



A VL real life **claim example**

# Statutory Liability

## Health and Safety #2

The Insured is a large commercial bakery. Its employee caught his arm in a pastry rolling machine causing fractures and bruising.

The Insured was prosecuted under both Section 49 and Section 50 of the legislation. Section 49 – exposing the worker to a known hazard has the more serious penalties. Section 50 – failing to ensure the workers safety – is the more common basis for prosecution.

Due to the potentially serious outcome for the Insured under Section 49, a highly experienced barrister was engaged to manage the defence. Upon further investigation, the Section 49 charge was eventually dropped.

In pre-sentencing submissions, the appointed barrister was successful in reducing the fine sought by WorkSafe from \$60,000 to \$45,000. Reparations were set at \$17,000. Legal costs were around \$25,000.

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