

## Window and Glass Association of New Zealand newsletter March 2019

### Health and Safety fines now serious

While the fines being handed down for breaches of the Health and Safety at Work Act are rapidly increasing, a surprising number of repeat offenders are turning up.

Juken New Zealand Limited is a North Island wood processing company with 20 previous health and safety convictions. On 27 February 2019 it was again sentenced in the Kaitaia District Court, following an incident in which an employee suffered serious steam burns.

A WorkSafe investigation found that Juken had inadequate health and safety systems in place, failed to provide appropriate controls to ensure the press was prevented from start-up while work was being carried out inside of it, and failed to provide information, training and instructions to protect workers from risks associated with the press.

The company was fined \$365,000 and ordered to pay reparation of \$60,000.

Claymark Limited, a timber company, was sentenced in the Rotorua District Court on 31 January 2019 after two of its workers sustained serious injuries while operating machinery on two separate occasions. That cost the company over \$680,000 in fines, reparations and costs.

WorkSafe's investigation found there was inadequate guarding on the machinery and no documented safe procedures for workers to follow when a chain became dislodged. The injured worker had also not been trained on the location of the emergency stop buttons on the machine (one of which was not fully operative or clearly marked).

A Gore farm machinery company's lack of effective repairs to a tractor led to a fine of \$239,063 and reparations of \$103,459.

The brakes on the second-hand tractor were not working when it was first purchased by Agricentre South in 2015. Some diagnostic work and repairs had been completed when the tractor was delivered to a property for a trial in April 2016. The farm owner identified further issues with the tractor, including its brakes and Agricentre South attempted to fix the issue on farm.

Five days into the trial, the brakes failed, and the tractor ran over a worker leaving her with fractured vertebra, fractures to her arm and injuries to both legs. The farm owner who was driving the tractor escaped the incident unharmed.

On 11 February 2019 toilet paper manufacturer Cottonsoft Ltd was fined \$315,000 and ordered to pay reparations of \$45,000 in the Manukau District Court, for inadequately guarded machinery.

WorkSafe's investigation into the incident found that the guarding on the machinery was significantly different from current industry standards and that while the risks had been identified during previous risk assessments, no long-term or interim solutions had been put in place.

Wimpex Limited, a food manufacturing company, was fined \$240,000 in the Christchurch District Court on 27 February 2019 following a WorkSafe investigation, which found the company did not have adequate guarding in place. This led to an employee losing his thumb in a machine used to blend products. An initial fine of \$270,000 was reduced due to the company's financial situation.

Wimpex carried out checks on the electrical componentry of the machine when it first arrived in New Zealand. However, no other assessments were carried out.

The total for these few cases from last month (February) alone comes to \$2.047 million. That's the cash cost of the prosecutions. Add the cost of lost time and productivity (especially for the directors and management) and the picture that emerges is of business unnecessarily losing several millions of dollars every month.

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