

# MORGAN

## Human Resource Management

### Work Health & Safety Employee information

Failure to properly supervise a 15-year-old plumbing apprentice has been a hard lesson for a small inner city plumbing contractor, who recently pleaded guilty to breaching Work Health and Safety Laws; [whsq.qld.gov.au/2lmFxZe](http://whsq.qld.gov.au/2lmFxZe).

### Worker wins \$650 – Back Injury (source NSW Business Chamber)

“An employee who injured his back while unloading pallets has been awarded more than the above amount in damages. A court ruled the system of work had caused the injury.”

There are two issues here:

- One - providing a safe workplace for workers and others.
- Two - assessing and/or reviewing risk and potential risk. This would involve conducting Risk Assessments and subsequent Safe Work Method Statements.

Anyone who thinks manual handling is not an issue in every workplace (to varying degrees) may need to have a rethink. Roughly 50% of Workers Compensation Claims are related to manual handling and backs.

### Another Employee Prosecution in Relation to the Improper Use of a Forklift

There was a similar case detailed in last month's Newsletter. In this case the employee was fined \$11,000- and ordered to pay court costs. The employee had been warned twice previously not to operate the forklift with the forks raised. In this case a co – worker was killed.

One of the obligations of a Worker under the current WHS Act 2011, Clause 28 is “to follow reasonable direction.” In this instance it appears that sufficient action may not have been taken, particularly on the second warning.

If appropriate action is not taken where workers are non-compliant, then in essence the employer and/or management are saying it is OK.

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