



**SUBJECT:** "Warning this vehicle is reversing"

**RECIPIENTS:** All Council Directorates

**ISSUE DATE:** Feb 2019

**REF:** HSB 131

## Waste firm fined £1m after refuse worker run over and killed

A national waste firm has been fined £1m after one of its employees was run over and killed by a dustbin lorry. A Crown Court was told the employee, was struck by the reversing vehicle at the company's household waste recycling depot. He sustained fatal injuries and died at the scene.

The waste and recycling firm was found guilty of breaching s 2(1) of the Health and Safety at Work Act and must pay £130,000 costs. A Health and Safety Executive (HSE) investigation revealed refuse collection vehicle and articulated lorry drivers often manoeuvred around the yard without specific controls in place. It said the firm had failed to risk assess its yard activities and had not implemented industry-recognised control measures to protect its employees. The Judge said the "exact mechanism" of how the accident happened is unclear but noted there was no "obvious reason" for the employee to have been walking across the yard, the firm reviewed and updated its safe system of work after the accident. The Judge added: "Whilst we will never know for certain whether the implementation of a different system would have saved the employee I feel able to reach the conclusion that had the firm taken the practicable steps the chances would have been significantly reduced." The firm, which had a turnover of €25.12bn (£21.77bn) in 2017, "has implemented a three-year strategic plan to achieve an active risk culture in which its employees are actively engaged and contribute towards collective safety", according to accounts filed at Companies House.

A HSE inspector said after the hearing: "This should be a reminder to all industries, but in particular the waste industry, to appropriately assess the risks and implement widely recognised control measures to adequately control manoeuvring vehicles, in particular reversing vehicles and restrict pedestrian movements around vehicles."

The company was fined £250,000 last year after a workshop cleaner with learning difficulties sustained multiple fractures when he was crushed by 17.5-tonne reversing dust cart. In January 2016 it landed a £450,000 penalty after a waste bale toppled on to an employee, leaving him with serious injuries.

**If you require further assistance or clarification on the subject please contact:**

Corporate Health & Safety Advisers (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)