



PRESS RELEASE

DIRECTORS FOUND GUILTY OF BREACHING OCCUPATIONAL HEALTH AND SAFETY LEGISLATION FOLLOWING A COMMERCIAL DOUGH EQUIPMENT ACCIDENT

6 February 2015

Two Company Directors have each been sentenced to twelve months imprisonment suspended for two years and fined €1,500 each after being found guilty of breaching occupational health and safety legislation following an accident in which an employee's hand was trapped by moving pallets of an industrial dough-mixer machine.

The prosecution, brought jointly by the Police and the Occupational Health and Safety Authority (OHSA), follows an accident on 26 March 2008 in which an employee of a food manufacturing company suffered grievous injuries in his hand while working on a pastry machine. As he tried to clear the dough from the industrial mixer, one of his hands came into contact with the stainless steel pallets with the result that he suffered grievous injuries in one of his hands. The Court heard how the accident investigation found that the safety features of the machinery in question had been bypassed.

Following judgment, Dr. Deo Debattista, Chairperson (OHSA), said:

“Moving machine parts have the potential to cause several workplace injuries and unfortunately, this case is a typical example of the serious consequences of bypassing safety features. In terms of occupational health and safety legislation, where there is a risk of mechanical contact with moving parts of work equipment which could lead to accidents, such parts shall be provided with guards or devices to prevent access to danger zones or halt movements of dangerous parts before the danger zones are reached. Moreover, it is extremely important that all work activities are covered by a suitable, sufficient and systematic risk assessment. Necessary preventive and control measures must be in place at all time. The company has failed in its duty of care to its employee. Such accident could have easily been avoided with proper means of preventive and control measures. Employers have the legal duty to ensure the health and safety at all times of all persons who may be affected by the works being carried out. This judgment should serve as an eye-opener to all those who even contemplate by-passing safety features or in any other way act negligently.”

The Court also emphasised the duty of employers to ensure a safe working environment through the development and implementation of a safe system of work which include amongst others the provisions of risk assessments, safe use of work equipment and regular maintenance.

Prosecution was led by Police Inspector Spiridione Zammit and Legal Procurator David Saliba who appeared on behalf of OHSA.

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