



CAN YOU HANDLE IT?

BACK TO BASICS IN MATERIALS HANDLING

The number of injuries and deaths of workers involved in materials handling across Australia is on the rise. Lawyers **BRIDGET BENNETT** and **JACKSON INGLIS** detail some simple, “back to basics” controls that can help prevent devastating incidents from occurring in your workplace.

As an employer or person conducting a business or undertaking (PCBU), it is important to understand how you can ensure the health and safety of workers in your workplace and your key responsibilities when your workers are involved in material and manual handling under the Australian harmonised work health and safety (WHS) laws.

Materials handling is the physical (ie, manual handling) or mechanical (ie, forklifts, trolleys or hand pallet jacks)

handling and movement of materials in a workplace. Despite this innocuous definition, there are plenty of hazardous aspects to, and risks involved in, materials handling that can lead to workplace injuries.

IDENTIFYING RISKS

Under Australian WHS law, PCBUs have a duty to *eliminate* risks “so far as is reasonably practicable”, and if you cannot eliminate these, to *minimise* risks so far as is reasonably practicable. You can conduct a materials handling risk analysis

in your workplace and consider ways to eliminate or minimise them. Some risks may be obvious and others less so, such as a system of work that causes workers to hurriedly unpack materials, potentially causing a lifting, slip or fall injury.

A PCBU can assess risks by:

- inspecting the workplace or worksite;
- reviewing workers’ job descriptions to identify high-risk tasks, such as using a forklift or carrying heavy equipment;
- observing workers performing their jobs — do they wear PPE? How do they use equipment and mechanical tools?;

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There has been a recent increase in tragic incidents, many involving forklifts to manoeuvre materials in the workplace.



ELIMINATING OR MINIMISING RISKS

Once you have conducted a risk analysis, you should consider your current risk management strategies and what could be implemented or improved to keep workers safe. Consulting with workers throughout this process could highlight risks you were unaware of and share experience, knowledge and ideas on how to practically manage these.

Reasonably practicable

In most states and territories, PCBUs are required to take into account and weigh up the following relevant matters to determine what is “reasonably practicable” in the circumstances:

- reading any prior incident reports to understand what incidents are occurring at the workplace and why; and
 - arranging a safety audit of your workplace.
- Each Australian jurisdiction has codes of practice across various activities, which provide guidance for PCBUs on the management of safety, and hazards and risks under their safety legislation. There are many codes of practice on manual tasks, managing WHS risks and working with forklifts that are accessible on your safety regulator’s website (SafeWork NSW or NT WorkSafe) to help you manage the risks in your workplace.
- the likelihood of the hazard or risk occurring;
 - the degree of harm that might result from the hazard or risk;
 - what you knew, or ought reasonably to know, about the hazard or risk and ways of eliminating or minimising the risk;
 - the availability and suitability of ways to eliminate or minimise the risk; and
 - the costs associated with the available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

Controlling the risk

Implementing reasonably practicable control measures is the next step and there is a hierarchy as to which controls should be implemented — so start with

CASE STUDY: FORKLIFTS

In Bob’s workplace, he has identified workers operating different vehicles — including forklifts — to move pallets of fruit from the warehouse onto a truck outside. There are no designated pedestrian walkways or safety zones in the warehouse or where the truck is to be loaded, and due to the high volume of pedestrian traffic, Bob expects a worker is highly likely to be struck and significantly injured (possibly even killed) by a moving vehicle.

He has considered ways to first eliminate the risk by creating designated areas for pedestrians and for vehicles. He can then put in place engineering controls and isolate the risk by: using safety railings or bollards to prevent pedestrians stepping out into traffic from “blind spots” and using separate pedestrian doors at vehicle entrances and exits into buildings.

Bob must then implement administrative controls such as: procedures and guidance material on safely driving and operating forklifts, and providing managers and workers with training and support on identifying and managing health and safety risks. A traffic management plan would also include illustrations of the layout of barriers, walkways, signs and general arrangements to alert and guide traffic around the workplace.

eliminating the risk altogether. If that is not possible, substituting the hazard with a safer alternative, implementing engineering controls and isolating the risk are next, followed by administrative controls and PPE. The case study above shows a PCBU considering putting control measures in place.

Policies and training

Under Australian WHS laws, PCBUs have a duty to ensure they have provided the information, training and instruction/ supervision necessary to protect all persons from risks to their health and

safety arising from their work. Workers should be properly trained and instructed on how to do their work safely, and informed of any risks, and the measures in place to control those risks. This includes informing workers about what safety policies and procedures there are and why they are in place. Workers should contribute to the development of these policies and procedures.

The consequences

There has been a recent increase in tragic incidents, many involving forklifts to manoeuvre materials in the workplace. In one devastating incident, CK Crouch Pty Ltd was found guilty of three breaches of the *Occupational Health and Safety Act 2004* (Vic) and fined \$1.13 million after a forklift carrying a full cage of chickens struck a 41-year-old worker who suffered serious chest, spine and pelvis injuries, and subsequently passed away.

The Court heard that the workers were not aware of the procedures the PCBU had for catching chickens and safely working

around forklifts. It was also found that the forklift driver had not been inducted into the safety procedures. The deceased worker was not wearing hi-vis clothing and was working at night in a dimly lit environment.

In NSW there have been at least three enforceable undertakings entered into involving workers struck by forklifts — one was entered into by Offset Alpine Printing Pty Ltd (OAP) after a worker was struck by a forklift as the forklift driver attempted to load two pallets onto the tray of a truck. OAP committed to spend at least \$450,000 to enter into an enforceable undertaking and avoid prosecution.

Legislative changes — industrial manslaughter

In 2017, industrial manslaughter was introduced as an offence in Queensland after the government passed the *Work Health and Safety and Other Legislation Amendment Act 2017* (Qld). A PCBU or senior officer may be found guilty of industrial manslaughter in Queensland

where a worker dies, or is injured in the course of carrying out work and later dies, and:

- the officer or PCBU's conduct substantially contributed to the death of the worker, and
- they were negligent about causing the death of the worker by their conduct.

The maximum penalty for an individual found to have committed the offence in Queensland will be 20 years' imprisonment and body corporates could be fined up to \$10 million. Victoria and other states may soon follow Queensland's lead.



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FAST FACTS

FORKLIFTS



Forklifts are used to **lift, stack and move loads** in warehouses, factories, shipping yards, freight terminals and other workplaces across Australia.¹

Tipping over is the **biggest hazard** for forklift operators.¹ A standard 2 T forklift can **weigh in at 5T fully laden**.¹

69 forklift-related deaths

occurred in 2003–16,² with more than

1300 forklift injuries in NSW alone from July 2014 to July 2016.³



Stacking off-centre loads at full height on a surface with a

2% difference in gradient (20 mm in one metre) can **significantly affect stability**.¹ **High-risk work licences** — including those for forklift operation — must be renewed **every 5 years**.⁴

References 1. Source: <https://www.safework.sa.gov.au/sites/default/files/forkliftsafety.pdf?v=1527223033> 2. Source: <https://www.safeworkaustralia.gov.au/system/files/documents/1710/work-related-traumatic-injury-fatalities-report-2016.pdf> 3. Source: <https://www.safework.nsw.gov.au/news/pre-27-sept-2018-media-releases/forklift-safety-top-priority> 4. Source: <https://www.safeworkaustralia.gov.au/licences#renewing-your-licence>