

"On an average day in the United States, as a result of work-related injuries or illnesses, nearly 11,000 workers are treated in emergency departments, and approximately 200 of these workers are hospitalized. An estimated 7,000 private-sector workers require time away from their jobs, 15 workers die from their injuries and 134 die from work-related diseases. The emotional, economic and social costs of these injuries and illnesses are immense. In 2001, workers' compensation costs for employers alone totalled \$64 billion."

**WORKER FINES NSW VERSUS NEW ZEALAND**

Most workers are not aware that they can get huge fines in New Zealand. In NSW the maximum for a worker is about \$50,000 and for a corporation \$750,000. In New Zealand the maximum for a worker is \$250,000.



Your employees should be aware of the risks. With your approval, they should also be offered the protection of our management system and procedures to become 99% bulletproof from OSH whilst they work for you as long as they (a) sign up the acknowledgement page and (b) do not have a deliberate accident or (c) do something grossly negligent that cannot be defended.

They must be instructed that in the event of an accident, ring the ambulance and then immediately ring Summit Systems Ltd Head Office 03 33 888 20 (5 lines).

**SPECIAL OFFER – UPGRADE SAFETY OFFICER TO SAFETY REP QUAL**



We are pleased to advise that you can complete the safety officer course in approx 3 hours for the sum of \$150 plus \$25 assessment fee. Later on you can upgrade to the safety representative level by completing another 3-4 hour course for the same costs. We need to have a minimum of two people to do it at your site.

Consultant Name _____ Telephone _____
All information in this newsletter is to the best of our knowledge true and accurate. No liability is assumed by the author, or publisher, for any losses suffered by any person relying directly or indirectly upon this newsletter. Call our Head Office for specialist advice.

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*For Business Qualifications and Risk Management*

**News & views from Summit**  
**Winter 2004**

**WARNING TO ALL EMPLOYERS PART 1**

There is now an epidemic of employee claims that are either unfair or frivolous and vexatious. Even ACC is now inundated with dozens of claims from individuals claiming unsafe conditions due to stress or pressure in the workplace. It seems that individuals can no longer stand up to being subject to regular assessments.



The answer is simple but essential. Before you take on any new worker, ensure that you are absolutely certain about the former work habits and history of the individual. If you think that this is something you can afford to ignore, just think about your chance of getting a grievance claim every five years on average if you have five employees. Think about paying out \$5000 of your personal account. Think about the 300 lawyers that exchange \$300 million per annum for this employee grievance industry.

Take time to have proper systems in place. Ensure that you use our job application forms to detect the workers that are intent on ripping you off. Accept that some of them are so devious that they work with lawyers who happen to be friends. Think about the small joinery firm in Timaru with just one worker left. There were five workers originally and one by one over four years the poor owner got a claim for \$5,000 to \$10,000. Think about the firm in Nelson with 8 staff that budgets \$10,000 per annum to meet the demands of workers claiming.

In some cases employers who have been paying out double time for urgent call outs for work on public holidays will now be paying approximately 3.5 times the ordinary rate of pay due to the extortionate formula announced by the current Labour government.

You do not have to put up with this and ruin your business. You can contact us for free advice as to how you can (a) "ring fence" the situation or (b) otherwise only engage independent contractors or (c) change your form of employee contract so that you actually have some rights left. Please phone us now for free advice. Our number is 03 33 888 20 (5 lines).

**SECTION 54 A HAS NOW BEEN TRIGGERED**

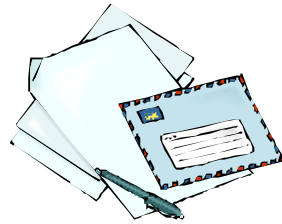
We advise that we are aware of an employer that has required the Secretary of Labour to consider taking action in a case involving one of our clients. The outcome will be interesting to watch as it may set a precedent.

The current case has meant that the Secretary of Labour has directed one of its branches to re-examine the need to prosecute a local authority and this will create history in NZ.

**TOKENISM IS THE TYPICAL KIWI WAY OF DOING THINGS**

Most employers have had an OSH visit and have attended to some basic things and in addition, have put in place "Basic Steps" documentation to some degree.

We have two letters from former Ministers of Labour confirming that Basic Steps does not meet legal requirements. Most employers find this hard to believe. What they do not understand is that OSH would actually prefer them to not have high quality standards and to have simple standards that OSH can drive a double decker bus through any time that they want to.

**CAN WE POSSIBLY HELP CLIENTS FIND THE CORRECT TENDER SUM?**

Absolutely we can. Are we going to put it into this newsletter? Sorry no we are not. Anyone can read this newsletter as it is on the internet for all to view. We are however happy to help all clients whether they are contractors, constructors, manufacturers or government suppliers. What we can help with is as follows and to obtain this help you need to have a quality assurance system with us.

1. How to understand the four types of tendering in 15 minutes
2. How to complete a contract quality plan in 15 minutes
3. How to complete a site specific safety plan in 15 minutes
4. How to find the price the principal wants (3 ways) in 15 minutes

**CAN WE POSSIBLY HELP CLIENTS OBTAIN GOVT SUBSIDIES?**

Yes we can, and sorry we are not going to state it here for non clients to see. If you are a client, please ring our Head Office for advice. If you are doing an application for subsidy with us and the value of your purchase totals more than \$3000, we will do this work for free. There is a six page application form and the fourth page is designed to defeat nearly all genuine contenders and put them off. We have a copyright computer programme that we can run with you in about one hour of your valuable time.

**LEGAL CASE NOTES FROM THE COURTS AND PROSECUTIONS**

Bakels Edible Oils (N.Z.) Ltd, were sentenced to pay \$12000 in the Tauranga District Court after being prosecuted by the Occupational Safety Health Service. The 25 year old male worker, suffered an amputation of thumb and middle finger and had his index finger lacerated and fractured in late June 2003. Reparation of \$7500 was ordered to be paid to the victim.

Occupational Safety and Health Regional Manager Faye Frelan is asking employers to take some simple steps to help keep their staff safe at work after two more successful prosecutions against Tauranga companies today. Frelan says that in the Western Bay of Plenty region she knows of 18 serious accidents where the employee was using machinery that resulted in either amputation, crushing or severe laceration and 7 serious accidents which involved a saw of some kind - which resulted in an injuries to the head, arms or legs.

After these prosecutions today she is urging employers to do what they can to make machinery safe and train staff properly in how to use the machinery they work with. She says that the cost of a workplace accident for a worker and their family can never be measured in dollars as an accident can often seriously damage a person's self esteem and the way people interact with them.

**A VALUABLE CONTRIBUTION FROM ALUN BAINES OF DUNEDIN****"A day to mourn and a day to remember"**

Today, April 28, Workers' Memorial Day is observed in the United States and Europe and in other countries. On this day, the international community remembers those workers who have died or been injured on the job.

This year's Workers' Memorial Day also commemorates the 33rd anniversary of the signing of the U.S. Occupational Safety and Health Act, which created OSHA and NIOSH.

In a statement, OSHA Administrator John Henshaw said, "The ultimate right of every worker is to return home safely. We must continue working to ensure that that happens.

This is a day set aside to not only commemorate the lives of those men and women who went to work one day and didn't come home, but to also remind us that our work isn't finished."

