

Types of Injuries – How Workers Get Hurt Fatality File

Machinery Injuries and Strict Liability

Osbornes acted for Mrs V, a Bulgarian lady who worked in an industrial bakery and spoke little English. She was operating a machine on the production line, a machine she was trained on and had no problems with before, when suddenly and without warning part of the machine, a metal block, swung out and hit her on the head, throwing her across the factory floor and knocking her out. She was unable to say what the part was and how or why it ejected from the machine, and she had no details of witnesses. Proving fault on the part of her employer would have been extremely difficult, but because the machine had malfunctioned the employers were strictly liable and so she was compensated for the head injury that interfered with her work for the next three years.

Strict liability does not apply to most other work activities, so for most employees, it is necessary to prove the cause of an accident and to show that the employer was at fault in some way. Fortunately, there are other regulations that help because they impose various safety duties on employers. Legislation controls how machinery and other work equipment is used and how the factory is organised so that worker safety is taken into a consideration. For example, many factories have vehicles such as forklift trucks and pallet trucks moving about on the 'shop floor' and there are rules about how pedestrian walkways should be used to keep traffic away from pedestrians. This is an elementary safety procedure, but it is surprising how many cases we come across where a factory worker has been injured by a vehicle that has been allowed to operate in an area where pedestrians are moving about.