



# Workplace Hazards and Safety Failings in Logistics

Last month the Swindon Crown Court dealt with a case involving multiple breaches of the Health and Safety at Work Act 1974 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 2013 (short form – RIDDOR) by a logistics company.

This is not an uncommon occurrence. The courts are dealing with an alarming amount of health and safety breaches. This article addresses some of the key issues we are seeing in the industry and serves as a reminder to plan, prepare and assess health and safety operations.

Most recently, the Swindon Crown Court handed down a fine of £125,000 in February 2023 to a logistics company and ordered that the company pay Swindon Council’s legal costs amounting to some £80,623.

The logistics company had inherited a site based in Swindon and took over operations a number of years ago before the court hearing. Swindon Council were called to the site after an employee became trapped by a cage caused by an impact from a vehicle operating inside the warehouse. The Council then discovered that there had been some other incidents on site that had not been reported to them under RIDDOR.

The Court found that the logistics company failed to comply with their responsibilities set out within the Health and Safety at Work Act 1974 and had further failed to report past incidents within the workplace in breach of RIDDOR. The judgment demonstrates the court's increased intention to issue fines for those in breach of health and safety at work law.

Other logistics firms have had heavy fines imposed on them for other health and safety breaches:

- In March 2022, a cargo handling company pleaded guilty to breaching section 33 of the Health and Safety at Work Act 1974 after an employee was fatally crushed between shipping containers whilst working in a container park in Portsmouth in 2017. After an investigation by HSE, it was found that the company failed to provide supervision of operatives and drivers working on night shifts to ensure safety protocols were followed – practices were “routinely ignored” (specifically, safe walkways and the safe operation of machinery to ensure visibility). Sentencing was adjourned until August 2022, when the Portsmouth Magistrates Court fined the company £200,000 and ordered them to pay costs of £15,631.61. A health and safety audit is absolutely essential to employee safe working.

- In November 2022, a logistics company was fined after an apparent series of failures following some excavation work carried out on one of its sites in 2018, exposing its staff to asbestos.

In this case, the Manchester Magistrates Court was told that part of a site had been earmarked for the storage of empty containers and that the ground had been damaged by heavy lift loaders. A decision was made to scrape away the top layer of the older surface – only to find that there was an old building under the surface which contains asbestos. Several workers had complained about the dust around the site. The company were late in reporting the event under RIDDOR. As a consequence of that, they received a fine of £133,000 and were ordered to pay costs of £9,260 for breaches of The Control of Asbestos Regulations 2012 and Regulation 11(1) of the Control of Asbestos Regulations 2012. The absence of risk assessments also became a feature of the case.

- Another transport company was fined in November 2022 by the Salisbury Magistrates Court following the unfortunate death of one of its drivers whilst loading and unloading. The company was ordered to pay £400,000 and received a costs order of £19,841.99.

The driver had been delivering timber. He had climbed onto the bed of his trailer in order to start slinging the load and attach it to a crane. As he was moving the load with the crane's remote control, he was struck by the trailer and fell to the ground and unfortunately died later in hospital. A health and safety executive investigation found that the company had not carried out a proper risk assessment of working at height and that insufficient training had been provided. The HSE inspector emphasised that simple control measures would have prevented the incident.

So whilst health and safety at work have historically been seen as a separate (and in some cases, less important) part of business operations, it is clear that companies must now account for health and safety offences, which, if in breach, may disproportionately affect the bottom line. Simple steps as to training and full risk assessments can often make the difference.

We highlight below a few key action points:

- **Know the rules:** this is aimed at both employers and employees. Whilst you may be familiar with the

longstanding company policy, your primary responsibilities are set out within the Health and Safety at Work Act 1974:

- Section 2: outlines the duties of an employer and deals with the safety of the working environment, instruments/equipment and the provision of training or supervision for the employees.
  - Sections 7 to 8: outline the duties of the employees (including cooperation and an obligation to take reasonable care of yourself and others).
  - The Health and Safety at Work Act 1974 is enforced by the Health and Safety Executive (HSE) and local authorities.
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- **Make use of your resources:** HSE issues comprehensive guidelines on a range of different areas, including risk assessments. Specific guidance on forklifts, risk assessment charts for manual handling activities and incidents notable of reporting are also outlined in s. 6 to 11 of RIDDOR.
  - **Be aware of updates:** rules and regulations are updated all the time. Keep track of the latest HSE guidance and seek advice where necessary.

Work-related incidents are a major problem for the logistics and transport industry which is, in many ways, at higher risk than other industries. Follow the guidance. Be proactive and protect your employees to protect your bottom line.

If you have any questions or concerns regarding workplace safety for logistics and transport companies, please contact our specialist [Shipping & Logistics lawyers](#) by emailing [online.enquiries@la-law.com](mailto:online.enquiries@la-law.com)