



# Courtenell

Work Health & Safety Training and Consulting

02 **9552 2066**  
train@courtenell.com.au



## A Lack of Adequate Supervision Cost \$588,000

Did you know that one in every five injuries at work in Australia happens to workers who are younger than 25 years old? In addition most of those injuries happen in the first six months of employment. Why is it so? Could it be a lack of adequate supervision and training in controlling the risks in their jobs?

A lack of adequate training and supervision can obviously be relevant regardless of the age of the worker. For example in July 2016, the NSW Court of Appeal awarded a worker who was older than 25 years, \$588,000 in damages for a disabling injury suffered at work.

This article explains why the PCBU was found liable, how the injury could have been easily avoided, and how you might use this case to review safety in your workplace.

### Why the PCBU was Liable for the Injury

The injured worker was employed by a veterinary pharmaceutical company. Her job included regularly emptying a 25kg bag of powder into a hopper. The safe work procedure included using an “electronic lifting device” that meant the bag did not have to be manually lifted.

However the worker made a small but significant variation to the safe work procedure. She was now manually lifting the back of the bag and twisting her spine. The worker did not know that her variation could create a high risk of spinal deterioration over a period of time. And the worker already had a pre-existing disc degeneration in the spine.

Almost two years went by and one day, after leaning forward at the waist, lifting the bag with her right arm, and twisting towards the hopper to empty the bag, the worker experienced pain in her back and was unable to continue work. As explained in one of our recent articles, [Where Do Manual Task Injuries Come From?](#), gradual wear and tear to joints, ligaments, muscles and inter-vertebral discs caused by repeated or continuous use of the same body parts, can result in a serious injury after a while.

The Court agreed that the company had a safe work procedure but found that the PCBU was liable for the injury and had to pay damages to the worker because the worker had not been supervised or corrected on her incorrect application of that work procedure.

### How the Injury Could Have Been Avoided

Adequate supervision and further instruction as needed are obviously actions that would have avoided this injury.

Also information, instruction or training about the manual handling risks involved in this job would have helped avoid this injury. The injured worker and the supervisor needed to know the how and why of eliminating or minimising the risks of hazardous manual tasks in their work activities.

### **Using This Case to Review Your Workplace**

Even though you do not have the work activity involved in this injury you may like to consider the following points in the context of your workplace.

In your workplace, have all workers been instructed in safe work procedures that are relevant to their work activities?

Have all workers been instructed or trained in controlling the five hazardous manual tasks risk factors and other risks involved in their work activities?

Do Supervisors ensure that all workers are working in accordance with safe work procedures?

Do Supervisors provide supervision in their area of the workplace as needed to protect all persons from risks to their health and safety arising from work activities?

Do Managers ensure that the Supervisors they manage take appropriate actions about health and safety in their area of the workplace?

#### **Note:**

You can read the full judgement of this NSW Court of Appeal case by using this link in your browser  
[Jurox Pty Ltd v Fullick \[2016\] NSWCA 180](#)

29<sup>th</sup> August 2016 rev 16<sup>th</sup> July 2019