

## “Litany of failures” leads to quarry worker death – company and director fined

15 June 2016

WorkSafe New Zealand says employers must learn from health and safety failings occurring under their control.

Last April, a 24 year-old father of one died at a Bay of Plenty quarry after he was thrown from a fully laden dump truck. That “tragic and preventable death” had its sequel in the Tauranga District Court yesterday when the company and its director were fined.

It was revealed in Court that in March this year - 11 months after this death - WorkSafe had to prohibit work at the same quarry after finding similar health and safety failings that led to the worker's death.

“It is almost beyond comprehension that having had a tragic and preventable death under their watch, the quarry operators had not learned the lessons and made sure everyone on that site was safe every hour it was working” WorkSafe's chief investigator Keith Stewart said.

At a sentencing hearing last Friday, the employer, Oropi Quarries Limited (OQL) and its sole director Catherine Renner were accused of a “litany of health and safety failures” by the prosecutor. In a reserved judgment released late yesterday, the Judge ordered emotional harm reparations of \$100,000 to be paid to the family (OQL \$80,000 and Catherine Renner \$20,000). He also fined OQL \$54,000 and Catherine Renner \$9,600.

WorkSafe outlined to the court 14 steps OQL should have taken to ensure the victim's safety. “There were significant issues with vehicle maintenance; failures to train the worker; a lack of policy on wearing seatbelts; and a lack of supervision,” Mr Stewart said.

“After the incident, WorkSafe had the vehicle inspected by independent experts – their reports identified 32 faults with the vehicle ranging from mismatched and over-inflated tyres to a missing door on the cab.

The failures by this company and its director to ensure this young worker was able to go home healthy and safe have left a mother without her only son, a partner who was looking forward to a marriage that will never happen, and a four year-old without a father,” Mr Stewart said.

### Notes

1. This incident occurred prior to the Health and Safety at Work Act coming into force, and so was prosecuted under the terms of the Health and Safety in Employment Act 1992.
2. The prohibition placed on work at the quarry in February 2016 was lifted in March after the company satisfied WorkSafe it had resolved the issues identified in the Prohibition Notice.
3. The company pleaded guilty on 10 February 2016 to:
  - Two charges under the Health and Safety in Employment Act (HSE):
    - Section 6: Failing to take all practicable steps to ensure the safety of the employee
    - Section 13: Failing to take all practicable steps to ensure the employee was supervised to ensure the employee was not likely to cause harm to himself or others(Maximum penalty for each of these offences is \$250,000)
  - Two charges under the HSE Mining Operations and Quarrying Operations Regulations 2013:
    - Failing to appoint a person to manage the quarrying operation and supervise its health and safety aspects
    - Failing to ensure that written notice of the designation of an individual as an acting manager was given to WorkSafe.(Maximum penalty for each of these offences is \$250,000)
4. The sole director of OQL, Catherine Renner pleaded guilty on 10 February 2016 to one charge under Sections 56 and 6 of the HSE for directing, authorising, assenting to, or acquiescing in the failures of OQL to ensure the safety of the employee. This charge carries a maximum penalty of \$250,000.