



Media Release - SafeWork SA

Friday 22 February 2008

FISHING COMPANY FINED OVER WORK EXPERIENCE INJURY

SafeWork SA says employers must treat work experience students as they would their own employees with regard to workplace safety.

The message comes after a Port Lincoln fishing company was fined in the SA Industrial Relations Court today over an injury suffered by a teenage student aboard one of its vessels in June 2005.

Australian Fishing Enterprises Pty Ltd was fined \$7,500 plus costs (\$935) after pleading guilty to one count of breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986* in failing to ensure the safety of an employee. (*Under Section 4(3) of the Act, a work experience student is deemed as being an employee, and therefore entitled to the same protection of health and safety*).

SafeWork SA's investigation of the incident revealed that due to a mix up of circumstances, the Year 11 student was late in boarding a vessel engaged in tuna farming operations, and therefore did not receive a full induction on safety procedures and safe work methods.

There was also a failure to properly supervise the student on board. As he was untying the vessel from a floating tuna farm, the vessel moved in the swell trapping the boy's fingers in the rope.

He suffered a fracture and de-gloving injury to his right index finger, and a laceration to his left index finger. He has since recovered, with few lasting ill effects.

In his decision today, Industrial Magistrate Richard Hardy acknowledged the company's good previous safety record, its cooperation with SafeWork SA, its early guilty plea, contrition, and its otherwise appropriate OHS policies and procedures.

*"The fault lay in the fact that the company had failed to observe them...
"It is acknowledged that the defendant failed to properly instruct and supervise particularly an inexperienced employee,"* Magistrate Hardy said.

SafeWork SA says the case highlights the vulnerability of work experience students and inexperienced young employees to harm in the workplace.

"Our experience and statistics show young people are always at greater risk of being hurt at work, and this incident shows how otherwise good systems can still fail," says SafeWork SA Executive Director, Michele Patterson.

"We urge employers to review their safety induction and supervision systems for work experience students promptly, to avoid a repeat of such an incident or worse." [more]



FINE FOR FINGER LOSS

In a separate case earlier this week (*Monday*), Adelaide engineering firm, Cooper Standard Automotive Pty Ltd, was fined \$13,500 over an incident in which a worker lost a section of finger.

On 2 October 2005 at the company's Woodville North premises, a 31 year old employee had his hand pulled into an automatic lathe, resulting in the amputation at the second joint of his right index finger.

The defendant pleaded guilty to one count of breaching section 19(1) of the *Occupational Health Safety and Welfare Act 1986* in that it failed to provide safe systems of work and failed to provide plant in a safe condition.

Industrial Magistrate Michael Ardlie reduced the penalty by 25% in recognition of an early guilty plea and the defendant's previous good record.

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