

Welcome to the first issue of *The Safe Side* for 2025. We start the year by covering four recent sentencings under the Health and Safety at Work Act (HSWA) after two workers were killed and one seriously injured in three separate incidents. We also look at WorkSafe's release of new infographics about psychosocial risks in New Zealand workplaces; as well as the latest enforceable undertaking accepted by WorkSafe. Finally, in other statutory liability news, we have an article about a prosecution under the Food Act that followed on from the distribution of 971 tonnes of sugar contaminated with lead.

Three companies sentenced for failing to adequately manage risks from live powerlines

One man died and another was seriously injured in two separate incidents involving contact with overhead powerlines in 2023. The incidents resulted in combined fines and reparation orders of nearly \$200,000 for the [three companies](#) involved.

In the first incident, a 25-year-old farm labourer was electrocuted while working on a farm near Whakapapa Village in February 2023. The victim, who was an Irish national, was operating a mower when it became bogged down. A digger was brought in to extract it. As the victim was steadying the mower for extraction, the arm of the digger contacted an overhead line carrying electricity at 33,000 volts. The electricity passed through the digger's arm and into the victim, causing his death.

WorkSafe found that the employer of the victim had failed to carry out a risk assessment to identify overhead powerlines as a hazard and did not have a spotter in place to ensure the lines were not contacted. The company was ordered to pay reparations of \$100,000 and the fine was reduced to \$25,000 due to financial capacity.

The second incident occurred three months later, on Waiheke Island, near Auckland. A construction worker was

working on scaffolding that had been installed too close to powerlines. The aluminium cladding he was carrying touched a high-voltage 11,000-volt line, resulting in an electric shock. As a result, the victim fell backwards nearly four metres off the scaffold, and sustained major burns to his hand and foot, along with fractures to his spine and ribs.

As with the earlier fatal incident, there was no proper risk assessment conducted on the dangers of overhead lines, and there was no close approach consent for the work, which is required when work is being done near powerlines.

WorkSafe charged both the employer of the victim and the scaffolding company for their health and safety failures. At sentencing, the two companies were ordered to pay reparations of \$42,818, split between them. In addition, the construction company was fined \$16,500 and the scaffolding company \$13,500.

Electricity is a well-known hazard that can kill or cause [horrific injuries](#). WorkSafe has [comprehensive guidance](#) on working near overhead lines, as well as specific guidance on the dangers of electricity and [scaffolding](#).

WorkSafe releases new infographics on psychosocial risks



"Sorry sir, but the lads won't go over the top if that ladder hasn't been health and safety tested."

Businesses have a responsibility under HSWA to manage both physical and psychosocial risks. Psychosocial risks

arise from poor work design and challenges in the social and physical work environment, and can lead to serious harm to workers, including death. Researchers found that from [2017-2021](#), 246 of suicides in New Zealand met the criteria of 'potential work-related suicide' and 197 of suicides met the criteria of an 'actual work-related suicide'.

Common psychosocial risks and work stressors are offensive behaviours such as bullying, threats of violence and harassment, along with less obvious factors that relate to how work is designed – job demands, work hours and schedules, workload and pace, and job security.

WorkSafe has published new [infographics](#) that collate WorkSafe data about psychosocial risks into an easy digestible format. There are infographics for the construction, agriculture, manufacturing, and forestry sectors, as well as one for all New Zealand workers. WorkSafe says that the infographics will support a range of industries to easily find data on the psychosocial risks and protective factors relevant for them.

New enforceable undertaking promotes AI technology for real time hazard alerts

In March 2023, a worker making dishwasher powder at Ecostore's factory in Auckland suffered chemical burns to his eyes. The victim had been trying to shut off a pressurised hose that had come loose, spraying hazardous liquid into the air. WorkSafe's subsequent investigation identified that there was an inadequate supply of personal protective equipment (PPE), particularly eyewear, staff training gaps for chemical handling, and a lack of emergency management.

WorkSafe recently announced that it had accepted an [enforceable undertaking](#) (EU) from Ecostore in relation to the incident. This follows the company's commitment to what it calls a "holistic cultural shift" on health and safety worth over \$323,000.

Amongst the [changes](#) Ecostore has agreed to install CCTV systems incorporating AI technology to identify situations or events that could indicate risks to workers' health and safety, with the findings driving continuous improvement.

In addition, Ecostore will pay reparations to the victim; put in place new controls and arrangements to minimise workers' exposure to risk; fund a pilot programme by Blind Low Vision NZ to educate and support businesses employing visually impaired staff; and develop and deliver a webinar with the EMA highlighting the incident and key learnings.

WorkSafe commented that Ecostore's investment exceeds what even the courts may have ordered in penalties and that this demonstrated a substantial commitment to health and safety, with benefits that "... circled back to the community, workers, and industry."

An [EU](#) is an agreement between WorkSafe and a duty holder made under HSWA. It is entered into voluntarily by the duty holder following a breach (including an alleged breach) of HSWA and, once in place, is legally binding. It is generally used as an alternative to prosecution. You can read more about recent EUs in [Issues 58, 56, and 55](#) of *The Safe Side*.

Farming company sentenced after worker crushed by hydraulic tailgate in shed

A [farming company](#) has been fined \$247,500 and ordered to pay substantial reparations of \$201,477 following the death of a worker near Temuka in March 2022.

The victim was crushed by a hydraulic tailgate on a trailer. The 45-year-old had been standing at the back of a dark, narrow shed as a spotter while grass seed was being tipped off the trailer. The farming company had no specific plan in place for managing farm traffic indoors and WorkSafe said workers should not have been permitted in such a restricted space.

WorkSafe also said the incident highlights that the risks arising from traffic movements need to be managed both indoors and outdoors. Common controls include providing for clear separation of vehicles and pedestrians, signage and designated safe areas. Following the fatality, the farming company involved also introduced reversing cameras, closing alarms, and isolation valves to the back of its trailers.

Vehicles are a leading cause of death and injury on New Zealand farms. WorkSafe has guidance on [safe reversing and spotting practices](#) and [managing workplace traffic](#).

New Zealand Sugar Company fined for importing and selling sugar contaminated with lead

The [New Zealand Sugar Company](#) was recently fined \$149,500 for manufacturing, distributing and selling sugar products contaminated with lead after being sentenced on two charges under the Food Act.

In September 2021, the company imported sugar from Australia that became contaminated with lead during sea transport. From this sugar, it manufactured and distributed 971 tonnes of contaminated sugar products to businesses in New Zealand.

The sugar was freighted to New Zealand aboard a cargo ship that had been used to ship metal sulphide concentrates (lead and zinc) on its previous voyage. Prior to its departure, the vessel was cleaned, and a cleanliness report certified the vessel's hold was in a fit

state for the stowage and carriage of raw sugar. However, the cleaning was not effective.

After testing showed high readings of lead contamination, the company did not take immediate action and stop production and distribution of the sugar. Instead, it sought more testing which confirmed the same result.

MPI said that the company's lack of definitive action resulted in a consumer level recall of sugar around 6 weeks after the contaminated product arrived in New Zealand and that the company "... failed to properly detect the extent of lead contamination until after the imported sugar had been used in production."

This newsletter is published as part of Vero Liability's commitment to supporting better work health and safety outcomes for all New Zealanders. We want everyone to go home safe.

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