

4.



In the event of Serious Harm

The greatest risk or prosecution that you probably run is to have machinery that is not adequately guarded. We recall a sawmill in mid Canterbury. The mill had a worker suffer a broken arm from the monster chipper machine. It became jammed mid cycle and he tried to free the wheel with a 4x2 plank. He did free the wheel but it was under enormous tension and sprang into life and neatly broke his arm. We did the report and got the Client off a potential prosecution.

The next time the company had an OSH Inspector visit - she wanted to check all of the guards. The manager was asked about a guard on a saw bench that was not quite adequate. He replied and said that he was "getting a round tuit". This was enough for a serious fine and then the Manager was very resentful of us.

Machine Guarding is much more complex than you think

It is common for Clients to be the subject of an accident due to inadequate machine guarding. The matter of machinery guarding is complex and takes a great deal of expertise. There is an International Standard, it is called AS 4024. It is recognised as the Bible of Machine Guarding and has a plethora of examples and diagrams that are useful. Guarding is not just a matter of putting a piece of metal around a flywheel or saw blade. Guarding must be suitable for purpose and must be designed to meet the standards.

There are also a large number of different types of machine guarding. It is possible to guard almost any device that could cause a serious harm even if this seems hard to believe. For example, at the present time we are dealing with a machine that is designed to chop large steel rods and there is no guard for the machine and the manufacturers portray in their operating manual that it is all about training staff and not about a clever device. The same mentality is common in the minds of many managers who profoundly believe that it is impossible to guard a device or it will otherwise render the business non-profitable.

In this particular case we are carrying out research into 7 different types of machine guarding to see which one would be the best to use for the operation. Both the present and the new Health and Safety Acts provide that solutions for controlling causes of serious harm must be technically possible or feasible and at the same time must be economically viable or able to be financed. Make sure that you get your Consultant to check all of your guards for adequacy and get photos sent to us for all complex machinery.

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| SSL Manager Name _____ Telephone/Fax _____ |
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News & views from Summit December 2015

New Act for Health and Safety is all about Risk Management

Following on from the lead article of our November issue, we need to emphasise that Risk Management will be important for the clear understanding of the new requirements. The 1992 Act has had about 10 important compliance requirements that need to be attended to by an employer. The manager must identify hazards and control them; the manager must ensure proper staff training; s/he must ensure proper consultation with staff and representation; s/he must see that workplaces are safe to work in; there must be proper PPE; there must be careful selection of contractors and monitoring of them; there must be sufficient emergency procedures that actually work; there must be sufficient meaningful reviews or audits; there must be written policies and procedures; and there must be evaluation and reporting of all accidents whether serious or not serious.

Risk management is different to hazard management. The HSAW Act has about 200 matters that need to be managed and monitored. If you talk with a key MBIE Official in Wellington you will be told that the new Act is designed to ensure that the average PCBU can easily comply with the laws and that it is not necessary to have any assistance from a Consultant. It is also understood that there is a member of the Worksafe NZ Board who has pledged her resignation if inspectors try to adopt what may be considered serious enforcement.

You can believe the key official if you wish. You can sympathise with the "go easy" view. It may be worth noting that a former OSH Manager is now operating in the private sector as a Consultant. He told us that he shares our views regarding performance and he also designed a log for Client audit to measure performance against the standards. For clients to have adequate knowledge of Risk Management they will need to understand the need to develop matrices and risk grids that will help them with the International Standards vis ISO 31001; AS/NZS 4360 and ISO 19600. Contact Head Office for a free example of a table or matrix.

It will not be sufficient to carry out a simple SWOT analysis (strengths, weaknesses, opportunities and threats). We urge all Clients to take advantage of our offer of an introductory audit for the new Act at a discounted rate. It is suggested that the first three pages of the top quality audit log should be completed and then simply build on this over the next two years. You will then have a faithful evaluation of your business as required by the 200 mandatory issues relating to the new laws.



2.

\$115,000 fine for obstructing WorkSafe investigation 3 Dec 2015

Businessman Eric Gerritsen has been fined \$115,000 for obstructing a WorkSafe New Zealand inspector who was investigating the collapse of an inflatable slide.

Mr Gerritsen's trading entity Event Fun Unlimited was operating the 'Mammoth Slide' at the Masterton A&P Show in February when it collapsed. A number of children fell from the top platform – a height of 12 metres. Six children were taken to hospital for their injuries and one who fell from the top of the stairs has ongoing problems with a minor knee injury.

WorkSafe launched an investigation into the incident but Mr Gerritsen repeatedly failed to provide information and documents he was required to supply over a period of months. The Summary of Facts details a pattern of ignoring email and phone messages - despite warnings that failure to provide the information could be considered obstruction.

Mr Gerritsen was found guilty of one charge of obstructing a WorkSafe inspector under sections 48 and 50(1)(b) of the Health and Safety in Employment Act. He was sentenced in the Hamilton District Court.



Clients can obtain ACC information

Most Clients have been influenced by other parties to believe that accidents are private information. This is not true. The employer is actually in breach of the law if s/he fails to ascertain full and factual information about the health status and accident status of every worker that they engage. Summit Head Office will give Clients clear advice as to how to find out how many accidents your workers have actually had. Do not be surprised if your 29-year-olds have had 29 claims and you are going to pay for the next five.

If you have proper records and good filing systems, the personal information must be kept secure and confidential. The same applies to Health Status information or Health Monitoring that may be carried out. All staff are entitled to know the group result but not the individual results of each participant. It automatically follows that the sample group should be more than 2 people as it would be too easy to work out the individual likely status.

It is important for Clients to let us know of any penalty or loading that they get on their annual return as it is our objective to help clients reduce costs of ACC and Insurance. It is also possible to get a copy of the ACC records of current workers as well as making this good practise at the time of an appointment. Remember, you are entitled to have full information from a potential worker. You are in fact obligated to obtain this information and you can be liable for any accident caused by a drug buster in disguise.

3.

NZQA and HSE Professionals

NZQA training is scorned by 95% of managers around NZ. It is not producing significant benefit in relationship to their training needs. It is not making a meaningful contribution to fewer accidents and improved safety at work.

There will soon be a divide between HSE Professionals. Some of them will continue to promote and provide NZQA courses that will continue to deliver mediocre results but entertain the workers and give them a certificate at a cost to the employer.

Other professionals will become real professionals and will take up a career in HSE that will be in competition with NZQA. These people will be like other business professionals. They will use International Standards. They will use courses designed for excellence and not for competence. They will go for zero serious harms and not for a reduction of 20% over 7 years.



ACC Premiums can be significant

It is possible for forestry and fishing sectors to pay up to \$5000 ACC premium per worker p.a. But there are other sectors such as agriculture and transport that can easily pay \$2000-3000 per worker per annum. Summit Systems Ltd has top level expertise for NZ and is able to help thousands of sites reduce premiums by significant amounts. This expertise has been developed and enhanced over 25 years. Summit has 35 different ways to reduce premiums and they are all realistic, economic and achievable. Summit has well qualified people.

There are plenty of ACC auditors that will proclaim that they know how to reduce premiums and it is all about doing WSMP thoroughly, more particularly with their help. The ACC auditors actually do know a few ways to reduce ACC premiums within the compass of WSMP. Experienced ACC auditors might be able to help with less than six ways.

Top ACC Auditors should therefore be able to achieve up to 20% discount and up to 15% experience rating bonus. But that is not the maximum. Dr Nick Smith a former Minister of ACC agreed to our request to make ACC premiums experience rated at the level of 50%. It is understood that more recently, the ACC experience rating was lifted to 75%. This does not mean 75% on top of 20%, it means 75% of the balance after the discount.

