

Courts hit high and hard with new health and safety fines

February 2017



One year after the introduction of tough new health and safety sentencing guidelines, a series of high profile cases show that courts are not holding back when it comes to imposing the higher fines, which can be directly linked to a corporate defendant's turnover.

In the latest case, involving £1bn household retailer Wilko, an incident left an employee permanently paralysed after a roll cage containing 230kg of paint fell on to her as she manoeuvred it out of a lift. The company was charged with four offences under the Health and Safety at Work Act and Wilko accepted their risk processes had failed, pleading guilty to the charges. The combination of a high turnover company, high culpability, and a serious level of harm for the employee, resulted in a £2.2m fine.

Similarly, a fine of £5 million was imposed on Merlin Entertainments in September last year, following the major incident on the Smiler ride at their Alton Towers theme park in 2015. The incident left sixteen people injured, some with catastrophic, life-changing injuries, including two teenage girls who had to have leg amputations.

Vinay Verma, our resident Health and Safety lawyer said:

“Such cases generally involve real human tragedy, as in these two examples, and the new tariffs are intended to recognise the seriousness of that, with fines related to turnover, although the courts have discretion to push fines up or down according to profitability. But the one thing that is clear from the sentencing guidelines is that any fine must be sufficiently substantial to have a real economic impact, to bring home the importance of health and safety.”

He added:

“It's vital to have excellent health and safety systems and policies, and to keep them regularly reviewed and updated, with everyone – workers and management – keeping best practice at the forefront of their daily work.

As well as helping to avoid accidents in the first place, such processes will help to mitigate or support any defence against criminal liability or negligence.”

Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.



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