



## **COMPANIES MUST PAY MORE ATTENTION TO HEALTH AND SAFETY MEASURES SAY PICTONS**

A recent court case where a building firm, Kent Blaxill, was prosecuted over an accident in their car park where a customer suffered a 'serious head injury' has brought into focus the importance of companies paying the utmost attention to ensuring that proper health and safety measures are in place to protect their staff, customers and themselves.

Deborah Saini, a Personal Injury specialist lawyer at leading regional law firm, the award winning Pictons, says "Thankfully, we see less and less of cases like these with injuries of this severity largely due to the excellent health and safety record in the UK and the measures in place to prevent such accidents- risk assessments, training and so on.

"The Health and Safety Executive is a statutory body established under the Health and Safety at Work Act 1974 which enforces health and safety legislation with the power to investigate and prosecute for any injury and/or death as a result of Health and Safety failings.

"In the most serious of cases, following investigation, the HSE will prosecute and companies can be fined. A more serious offence is that of Corporate Manslaughter where a company can be found criminally liable where serious failures in health and safety result in a fatality.

"We have to acknowledge that our health and safety legislation exists for a reason; to protect people at work who are often doing potentially dangerous jobs such as construction workers. We have an excellent health and safety record in this country compared to other countries worldwide and this is largely due to organisations such as the HSE and also groups like the Association of Personal Injury lawyers.

"From a personal injury perspective we liaise with the HSE when we know an enquiry is ongoing. Once their investigations or any prosecution is complete we will obtain documents relevant to a client's case, witness statements for example. If the HSE successfully prosecute then this makes securing an admission of liability much more likely.

Kent Blaxill and Co pleaded guilty at Colchester Magistrates Court to three offences under the Health and Safety at Work Act 1974. The case was brought by Colchester Borough Council health and safety officers on behalf of the customer who was struck by a forklift truck which resulted in a serious head injury which left her without a sense of taste or smell.

The court imposed the maximum £20,000 fine for each offence, and ordered Kent Blaxill and Co to pay costs of £3,250 and a £120 victim surcharge, amounting to a total fine of £63,370.

The council's health and safety officers were able to prove that the company had failed to adequately assess a risk and do everything considered reasonably practicable to reduce a risk to employees and non-employees by using simple control measures such as pedestrian walkways, pedestrian crossings, and other suitable road markings and signs.