

Earlier this month, Port of Auckland Limited was given its second fine of more than half a million dollars following the death of a stevedore in August 2020. We report on this and the improvements being made in the sector in this issue of The Safe Side. We also cover the latest enforceable undertaking accepted by WorkSafe after a worker sustained serious hand injuries at Auckland Airport, as well as a huge fine handed down in the UK after a driver was speared by a security barrier. And with summer approaching, we share the latest advice from WorkSafe on holding safe events and working in the sun. Lastly, in the spirit of Christmas, we revisit the good news story of Santa's journey from statutory liability disaster to health and safety hero. Merry Christmas and safe holidays to all our Safe Side readers!

## Port of Auckland fined \$561,000 following stevedore's death in 2020

Port of Auckland Limited (POAL) was ordered to pay more than \$670,000 at a sentencing in the Auckland District Court earlier this month. [Radio New Zealand](#) reports that a massive fine of \$561,000 was imposed on the Auckland Council owned company after the death of a worker in August 2020, with a further \$90,000 ordered to be paid in costs to Maritime New Zealand. In addition, reparations of \$20,000 for emotional harm were awarded to a second worker impacted by the incident. The Court accepted that a voluntary reparation payment that POAL had already made to the family of the victim was appropriate and no additional reparation was ordered.

[Maritime New Zealand](#), which is the workplace regulator for the port environment, began an investigation after a stevedore was killed by a falling shipping container. Prior to the incident occurring, the victim and a colleague were working as lashers discharging containers on board a ship. A crane was operating adjacent to the two men. It was lifting pairs of containers off the vessel when a third container was accidentally lifted as well. The third container detached from the crane and fell, killing the victim.

Maritime New Zealand commented that the incident was a manifestation of the risk caused and contributed to by POAL's failures around stevedore safety. It said those

failures were long standing and systemic, putting many stevedores at risk for an extended period of time.

In addition, changes had been made to processes around the time of the incident due to the COVID-19 pandemic. These changes lessened the oversight while undertaking work such as that occurring when the incident happened.

The sentencing follows the prosecution and [sentencing](#) of POAL for the death of a straddle crane driver in August 2018. That conviction resulted in a \$540,000 fine for the company.

Following these deaths, and wider and ongoing concerns about port safety, the Port Health and Safety Leadership Group was reformed in 2021, made up of unions, ports and stevedoring companies, the Port Industry Association, Maritime NZ and WorkSafe. In March 2023 the Group released the [Port Sector Insight Picture and Action Plan](#) with a view to prioritising health and safety through high trust, tripartite collaboration. Five priority areas were identified for action including putting in place new guidance for loading and unloading ships, implementing a fatigue risk management system, transferring sole responsibility for regulating ports to Maritime New Zealand and improving workers' training and workforce issues.

## Severe hand injury resulting from lack of training leads to EU with Auckland Airport

Auckland International Airport Limited (AIAL) has had an [enforceable undertaking](#) (EU) accepted by WorkSafe after a worker lost the tips of two fingers and sustained a palm laceration when firing a pyrotechnic launcher to frighten geese from the airport's runway.

The victim was a member of the wildlife team at the airport. WorkSafe found that the victim did not receive adequate training on the safe use of the launcher and the storage and handling of the cartridges. WorkSafe also found standard operating procedures relating to pyrotechnics were not as they should be.

The regulator commented that training can be 'watered down' if it is simply passed on by person to person and not directly linked back to what the best practice states and the law requires. Passing down knowledge without having

check-ins can mean gaps in information open up.

AIAL entered into an [EU](#) with WorkSafe that requires the company to raise the health and safety standard in their workplace, wider industry and local community. The EU includes financial amends to the victim amounting to \$77,157.74 and the implementation of a new suite of controls to minimise risk to workers.

In addition, a Wildlife Working Group will be established with a focus on minimising wildlife risks. This will be supported by the creation of a National Annual Wildlife Hazards conference and a sponsorship programme, focusing on safety and well-being improvements.

Funding was also given to support organisations delivering mental health services in the South Auckland area.

## Health and safety responsibilities when organising events

Summer is often a time when PCBUs organise and hold events for staff, clients and the public. If a PCBU is organising an event, it has a responsibility to create a safe environment for everyone who attends. This includes the people who work at the event.

WorkSafe has just published comprehensive [new guidance](#) on identifying and managing health and safety risks for an event. The guidance notes that when identifying hazards for an event, a PCBU needs to think about the whole duration or life cycle of the event, including installation and

breakdown phases and any other time when workers or other people will be on site. Specific hazards to consider include those with the potential for catastrophic harm such as crowd stampedes, fire and extreme weather events. Other hazards may include isolated locations, water, alcohol and drugs use, and vehicle management.

Additional guidance is also available on providing [health services](#) such as first aid at events and specific guidance for [visitors and events on farms](#).

## UK cider manufacturer fined £1.4 million after driver crushed by security barrier

A 65-year-old driver was killed in the UK when the end of a horizontally hinged swinging security barrier gate speared through his van's windshield and fatally crushed him. The barrier was not secured in either a closed or open position at the time.

The health and safety regulator, the HSE, [prosecuted](#) the company after finding out that it had installed the barrier a month earlier, and failed to undertake a suitable and sufficient risk assessment. The company also failed to implement a safe system of work to ensure the barrier could be secured safely when open and closed.

At sentencing, the company was fined a staggering £1.4 million and ordered to pay £26,756.50 in costs after entering a guilty plea.

Similar security barriers are widely used in New Zealand. Guidance on [safety for horizontal swing carpark barriers](#) can be found on the HSE website. It notes that the barriers should be made highly visible, padlocked in position (either open or closed), regularly inspected, and maintained in accordance with the manufacturer's instructions.

## Safety when working in the sun

Workers who are outdoors are exposed to harmful UV radiation which increases the risks of skin cancer. According to the Cancer Society, outdoor workers have a higher risk of developing skin cancer because they can receive up to 10 times more UV radiation exposure than indoor workers. Damage from UV radiation exposure also accumulates over time, so the more workers are exposed,

the greater their risk of skin cancer. Sun protection is vital during summer and should be used all year when working outdoors. Guidance on how to keep workers safe under the sun is available from the [Cancer Society](#) and [WorkSafe](#).

## Wishing everyone an "elfy" and safe Christmas



*"All right... We've followed the health and safety directives.  
Can we get on with deliveries now?"*

In [December 2019](#), *The Safe Side* released an exclusive report on the liability crisis facing Mr Santa Claus and his Father Christmas Inc. business. Workers were rebelling after unrelenting production pressures and freezing work conditions, and the delivery arm of the business faced multiple liability exposures when landing on and entering approximately 2 billion homes.

But in a heartening turnaround, by [Christmas 2021](#) we were reporting that Santa was leading the way in health and safety culture, and injury rates plummeted. This was backed by the [CDC](#) which said that Santa had taken a Total Worker Health approach to design work to eliminate or reduce health and safety hazards and promote well-being.

VL is proud of its role in supporting Santa's health and safety journey. Although it took 1,900 years, Santa's story shows it's never too late to improve workplace elf and safety.

This newsletter is published as part of Vero Liability's commitment to supporting better work health and safety outcomes for all New Zealanders. We want everyone to go home safe.

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