



SPECIAL INVESTIGATORS – BEHIND THE SCENES IN UNSAFE WORKPLACES

Reality TV series Special Investigators follows workplace health and safety inspectors for the Department of Labour as they investigate the hazards people can encounter in the workplace.

Case study 2 – Trench Collapse

A contractor became trapped in a deep hole in a residential driveway. While rescue services worked to reach him, Department of Labour inspector Tracy Colby was called to the scene.

Tracy, who has been in the building trade almost all of his working life before joining the Department, finds out from the rescue workers that the victim was in the hole when one side collapsed.

The hole was too dangerous for rescuers to get to the victim immediately because of the danger of further collapse, made worse by waterlogged earth.

A section of large metal piping was brought in to shore up the excavation. It was lowered into the hole to provide a safe haven for rescuers. It's the kind of shoring Tracy believes should have been installed before anyone entered the hole.

Six gruelling hours later, the victim was finally removed from the hole.

A few days after the incident, Tracy and colleague John Lasenby established that the victim had been searching for a lost drill bit worth over \$5,000 when he became stuck in the hole.

The victim began his search with a shovel, then a small digger, and finally a big digger. The hole got deeper and finally collapsed.

Tracy and John concluded that the earthmoving company breached the requirement of the Health and Safety in Employment Act that "no action or inaction harms any other person."

The inspectors established that the driver of the digger knew the victim was entering the hole and reported his concerns to his boss. But the company continued to cooperate in deepening the hole.

Whilst the company didn't have control of the site, they did have control over their digger. Therefore the practicable

step they should have taken was to stop the job and stop digging the hole deeper after it became clear that the client was getting into the hole to look for his buried tool.

The company was prosecuted but pleaded not guilty, claiming the victim did not take heed of anyone's warnings about the hazards he was exposing himself to.

After acknowledging mitigating factors, including the company's remorse and good safety record, the judge fined them \$12,000.

The hope is that the conviction will remind employers of the importance of safe work practices, and send a message to employees that they not only have a right, but are obliged to stop work if a job isn't safe.

'[Workplaces] need policies, procedures, guidelines and codes of practice. [They] need a collective safety forum such as health and safety meetings at which to raise issues.'

Key learnings

- The saturated and unstable nature of the soil should have been properly assessed and, if best practice had been followed, recorded on a task analysis form.
- If a safe method to enter an excavated hole cannot be established due to a lack of plant on site, work should be suspended until such time as a safe method can be established.
- Upon arriving on site, discuss and clearly establish the work methods to be used.
- Comply with your own Health and Safety Policy and safety rules.

More information

Download and read the Approved Code of Practice for Excavation and Shafts.

For general advice on workplace health and safety call 0800 20 90 20.

Health and Safety
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Department of Labour
TE TARI MAHI

