

With Christmas just around the corner, we thought we'd cover the good news "elf and safety" story about Santa turning his high risk operations around, and embracing safety in his workplace – just in time for the biggest delivery event of the year. We also cover the work injury statistics for 2020, the filing of charges for a death in a Victorian carwash, the sentencing of a tourist operator after a worker fell down a hatch, and a Resource Management Act sentencing that resulted in imprisonment of an offender. Finally, we provide information on updated guidance on ventilation in the workplace to manage the risks of COVID-19 transmission.

## Arctic operation turned around – Santa insider confirms it'll be a safer Christmas for the "red team"

Working at heights, colliding with power lines and animal cruelty allegations. Suggestions of a disgruntled workforce and a pending regulator investigation. Santa was facing a long list of liability exposure risks when we reported on his business in the December 2019 issue of [The Safe Side](#).

But reliable sources are now reporting a very different picture as Mr Claus approaches Delivery Day 2021. Those in the know say Santa has turned his operation around. "From employee relations to health and safety, FC is leading the way," says our inside source.

Rumours are that the situation came to a head when the elf factory collective threatened a walkout and Health and Safety Rep Blitzen issued a provisional improvement notice on behalf of the transport team. Santa had no choice but to take notice. Supported by his broker, and some mid-winter reading of back issues of *The Safe Side*, he committed to work with his team to improve health, safety and workplace culture.

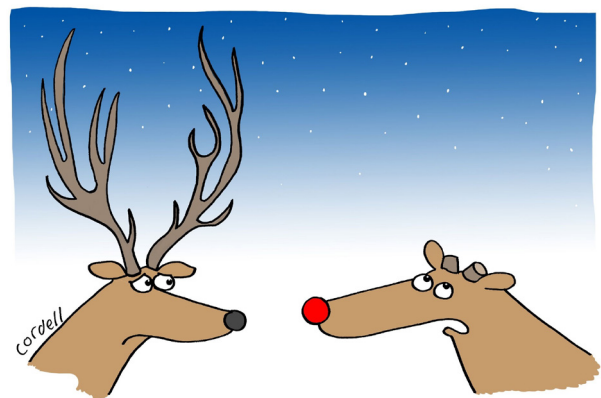
"The year began with the ambitious target of completing 2 billion landing risk assessments", says our insider, who wishes to remain anonymous due to distinctive nasal characteristics. "By June we realised we needed to take a more flexible and pragmatic approach. We now plan our landing, look for upset conditions and work as a team to identify hazards. We fully expect that the rash of injuries and health concerns that have plagued the team for 1,800 years will be substantially reduced in 2021."

Retractable reindeer crampons, an electrically insulated sleigh and fully guarded toy manufacturing machinery are just some of the engineering changes Santa and his team have made to reduce the risks of their work. Even more

impressive is FC's commitment to safety leadership and the changing company culture. "Santa now talks and, more importantly, walks our safety values".

The team has even taken steps to address COVID-19 risk. As a man with a portly profile and being more than 1,900 years old, FC was definitely vulnerable if he caught the virus. So, he and the team are masking up, using their vax passes and maintaining their exclusive arctic bubble.

Vero Liability's Managing Director, Adrian Tulloch, is impressed by Santa's commitment. "We are still not in a position to confirm Mr Claus' involvement with our company. However, we are delighted that he has reportedly found value in our Safe Side publication, and we wish him and his team all the best for the big night."



*"New health and safety regulations."*

## Car wash fatality results in charges for Australian service station operator

[WorkSafe Victoria](#) has filed charges against a service station operator following the death of a customer who was using an automatic car wash in November 2019.

A 73-year-old man died from injuries received when he left his car to re-enter his access code. He was crushed when the wash cycle started and his car door was struck by a gantry as he attempted to get back into his car.

Amongst other things, the company is alleged to have failed to erect signs instructing car occupants not to leave their vehicle while the car wash was in operation and install boom gates that would only allow entry to the wash bay after a valid access code was entered.

## Resource Management Act conviction results in imprisonment

A person who carried out work on his partner's property has been imprisoned for repeatedly damaging wetlands and other environmental offending.

The landowner and her partner were prosecuted by the [Greater Wellington Regional Council](#) on 35 charges brought under the Resource Management Act (RMA). The Judge issued a fine of \$118,750 to the landowner and sentenced her partner to 3 months imprisonment. The Judge also issued an Enforcement Order directing the defendants to cease the offending activities, protecting the wetlands, and instructing them to carry out work to remediate the damage.

In passing sentence, the Judge commented that the protection of natural wetlands under the RMA is a matter of national importance. Wetlands have significant ecological importance for their functions of improving

water quality, reducing the impact of flooding, and providing habitat for flora and fauna. He also commented on the deliberateness of the offending, and the attitude of the imprisoned defendant which he described as "aggressively defiant of the council and the court."

Of particular note was the repeated nature of the offending by both defendants despite being reminded time after time, verbally and in writing, of their legal obligations. Their actions to ignore both abatement notices and an enforcement order from the court were found to be serious offences and highly aggravating factors.

Greater Wellington Regional Council commented that: "Where serious non-compliance occurs we will investigate and will not hesitate to prosecute where circumstances warrant."

## Injuries lead to over 31,000 workers having more than a week off work in 2020

[WorkSafe figures](#) show that 31,419 workers were injured at work in 2020 and had to take more than a week off work as a result. This is a slight drop from the 32,910 injured in the year before although the 2020 figures included extended lockdown periods when many people were not working.

More than a third of the injuries resulted from various types of muscular stress with most of these occurring when lifting, carrying and putting down objects. Perhaps unsurprisingly, the next most common cause of injury related to falls on the same level and falls from height. Vehicle incidents, which are a leading cause of workplace fatalities, only accounted for 882 injuries over the year.

The industries with the highest rates of injuries were aquaculture and fishing, hunting and trapping although the total number of claims for these industries was very small. Next came the industries that are well recognised for a higher risk of injury and death – manufacturing, transport, postal and warehousing, construction, forestry and logging, and agriculture.

Good news for those in insurance – data suggests that the industry with the lowest injury rate is financial and insurance services most especially if you work in Wellington.

## New guidance on ventilation in the workplace to reduce the risk of COVID-19 transmission

The UK health and safety regulator has published extensive [guidance](#) including a [video](#) on ventilation in the workplace to help reduce the spread of COVID-19.

A person with COVID-19 breathes out small particles or aerosols of the virus. Adequate ventilation reduces how much virus is in the air, so it reduces the risk of breathing in the virus.

Ventilation can be improved by simply opening windows and doors (but not fire doors) as well as airing rooms

between use. It is also important not to overcrowd spaces. Further measures such as fans and mechanical ventilation might need to be considered if natural ventilation is not adequate or unavailable. Any mechanical ventilation system needs to maximise fresh air and minimise air recirculation.

Air cleaning or filtration is not a substitute for good ventilation, but where poor ventilation cannot be improved, these systems can reduce airborne coronavirus in a space.

## Tourism company ordered to pay \$195,000 after worker falls through an open hatch

A [tourism operator](#) has been fined \$160,000 and ordered to pay \$35,000 in reparations after an employee fell 2.1 metres through an open hatch while cleaning the main salon of a tourist vessel. The hatch had been left open the night before. The employee suffered back injuries as a result of the fall.

Maritime NZ's investigation found that hatches were identified as a hazard in the company's Hazard Register and induction training was in place regarding their safe use. However, not all employees received the induction for working on the vessel. And the employee was not told the

hatch was open. Other controls identified by the company were not used when the employee was cleaning.

After the sentencing, Maritime NZ said that the risk of falling from height through open hatches is a well-known issue on ships. To protect those on board, hatches need to be securely closed when not in use. When hatches are open, there needs to be appropriate safety procedures to manage that risk, including the use of physical barriers and effective communication to others to ensure they are aware that the hatch is open.