

## **NEXT TIME THE FINE IS LIKELY TO BE \$800,000?**

The importance of risk assessments and implementing appropriate controls - including training and monitoring workers to ensure they're working safely, was a dominant message in the sentencing of Avon Industries Limited on health and safety charges.

The Whangarei District Court released their sentencing decision on Wednesday, after Avon Industries appeared in court for sentencing in February. Avon Industries is a production engineering firm who carry out work that includes hot dip galvanising at temperatures over 450C. In October 2016 a team of workers were re-galvanising chain when the bespoke machine they were using jammed. A worker climbed onto the frame of the machine, which was situated above a bath of molten zinc, to shake the chain free.

The worker's left foot fell through a gap in the frame and went into the bath, resulting in molten zinc pouring into the worker's boot. He sustained deep burns to his left foot and ankle and spent 21 days in hospital as a result of the incident.

Our investigation found that Avon Industries had not conducted a risk assessment on either the process or the machine. They did not have in place a safe system of work, or a formal training programme for dealing with machine malfunctions - even though chain jams were a known issue.

**Notes:** A fine of \$371,250 was imposed. Reparations of \$30,000 were ordered.

It is understood that Avon Industries had a fine of \$200,000 about two years earlier. The policy of OSH or Worksafe NZ is believed to be a doubling of the fine every next time.



Summit Manager Name \_\_\_\_\_

Telephone/Fax \_\_\_\_\_

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<https://www.biblegateway.com/passage/?search=Romans+10%3A9&version=NIV>

If you declare with your mouth, "Jesus is Lord," and believe in your heart that God raised him from the dead, you will be saved.

**HEAD OFFICE ADDRESS: 77 Tarewa Road, Morningside, Whangarei N Z 0110**  
**TELE 09 438 7555 or 7550, MOB 021 070 9141 [summitsystemsNZ@gmail.com](mailto:summitsystemsNZ@gmail.com)**  
**EMAIL [safetynz@xtra.co.nz](mailto:safetynz@xtra.co.nz) www.[summitsystems.co.nz](http://summitsystems.co.nz) Skype Andrews\_herb**  
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## News & views from Summit Systems April 2018



### **WHAT IS GOOD HEALTH AND SAFETY?**

For those who happen to think that OSH or Worksafe NZ have an approved system, we would like to advise that this is simply not the case. In addition, as far as we are aware, they do not have an authorized specification for what would be suitable to meet all legal requirements. They do however – with help and support from ACC – have a suite of topics under what is called Safeplus.

SafePlus is a new, voluntary, health and safety performance improvement toolkit for businesses. It defines what good health and safety looks like, above minimum legal compliance. SafePlus is a performance improvement initiative that is not a traditional compliance audit type product.

SafePlus is a joint initiative developed by WorkSafe New Zealand, ACC and the Ministry of Business, Innovation and Employment (MBIE).

New Zealand has an unacceptably high rate of serious workplace injury, illness and fatality. The social and economic cost of people being hurt and killed in New Zealand workplaces is conservatively estimated at \$3.5 billion each year, and inflicts an enormous emotional toll on the people affected. SafePlus will contribute to the Government's commitment to reducing workplace injuries and fatalities by 25% by 2020.

SafePlus assesses businesses' health and safety performance and provides them with tailored recommendations on what they need to do to improve. The Onsite Assessment and Advisory Service also goes further and provides businesses with tailored 'how to' advice and best practice guidance on how they can implement improvements to help make sure everyone in your workplace gets home healthy and safe.

SafePlus comprises three products. Choose what works best for your business – or use them all: Refer to Worksafe NZ website for links

1. [Free Resources and Guidance](#)
2. [Independent Onsite Assessment and Advisory Service \[PDF 242KB\]](#).
3. Free Online Self-Assessment (available mid 2018).

[SafePlus general overview](#) (PDF 719 KB)

[SafePlus fact sheet](#) (PDF 234 KB)

[Roles and responsibilities of SafePlus partners and users](#) (PDF 278 KB)

[Read more about how SafePlus works](#) Go to Worksafe NZ website

## 2.

### **WOULD YOU LIKE TO HAVE A SYSTEM THAT WILL WORK?**

There are plenty of pretty and impressive documents around in the NZ marketplace. The ones that appear to be the most suitable and economic are usually the most tricky and worthless. Typically, they will have 100 pages of what seems to be helpful innovative material that is highly educational and appears to be good for training purposes. Often it is sold for \$900 +. In fact, much better material is FREE from Worksafe NZ website. If however, you wish to have a formal proper system that will work then read this.

Hello Bill Brass, the main thing to be aware of is that the files you have do not in our view comprise an effective management system. They would only score maybe 5% if we did an international audit against the relevant international standards. Most people do not realise that Worksafe NZ is not required to provide guidance as to what makes up a management system to meet the international standards.

If I were an Inspector then I would not see value in my Department telling people how to get to a fully compliant position where I may have some difficulties in the process of collecting information for the laying of charges for a serious harm offence.

On the other hand I can tell you that recently I was given a high quality two page thing from the UK - by a local Inspector - which is an excellent site specific format for the Busy Builder who does not have time to keep filling in large forms to satisfy the law.

The other thing to be aware of is that there are simply dozens of providers that have a plethora of schemes and methods and documents or software or devices that they promote as solutions for the site that wants something quick, easy and effective.

If you were to contact them for evidence of compliance of their thing to the international standards and you quoted some of them for example OSHA 200 (USA), BS 8800 (UK), ISO 1800(EU), 5 Star SA (South Africa /Africa), Safetymap (Aust) and AS/NZS ISO 45001, AS 3806, AS/NZS 4360, ISO 19600 - they would probably not even know what you were talking about.

The main thing that you need to be aware of is that a management system is to have a number of files for purposes set down in the standards. It is also important to understand that the international standards actually have legal status in court and you may be aware that in the event of a serious harm involving machinery it is common for AS 4024 2006 Safety of Machinery to be produced in court by the Department.

It is also important to note that a proper system has considerable value as does an external audit certificate. Judge Mazzone J of Boston once stated to the effect: "If we are faced with a serious offence in relationship to Environmental or Safety Laws and if the offender has implemented a proper management system with internal controls - then we may decide to exercise leniency in the judgement or penalty and not give them the stick".

We therefore need to seek good advice on what is essential for a management system (componentry) and what would be important and what would be desirable or less important. You also need to be aware that in relationship to the laws we live in the age of gadgetry and the iPhones are considered to be all that is required by some people. I think that we need to understand that in 10 years from now there will be few if any iPhones around and we will have another technological device such as a wand or a magic pen.

Therefore we need to find out what can be built up as a management system quickly and easily to give maximum effect to compliance quickly, easily and at most reasonable cost. The following is our guidance for a real system designed to the International Standards or in plain language A SAFETY SYSTEM THAT WILL ACTUALLY WORK (The Summit Systems one).

## 3.

### PART ONE THE ESSENTIAL SET

- a) A set of policies and procedures that cover all of the essential things in the laws and regulations and this is called a main plan and it is normally 30 to 90 pages in length depending on the number of standards being benchmarked.
- b) Then we look for a set of forms that provides the means for the site to implement and management the procedures and rules in an effective manner. The set can be 20 or more pages and for a complex site maybe 60 pages would be needed.
- c) Then we need a set of general safety rules that would or could apply to any site at any time and these can be simple statements in a set of 20 or more pages covering things that are common knowledge but need to be in writing.
- d) Then we have a file or two of significant hazards that relate to the industry or type of work being performed and this can be 10 or 100 pages depending on the range of things. It is not enough to have the simple analysis table as the table format does not spell out the rules that must be applied.
- e) A site specific plan is essential for any company or entity that does work away from their base or main site. This must be adequate for the functions being performed and can be 2 pages as above for simple work or 20 pages for more detailed work.
- f) It is also essential to have a legal form of 3-4 pages to ensure that the other parties are accepting their liability in a proper manner.

### PART TWO THE IMPORTANT SET

- g) Job Task Analysis (JTA) or Safe Operating Procedures (SOP) or Safe Work Method Statement (SWMS) are essential if you wish to avoid prosecutions. Every important task must be defined and explained in the correct sequence and must be trained to the workers and must be signed off. About 20 forms would be expected for a typical place of work. The SWMS are much more common in Australia and are used to ensure that workers do not take short cuts.
- h) Training of all workers in Injury Prevention and this means that you can rest assured that the workers will agree to go for a goal of zero workplace accidents and the typical reduction is 75% which is hard to believe.
- i) Audit logs that are adequate for the site and these must be simple and easy to use on a regular basis by trained people so that you detect problems before they become an expensive accident. 5-12 pages would be expected.
- j) Internal auditor role needs to be trained and put in place so that you have a qualified person able to do internal audits every 90 days. PART THREE VALUABLE MATTERS in next issue.

