



Media Release - SafeWork SA

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'CATASTROPHIC' FALL INCURS \$40k FINE

A family owned and run cleaning business has been convicted and fined over an incident which led to what an industrial magistrate described as 'catastrophic and devastating' injuries to a worker.

Area Construction Labour Services Pty Ltd (ACLS) received its penalty yesterday having already pleaded guilty to breaching section 19(1) of the *Occupational Health, Safety and Welfare Act 1986* in failing to ensure the safety of an employee and failing to provide a safe system of work.

The court heard how in May 2007, the employee, then a 40 year old married father of three, suffered severe and debilitating injuries when he fell about 4.5 metres from a ladder, which slipped out while he was cleaning windows at a newly built Mawson Lakes cafe.

In his penalty decision, Industrial Magistrate Stephen Lieschke recounted in detail the range of injuries the man suffered, including fractures to his skull, ribs, shoulder, vertebrae and leg.

"He has suffered a high level of permanent brain damage resulting in a range of impairments... This has resulted in a complete disruption of all personal relationships.

"(The employee) is currently living in a supported residential care facility as his family is unable to provide all the care he requires."

SafeWork SA submitted to the court that there had been a request that any equipment to be used by the cleaners did not mark the new floor of the premises. To that end, the worker used a 6-metre ladder and his employer provided a piece of carpet to stand the ladder upon to avoid marking the floor. There were no other means used to secure the ladder.

The court also heard that no hazard identification or risk assessment had been done for the task of cleaning high windows, and the employer had even failed to comply with its own written policy on the safe use of ladders for work at heights.

Magistrate Lieschke described this as *"unacceptable complacency"*:

"...a narrow focus on avoiding damage to the floor appears to have been the primary consideration when deciding upon the system of work to be employed."

He fined ACLS \$40,000 after discounting the penalty by 25% to acknowledge the company's early guilty plea, cooperation with SafeWork SA, contrition over the incident and work to improve its safety systems since. He also awarded \$10,000 compensation to the injured man's wife.

SafeWork SA Executive Director, Michele Patterson says the case serves as a stern reminder to all employers that the safety of workers should *never* be compromised in trying to meet the requests or demands made of any business.