



Media Release - SafeWork SA

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PENALTIES CONFIRM OHS OBLIGATIONS OF SMALL BUSINESSES

SafeWork SA is reminding small businesses that they must not compromise on occupational health and safety, following a court ruling on an incident in which a worker suffered a disfiguring hand injury.

In September 2005, a 21 year old male employee lost two fingers of his right hand when they were caught in the blades of a modified milling machine he was trying to clean with an airgun at **Sage Tool and Die Manufacturing** at Lonsdale.

Last Friday, the business operator **Russell Sage** was fined \$6,000 after pleading guilty to one count of breaching section 19(1) of *Occupational Health Safety and Welfare Act 1986*, in failing to ensure that an employee was safe from injury and risks to health. The penalty was reduced from \$19,200 due to the defendant's limited means.

SafeWork SA told the court that at the time of the incident:

- the cutting blades of the machine were insufficiently guarded
- there was no hazard identification or risk assessment conducted
- no safe operating procedure had been provided
- the instruction for the task required was inadequate.

In handing down penalty, Industrial Magistrate Stephen Lieschke told the court:

"I do not accept that a lower standard of occupational health and safety should apply in a relatively small business... To assist an employer there is an abundance of material available from sources such as ... SafeWork SA, industry or trade associations, and from private health and safety businesses."

In a separate case in the Industrial Relations Court, crane operator **Richard Cheek** was fined \$7,500 for an incident at Belair in 2004 in which his mobile rig toppled over while moving packs of steel roofing iron, narrowly missing two roofing contractors.

He pleaded guilty to two counts of breaching section 22(2) of *Occupational Health Safety and Welfare Act 1986*, in failing to avoid adversely affecting the health and safety of others through his work. The penalty was reduced from \$50,000 due to the defendant's limited means.

SafeWork SA told the court that the defendant had failed to conduct an adequate lift study or job safety analysis, and that the crane was operated beyond its safe working distance limit.

"Both of these cases highlight the consequences of a lax attitude to workplace safety in terms of debilitating injury and expense," says the agency's Executive Director, Michele Patterson.

"As is so often the case, each was easily preventable had the proper precautions been taken."