

Thursday, 27 June 2013

INDUSTRIAL COURT FINES CONSTRUCTION FIRM, DIRECTOR \$200,000 EACH IN DEATH OF WORKER AT DESAL PLANT

The Industrial Relations court has fined a construction company and its director \$200,000 each for safety breaches that resulted in the death of a 35-year-old worker at the Adelaide Desalination Plant in 2010.

Magistrate Stephen Lieschke also ordered Ferro Con director Paolo Maione to pay \$20,000 in compensation to the family of Brett Fritsch.

Mr Fritsch was fatally injured when a sling broke and a monorail steel beam fell on him.

SafeWork SA charged Ferro Con (SA) Pty Ltd with failure to provide a safe system of work under the *Occupational Health, Safety and Welfare Act 1986*. Mr Maione was charged under the same act with failure to take reasonable steps to ensure the company's compliance.

The court heard that neither a risk assessment nor a job safety analysis were conducted before the 1.8 tonne, 14-metre long steel monorail beam was lifted into place, with two workers directly below it.

"The offences result from a serious failure to accept responsibility to identify and reduce to the greatest extent reasonably practicable the foreseeable hazards created by dangerous work involving steel erection," Magistrate Lieschke said in his decision.

Mr Maione was ordered to publish notices of the conviction and penalty to his employees and in newspapers.

SafeWork SA Executive Director Bryan Russell said the ruling was a clear message to employers and their officers about their legal obligations.

"This tragedy highlights the duty of care that must be taken to ensure that workplaces comply with their safety obligations so that every worker can go home safely at the end of a work day," Mr Russell said. "One death is too many."

Ferro Con and Mr Maione faced a maximum fine of \$300,000 each for a first offence involving serious breaches with fatal consequences.