

# Freight containers – potential worker exposure



Port and distribution workers who play a crucial role in making sure items are delivered to buyers in the UK could be putting their health at risk.

Approximately 63.2 million tonnes of goods were handled by UK ports in 2015 in freight containers. These containers are opened on arrival by workers at Great Britain's ports and distribution centres around the country.

Workers who open or enter the containers could be exposed to dangerously low oxygen levels or to hazardous substances in the air which have built up as a result of limited ventilation while they are sealed.

To learn more about the potential risks to workers in their work with freight containers, the Health and Safety Executive (HSE) carried out research which involved visits to six ports and two distribution centres by HSE scientists.

The scientists found a range of hazardous substances and low oxygen levels inside the containers which had the potential to affect workers who open or enter them.

Nicola Jaynes, from HSE's Transport and Public Services Unit, said: "This important research looked at the associated systems of work at ports and distribution centres across Great Britain.

"Some hazardous atmospheres have the potential to harm workers if breathed in. For example, they may contain toxic substances such as fumigants and carbon monoxide or have dangerously low oxygen levels. Potential harm includes asphyxiation and ill health.

"The research confirmed there is the potential for exposure to hazardous substances and/or oxygen depleted atmospheres when opening freight containers if effective control measures are not in place. This underlines the need for suitable and sufficient risk assessment when conducting this type of work.

"It identified a range of good practice control measures at the six ports. Examples of this included training workers about the risks, and workers testing for hazardous substances in the atmosphere inside freight containers

before entering them.

“However, the researchers did not find adequate safe systems of work at the two distribution centres. While this was only a small sample size, these findings cannot be considered as representative of the distribution sector. HSE will use the findings to inform and engage with the industry and local authority regulators.”

Businesses must have effective control measures in place to protect workers. HSE publishes guidance and an Approved Code of Practice for the Confined Spaces Regulations (1997) that will help. [Safe work in confined spaces. Confined Spaces Regulations 1997 – L101 \(hse.gov.uk\)](#)

To read the full research report click [here](#).

### Notes to editors

1. Limited evidence is available of incidences of ill health and hospitalisation to workers at ports in GB during the routine opening of freight containers, and no fatalities have been reported to HSE. However, there have been incidents in Europe, and further afield, which have resulted in ill health.
2. The British Retail Consortium (BRC), the UK Logistics Forum, and Port Skills and Safety raised concerns regarding workers entering freight containers. As a result, this research was done to update the knowledge of HSE, local authority enforcers, and industry of current control measures for these activities.
3. Further guidance produced with HSE support on container handling is available:  
<https://www.portskillsandsafety.co.uk/resources/sip-003-guidance-container-handling>
4. 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. [gov.uk](#)
5. HSE news releases are available at: <http://press.hse.gov.uk>

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## [Company fined £440,000 after security guard seriously injured](#)

A meat production company has been fined £440,000 after a security guard at an abattoir was seriously injured by a vehicle passing through the site gate.

The 63-year-old security guard, who was working for an independent security company, was on duty at the gated entrance of the Dunbia (UK) abattoir at Hatherleigh, near Okehampton, Devon early on the morning of November 29, 2018.

Her duties included operating the gates to allow delivery vehicles to enter and exit the site. She sustained serious leg and head injuries requiring surgery when she was hit by a vehicle towing a trailer leaving the site. She was holding the gate open at the time.

An investigation by the Health and Safety Executive (HSE) found that the system of work was unsafe and that the company's risk assessments did not extend to the security guards. Risks had not been adequately assessed or controlled.

Although there was a high volume of vehicle movements on site there was no segregation between the vehicle routes and pedestrians on site.

Dunbia (UK), of Castle Street, Exeter, pleaded guilty to breaching Section 3(1) of the Health & Safety at Work etc. Act 1974. the company was fined £440,000 and ordered to pay costs of £27,016 and a victim surcharge of £170 at Plymouth Magistrates Court on 12 October 2022.

Speaking after the hearing, HSE inspector Victoria Buchanan said: "Employers have a legal duty to ensure that the health and safety of their employees, contractors and members of the public are not put at risk.

"This incident could have been avoided had the company assessed the risks from vehicle movements and implemented safety measures including segregating vehicles and pedestrians."

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [hse.gov.uk](https://www.hse.gov.uk)
  2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](https://www.legislation.gov.uk/)
  3. HSE news releases are available at [http://press.hse.gov.uk](https://press.hse.gov.uk)
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# £400k fine for Bernard Matthews after health and safety breaches left worker paralysed

Bernard Matthews's Food Ltd has been fined £400,000 following two separate incidents where employees were seriously injured.

Colin Frewin was left permanently paralysed and spent six months in hospital following an incident at the company's Suffolk manufacturing plant.

Mr Frewin suffered multiple serious injuries, including a pierced left lung, several broken ribs, four fractured vertebrae and a spinal bleed. He was put in an induced coma for three weeks and is now classed as a T6 paraplegic and has been diagnosed with autonomic dysreflexia (AD).

Chelmsford Crown Court heard how 54-year-old Mr Frewin suffered the injuries on 28 January 2020. He'd been tasked with cleaning a large screw conveyor used to move poultry turkeys along and chill them. While working on the gantry between the spin chillers he noticed a turkey stuck at the bottom of it.

As he attempted to dislodge the turkey using a squeegee, Mr Frewin was drawn into the machine. It was only when a colleague noticed Mr Frewin was missing from the gantry and heard his cries for help, the emergency stop was pulled.

The HSE investigation found an unsafe system of work meant the chillers remained running as Mr Frewin went to dislodge the turkey.

In a victim personal statement, Mr Frewin described how his horrific injuries left him feeling "isolated" and in need of daily care.

"I will never walk again and so I will be in a wheelchair permanently," he said.

"I now have a suprapubic catheter, which was inserted via an operation.

"The district nurse has to give me bowel care every day and visits me daily at home.

"I also suffer from AD – a condition which is life threatening, as my body doesn't register if I'm ill.

"I have moved from my flat overlooking the sea, to a bungalow.

"However, I miss seeing the sea and being close to the seafront and all the amenities.

"I feel isolated as I cannot go out when I want as I need people to assist me."

Mr Frewin, who lives on his own, is visited by carers at least three times a day and can't even shower on his own.

"I can't socialise with my friends and family as much as I used to, as I can't fit my wheelchair into their homes," he added.

"Physical relationships are very hard as I can't get out much.

"The accident has affected my life and my family's lives.

"When I talk about the incident, I sometimes find this upsetting and then have restless nights."

There was another incident at the same plant five months earlier, on 12 August 2019, when a turkey deboning line had to be shut down after developing a fault.

As a result, 34-year-old Mr Adriano Gama, along with the rest of the employees, were moved to a surplus production line to continue the process.

Whilst working on the surplus production line, one of the wings became stuck in the belt under the machine. Mr Gama attempted to push it out of the way, but as he did so, his gloved hand became caught in the exposed sprocket of the conveyor and was drawn into the machine.

He was eventually freed and taken to hospital having suffered a broken arm and severe damage to the muscles in his forearm.

An investigation by the Health and Safety Executive (HSE) found that on the day of the incident pre-start checks were only completed on the production lines that were regularly used.

Therefore, when workers were asked to move to the surplus deboning line there was no system in place to ensure that it was checked prior to it being put into operation.

The investigation uncovered that two safety guards had been removed and a team leader responsible for the production lines had verbally reported this issue to the engineering team, but it was not followed up by either party.

Bernard Matthews Food Ltd of Sparrowhawk Road, Halesworth in Suffolk pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £400,000 and ordered to pay costs of £15,000.

After the sentencing, HSE Principal Inspector Adam Hills said: "Both incidents could have been avoided – the consequences were devastating for Mr Frewin in particular.

"If Bernard Matthews had acted to identify and manage the risks involved and put a safe system of work in place they could have easily been prevented.

"Fundamentally, you should not clean a machine while it is running.

“Companies need to ensure that risk assessments cover activities including cleaning and blockages, and that where appropriate, robust isolation and lock off mechanisms are in place for these activities.

“Prior to use you can put in place some pre-start checks and if faults such as missing guards are identified they need to be formally reported, tracked, rectified and closed out.”

- Bernard Matthews pleaded guilty at Chelmsford Crown Court to breaching section 2(1) of the Health and Safety at Work etc Act 1974 in relation to Colin Frewin and was fined £300,000.
- Bernard Matthews pleaded guilty at Chelmsford Crown Court to breaching section 2(1) of the Health and Safety at Work etc Act 1974 in relation to Adriano Gama and was fined £100,000.

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1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Groundworks contractor fined for petrol fire**

A Kent groundwork contractor has been fined after a worker sustained serious burns following petrol being thrown on a bonfire.

On 24 June 2020, a 26-year-old groundworker employed by Kent County Surfacing Ltd was working on a new residential development in Ramsgate, Kent when a co-worker used petrol on a bonfire. The groundworker was unaware of this and after he was instructed to light the bonfire, it engulfed him in flames as the petrol vapour ignited. The worker suffered serious burns and underwent two skin graft operations to his left hand, left arm, left side of torso and both his legs.

Groundworkers help prepare a construction site and ensure it is ready for the structural work to start.

An investigation by the Health and Safety Executive (HSE) found the company had failed to appropriately supervise their operatives and failed to provide

them with the appropriate information and instruction, so far as is reasonably practicable to ensure work was carried out without risks to health or safety.

At Folkestone Magistrates on 10 October, Kent County Surfacing Ltd of 7 Mariners View, Deal, Kent, pleaded guilty to breaching Regulations 15 (8) of the Construction (Design & Management) Regulations. They were fined £10,000 and ordered to pay costs of £7,333.42.

Speaking after the hearing, HSE inspector Ross Carter said: "The operative's injuries are life changing and could have easily been fatal.

"This serious incident and devastation should have been avoided if those in control of the work provided the appropriate supervision, information and instructions to their workers."

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## **Furniture retailer fined for insurance breach**

A Bedford furniture retailer has been fined for not having the right insurance.

Exclusive Oriental Classics Ltd and its director Mr Kian Hoo Tay appeared at Luton Magistrates Court on 10 October for failing to have Employers' Liability (Compulsory) Insurance (ELCI).

The court heard an investigation by the Health and Safety Executive (HSE) discovered the failure when one of the company's employees was injured at work on 1 March 2022.

Exclusive Oriental Classics Ltd and Mr Hoo Tay had failed to renew the insurance policy that expired on 13 May 2021.

Exclusive Oriental Classics Ltd, of Bellfield Avenue, Harrow, pleaded guilty to breaching Section 1(1) of the Employers' Liability (Compulsory) Insurance Act 1969, fined £1,650, a victim surcharge of £165 and ordered to pay costs of £1750.

The Director, Mr Kian Hoo Tay, of same address pleaded guilty to breaching Section 1(1) of the Employers' Liability (Compulsory) Insurance Act 1969, fined £1,650, a victim surcharge of £165 and ordered to pay costs of £1750.

After the hearing HSE inspector Emma Page said: "Every employer needs to ensure that they have Employers' Liability (Compulsory) Insurance in place to ensure against liability for injury or disease to their employees arising out of their employment.

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