



PRESS RELEASE

€4,000 FINE FOR UNSAFE FORKLIFT TRUCK OPERATION WHICH LEFT A CUSTOMER PARALYSED

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Two persons have been fined €2,000 each following an accident which left a person suffering from lower limb paralysis. The prosecution, brought jointly by the Police and the Occupational Health and Safety Authority (OHSa), follows an accident on 18 April 2011.

The Court heard how unsecured loads were being transported by a Forklift Truck operator when halfway through the operation, the loads started shifting at which moment a customer and another worker tried to keep the loads from falling; however, the loads fell onto the customer who in turn slipped and hit his head against a wall.

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

“One of the key hazards within the movement of unsecured loads is posed by loads shifting during the operation and then falling onto people with the result of causing injuries and/or fatalities. The risks associated with operation of forklifts and travelling with loads are well-known, yet it seems that some still choose to disregard safety measures. This was an entirely preventable injury caused by negligent behaviour and unsafe work practices. This case should serve as a reminder of the inherent dangers of such operations in particular in cases where forklift operators have not been provided with the necessary training, information, instruction and supervision.”

In terms of the Occupational Health and Safety Authority Act XXVII of 2000, employers have the general duty to ensure the health and safety at all times of all persons who may be affected by the work being carried out for such employers. This general duty of care also extends to self-employed persons and workers who have the duty to safeguard their own health and safety and that of other persons who may be affected by the work being carried out. Such provisions clearly show the importance of adopting a risk preventive and protective approach.

The Court also reiterated the importance of providing forklift operators with the necessary training, information, instructions and supervision on the safe use of forklift trucks. In this case, various shortcomings were noted during the operational procedures which were not only limited to the loading and unloading of loads but also to the manner in which the forklift truck was being operated.

In handing down the judgment, the Court also noted the fact that the parties involved agreed on compensation for the damages sustained by the injured person.

The prosecution was led by Police Inspector Edmond Cuschieri and Legal Procurator David Saliba on behalf of the Occupational Health and Safety Authority.

The contents of this article are intended for general information purposes only and shall not be deemed to be, or constitute legal advice.

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