

## Wellington Branch Newsletter – August 2022

### What's in this month's newsletter?

- ★ Reconnecting
- ★ Masterclass with Dr John Green
- ★ Retirement of Theresa Katchian
- ★ Upcoming events
- ★ WorkSafe media releases - recent court cases and a health and safety white paper

### Reconnecting

With the news the second wave of COVID-19 is passing, and the slow crawl to lighter and (hopefully) warmer days helping to reduce the other winter illnesses, the Committee are restarting planning for in-person networking events.

We acknowledge that for some, working from home is their norm, but with NZISM offering a range of webinar options, we feel the Branch focus should be on providing opportunities for our members to see each other and share ideas, experiences, and be inspired by different leaders in the health and safety community. There's nothing like the buzz of a group of health and safety practitioners talking about the profession that inspires and motivates them.

If it is possible to record the presentations, we will do so, but this will be an exception. We try to give our members as much notice as possible of events to accommodate planning to come into town for 1-2 hours once a month.

Our approach aligns with the theme for this year's [Mental Health Awareness Week](#) - *Reconnect with the people and places that lift you up*. We hope you can make it - it would be great to see you in person again.

### Masterclasses with Dr John Green

We have now had the opportunity to watch three out of the four masterclass series with Dr John Green. It has been very refreshing hearing Safety II from Dr John Green's perspective. We know many of you will already be thinking about how you can apply this approach in your workplace or with your clients. If you have registered and missed any of the sessions remember you can go back and watch the recording [here](#).



We would be interested to know if you would like to get together for an online catch-up with others from the Wellington branch to chat about the masterclass series, and share any thoughts or ideas that you might have? If so, just drop us an [email](#) so we can gauge interest.

## Retirement of Theresa Khatchian

Former Wellington Branch Manager, Theresa Khatchian, has retired from her role as Senior Health and Safety Advisor at the Ministry of Justice earlier this year. Theresa was an instrumental figure at the Wellington Branch and tirelessly worked to support members develop their careers.

Theresa was instrumental in the creation of a regular Government safety group, which was in place prior to the formation of the Government Health and Safety Lead. The group was open to all of those working in the government sector in a health and safety capacity. Theresa arranged guest speakers, selected key topics to work together on, and encouraged Government health and safety workers to collaborate, rather than work as individual agencies. It was valuable for all of those who were involved with and attended the group.

Theresa took a good number of new health and safety professionals under her wing, mentoring them and connecting them with others in similar roles across the Wellington region.

We do not want her contribution to health and safety to go unnoticed. A huge thank you to Theresa for your tireless work in the health and safety profession. Enjoy your retirement and a well-earned rest.

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## Upcoming events

### September

This event is being finalised and will be focussed on the role of Health and Safety Representatives.

### October

We are planning for Greg Cain to provide an annual legal update towards the end of October (after the school holidays). It will be an in-person networking event and details will be confirmed in next month's newsletter.



### November

NZISM will be confirming a HSR Roadshow in Wellington on the 16 November, 1-2.30pm. Full details, including the venue will be advised by NZISM in their newsletter..

The long awaited HASANZ conference will take place 16-18 November at Te Papa. If you still haven't registered then head over to the [conference page](#) to check out the keynote speakers for the event.

Remember to have a look at the [NZISM events calendar](#) to see what other webinars or events are happening around the country.

## December - Annual Christmas Event

Book the 6 December in your calendars and join us for the annual Wellington NZIM Christmas get together at the Little Beer Quarter from 5-7pm. Further details, including how to register, will be shared closer to the time.



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## Recent media releases from WorkSafe



### Child's death prompts tow gear warning to businesses

The death of a nine-year-old girl in a Northland traffic crash has been traced back to a badly worn down towball and coupling on a trailer used by a local trucking business.

- Johnston's Direct Logistics Ltd was sentenced at Whangārei District Court on 29 July 2022.
- An order to pay reparations of \$145,000 was imposed, along with a fine of \$50,000
- Johnston's Direct Logistics was charged under sections 36(2), 48(1) and (2)(c) of the Health and Safety at Work Act 2015
  - Being a PCBU having a duty to ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking, namely the use of truck and trailer combination for the transport of freight, did fail to comply with that duty, and that failure exposed the victim to a risk of death or serious injury.
- The maximum penalty is a fine not exceeding \$1.5 million.

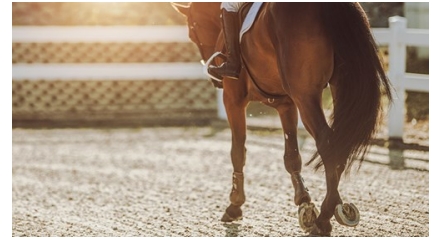
### Liquidation no escape from health and safety accountability

WorkSafe New Zealand has held an Auckland businessman liable for failures that led to the death of a subcontractor, who fell from the roof of a house while spray painting.

- Hon Sang Cheuk was sentenced at Manukau District Court on 27 July 2022.
- Judge Forrest ordered reparations of \$100,000 to be paid to the victim's family.
- Judge Forrest did not impose a fine due to Mr Cheuk's financial circumstances.
- Hon Sang Cheuk was charged under sections 44, 36(1), 48(1) and 48(2)(b) of the Health and Safety at Work Act 2015
  - Being an officer of a PCBU, namely DMJ Painters Limited (in liquidation), having a duty to exercise due diligence to ensure that DMJ Painters Limited complied with its duty to ensure, so far as is reasonably practicable, the health and safety of workers whose activities in carrying out work were influenced or directed by the PCBU, while the workers were carrying out the work, did fail to comply with that duty, and that failure exposed other persons to a risk of death or serious injury.
- The maximum penalty is a fine not exceeding \$300,000.

## Health and Safety White Paper from Safety 'n Action

A tragic workplace incident which left a 16-year-old girl paraplegic has shone a spotlight on the importance of assessing worker capabilities in a safe and controlled environment.



Described by WorkSafe NZ as “incredibly preventable”, the 2019 incident saw the teen thrown from a bolting racehorse, after being asked to ride it on her first day in a new job. The employer had intended to put the teen through an induction, but they had not quite got around to it. No assessment was undertaken to check if she had the skills to ride a racing-fit racehorse, and nor was she provided with the correct PPE (including helmet and safety vest). As WorkSafe Area Investigation Manager Steve Kelly explains, the consequences were life-changing.

“If this company had taken reasonably practicable steps to ensure that qualified and competent individuals had assessed the capability and competency of the rider and ensured the rider was correctly fitted with appropriate PPE, this may never have happened,” he says.

“There has clearly been a lack of planning and forethought given to the hazards and risks of a new worker undertaking track work riding, which has led to an incredibly tragic, and incredibly preventable incident.”

Not surprisingly, this employer faced some serious charges and in February this year they were sentenced under sections 36(1)(a), 48(1) and 48 (2)(c) of the Health and Safety at Work Act 2015. These sections hone in on the duties and responsibilities of a PCBU, which include ensuring - so far as reasonably practicable - the health and safety of workers while they're at work. In this case, failing in that duty exposed the teen to serious injury, a charge which can be accompanied by a fine of up to \$1.5 million. Although no fine was imposed due to financial capacity, they were still ordered to pay over \$317,000 in reparations, and costs of \$14,500 to WorkSafe.

Talk to Nicholas Matzopoulos - National Training Director at Safety 'n Action – and his frustration is palpable.

“This was such an unnecessary tragedy for a young girl with her whole life ahead of her,” he says. “There are simple measures this employer could have undertaken that would have significantly minimised the risk.” As New Zealand’s leading workplace health and safety training provider, Safety 'n Action has a stable of relevant training programmes, all expertly designed to keep workers safe.

According to Nicholas, the Board and Management Seminar would have been an ideal starting point.

The interactive four-hour seminar gives attendees a clear understanding of the duties and responsibilities of an organisation’s Board and management teams, and includes real-life case studies and the chance to discuss issues and solutions specific to an attendee’s workplace.

“If this organisation's management team had completed this programme, they would have understood the need for their people to complete Health and Safety Rep training as well as Hazard and Risk Management training,” explains Nicholas. Safety ‘n Action delivers outstanding courses in both these areas. Their full-day Health and Safety Rep (HSR) programme equips HSRs with the knowledge and skills they need to address worker issues and meet their responsibilities.

Meanwhile, Safety ‘n Action’s Hazard and Risk Management training teaches workers to identify and manage risk within the workplace – and ultimately prevent potential illness, injury or incidents.

Ensuring boards, management and workers are given all the appropriate and approved training gives employers and their employees confidence and peace of mind.

Adds Nicholas, “Safety ‘n Action courses not only teach you what’s expected of you, but they also equip you with the tools and know-how to keep your workplaces safe. As this Blackadder Racing case has so clearly shown, the stakes are too high to not take advantage of them.”

*WorkSafe Media Release -*

<https://www.worksafe.govt.nz/about-us/news-and-media/businesses-must-assess-the-capabilities-of-their-workers-in-a-safe-and-controlled-environment/>

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## **NZISM Website - Tips**

Did you know there are H&S job opportunities advertised on the [NZISM page](#)?

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