

The Safe Side



Developments in health and safety from New Zealand and around the world

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One of the recurring themes in *The Safe Side* has been the increasing cost of health and safety prosecutions. The sentencing of CentrePort again highlights why businesses and brokers need to ensure that limits of indemnity are sufficient to cover these costs. We also continue to look at how businesses can best manage after an accident, as well as discussing our most dangerous industries and rising concerns about respirable silica. We hope you find it helpful.

– Jane Birdsall, Executive Manager, Health & Safety and Statutory Risk Claims & Consulting

Work fatalities by sector during 2018/2019

In our [last issue](#) of *The Safe Side*, we looked at the ways New Zealanders were being killed by work. In this issue, we look at the sectors where the most work-related deaths occurred during the 2018/2019 year based on the information in WorkSafe's [Fatality Summaries](#).

Agriculture remains the deadliest industry in New Zealand with 16 deaths. Just over 50% of total fatalities were caused by the roll-over of vehicles. Just under half of those who died were over 60 years of age.

The death toll from construction work was 15. This is a significant increase on the six killed last year and may reflect intensifying activity in this sector as well as current commercial pressures. Seven deaths involved vehicles and four people died after falling from height. Two died after being overcome by solvent fumes.

The manufacturing, and transport and warehousing sectors remain in the top five most dangerous industries. Perhaps unsurprisingly, vehicles were involved in five out of the six deaths in transport and warehousing.

There were seven deaths in the arts and recreational services sector – another concerning increase. This sector includes the tourism industry and at least five of the seven fatalities appear to have involved tourists.

One encouraging trend is in the forestry sector where the number of deaths decreased from six in 2017/2018 to four. This figure is also a decrease on [SafeTree](#) figures which show that seven workers died between April 2018 and March 2019. While this is good news, it also illustrates how variable death rates can be when measured across short periods of time.

Sadly, however, the provisional death toll based on WorkSafe's [Fatalities Summaries](#) for 2018/2019 is 65 – a 32% increase from the 49 fatalities for 2017/2018.



Court orders CentrePort to pay a total of \$693,425 in fines, reparations and regulator costs

The increasing cost of health and safety prosecutions has again been highlighted following the conviction of [CentrePort Limited](#) in the Wellington District Court. The port company pleaded guilty to failing to develop and implement a safe system of work for the repair of containers. This followed the death of a worker who fell while repairing a 2.9 metre-high container in January 2017.

The Court imposed a fine of \$506,048 on CentrePort – one of the highest to date – as well as ordering that \$150,952 be paid in reparations to the family of the deceased. These reparations were in addition to the \$124,554 CentrePort had already paid. In total, reparation payments of over \$275,000 were made.

CentrePort was also ordered to pay WorkSafe's costs of \$36,425. This is by far the highest order for regulator costs that we are aware of and included payment of a portion of expert witness fees. It reinforces our belief that Court-ordered regulator costs are an increasing exposure for businesses. We covered regulator costs in our [May issue](#) of *The Safe Side*.

Falling from height remains a significant cause of harm in workplaces and led to around 14 deaths over the last year. It also remains the most common cause of death at work in the [UK](#). There is extensive information on the [WorkSafe website](#) and the [HSE website](#) about how to manage work at height safely.

Accelerated silicosis from work with engineered stone benchtops - a new health epidemic?

Ninety-nine confirmed cases of silicosis associated with work on engineered stone benchtops have been identified in Queensland, Australia. [WorkSafe](#) advises that many of these cases are consistent with accelerated silicosis which develops over five to ten years from the inhalation of very high concentrations of respirable crystalline silica. To date, there is no information about the number of workers affected in New Zealand.

Crystalline silica is found in granite, artificial/engineered stone and other stone products. When workers cut, grind, drill, or polish these materials, very small (respirable)

particles of silica dust get in the air. Breathing in these particles can cause irreversible scarring in the lungs, permanent disability, and death. Silica dust can also cause lung cancer, kidney damage, and autoimmune disease.

[Read more ►](#)

Queensland's health and safety regulator issued an [Alert](#) in September 2018 with extensive advice on controls to minimise exposure of workers to respirable crystalline silica. One of the main controls is using water to suppress the dust and stop it becoming airborne. [Read more ►](#)

Managing the aftermath of a work accident

In our [last issue](#), we looked at the first steps a business could take after a work accident - including developing a Crisis Response Plan (CRP). In this issue, we look at what is likely to happen next and some further actions a business may choose to include in its CRP.

If someone is killed, be prepared for the arrival of Police who will investigate on behalf of the coroner and ensure no offence has been committed under the laws they administer. Police will generally take control of the scene. They may take exhibits, bring in a Police photographer and take witness statements from workers. Businesses should bear in mind that any information they provide to Police will likely be shared with WorkSafe later.

If no one is killed, Police might not attend or may leave quite soon after arrival. It could then take several hours (or longer) before WorkSafe inspectors arrive. Businesses may be able to use the intervening time to prepare for the inspector's visit and gather information about the accident for their internal investigation.

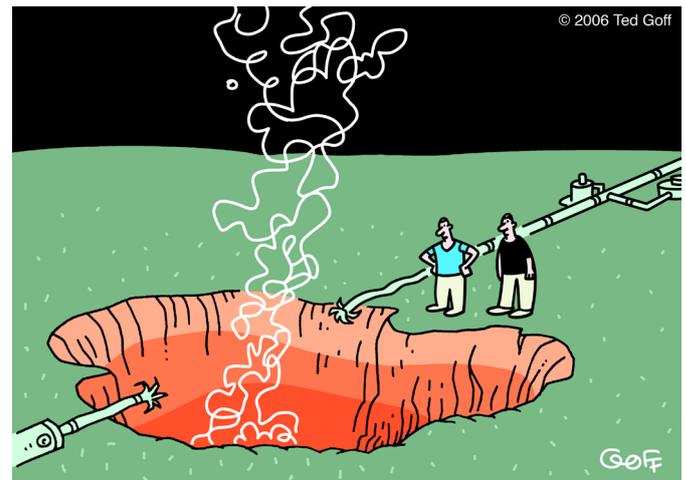
There might be an opportunity to take photos and measurements if this can be done without breaching the legal duty to "preserve" the site or plant. This will provide a record to refer to later in case the plant is "seized" or the site changed during the subsequent WorkSafe investigation.

It may also be a good idea to talk to the workers involved to get a preliminary understanding of what happened while it is fresh in their minds. WorkSafe can require this information

later - so businesses need to think about how and what is recorded.

Inspectors will often "seize" originals of documentation like JSAs or workplans. Businesses should consider making a copy of these while they can.

And don't forget about the media. If a business doesn't have a statement prepared as part of its CRP, it may be best to avoid comment.



"Figure out what happened to the last crew here, and tell the next crew not to do that."

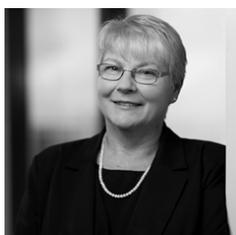
Health, safety and other statutory liability news in brief

WorkSafe confirms reticulated gas safe in Christchurch

WorkSafe gave residents in Northwood, the site of a major gas explosion in July, an assurance that the reticulated gas system is safe. [Read more ►](#)

Supervisor convicted after apprentice set on fire

A site supervisor was convicted of reckless conduct after he failed to intervene when another employee lit flammable liquid squirted onto an apprentice's clothing. [Read more ►](#)



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Jane has over 12 years' experience as a health, safety and environmental regulator. She has led many significant investigations into workplace accidents as both a manager and health and safety inspector with WorkSafe New Zealand. Jane is thoroughly familiar with current health and safety practice and works with colleagues, customers and others to assist with risk analysis and reduction of risk factors in this area.

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