 |



Leeds-based, Woodlands Homecare Ltd, has been sentenced for safety breaches after a worker was killed by a forklift. Andrew Hanshaw, age 44, died after being struck by a side loader forklift truck.

At the shed manufacturing company in Rodley, the worker was pushing a trolley before being struck by the forklift that had been unloading a delivery vehicle.

According to the Yorkshire Post, Woodlands Homecare Ltd. of Railway House, Calverley Lane, Rodley pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc. Act 1974 and was fined £233,334 with £21,620 in costs.

Rachel Brittain, The Health and Safety Executive (HSE) inspector commented after the hearing saying: “This was a tragic and wholly avoidable incident, caused by the failure of the company to implement the findings of their own transport plan”.

Vehicles at work continue to be a major cause of fatal and major injuries. Every year there are over 5,000 incidents involving transport in the workplace. About 50 of these result in people being killed.

Worker Seriously Injured on First Day Due to Insufficient Lift Truck Training

| Apr 3, 2019



An agency worker sustained serious, life changing injuries following a lift truck incident on his first day at work. On 18th May 2017, the 27 year old worker arrived for his first day at work for H & M Distribution Limited in Cheltenham, as a multi drop delivery driver. After receiving a brief induction, the driver went on to successfully make his first drop. When attempting to make his second delivery, he found that the address he had been provided with was incorrect, meaning he was unable to deliver a consignment of 12 beer kegs. During his next delivery, the worker used a pallet truck located in the back of his lorry to manoeuvre the 12 beer kegs, which were blocking access to the next load on his list.

The courts heard how it was during this manoeuvre that the worker fell backwards off the raised tail lift and fell to the ground, several kegs fell from the back of the lorry, landing on top of the driver. He suffered serious injuries, including a traumatic brain injury and facial fractures, and was required to have metal plates inserted into his skull after the incident.

An investigation by the Health and Safety Executive (HSE) found that the agency worker had no previous experience of operating a tail lift or pallet truck similar to the ones involved in the incident. Before undertaking any work, he was not made aware of how to operate a pallet truck on a tail lift and no practical training in the safe use of the machinery was given. HSE stated that as an employer, H & M Distribution failed to carry out competence training and look into previous experience of the agency worker. Due to these failures and insufficient training given, H & M Distribution Limited of Newton Le Willows, Warrington pleaded guilty to breaching Regulation 3(1) of the HSWA 1974. They received a fine of £60,000 and ordered to pay costs of £7,203.14. Speaking after the hearing, HSE inspector, Berenice Ray, said: "Employers who use agency workers or contractors have a responsibility to firstly establish the workers' competence, taking into account their level of experience and familiarity with the work and work equipment, and then provide the appropriate level of training to ensure the work is done safely. If appropriate training had been provided, the life-changing injuries sustained by the agency worker could have been prevented."

WHO SAYS THAT ACCIDENTS DO NOT HAPPEN ??

The following reports highlight some of the typical accidents that occur in industry each year. For obvious reasons the names of individuals have been removed.

DRIVER CRUSHED TO DEATH

A man was crushed to death between a fork lift and the wall of a west midlands coal yard.

The man who was not named died whilst working at

It is believed he was using the truck to remove a barrel of rubbish next to the wall but stopped and climbed on to the forks to make an adjustment. Police

said it appeared that the man's foot knocked a lever which moved the forks trapping his HEAD against the wall. They added that there were no suspicious circumstances.

WORKER INJURED COLLEAGUE

Magistrates in CARMARTHEN fined a fork lift operator £50,000 and Jailed him for 4 years for seriously injuring a fellow worker whilst operating a fork lift at work.

..... was operating a fork lift truck at a company in Johnston when he ran over the feet of his work mate, as a result of which one foot had to be amputated.

TRAGEDY AS MAN SEE'S HIS SON KILLED BY A FORK LIFT TRUCK

A tragic accident occurred at a warehouse in STRATFORD UPON AVON When a young lad was killed as his farther drove a fork lift truck at work. 12 year old was being given a ride on the machine by his farther on a Saturday morning. It appears that he leaned outside the body of the truck and struck a support column causing massive head injuries and killing him instantly. THE HSE ARE STILL INVESTIGATING THIS ACCIDENT

HEAVY FINED AFTER MAN LOSES LEG

A Sheffield engineering company has been fined £96,000 after a works fork lift driver lost his leg when his faulty truck toppled on him.

..... aged 26 tried to leap clear of the falling truck but was pinned to the floor by his ankle by the 4 tonne weight.

Sheffield magistrates heard that the boss at knew the truck had faulty braked. The company admitted three charges of failing to train Properly, failing to maintain the truck, failing to report a previous accident. Despite engineers advice to stop using the truck. The truck was kept in service.

... needed 3 operations on his crushed foot and now has a false left leg from his knee down.

MANSLAUGHTER CHARGES DUE TO NEGLIGENCE AT WORK

Company director's contractors and management could face prosecution under the new manslaughter rules if employees or members of the public are killed at a work place or on a site.

Jail sentences could be imposed under two new offences.

Directors managers contractor's employees who send others to carry out work activity knowing that there is serious danger to employee's and the employee is killed as a result could be JAILED for reckless killing.

There appears to be some confusion within certain companies regarding the need to train operators on various types of industrial trucks.

The fact is paragraph 7 of the ACOP code does clearly identify that it is a general duty of the employer to provide training UNDER SECTION 2 OF THE HSW ACT to all operators of all types of machines.

It is a legal requirement to train all operators on all types of machines they are required to use.

LARGEST EVER LOCAL AUTHORITY SAFETY FINE FOR SAINSBURY'S

In what is thought to be the largest ever penalty for a health and safety prosecution brought by a local authority – and the fourth biggest ever safety fine, the supermarket giant Sainsbury's was fined a massive £425,000.00. The fine was levied after the food store admitted deliberately disconnecting safety mechanisms which directly resulted in the death of an employee. Winchester Crown Court heard that a worker died when he was crushed by a fork lift truck which had its safety cut off switch deliberately disconnected. Sentencing Sainsbury's Judge Kay said "The story is a picture of working procedures that date back to the dark ages.

Are you and your staff operating industrial machines? Could you be the next to face the courts and jail?