

Freeport ordered to pay victim's heirs €80,000



The Freeport has been ordered to pay the heirs of an employee who died in an occupational accident €80,000.

Mr Justice Raymond C Pace delivered his judgement in the First Hall of the Civil Court following a writ of summons filed against the Freeport by the heirs of the late Alfred Zerafa.

The heirs, Maria Assunta Zerafa, Gilbert Zerafa, Charmaine Zerafa and Malcolm Zerafa also filed their writ against the Principal Government Doctor and the Director of Health.

The court heard that Alfred Zerafa, a port worker, died on October 2, 1998 after he fell the height of two containers while he was working in the hold of the vessel "Marchallenge" which was berthed in the Freeport Terminal.

In its judgment the court concluded that Freeport Terminal (Malta) plc had failed to provide Mr Zerafa with a safe system of work. Although Mr Zerafa had been instructed to work at a certain height within the ship's hold, he had not been provided with a safety rope nor had he been instructed to use this rope.

It further resulted that there were patches of oil where Mr Zerafa was working and this had added to the chances of him slipping and falling from a height.

Mr Justice Pace said that the evidence produced showed that Mr Zerafa has slipped on the oil which was on the containers. But the court noted that Mr Zerafa had been provided with a safety helmet but had failed to use it. As a result, Mr Zerafa was found to carry responsibility for one-fifth of the accident while the Freeport bore four-fifths of the responsibility.

The Principal Government Doctor and the Director of Health were exonerated from responsibility for the accident.

The court found that the damages sustained by the heirs were in the sum of €100,000. As the Freeport bore four-fifths of the responsibility, it was ordered to pay the heirs €80,000 in damages.