

# 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.

s 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:

- the likelihood of the hazard or risk occurrina:
- 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**

the warehouse or where the truck is to be loaded, and due to the high volume

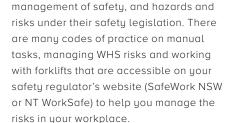
areas for pedestrians and for vehicles. from "blind spots" and using separate and exits into buildings.

include illustrations of the layout of

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



• reading any prior incident reports

· arranging a safety audit of your

of practice across various activities,

workplace.

to understand what incidents are

occurring at the workplace and why;

Each Australian jurisdiction has codes

which provide guidance for PCBUs on the

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 Ptu 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,

- 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 FORKLIF 69 forklift-

### 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!

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. Highrisk 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=15272230332. 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/ticences#renewing-your-lice