

fack families against corporate killers

Andrew Herbertson 29 years old, killed in January 1998 at Chadwicks Printers, Oldham

By Linzi Herbertson, widow.

In 1998 my husband Andrew died after falling 10 feet from scaffolding. He was 29 years old and we had 2 children aged 8 and 6 years old.

I rushed down to the hospital immediately. Andy had fallen from scaffolding and had serious head injuries. They transferred him to a brain injury intensive care unit at a nearby hospital that was the start of a very long nightmare, a week later I had to turn off his life support machine as the doctors pronounced him dead at the brain stem. That was the day after our sons 8th birthday. Accident on 24th Jan 1998 I had to turn off his life support system 30th January 1998.

No one from any authority offered me any support; no body told me of the process that comes with any work related incident. But for a friend handing me a business card with the Greater Manchester Hazards Centre number on it or I don't think I would have known what to expect.

The investigation by the HSE was quite thorough which led me to believe that some body would be punished, the coroner at my husbands inquest said the accident was predicable and almost waiting to happen so I expected a verdict of "unlawful killing" but no "accidental death" was the only possible verdict he offered the jury, even after hearing all the evidence showing lack of health and safety training, information and monitoring. The scaffolding was improperly erected, there was no handrail and none of the workers had been trained in its use. There was no safe method of work and a forklift truck nudged the scaffolding Andy was standing on, so that he was knocked off balance but had not had rail to steady himself, so fell and was massively injured.

The HSE sent a standard letter letting me know they were investigating the incident and they were very sorry for my loss, no guidance as to where I could go for help. My GPs didn't know what to do; they just popped me on anti depressants and let me get on with it. As for the children the GP said they were resilient and would get over it I felt I was trapped in a box and couldn't get out, the only person I wanted was dead and gone.

The whole system of investigation, inquest, prosecution, liaising with families is extremely flawed from my personal experience. I received a letter from the HSE to tell me the company had broken the law and they were prosecuting. At least someone will pay for these crimes that led to my husband's death. I was a very naive 25-year-old.

The company when prosecuted for health and safety offences was fined a measly £9,000 plus costs, still under £10,000. Well I was robbed twice by that company: once for my husband's life and once when the company got away with it. My children and I were left with nothing. That is by no means an appropriate punishment for breaking a law that resulted in my husband losing his life and my children and I losing the future we had planned. The law as it stands does not give coroner's or the courts clear guidelines I feel that they think health & safety is not real criminal law, just regulation, red tape therefore I believe that companies that break these laws can get away with it.

Andy's death was before the Joint Protocol on Work-Related Death so some things may have changed. But my children and I were completely let down by the law at the time. A £10,000 fine is not a sufficient penalty for taking the life of a young man, a husband and father, by failing to take sufficient care to obey health and safety law and guidance. If the handrail had been in place, Andy would probably not have fallen.

I do not think the CM/CH Bill will make it any easier to hold my husband's company to account, and deter others from cutting corners unless it is amended. If the current bill is not significantly amended there will still be a need to find senior management at fault rather than the offence being based on management standards falling below an acceptable level. There is also no option to charge a reckless or grossly negligent individual for actions that result in loss of life.

Make the penalties tougher. Make companies think harder about health & safety. Isn't a happier & healthier workforce more productive any way? Don't rob the victims twice: once by losing their loved one and once for the people responsible for getting away with it?

My children are now of an age when they will be going out to work. I live in fear that they will be no safer than their father was as I know that the enforcement of health and safety is very lax and employers have no fear of paying a proportionate penalty and know if they kill someone it's relatively easy to get off with a fine.

Linzi Herbertson, widow

