

Lifting loads from above shoulder height: dos and don't checklists

Questions to be answered by employers

Has the trolley been stacked too high? Yes No

The judge noted that it was acknowledged that trolleys stacked above eye level can be hazardous. Are trolleys stacked above eye level? Yes No

Are trolleys stacked so that the heavier goods are at the lower levels and the lighter goods at the higher levels? Yes No

Noting the judge's comment that the company's safety practice was not followed where training and instruction has been provided, the employer must ask:

a) Have the methods taught been deployed in practice on a daily basis? Yes No

b) Do managers enforce compliance with training and safe practice? Yes No

Noting the judge's comments that the injured woman and her colleague were little more than five foot tall and that in the training video the men lifting loads from a trolley were six foot tall, do our training materials reflect the real situation in our workplace? Yes No

Employers defending claims should ensure that work practices adopted by staff and management are not at odds with the training relied on by us in our defence. Would we pass this test? Yes No

Managers must not offer to perform tasks contrary to safety training, for as the judge remarked, they put themselves at risk of injury. Have we advised managers and supervisors of the judge's comments? Yes No

The judge said the injured worker should not have been required to use a step ladder to unload a trolley. Do we use step ladders when unloading trolleys and if so, could we justify the use in court? Yes No

Would the judge's comment – that had a step ladder been used there was a risk that it could become unstable – apply to our use of step ladders? Yes No

If we do use step ladders, are they easily accessible? Yes No

Recapping the evidence of the engineer for the injured worker, the judge noted that he was only allowed to take a photo of an empty trolley. What is our policy when plaintiff's engineers carry out inspections and have we considered how a judge might regard our policy when it emerges in court? Yes No

The judge noted that no engineering evidence was called on behalf of the employer to challenge the evidence for the injured worker. If we are going to court are we going to call evidence to counter evidence by the plaintiff's engineer? Yes No

Have we weighed the evidence which will be given by managers/supervisors against that which will be given by the injured worker and, if it be the case, colleagues giving evidence supporting the injured worker's account of the accident? Yes No

Questions for workers/safety representatives

When lifting boxes/goods has the worker ascertained the weight? Yes No

Recognising a risk, should the worker should seek assistance? Yes No

If assistance not available, should the worker refuse to carry out the task? Yes No