

Haulage company fined £250,000 following death of employee

- Man died due to company's failures
- Company had never carried out the task before.
- HSE guidance is available.

A Middlesbrough road haulage company has been fined £250,000 after a man died while working inside a shipping container.

Gary Lee James, 30 was working for Ward Bros (Malton) Ltd at its yard at South Bank, in the early hours of 8 January 2019, when he suffered a fatal injury.

Mr James and a colleague had been standing up metal frames, each weighing approximately 120kg, within a shipping container, part of what is known as a "devanning" activity.

As the two men lifted the sixth frame, the fifth one fell back towards them, followed by the four others. Mr James was pinned by the neck between the container wall and the fallen frames. Although he was transported to James Cook University Hospital after suffering a cardiac arrest, he was sadly pronounced dead on three days later.

An investigation by the Health and Safety Executive (HSE) found the frames had not been secured to the container wall. It found that Ward Bros (Malton) Ltd failed to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees, including Gary James, at work in connection with the devanning of containers.

Despite the company having never undertaken devanning work before, it failed to create a suitable and sufficient written risk assessment. There was no clear and properly planned safe system of work for its employees.

Instead, the company embarked upon an ad-hoc and ultimately unsafe system of work, which was not effectively communicated to the employees who were left largely unsupervised to determine their own methods of devanning the containers.

HSE guidance states that employers must identify hazards, assess risk, and take action to eliminate or control those risks. Employers are not expected to eliminate all risks but they need to do everything 'reasonably practicable' to protect people from harm. This means balancing the level of risk against the measures needed to control the real risk in terms of money, time or trouble. Further guidance can be found here:

<https://www.hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm>

Ward Bros (Malton) Ltd, of Dormor Way, South Bank, Middlesbrough, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act

1974. The company was fined £250,000 with costs to be determined at a later date at Teesside Crown Court on 31 October 2025.

HSE Inspector Joy Craighead said: "This was a tragic and preventable incident, that cost a young man his life.

"Every year, a significant proportion of accidents, many of them serious and sometimes fatal, occur as a result of poorly planned work activity.

"In this case there was a complete failure to risk assess and implement control measures. Had the company done so, Mr James would still be alive."

This HSE prosecution was brought by HSE enforcement lawyer Jonathan Bambro and law clerk Rebecca Forman.

Further information:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Relevant guidance can be found here:
<https://www.hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm>
5. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).