


# Westlaw NZ

## OSH Tracker

The *OSH Tracker* brings together nearly 2000 case which have resulted in conviction in ant court under the Health and Safety in Employment Act 1991 and related regulations, as well as those taken against employers under the Hazardous Substances and New Organisms Act 1996.

Our editors analyse each case, writing a summary and determining the value of a number of variables which can then be used as powerful search tools. The *OSH Tracker* summaries are taken from the *Safeguard* magazine case notes.

### OSH Tracker Template

To locate the *OSH Tracker*, browse through the Employment databases down to the *OSH Tracker*. To open the template, click on the Blue Title. To find the Case Source information, click on the scope  icon. *OSH Tracker* can be made a Quick Link for a One Pass user.



### OSH Tracker Fields

Field	Description
Risk Type	For Example: <i>Animal/ Biological, Burns/Explosion, Confined Space, Electrocutation, Engulfment/ Drowning, Fall from Height</i>
Degree of Injury	<i>None, Injury, Death</i>
Industry Sector	For Example: <i>Accommodation, Cafes and Restaurants, Agriculture, Forestry and Fishing, Communication Services</i>
Industry Subsector	
Penalty Amount	<i>Search for cases with a penalty amount that matches the amount entered or between the exact amounts entered e.g.: \$50,000- \$120,000</i>
Reparation Amount	<i>Search for cases with a reparation amount that matches the amount entered or between the exact amounts entered e.g.: \$50,000- \$120,000</i>
Classification	<i>Search for paragraphs that relate to a legal concept. Multiple classifications can be selected from the drop down. E.g.: "all practicable steps"</i>

Search Examples using the OSH Tracker Template:

Find cases with the below fields populated.

1. Risk Type: Machinery (Trapped/Crushed/Cuts)
2. Degree of Injury: Injury
3. Industry Sector: Manufacturing
4. Reparation Amount: \$5,000 - \$10,000

5. Open Results by selecting "OSH Tracker" Tab

**WorkSafe New Zealand v Kaye's Bakery Ltd**

Search within the document

Result Document Term Browse

BriefCase **OSH Tracker** Judgment Text Cited Documents Related Documents

**Court:** District Court, Invercargill  
**Judges:** Judge Brandts-Giesen  
**Judgment Date:** 22/2/2018  
**Jurisdiction:** New Zealand (NZ)  
**Court File Number:** (2018) CRI-2017-025-1936  
**Citations:** [2018] NZDC 5427  
**Party Names:** WorkSafe New Zealand (Prosecutor), Kaye's Bakery Ltd (Defendant)  
**Legal Representatives:** N Szeto for the Prosecutor; E Keeble for the Defendant  
**Classification:**  
 \* Employment law > Health and safety > Machinery  
 \* Employment law > Health and safety > Penalties > Fines > Payment of portion of fine to injured party  
 \* Employment law > Health and safety > Proceedings > Criminal

**OSH TRACKER**

Kaye's Bakery Ltd was fined \$150,000, repayable at \$4000 per month, and ordered to pay reparation of \$10,000, after an employee lost part of a finger in a dough machine from which a protective screen had been removed. A motion-sensitive screen has now been fitted (Invercargill DC, 22 February).

Industry: **Manufacturing**

Sub-Industry: Food, Beverage and Tobacco

Risk: **Machinery (trapped, crushed, cuts)**