

MEDIA RELEASE



6 February 2012

Fall leaves worker in a wheelchair & small business with \$60,000 fine

A magistrate has given a small building company six years to pay a fine imposed on it after a worker became a paraplegic as a result of a four metre fall. The incident occurred at Keysborough in June 2010.

WorkSafe's General Manager of Operations, Lisa Sturzenegger, said the monthly payment of \$850 to meet the \$60,000 fine would be a constant reminder to renovation firm, Mayneline Pty Ltd, of the need to ensure safety standards were maintained.

"For a small business this is a significant, and not uncommon, level of fine for a safety incident.

"Ensuring safety issues are understood and dealt with prevents devastating and life-changing incidents and reduces the risk of a business' viability being undermined."

Magistrate Leslie Fleming said it was important that general deterrence was achieved, but that she would not impose a penalty that would be "crushing" for the small business, nor one that would threaten its ongoing viability.

Kilsyth-based company, Mayneline Pty Ltd pleaded guilty to one charge laid under the Occupational Health and Safety Act. Mayneline was convicted, fined \$60,000, and ordered to pay court costs of \$2894.52.

The court was told Mayneline's workers were replacing the burnt-out roof of the Keysborough house when it began to rain, causing them to rush to make the house weatherproof.

The injured man's supervisor told WorkSafe investigators that he had watched the injured man climb onto the frame of the house immediately before he fell.

Although he knew it was risky, he did not tell him to come down immediately, thinking he was capable of standing there and lifting one truss.

It was at this point that the 27-year-old Warranwood man lost his grip on the truss, slipped off the wet timber on which he was standing, and fell four metres down an unprotected stairwell void.

As a result of the fall, he suffered a punctured lung, broken ribs, a fractured wrist and serious laceration to the head. He also suffered three broken vertebrae and due to his back injury, he is unlikely to walk again.

Magistrate Fleming said the man was a conscientious worker who had kept working after treading on a nail earlier in the day. She said unsafe practices were allowed to continue at the worksite unchecked because there was time pressure to 'get the job done'.

Counsel for the company Carmen Currie said the firm had a previous good safety record, was remorseful, had co-operated fully with WorkSafe's investigation and had since taken steps to improve its OHS management.

Ms Fleming said that if the company had not pleaded guilty, she would have fined it an additional \$40,000.

WorkSafe has information on a wide range of workplace health and safety matters on its website, www.worksafe.vic.gov.au, or you can call the advisory service on 1800 136 089 or you can stay up to date by following us at @worksafe_vic on Twitter.

The charge: Section 21(1) & 21(2)(a) of the Occupational Health and Safety Act 2004: It was alleged the company failed to provide a safe working environment by failing to provide a safe system of work for installing roof trusses.

Media enquiries: Michael Birt 9641 1216