

DO WE NEED THIS EVENT UP TO 500 TIMES PER YEAR?

If we were able to make the rules, we would have regulations preventing the sale of quad bikes in New Zealand unless they were modified to meet the following specifications:

- a) wheel base must be not less than 1.6 metres
- b) wheel size must be more than 500 mm.
- c) Centre of gravity to be not more than 400 mm above ground level

In our opinion, these simple rules would reduce serious accidents by 50% or more. An exemption from the rules could be available for genuine sporting events.



CONTRACTORS & TRADES TRAINING ACADEMY –PLANT

We are pleased to announce that we will be offering a serious range of qualifications for heavy plant operation. Please refer to our website for details. Valued clients will be assisted in their search for trained and well qualified workers suitable for their business.

Unfortunately, many thousands of our young people have departed for Perth in the search for wages much higher than available here.

ASCB (E) ACCREDITATION AVAILABLE TO ALL CLIENTS

We are pleased to advise that we can offer international certification services so that clients can qualify for global accreditation and can gain preference in the markets both here and overseas.

It is recommended that you contact your local consultant or our Head Office to discuss the options and benefits of this important service.

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**News & views from Summit
February 2015**

Human Rights Review Tribunal awards \$45,000 compensation against employer for racial harassment

The Human Rights Review Tribunal, this week found that an employee had been racially harassed by his manager and ordered that the manager and his employer pay him \$45,000 in damages.

The employee, Satnam Singh, is originally from India. Mr Singh, who has a degree in business management from his home country, came to New Zealand in 2011 to study English. In 2012 he started work as a store person at a retail liquor shop in Mt Roskill. However, his manager (Shane Singh) subjected him to racial abuse, which included regular use of the terms "fing Indians" and "Indian dogs". Mr Singh resigned after two months, when the manager called Mr Singh a "fing Indian", hit him on the head with a clipboard, punched him in the head, and knocked his cap and turban off.

The Tribunal commented:

The cumulative effect of [the manager's] conduct was to attack [Mr Singh's] identity as an Indian, particularly as an Indian of the Sikh faith and to rob him of his dignity as an individual. He has been humiliated in public and made to feel ashamed of himself and of his faith.

Among other remedies, the Tribunal ordered the manager and the employer to pay Mr Singh damages of \$45,000 for emotional harm.

Mr Singh was represented in the Tribunal by David Peirse, a solicitor from the Office of Human Rights Proceedings. Mr Peirse said that \$45,000 was the highest award ever made for emotional harm damages in a Human Rights Act case in New Zealand. Mr Peirse noted that "The Tribunal clearly considers that racial harassment may inflict severe emotional harm and it is prepared to order significant levels of damages to compensate victims of such conduct".

Mr Singh, who is now happily employed as a perishables manager, said that he is satisfied with the Tribunal's decision and "the most important thing is that my previous employer will never treat anyone else the same way".

The Tribunal's decision is attached. It may also be accessed using the following link:

<http://www.justice.govt.nz/tribunals/human-rights-review-tribunal/decisions-of-the-human-rights-review-tribunal/html-decisions-and-headnotes/2015/satnam-singh-v-shane-singh-and-scorpion-liquor-2006-2015-nzhrrt-8>

2.

SAFETY FIRST BEGAN ABOUT 4000 BC

Make a fence around your roof, so that you won't bring bloodshed upon your house if someone falls. (Deuteronomy 22:8)

For most of history, rooftops were places for storage, drying produce, and just plain leisure. They were also hazardous. The Torah instructs us to reduce that hazard by erecting a fence or guardrail—at least 10 handbreadths tall and sturdy enough to support the weight of a grown man. Roofs that are not used (like those of most modern houses) need not be fenced.

This precept goes beyond roofs. If the Torah tells us to fence in dangerous rooftops, obviously we need to deal with other potential hazards as well. The Jewish sages provided a few examples:

Not just rooftops, but porches and balconies must be fenced in, and staircases equipped with sturdy railings.

Construction workers must cover any hole they leave behind, or surround it with a barrier. The same applies to swimming pools. Dangerous equipment and other hazardous materials must be stored away, so that they pose no danger.

FARMERS MIGHT LIKE TO BE BULLETPROOF

The March 2 edition of NZ Farmers magazine has some interesting articles.

Charley Lamb the Director of South Otago farm training provider Telford, has this to say. "Fifty years ago, injuries sustained from using a horse in hill country were less than thirty years ago when two-wheel motorbikes became more common. These injuries were also less than today when quads are a common cause in injury and death".

For your information Quad bikes pose a serious risk on farms – on average five people are killed and 850 are injured every year. Farmers are not bullet proof, a stark lesson learnt by Andrew Fleming who is now confined to a wheelchair after a farm accident involving a quad bike. His time in hospital may have cost the taxpayer \$10,000 per day for 90 days.

AN INSPECTOR CALLS – MARCH 2 EDITION NZ FARMERS

When an inspector calls s/he might:

- Ask you to demonstrate evidence of how you manage health and safety on your farm and to show workings of a Health and Safety system.
- Check your hazard register to see what the hazards are and evidence of how you manage them.
- Ask for evidence of a machinery, vehicle or plant maintenance schedule and check guards on machines or PTOs.
- Ask you or your employees to demonstrate or explain how a machine works and how you adhere to manufacturer's recommendations.
- Look at personal protective equipment and evidence that it is being used.
- Ask how you involve your employees in your HSE planning and regular reviews.
- Ask how you use chemicals on your farm and check how they are stored.
- Observe you carrying out regular work activities.
- Ask how you induct contractors, new staff and visitors on to your farm.
- Ask you any other questions or view any part of your operation to assess how effectively you are safeguarding the health and safety of everyone on your farm.



3.

A FARM POLICY - YES OR NO?

The March 2 edition of NZ Farmers quotes Worksafe Agriculture Project Manager Alan McCone who discussed target areas for the new entity and commented that husband and wife farmers would not be required to have HSE policy documents whereas those with workers would be required to have formal documentation. The situation however, needs to be considered where a husband and wife operate more than a hobby farm and are into the engagement of contractors for most or all of their operations. This automatically could bring in a series of obligations relating to the selection and management of contractors and the liabilities that a husband and wife cannot simply toss away or conveniently ignore. At long last, the laws make it clear that a principal cannot shelter a subbie

NZ RAIL EVENTUALLY TURNED ON THE LIGHTS

Twenty years ago a Consultant was required to do a tour with the former NZR Passenger Service. This involved visits to Auckland Metro, Wellington Suburban plus the Trans Alpine. The former NZ Govt Department was not required to follow all of the health safety laws in those years. What today is mandatory for Government services was not essential then.

However, it was a "bad look" to have some 30-35 deaths at level crossings per annum so they commissioned a safety management system plus a report on level crossings. The management system became P51 or part 51 of the operating systems for former NZ Rail. The findings were that former NZ Rail did not at that time have a suitable method to give drivers early warning of earthquakes and it had no mechanism to confirm that the 80 bridges shortly after the tunnels were actually in place and safe to use.

Worse still, there was no way of ensuring that unwary motorists would be able to see a train coming out of the early morning sunrise. The train drivers were not required to have their three lights on, the barriers with flashing signals were only for important city crossings and the furniture at level crossings was generally badly faded and dilapidated. Part of the international research indicated that it was commonplace for trains in the rural areas of Australia to have a strobe light revolving on top of each locomotive making them visible from 20 kms away. Although the Government Officials wanted to make progress, it took some ten years to secure financial provision for proper implementation relating to level crossings.



The new operators of the locomotives did get the lights switched on. However, the strobe light recommendation has not yet been implemented and so we must wait and hope that NZ motorists will be more vigilant than the Aussies, without the benefit of a beacon to warn them.

AUTOMATIC BENDING MACHINES UNSAFE?

We recently had a case where an automatic bending machine for shaping steel reinforcing rods (for construction work) happened to change its pattern. A person had bumped or brushed against the control panel and the signals were disrupted - causing serious harm to the operator. Three fingers were crushed. Another client with the same type of machinery in much the same type of work decided that after a number of such occurrences he would rip out all of the automatic panels and revert to manual or have the controls moved to head height.

