

# Cargo handling company sentenced after worker crushed between shipping containers

A cargo handling company has been fined after an employee was fatally crushed between shipping containers whilst working in a container park in Portsmouth.

On 25 August 2017, Mr Mieczyslaw Tadeusz Siwak, a 34-year-old father-of-one, was working for Portico Shipping Limited (formerly MMD (Shipping Services) Limited) on the night shift in the container park. His job was to connect refrigerated container units to electrical supplies, which his colleague had lifted into position for him using a container stacker vehicle. It was during one of these manoeuvres that Mr Siwak was fatally crushed between two containers.

An investigation by the Health and Safety Executive (HSE) found that the company routinely failed to provide adequate supervision of operatives and drivers working on the night shift to ensure safe systems of work were followed. This included failure to use safe walkways to segregate pedestrians from vehicles and the safe operation of container stackers by driving with shipping containers in the raised position to allow visibility.

Portico Shipping Limited of Guildhall Square, Portsmouth, Hampshire pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. At Portsmouth Magistrates' Court the company was fined £200,000 and ordered to pay costs of £15,631.61.

Speaking after the hearing, HSE inspector Rebecca Lumb said: "Safe systems of work should be in place on sites with moving vehicles to prevent pedestrians coming into contact with traffic or moving machinery. When moving containers by container stacker, the load should be transported as low as possible whilst maintaining full line of sight.

"Supervisors must be given the necessary instruction and training to implement the safe systems of work and manage hazards during operation processes.

"This tragic incident was entirely preventable had the correct safety management procedures and supervision been in place at the site."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)

2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)

3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Unregistered gas installer fined after failing to answer questions from HSE inspector**

A plumber who was suspected of having undertaken dangerous gas work while unqualified to do so, was fined for failing to answer questions put to him by a Health and Safety Executive inspector.

In February 2020 Luke Rodgers was alleged to have carried out unlawful gas work to replace a boiler at a house in Tingley, Wakefield. The new boiler was left in such a dangerous condition that a Gas Safe registered engineer who attended the house had to make it safe by disconnecting it from the gas supply.

During a HSE interview under caution, Mr Rodgers claimed to have only been hired to do the installation work up to the point where it would then be connected to the gas supply. He claimed that he had arranged for a friend who was qualified to complete all the gas work. Mr Rodgers also stated that another friend had assisted him with general labouring at the property.

During the interview, Mr Rodgers was unwilling to provide the identity of either people which is an offence as it prevented the inspector from following reasonable lines of enquiry as part of the investigation.

At Huddersfield Magistrates' Court Luke Rodgers of Chapel Street, Wakefield, West Yorkshire pleaded guilty to breaching Section 33(1)(e) of the Health and Safety at Work etc Act 1974. He was fined £583 and ordered to pay £1,500 in costs at a hearing on August 8, 2022.

After the hearing, HSE inspector David Beaton said: "The defendant blatantly failed to comply with a requirement under the Health and Safety at Work (etc) Act 1974. This prosecution would not have happened had the defendant provided the information.

"Hopefully, this will send a warning to others that failing to comply with Her Majesty's Inspectors while they exercise their lawful powers will not be condoned by the HSE."

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  2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>
  3. HSE news releases are available at <http://press.hse.gov.uk><sup>1</sup>
  4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:  
<https://www.hse.gov.uk/work-equipment-machinery/power.htm>
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## Heat warning: Employers must prepare for a warmer future

Employers need to act now to make sure their workplaces are ready for warmer weather in the future.

The Health and Safety Executive (HSE) is advising businesses to think how they need to adapt to warmer working conditions for their staff.

After last month's record-breaking temperatures and with more hot weather expected this week, HSE is asking employers to ensure extreme heat becomes part of their long-term planning.

With temperatures reaching an unprecedented 40°C in some parts of England in July, adapting to climate change is something all businesses will need to consider as warmer weather becomes more frequent.

Employers have a legal obligation under the Management of Health and Safety at Work Regulations to assess risks to the health and safety of workers. They must review the risk controls they have in place and update them if needed. This includes risks from more frequent extreme weather such as heatwaves.

While there is [no maximum temperature for workplaces](#), all workers are entitled to an environment where risks to their health and safety are properly controlled. Heat is classed as a hazard and comes with legal obligations like any other hazard.

The Workplace (Health, Safety and Welfare) Regulations, which require employers to provide a reasonable temperature in the workplace.

John Rowe, HSE's Acting Head of Operational Strategy, said: "We expect

employers to take this recent weather event as the prompt to review how they assess the risk of high temperatures in their workplace and identify now those changes that will future proof them.

“All workplaces need to acknowledge that the working environment is changing. There are low-cost adaptations to the structure of work, but things like improved ventilation and air conditioning should also be considered which will involve investment in the workplace.

“Extreme heat that we have witnessed of late isn’t going to stop and we want employers to plan and respond to this now.”

You can find more guidance on taking practical steps to work safely in hot conditions:

[Temperature at work](#)

[Temperature: employees’ guide](#)

[Temperature: What the law says](#)

[Temperature: Outdoor working](#)

[Workplace health, safety and welfare](#)

[Basics for your business](#)

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. HSE is happy to facilitate any media interview requests

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## **Employee crushed by bus suffers life-changing injuries**

A bus company has been fined £380,000 after one of its employees was crushed between a reversing bus and a stationary vehicle.

The employee of Stagecoach Devon Limited was working at the company’s Torquay depot on the morning of 3 October 2019.

Due to space limitations, buses often had to reverse to be able to leave the depot in readiness for the day's work.

The sole banksman, who would direct vehicles, was occupied at the top of the depot where most buses were parked.

As a result, it became custom and practice for the bus drivers at the front of the depot to reverse without a banksman, or to assist each other when reversing, despite not being trained as banksmen.

The injured employee, who was caught between a reversing bus and a stationary vehicle, suffered compound multiple fractures of his arm requiring six titanium plates and 65 metal staples between his wrist and elbow.

An investigation by the Health and Safety Executive (HSE) found that Stagecoach Devon Limited failed to put a suitable and sufficient risk assessment in place.

This should have identified the risks inherent in the bus parking layout and action could have been taken to remove the need to reverse or mitigate the risks from reversing. For example, changing the parking layout, providing a sufficient number of trained banksmen for peak times, and improved segregation of vehicles and pedestrians.

At Plymouth Magistrates Court Stagecoach Devon Limited of One Stockport Exchange, 20 Railway Road, Stockport, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £380,000 and ordered to pay costs of £18,000.

Speaking after the hearing, HSE Inspector James Collins said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of work.

"If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."

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# Company fined after worker falls from a fork-lift truck while cleaning windows

A carpentry and joinery company has been fined after a man working unsecured on the forks of a fork-lift truck fell 3.5 metres to the ground.

On 14 June 2021, the man was working for Staircraft Group Limited at their head office site at Bayton Road Industrial Estate, Exhall, Coventry.

The employee was working from an unsecured stillage on the forks of a fork-lift truck in order to clean office windows at height. The stillage tipped and the employee fell 3.5 metres to the ground. As a result of the incident, he sustained a broken leg and an injury to his elbow.

An investigation by the Health and Safety Executive (HSE) found the company failed to identify that using a stillage to lift someone on the forks of a forklift truck, a method that they had used before, was unsafe. There was a lack of training for employees on the dangers of working at height without the proper equipment and there were no systems of work or risk assessments in place.

At Redditch Magistrates' Court Staircraft Group Limited, of Bayton Road Industrial Estate, Exhall, Coventry pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Regulations 1974 and was fined £200,000 and ordered to pay costs of £6,477.93.

Speaking after the hearing, HSE inspector Rebecca Whiley said: "The employee's injuries were very serious, and he could have easily been killed.

"This serious incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

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

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2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. Guidance for companies on the safe working at height practices is available at: [www.hse.gov.uk/work-at-height/index.htm](http://www.hse.gov.uk/work-at-height/index.htm)
4. HSE news releases are available at: <http://press.hse.gov.uk>

