



# Media Release - SafeWork SA

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Tuesday 18 March 2008

## LABOUR HIRE COMPANY FINED OVER TEENAGE WORKER'S INJURIES

**SafeWork SA warns that labour hire companies have a significant duty of care towards young workers, following a decision yesterday in the SA Industrial Relations Court.**

**Adelaide Industrial Labour Service Pty Ltd** was fined \$9,000 after pleading guilty to breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986* in failing to ensure the safety of an employee.

The case concerned an 18 year old employee who suffered serious finger injuries in May 2005, when his hands became trapped in an unguarded pipe-bending machine. He sustained a broken middle finger and multiple cuts to his right hand and crushed fingertips that resulted in two amputations on the left.

The teenager was on just his second day of work with the host employer when he was instructed to use the machine, which he was neither trained nor qualified to operate.

SafeWork SA's investigation found there was:

- A failure by the company to clearly identify the work he was to undertake
- A failure to instruct the employee not to undertake different duties, and to report back to the labour hire company if he was
- A failure to maintain an effective system of site visits
- A failure to advise the host employer to report back if the worker undertook different tasks

Industrial Magistrate Stephen Lieschke said the potential for injury was "clearly worse" and it was entirely avoidable:

*"The offence resulted from complacency as to the working environment of an 18 year old inexperienced employee... simple administrative measures could have been in place that would have identified the risk and allowed it to have been avoided."*

In December, 2006, the host employer, **Dagenham Pty Ltd**, trading as **Link Plus**, was convicted and fined \$9,000 after pleading guilty to a breach of s19(1).

"Workers aged between 15 and 24 have a 75 per cent greater chance than an older worker of being hurt or killed on the job," says SafeWork SA Executive Director, Michele Patterson.

"And such harm is most likely to happen during the first few weeks on the job, as this case sadly demonstrates.

Look after your workmates.



**Government of South Australia**

Department of the Premier  
and Cabinet

“The law is quite clear on the duty of care that labour hire companies have in placing young workers.

“They must, as must the host employer, do all that is reasonably practicable to ensure the health and safety of their workers,” Ms. Patterson says.

*For answers and advice on workplace health and safety and the relevant laws, SafeWork SA operates a telephone Help Centre on **1 300 365 255** or **8303 0400**. To report serious accidents or incidents, in the workplace call **1 800 777 209***