



About us

Follow through on your safety obligations

18 December 2017

WorkSafe is reminding construction firms and their contractors to follow through on their safety obligations.

The message follows the sentencing of Ebert Construction Limited on Friday in the Manukau District Court after a workplace incident that left a worker with serious head trauma and multiple fractures.

Ebert was working on the construction of a new dairy manufacturing plant in Pokeno in April 2015 when the incident occurred. The firm had covered a hole in the floor with a steel plate, but had not bolted it down as required by the plans. A cleaner moved the plate to assist a colleague who was vacuuming the floor and fell through the hole.

Ebert Construction Limited was charged with failing to ensure the plant it supplied was safe for its intended use and found guilty following a trial in the Manukau District Court.

WorkSafe's Acting Deputy General Manager Investigations and Specialist Services Simon Humphries said:

“This is a simple situation – if the plans say bolt it down, there is no excuse for not doing so. A worker doing their job has been badly injured because Ebert didn't do the right thing.

“Ebert Construction had an absolute duty, as does every business, to keep workers safe. There is no excuse for failing to meet that obligation, and now there's a worker left with life changing injuries”.

Notes:

- › Ebert Construction Limited was convicted and fined \$45,500 and ordered to pay \$55,000 reparation.
- › Ebert Construction Limited faced one charge under the Health and Safety in Employment Act 1992, under sections 18A(3) and 50(1)(a):
 - › Being a person who supplied plant to another person, namely a steel plate, to be used in a place of work, and who agreed to install or arrange the plant, failed to take all practicable steps to install and arrange the plant so that it was safe for its intended use. □
 - › Maximum penalty for this offence is a fine not exceeding \$250,000.

Media contact details

For more information you can contact our Media Team [using our media request form](#) [/about-us/contact-us/media-enquiries/]. Alternatively, you can:

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