

OUR NEW APPROACH TO SUPPLYING EVIDENCE TO WORKSAFE TO OVERCOME WORKSAFE'S RUDE AND OFFICIOUS PEOPLE

One of WorkSafe's regulatory functions is to receive and deal with complaints regarding the conduct or ability of a compliance certifier. WorkSafe has encouraged us to make complaints through the official channels when we encounter poor certification work and we have been assured that WorkSafe will deal with the complaints appropriately.

Complaints are picked up by WorkSafe's Regulatory Assurance Team. Our experience has been that this group, to a person, is unable or unwilling to communicate with us in a "business appropriate manner." We say this requires:

- cordial greetings aligned with business conventions – we prefer Dear Mr or Dear <Christian name>, not "Mr."
- requests, not orders – "please send us" is very different from the order "send us"
- respect – when we express expert opinions, we do not regard it as appropriate for WorkSafe to criticise us for expressing them – we are experts after all, whereas WorkSafe is not
- signature of an email by the author when the email has been clearly written by someone

After waiting more than a week for a polite email adopting the above conventions in relation to complaint #37798, it is apparent that WorkSafe's RAT group cannot bring itself to write one after we politely informed a not-named author of the mail we received that we would not longer accede to rude demands.

In the meantime, WorkSafe is squandering the opportunity to perform its legislative duty to investigate complaints.

Thus, in the interests of safety, we have chosen to provide the evidence WorkSafe attempted to order us to provide by way of publication of our website. This approach means that:

- the evidence is made available to WorkSafe via our website; and
- other interested parties can follow what WorkSafe does with this and other complaints.

Data provided to us by WorkSafe this week under OIA strongly suggests that WorkSafe is not adequately performing its duties when it comes to complaints. We will have more to write on this topic soon.

We will also soon publish responses to other complaints from the RAT group. Having not observed any improvement in more than 12 months in relation to what we allege are serious technical skill deficiencies in this group, our purpose in publishing this information will be to demonstrate how ineffective management at WorkSafe is. If WorkSafe's investigative teams are technically weak, how can they perform their core roles?

For context, we assess the prior year's certification (by a certifier whom we chose not to name) as a disgrace. It is simply not possible in DGC's system for such incompetence to occur; our people are well trained, know the rules and perform their tasks objectively. Were we to discover a file as poor as this one, we would suspend the certifier while we ascertained why and how they performed so poorly.

We note that the PCBU now in charge of this location is a responsible one and is making great progress, including with its gas supplier, to address the dangerous deficiencies.

Complaint DGC file reference #37798

This location was certified in 2021 for 666kg of in-situ fill LPG and 450 litres of class 3 substances in a NZS4114 work room. There are significant problems with the prior year's certification, including those which pose serious safety issues.

Issue #1 – There are high voltage wires inside the hazardous area – 3.5 metres at the base because the cylinders are *in-situ* filled. Sources of ignition inside hazardous areas are prohibited

Photo 55

Dangerous Goods Compliance Limited

**Photo 53**

There are high voltage electrical cables/mains fuses inside the hazardous area. The site plan used last year for the certification shows that the hazardous area extended to encompass this source of ignition. The mains fuse enclosure was at ground level. The distance from the centre of the cylinders to the fuse box measured 2.4m around a wing wall, however the wing wall was not of sufficient height to mitigate the direct line measurement. In a direct line the fuse box was 1.45m. In either case the measurement should have been a minimum of 3.5m.

Issue #2 _11.20(5)(b)(i)(B) Separation from a Protected Place: requirements not met

A wing wall was constructed around the LPG cylinders. However, this enclosure did not meet the requirements. The distance from the cylinder on the right-hand end to the protected place is 1.6m.



Issue #3 - NZS4114 Paint Mixing Room is non-compliant

The 4114 workroom is required to:

- be constructed (walls and ceiling of non-combustible materials)
- have safety glass and no evidence could be produced to confirm it was.

There is no proof that safety glass was used. Photo 76 shows that the ceiling is not lined with non-combustible gib.



Photo 76

These items must have been the case last year and therefore this location should also have been failed.

4 Other issues – failures with site plan, worker training, emergency response plan and signage.