

British Company Director Gets 12 Months? Jail for Worker's Death



As we've noted before, company owners, officers, directors and other members of senior management are rarely prosecuted for safety violations. When they are, they're typically fined if convicted. And this pattern is true across the world. But jail sentences may be getting more common in such cases.

For instance, the Health and Safety Executive in Great Britain recently reported that a company director was jailed for 12 months after the death of one of his workers.

Paul Williamson, the 51-year-old worker, died on Jan. 29, 2014 when a remote controlled Mobile Elevated Working Platform (MEWP) he was loading onto a truck fell from the ramps and crushed him.

An investigation found that:

- Williamson hadn't been adequately trained on the use of the ramps, the truck and the MEWP;
- There was no risk assessment in place and no safe system of work had been created for the equipment, which had only been in operation for eight days; and
- The gradient of the ramps were above the manufacturer's specification and they weren't secured to the truck.

As a result, Thorn Warehousing Ltd. was fined £166,000 for violating the *Health and Safety at Work Act*. Company director Kenneth Thewall was sentenced to 12 months in prison and ordered to pay costs of £4,000 for a safety offence. He was also disqualified from being a company director for seven years.

HSE's Inspector, Helen Jones said, 'Kenneth Thewall failed in his duty as a director to protect his workers. He was involved in the day-to-day running of Thorn Warehousing Ltd and should have ensured the company provided Paul Williamson with the right equipment and training to carry out his job. Had he done so Mr. Williamson would still be alive today.'

'This case should act as a stark warning to all company directors of their personal responsibility to protect their workers' health and safety and the tragic consequences when they fail.'

Other examples of company executives being jailed for safety offences from across the world:

- An Italian court sentenced Carlo De Benedetti, who served as chief executive and chairman of electronic group Olivetti for almost 20 years, to five years and two months' jail for the asbestos-related deaths of former workers.
- The owner of an Ontario roofing company was jailed for 15 days for the death of a worker who fell from a roof and for lying to an MOL inspector about the incident.
- A former executive of a US coal company that lost 29 workers in a mine explosion was sentenced to a year in jail 'the maximum under federal law' for conspiring to violate mine safety standards.
- A warehouse worker in Ontario was found dead on the floor from blunt force trauma to the head. Two company directors pleaded guilty to failing, as directors, to take reasonable care to see that the corporation complied with the OHS laws and were sentenced to 25 days in jail each.