

‘Skylarking’ must be included in safety training

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The Federal Court has criticised a logistics company over the death of a second warehouse worker, ruling it had provided ‘minimal’ instructions on the safe use of forklifts, which led to the fatality.

A 24-year-old Philipino worker, contracted to Post Logistics, was killed in May 2006 when he was crushed between a forklift and a pole at the company’s warehouse in Wetherill Park, Sydney.

The forklift was being driven by a certified driver at the time, however, the Philipino worker climbed onto the forklift and placed his hand on the driver’s head and neck and his other hand under the driver’s leg.

The reverse pedal was accidentally engaged and the forklift reversed. The worker was crushed between the forklift and a pole and died at the scene.

Limited training

Federal Court Justice Geoffrey Flick heard the worker had received induction training when he commenced employment in 2004.

That training consisted of a verbal instruction ‘to keep out of the way of moving machinery’ and verbal instructions as to safety rules, emergency evacuation procedure, lifting, administrative matters, and site amenities.

He also attended a series of ‘Take 5’ talks, which covered a variety of topics varying from heat stress, drugs and alcohol, to workplace emergencies.

However, Flick found the worker had not been given instructions on the prohibition of ‘horseplay’ around forklifts.

‘They had not been given adequate or clear instructions as to the need to ensure that there was no "horseplay" or "skylarking" in the vicinity of forklifts. They were expected to "learn on the job",’ he said.

‘Such training and instructions as he should have been given were not given by either Landmark Industrial Recruitment Pty Ltd (labour hire employer) or by the present respondent (Post Logistics).

‘The facts as agreed disclose that Mr Lapidario (worker) was provided with what can only be described as minimal instructions directed at ensuring his safety.’

Guilty and fine

Post was found guilty of breaching s16 of the Commonwealth OHS Act 1991 by failing to provide adequate supervision or instruction, and failing to ensure there was an adequate traffic management system in place to prevent or reduce the risk of the contractor coming into contact with a moving forklift.

Flick noted that in 2003 another worker had been killed at the warehouse, while the year before another employee had been seriously injured in a forklift collision.

Post received a civil penalty of \$165,000.

Actions since the incident

Since the worker’s death, Post has implemented a system to monitor the performance of supervisors and team leaders.

Traffic barriers have been put in place to separate moving forklifts from pedestrians.

The site where the worker was killed was previously an area shared by machinery and pedestrians. It is now only an area for the operation of forklifts.

Whereas none of the ‘Take 5’ sessions related to ‘horseplay’, there are now in place more regular and comprehensive training sessions directed to employees and contractors, regarding ‘horseplay’ and appropriate behaviour in and around forklifts.