

July 2015

Take note... each month remember to complete your check list for Machinery/Equipment/Guards. If you don't have a check list please email me for your copy. lynda.mathieson@myca.co.nz

This was an unfortunate accident due to the Employee losing his balance. The Employer hadn't 'really' breached Health & Safety compliance as the standard AS/NZS 4024:2014 didn't exist in New Zealand. However, Worksafe NZ determined a fine of \$24,750 and a further payment for reparation of \$35,000.

With every item of machinery or equipment, consider any possible risks to safety (including workers taking risks). If there is a risk, try to first eliminate the risk. If it can't be eliminated due to the nature of the machine/equipment try to isolate it. In the event that the risk remains no matter how you try to reduce the risk physically – manage it by WARNING users of the machines potential risks and ensure they sign off to confirm that they have been warned. Failure by an Employee to follow instructions or/and to breach health & safety in the workplace is in breach of the Employment Agreement and can therefore be managed through a disciplinary process.

COMPANY FINED AFTER WORKER LOSES LEG 29 JUNE 2015

Tree Scape Limited has been fined \$24,750 and ordered to pay reparation of \$35,000 after an employee had his right leg amputated after it got pulled into a wood chipper machine.

Tree maintenance company Tree Scape Limited was sentenced in the Manukau District Court on Friday under Section 6 of the Health and Safety in Employment Act for **not taking all practicable steps to ensure the safety of employees at work.**

On 16 December 2013 the employee was working as part of a crew removing a roadside tree near power lines. After the last of the large branches had been fed into the chipper, the employee noticed several small branches had not been picked up by the in-feed rollers. The employee used his right foot to kick the branches into the rollers and at the same time his left leg shifted on some loose gravel. His right foot was pulled in by the chipper rollers and he suffered serious harm.

WorkSafe New Zealand's investigation revealed that Tree Scape Limited could have extended the chute of the chipper from 850mm to 1,500mm to ensure employees were safe. "Wood chippers are obvious hazards," says WorkSafe Chief Inspector, Keith Stewart. "Tree Scape Limited could have complied with the Australian standard AS4024 for machinery guarding by extending its chute. Since the incident this standard has been adopted in New Zealand and is now AS/NZS 4024:2014.

"This would have ensured that staff had less opportunity to come into contact with the chipper. This life-changing injury could have been avoided.

Employment Relations and H&S support at MCA

Our mission is to develop solutions, solve problems and to give you peace of mind. We provide a service to you that enables you to manage employment matters without fear.

Lynda Mathieson is our Employment Relations and H&S expert to help prevent and resolve all your employment issues professionally. Giving you practical advice and support with compliant documentation ensuring that policies and procedures are in line with current legislation.

Employment issues arising in the workplace can be complicated. Getting it wrong can cause unwanted stress and anxiety, least of all ultimately a costly outcome.

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