

Tuesday, 17 September 2013

## **HOLSTEN'S FINED \$66,000 FOR FORKLIFT CRUSH INJURY**

The Industrial Court has fined Holsten's Pty Ltd a total of \$66,000 plus legal fees after an employee was crushed between a roller door and a forklift back rail while manually closing a roller door.

SafeWork SA prosecuted Holsten's Pty Ltd under the *Occupational Health, Safety and Welfare Act 1986* for failing to provide a safe system of work; and under the *Occupational Health, Safety and Welfare Regulations 2010* for permitting an employee to carry out high risk work (forklift operation) without an appropriate licence.

The court heard that a roller door at the company's premises had been intermittently malfunctioning for some time and was instead operated manually. This was achieved by lifting an employee on the tines of a forklift to a height that enabled the roller door to be manually pulled down – usually to a height up to 1.5 metres.

The employer was aware of this practice and did not stop the use of the forklift for this purpose, despite the availability of a platform ladder at the premises.

Other employees who regularly operated the forklift did not hold valid high risk work licences.

On the day of the incident, the employee was raised higher than usual and subsequently crushed between the roller door and the back rail of the forklift. He was admitted to hospital and treated for injuries to his ribs, back, right shoulder, chest, stomach and lungs.

Magistrate Michael Ardlie on Monday recorded a conviction on both counts and imposed a penalty of \$95,000 and \$15,000 respectively, plus costs.

Magistrate Ardlie applied a 40 per cent penalty discount for the early guilty plea and demonstration of contrition following the incident, resulting in penalties of \$57,000 and \$9,000.

"Workplace injuries and incidents involving forklifts are all too common," said Bryan Russell, Executive Director, SafeWork SA.

"Employers and operators are reminded that forklift operation is a high risk activity, and heavy penalties apply for breaches of safety laws including operating, or allowing a person to operate, a forklift while not holding a valid licence," he said.

Forklift operation has been classed as high risk work since 1 September 2010 when South Australia adopted the national high risk work licensing system.

For further information about High Risk Work Licensing, call the SafeWork SA Help Centre on 1300 365 255 or visit [www.safework.sa.gov.au](http://www.safework.sa.gov.au) (Forms and Fees / High Risk Work).