



# Media Release - SafeWork SA

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## EMPLOYEE FINED OVER FUMES EXPLOSION

**The duties of employees under South Australia's workplace safety laws have been highlighted in a case completed today in the SA Industrial Relations Court.**

**James Lawless** was convicted and fined \$4,400 after pleading guilty to a breach of section 21(1a) of the *Occupational Health Safety and Welfare Act 1986*. This section of the Act details the legal duties of employees to take reasonable care to keep themselves and others safe at work through their actions or otherwise.

SafeWork SA prosecuted after investigating an incident in June 2007 at a West Croydon business which manufactures pressure equipment products, such as boilers and air compressor units.

Three workers were painting the inside of a large pressure vessel: a task that involved pouring paint into the vessel and rotating it to ensure the inner surface was covered. This caused a buildup of fumes, which were released when a flange was later opened.

The court heard that the fumes were ignited when the defendant then lit a cigarette lighter while standing nearby, apparently unaware of the presence of flammable vapours and in breach of a non-smoking policy in the workplace.

Two workers were injured in the resulting blast; one suffering severe burns to 25 per cent of his body.

In his penalty decision today, Industrial Magistrate Michael Ardlie said more serious injuries could have resulted and the defendant *"...should not have ignited his cigarette lighter... without first consulting with the other employees..."*

In November last year, the man's employer was convicted and fined \$30,000 after the company pleaded guilty to failing to provide a safe working environment over the same incident.

SafeWork SA says the case underscores the need for employees to play their part in keeping workplaces safe through being aware of the relevant hazards and safety procedures and acting promptly and consistently to keep themselves and others safe.

"The legal responsibility for workplace safety is not just confined to employers," says Acting Executive Director, Juanita Lovatt.

"Employees also have a duty under the law and where the circumstances warrant, SafeWork SA will prosecute where a serious breach is uncovered."

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