

Unguarded machinery fines costs companies \$220k, \$400k

Simon Hartley - Mon, 23 Nov 2020

Separate unguarded machinery injuries have collectively cost two companies – D&H Steel Construction and Waste Management NZ – a total of \$842,000 in fines and reparations.

In a decision released by Waitakere District Court last week, West Auckland structural steel fabricating company D&H Steel Construction was fined \$220,000 after an incident in August 2018 where a worker became trapped between a steel beam and roller table, suffering multiple crush injuries to his left leg and pelvis. The leg later had to be amputated.



MinEx chief executive Wayne Scott tells *Inside Resources* that while he was unable to comment specifically on the case, “it’s unacceptable for any employer not to guard equipment to protect their workers from harm”.

“Not only is this a legislated requirement but a moral one and PCBUs (Person Conducting a Business or Undertaking) should do everything within their power to protect the health and safety of their workers,” Scott says.

The worker was operating a FICEP Beam Line Drill machine 1003DZB, used to drill, saw and fabricate steel.

No reparation was ordered as D&H Steel Construction had already paid the victim \$172,000 for emotional harm and consequential loss prior to the 29 October sentencing.

WorkSafe investigation found inadequate guard

WorkSafe’s area manager Danielle Henry says at any business where workers are required to operate machinery, it’s imperative the correct machine guarding is in place to ensure moving parts are separated from people.

WorkSafe’s investigation found the machine was not adequately guarded.

“D&H Steel’s failure to ensure the machine was adequately guarded meant workers were exposed to unguarded trapping points, crushing points and moving parts, leading to a risk of entanglement,” Henry says.

WorkSafe’s investigation found workers were routinely required to access the machine’s operating area to adjust or replace drill bits or repair faults, while the machine was electronically locked out.

However, there was inadequate guarding in place to prevent the worker from accessing the operating area if the machine’s automatic lockout failed.

“The company should have ensured workers weren’t able to reach dangerous moving parts,” she says.

D&H Steel Construction was sentenced under sections 36(1)(a), 48(1) and (2)(c) of the Health and Safety at Work Act 2015, the last of which carries a maximum penalty of \$1.5 million.

Second unguarded machinery case fine in a week

It was the second time in a week that WorkSafe had highlighted unsafe machine guarding.

In the second case, Waste Management NZ, which specialises in waste and environmental services, was found guilty of health and safety failings at a trial in August at the Hamilton District Court; sentencing was last week.

Waste Management NZ was fined \$400,000 and ordered to pay \$50,000 in reparation to the victim.

In November 2017, a worker was operating a tyre shredder at the company’s Kerepehi site. The worker attempted to remove debris obstructing the conveyor belt, while the machine was running, and his arm became trapped.

He was unable to activate the emergency stop but eventually managed to free his arm. He suffered degloving injuries and a broken forearm.

Waste Management was prosecuted under the same legislation as D&H Steel: sections 36(1)(a), 48(1) and (2)(c) of the Health and Safety at Work Act 2015.