

Car dealership fined \$180,000 over workshop electrocution

A car dealership has been fined \$180,000 following the electrocution of a panel beater in its maintenance workshop.

The 46 year old man died when he went to repair a spot welder by removing its control box cover. The incident occurred at the premises of Rick Damelian Paint and Body Workshop at Five Dock in February 2001.

A colleague suffered an electric shock when he went to the injured worker's aid.

The Industrial Relations Commission of NSW sitting in Court Session was told that the dead man was not a qualified electrician and had not undertaken appropriate training prior to the incident.

The IRC heard that the machine had not been isolated from the power source before the attempt to repair it.

The deceased's employer, Rick Damelian Pty Ltd, pleaded guilty to a breach of Section 15(1) of the Occupational Health and Safety Act 1983.

In handing down her judgement on 17 April 2003, Justice Kavanagh noted the serious gravity of the offence and fined the company \$180,000 plus costs. However she noted the company's contrition and its financial support for the deceased worker's family.

Justice Kavanagh also commented that the defendant's endeavours to "review and implement a revised occupational health and safety management system demonstrated a new and significant commitment to safe working."

WorkCover's acting General Manager Rob Seljak said that this tragic incident emphasised employers had a duty of care to ensure the safety of their workers by identifying and eliminating risks from the workplace.

"Between 1991 and 2001, there were 54 fatalities through electrocution in NSW workplaces," he said.

"This fatality in the workplace could have been avoided if a risk assessment had been conducted and safe working procedures prepared and implemented," he said.

Source: Workcover website 2 May 2003