



## LEGAL BRIEFING

### *Gravatom Engineering Systems Ltd v Raymond Parr (2007)*

Court of Appeal, Waller LJ, Rix LJ, Keane LJ [2007] EWCA Civ 967

#### **The Facts**

This case concerns a claim by Raymond Parr against his employer, Gravatom Engineering Systems Limited, in respect of a back injury sustained during the course of his employment.

On 24 July 2002, Mr Parr, a handyman/labourer, and some colleagues were involved in moving four very large machines from a delivery bay at Gravatom's premises to positions inside Gravatom's factory. Three of the machines were very heavy: one weighed 2,800 kilograms and the other two each weighed 3,100 kilograms. The fourth machine was not so heavy. The machines were moved manually and Mr Parr's case was that in the course of this operation he injured his back. He experienced severe symptoms later that day, did not return to work the following day and at the time of trial had not worked properly since then.

Mr Parr brought a claim both in negligence and for breach of statutory duty - the latter arising under Regulation 4 of the Manual Handling Operations Regulations 1992. The trial judge in the court below found that there had been a breach of Regulation 4(1)(a), 4(1)(b)(i) and 4(1)(b)(ii). These provisions read as follows:

"4. - (1) Each employer shall -

- a. so far as is reasonably practicable, avoid the need for his employees to undertake any manual handling operations at work which involve a risk of their being injured; or
- b. where it is not reasonably practicable to avoid the need for his employees to undertake any manual handling operations at work which involve a risk of being injured -
  - i. make a suitable and sufficient assessment of all such manual handling operations to be undertaken by them, having regard to the factors which are specified in column 1 of Schedule 1 to these Regulations and considering the questions which are specified in the corresponding entry in column 2 of that Schedule,
  - ii. take appropriate steps to reduce the risk of injury to those employees arising out of their undertaking any such manual handling operations to the lowest level reasonably practicable."

In the event, the four machines had to be moved between 50 and 70 feet, with a 90 degree bend involved. They were unloaded onto three skates; one of which had a steering mechanism and was therefore placed under the front of the machine being moved, with the other two positioned beneath the back of the machine. There were only 3 men involved in the movement of each machine. This being the case, and in light of the fact that Gravatom did not carry out a detailed risk assessment in keeping with the 1992 Regulations, the

---

trial judge held that Gravatom was in breach of the 1992 Regulations, despite Gravatom's arguing that it had carried out similar operations many times before. Gravatom appealed.

***The Issue***

The main issue was whether Gravatom had taken appropriate steps to reduce the risk to the lowest level reasonably practicable.

***The Decision***

The appeal was dismissed. Gravatom's evidence that similar operations had been carried out many times before did not deal with the particular factual circumstances of other such operations in the past and with how those circumstances compared with those of the operation in which Mr Parr participated. It was clear from the 1992 Regulations that the degree of risk involved depending on a number of factors; each of which must be considered afresh before embarking on operations of this nature. A variety of steps could have been taken to minimise risk of injury, such as using a forklift, or more personnel. None of these were implemented in this case.

***Comment***

This case provides a reminder to employers of the importance of addressing the relevant Health and Safety regulations in the workplace when faced with operations requiring human force to move particularly heavy objects, no matter how often those operations have been carried out before. In such cases, it will often be necessary to carry out relatively technical calculations as to what force is needed and therefore the number of people and type of equipment required to carry out such a task. Employers would be well-advised to consult and adhere to the relevant regulations before instructing their employees to move heavy objects in order to minimise both the risk of and legal liability in the event of an injury.

*Rebecca Saunders*  
*January 2008*

---