

# Company fined after delivery driver suffers brain injury

A company has been fined £380,000 after a delivery driver fell and suffered a traumatic brain injury while working at its site in Walsall.

Timothy Bates was delivering fuel for a temporary diesel generator at Haldane Fisher Limited's timber processing site on Long Street when he fell from a trailer on 28 July 2022.

Mr Bates, who is from Stafford, had been stowing equipment in a trailer attached to his truck when the vehicle was struck by a forklift truck reversing out of a nearby mill. This led to the trailer shunting into Mr Bates, with the 57-year-old then falling over and hitting his head onto the tarmac floor below.

He spent five weeks in hospital after sustaining a traumatic brain injury before spending 13 weeks in a care facility where he undertook CBT. He suffers from memory loss and dizziness as a result of his brain injury.



Mr Bates fell off the trailer (pictured) at Haldane Fisher Limited's site in Walsall

A Health and Safety Executive (HSE) investigation found Haldane Fisher Limited, trading as GE Robinson, failed to identify safe systems of work for the delivery of fuel to the temporary generators at its site. There was inadequate segregation of vehicles and pedestrians in the yard. There were no measures in place to prevent forklift trucks from entering the areas in which delivery drivers were working whilst refuelling generators.

The company understood the risks associated with workplace transport, as

control measures had been identified for separating pedestrians and vehicles, but these had not been implemented. Site rules had been identified but were not routinely implemented or monitored by the company.

Every workplace must be safe for the people and vehicles using it and traffic routes must be suitable for the people and vehicles using them. HSE has guidance on [workplace transport](#) with advice on keeping traffic routes safe and separating people from vehicles.

Haldane Fisher Limited, of Shepherds Way, Carnbane Industrial Estate, Newry, Northern Ireland, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £380,000 and ordered to pay £5,934.50 in costs at Birmingham Magistrates' Court on 1 March 2024.

HSE inspector Heather Campbell said: "This case highlights the dangers arising from inadequate management of workplace transport. It also highlights the requirements to ensure the safety of non-employees including contractors at employer's sites."

This prosecution was brought by HSE enforcement lawyer Samantha Wells and supported by HSE paralegal officer Gabrielle O'Sullivan.

#### **Notes to editors:**

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.