

Logistics firm fined for multiple failings leading to asbestos exposure

Logistics company Eddie Stobart has been fined £133,000, after a series of failures which took place whilst excavation work was carried out, exposing its staff to asbestos.

10 November 2022

Logistics company, **Eddie Stobart** has been fined £133,000, after a series of failures which took place whilst excavation work was carried out, exposing its staff to asbestos.

Manchester Magistrates Court heard that in 2018, work at the Widnes site was earmarked for the storage of empty containers. The ground had become damaged by heavy lift loaders used to move containers, so it was decided to scrape away the top layer to reach an older surface below. The remnants of old buildings containing asbestos were present in that surface material. It is reported that several workers complained about the dust created by these processes and what it may contain.

An investigation by the HSE found that no risk assessments or asbestos surveys had been carried prior to the commencement of the work. A survey was not carried out until many months later which did find the presence of ACM. The company then failed to report the incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 within the 10-day timeframe required.

The company pleaded guilty to breaching Regulation 5 of The Control of Asbestos Regulations 2012 and Regulation 11(1) of The Control of Asbestos Regulations 2012. They were fined £133,000 and ordered to pay costs of £9,260.

Asbestos was a commonly used material for many years and therefore it is fundamental prior to any building/construction work, for employers to carry out an asbestos survey; the assumption being that asbestos is present unless proven otherwise. This is the step that should have been taken in this case following a risk assessment, bearing in mind the history and size of site and, subsequently the concerns raised by the workers; whose legitimate concerns at that stage may have been too late.

There is a duty amongst all employers to manage asbestos in all areas of their work and if in doubt, get a survey. This case will act as a reminder to employers in all sectors to undertake due diligence and ensure they are complying with the Control of Asbestos Regulations 2012.

Contact

Krishna Pancholi
Associate

kpancholi@brownejacobson.com

Related expertise

Services

Construction and engineering
services

Criminal compliance and
regulatory