

Health and safety is often the butt of jokes about managing risks that are unlikely to ever result in harm or that will result in insignificant injuries like papercuts. But the reality is that scores of people are killed each year as a result of work activities and thousands more are seriously injured. In this issue, we cover one intervention that research shows can really make a difference in the agriculture sector – wearing a seatbelt on farm vehicles. We also look at the recent report into Police bullying and provide links to information on how to manage bullying in the workplace and a tragic incident in the UK that should serve as a warning to New Zealand local authorities that provide play equipment for children. Finally, we report on two recent prosecutions in New Zealand – one of which resulted in a Court imposing more than \$500,000 in fines and reparations and another where multiple PCBUs in the contractual chain were charged and convicted.

Research shows seatbelts save lives on the farm

Focussing on those controls that will save lives and prevent serious injuries is fundamental to improving health and safety outcomes. On the farm, ensuring everyone is wearing their seatbelts is a simple first step.

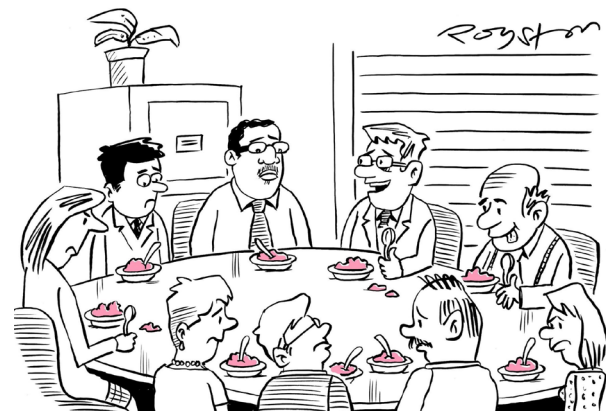
Recent [research](#) released by WorkSafe shows that almost half of vehicle related deaths on farms could be avoided if farmers buckled up. Overall, not using a seatbelt was relevant to 40% of vehicle fatalities on the farm and 27% of all farm fatalities.

The research found that of every ten fatalities on the farm where seatbelt use may have been relevant, nine people were not wearing them. And the older the victim was, the more likely they were to injure themselves from not wearing a seatbelt.

The costs of not wearing seatbelts are not limited to those who are killed or injured and their families. WorkSafe says that if all agricultural workers wore seatbelts, claim costs to ACC could be reduced by almost \$2 Million a year.

The research also found that across all industries, not wearing a seatbelt contributed to 52% of all vehicle related deaths and 15% of all work fatalities – approximately 10 lives each year.

WorkSafe has produced [guidance](#) on seatbelt use at work. It says that where seatbelts are fitted, they should be used by workers. If a vehicle has never had a seatbelt installed, WorkSafe says the PCBU should investigate if it is reasonably practicable to safely retrofit a seatbelt. A qualified engineer should be able to advise if it is possible. And PCBUs should promote and monitor seatbelt use, regularly check their condition and engage with workers around seatbelt use.



"Owing to the very real threat of biscuit-related injuries, the snack of choice for meetings will now be blancmange."

London Borough Council fined after the tragic death of a child on playground equipment

A [London Borough Council](#) has been fined £330,000 and ordered to pay costs of £6,204 after a five-year-old girl died on play equipment at a local playground. It is highly likely a Council or school who provides playground equipment could be prosecuted in similar circumstances in New Zealand.

The child was swinging on a rope attached at one end to a wooden post, when the play equipment gave way. The post snapped at its base and the wooden structure collapsed on top of her. Tragically, she sustained fatal head injuries.

The investigation found that the Council had failed to ensure that an annual playground safety check was carried

out. The post was also found to be made from wood that was unsuitable and had decayed.

The Council had previously implemented a system of inspections to ensure that play equipment was safe to use. However, the play equipment involved in the child's death had not been inspected by a playground inspector in the two years prior to the incident. If the equipment had been inspected and tested for signs of rot, the risk may have been identified and appropriate action taken to remove and replace the equipment before the equipment failed.

Police bullying report raises the profile of bullying in the workplace

Police have been in the news for all the wrong reasons this month after an [Independent Police Conduct Authority \(IPCA\)](#) report found significant elements of bullying in some Police workplaces and a related negative culture. In many instances, the consequences of bullying were profound, particularly in terms of the physical and mental health and wellbeing of staff.

The IPCA's review involved around 400 hours of confidential interviews with more than 200 current and former Police staff. The report identified seven distinct themes underlying interviewees' negative experiences which may be present in other workplaces: intolerance of questioning or dissent; favouritism and protectionism; marginalisation and ostracism; abuse and intimidatory conduct; sexist and racist behaviour; inappropriate office culture; and a lack of empathy and caring.

Bullying at work can cause psychological or physical harm and the risk of this harm must be managed by PCBUs. WorkSafe's [position](#) is that it is unlikely to intervene in one-off cases but may consider intervening where a PCBU has failed to manage significant work-related mental health risks including where a high level of harm has resulted from the failure.

Extensive information on managing work bullying is available on WorkSafe's [website](#). While it may be unreasonable to expect a PCBU to monitor every interaction between workers for bullying behaviour, having an adequate system in place to report and manage the risks arising from bullying, and then adequately implementing the system, will go a long way towards meeting duties under the Health and Safety at Work Act (HSWA) as well as supporting a positive workplace culture.

Customer fatality in a vehicle testing station leads to over \$500k in fines and reparations

Work often involves some interactions between people and vehicles – whether in a shop carpark, on a construction site or in a warehouse. And it is not only potential harm to workers that needs to be considered when managing the risks arising from these interactions, but also the possibility of serious injuries or fatalities involving members of the public and customers.

In February 2019, a customer was struck by a vehicle driven by a vehicle testing station employee in Hamilton. The customer later died in hospital. At sentencing, the [vehicle testing company](#) was ordered to pay more than \$500,000 – a fine of \$225,000 and emotional harm reparations of \$130,000 with a further consequential loss order of \$148,885.

The WorkSafe investigation found that there were some policies in place at the vehicle testing station covering interactions of customers and visitors to the site – but they were not being actively implemented or enforced. This highlights the importance of making sure health and safety is not just a paper-based exercise but something that is lived at work each day.

In addition, any work where vehicles and pedestrians can interact needs to be carefully assessed and managed. Physical separation by designating pedestrian walkways, and installing barriers where at all practicable, may be a good place to start. More information on site traffic management is available in WorkSafe's recently released [good practice guidelines](#).

Three prosecutions for contractual chain failures

One of the new duties brought in under the HSWA was the duty to consult, cooperate and coordinate activities with all other parties that have a duty in relation to the same matter. The most obvious way this comes into play is where there are contractual chains.

Three recent prosecutions highlight what can go wrong if this duty is not complied with. MPI contracted biosecurity company AsureQuality who in turn engaged OneStaff to provide temporary workers to assist with cleaning and disinfecting work as part of its programme to manage an outbreak of *Mycloplasma bovis*. In May 2018, staff were cleaning a farm in Invercargill, using a sodium hydroxide based cleaner. The workers were given gloves. However, the chemicals seeped into the cuffs of the workers' gloves and as a result eight workers sustained burns to hands, wrists, and arms.

All three parties were prosecuted. A [WorkSafe investigation](#) into the incident found MPI failed to adequately consult, cooperate and coordinate with the other parties to ensure work was being carried out safely.

It was not clear which organisation was ensuring various risk were being managed. WorkSafe commented that: "When multiple businesses and organisations are involved in carrying out work, it is vital they communicate with one another to ensure risk has been identified and is being correctly managed."

MPI was fined \$30,000, AsureQuality was fined \$66,000 and OneStaff was fined \$38,500. Reparation of \$5,000 was ordered to be split between five victims with all three parties paying one third each.

While the fines are not large, the legal costs and reputational damage are likely to be significant. The prosecution also underscores that even those parties at the top of a contractual chain may be vulnerable to prosecution when someone is hurt and should ensure they have appropriate statutory liability insurance.

WorkSafe has [guidance](#) available on how PCBUs can work together when sharing a workplace or when working as part of a contractual chain.