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 <u>known</u> 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.

CEG 052-102019/000



This claim example is an illustration only. It does not substitute the provisions of the insurance policy, which will be interpreted on a case by case basis. For additional claims examples please visit www.veroliability.co.nz