

Lyttelton Port Co ordered to pay \$138,000 over worker's death

6 August 15

The family of port worker Bradley Fletcher will receive \$75,000 in court-ordered reparation from the Lyttelton Port Company, which has today also been fined \$63,000 over his death.

Mr Fletcher was killed in August 2014 after the scissor lift he was using toppled over, while he was trying to jump-start a straddle carrier. He was thrown from the lift, hitting a near-by shipping container before falling to the ground. He suffered fatal head and brain injuries.

A WorkSafe New Zealand investigation found multiple failures by the Port Company contributed to Mr Fletcher's death, including poor maintenance, a lack of training and inadequate systems for identifying faulty machinery and returning it to safe use.

The investigation found:

- One of the scissor-lift's four stabilising 'out-rigger' legs failed to deploy. The out-rigger legs were found to be clogged with coal dust.
- The scissor-lift's rear axle was also jammed, overriding the machine's safety systems which should have prevented the platform being raised on its three remaining 'out-riggers'.
- Maintenance staff had little or no training in the use of the scissor lift. They did not know where its operation manual was and had not read it.
- Instead of being fully tested by maintenance staff at the start of each shift (up to 21 times a week), the scissor lift was visually checked only once using a basic checklist intended for the Port's forklifts.
- Despite the straddle carrier being designed to be safely jump-started from the ground, the Port Company failed to consider the inherent risks created when trying to jump-start the machine at height. It had also failed to contact the manufacturer when, on a number of occasions, it had been unable to jump-start straddle carriers from the ground



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HSAW Act 2015 - Sec 23 Meaning of notifiable injury or illness

(1) In this Act, unless the context otherwise requires, a notifiable injury or illness, in relation to a person, means—

(a) any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):

(i) the amputation of any part of his or her body:

(ii) a serious head injury:

(iii) a serious eye injury:

(iv) a serious burn:

(v) the separation of skin from an underlying tissue (e.g. degloving or scalping):

(vi) a spinal injury:

(vii) the loss of a bodily function:

(viii) serious lacerations:

(b) an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:

(c) an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:

(d) any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work—

(i) with micro-organisms; or

(ii) that involves providing treatment or care to a person; or

(iii) that involves contact with human blood or bodily substances; or

(iv) that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or

(v) that involves handling or contact with fish or marine mammals:

(e) any other injury or illness declared by regulations to be a notifiable injury or illness for the purposes of this section.



2.

Sec 24 Meaning of notifiable incident

(1) In this Act, unless the context otherwise requires, a notifiable incident means an unplanned or uncontrolled incident in relation to a workplace that exposes a worker or any other person to a serious risk to that person's health or safety arising from an immediate or imminent exposure to—

- (a) an escape, a spillage, or a leakage of a substance; or
- (b) an implosion, explosion, or fire; or
- (c) an escape of gas or steam; or
- (d) an escape of a pressurised substance; or
- (e) an electric shock; or
- (f) the fall or release from a height of any plant, substance, or thing; or
- (g) the collapse, overturning, failure, or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or any shoring supporting an excavation; or
- (j) the inrush of water, mud, or gas in workings in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) a collision between 2 vessels, a vessel capsizes, or the inrush of water into a vessel; or
- (m) any other incident declared by regulations to be a notifiable incident for the purposes of this section.

Sec 25 Meaning of notifiable event

In this Act, unless the context otherwise requires, a notifiable event means any of the following events that arise from work:

- (a) the death of a person; or
- (b) a notifiable injury or illness; or
- (c) a notifiable incident.

SUMMARY OF KEY PRINCIPLES

- 1. Something that could cause harm is notifiable.
- 2. All falls are notifiable even if nothing happened.
- 3. Cuts such as degloving or stitches are serious.
- 4. Electric shocks, escapes of steam etc are serious.
- 5. Collapse or failure of excavations are notifiable.
- 6. Partial collapse of a building is notifiable.
- 7. A serious spillage is notifiable.
- 8. An interruption of air supply becomes notifiable.



3.

Agriculture is hazardous even if some politicians don't think so:

Agricultural production and processing generates around 16% of our gross domestic product, providing jobs for a similar proportion of the New Zealand workforce. The sector depends on the health of its producers to ensure the economy continues to prosper.

More people are killed in agriculture than any other sector in New Zealand – 20 people died on our farms in 2014. Farmers, their families and farming communities are directly affected, and bear the cost of deaths and injuries on the farm. It's in everyone's best interest that farmers and their families are kept safe and healthy on their farms.

WorkSafe is partnering with farmers and their families, rural community, and sector organisations on a comprehensive information and education campaign starting from February 2015 to tackle the high number of deaths and serious injuries on farms.

Worksafe provides some templates for agriculture:

Saferfarms.org.nz is a dedicated website for farmers to get clear health and safety advice and information. The above site provides several templates that are useful for farmers and agricultural workers plus rural contractors. The templates do not however provide a management system but help with the compilation of one and specify what is required. For the first time in 20 years it is now clear to all farmers that documentation is actually required and there is a need to have formal policies. You can get a CD Rom with about 25 files by contacting your local Consultant or phoning our office. We will post one no charge for existing clients.

Quad Bikes are Very Dangerous

We are reliably informed that Landcorp has adopted a policy of no replacement of quad bikes and the intention is that their farmers will not provide quad bikes in the longer term and they will become classified as an unsuitable vehicle. We congratulate Landcorp on this initiative and support its policy of no quad bikes for NZ farms until the regulations are changed to require modification of them to make them much safer than they currently are.



Application of Mining and Quarrying Regs 2013 to farming operations

These regulations do not cover small-scale farm work. The possibility that such work could be captured by these regulations has been raised with WorkSafe, and we have determined that this is the result of unintended "creep" of the regulations and want to assure farmers that in most cases they can continue to operate without concern.

For clarity, small-scale, non-complex extraction on farmland for farming purposes only is not covered by these regulations. WorkSafe will not apply these regulations to non-complex extraction of gravel from river beds where there is no processing, nor to loading out from stockpiles not associated with active extraction sites

