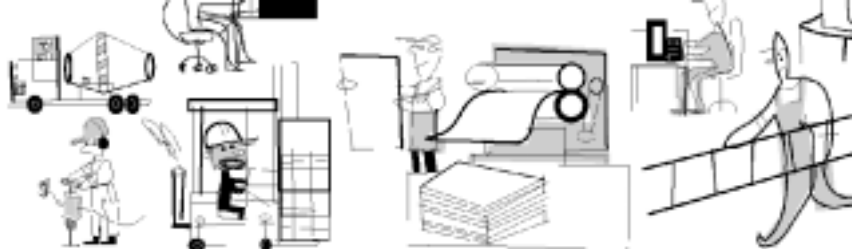




fact sheet



20 Dec 2002

Fine Levels

Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

Increased fine levels

In the recent changes made to the Health and Safety in Employment Act, the fine levels that can be imposed for a breach of the Act have been increased.

FAQs

Below are the answers to some frequently asked questions, which illustrate how fines are set under the Act:

Q: Why are fine levels being increased?

A: Fine levels are being increased for three main reasons:

- Existing fine levels do not provide a real deterrent against an offence that may result in serious harm or death.
 - The changes also bring the Act into line with other legislation administered by OSH. This includes the Hazardous Substances and New Organisms Act.
 - Finally, increased fine levels bring the Act into line with other similar types of regulatory legislation both in New Zealand (for example, the Resource Management Act) and overseas.
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Q: What are the new fine levels?

A: Fine levels under the Act will increase as follows:

- For most offences, the maximum fine will be increased from \$50,000 to \$250,000.
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Fine Levels, continued

- For other offences, where a person's action, or failure to act occurs, and they know it is likely to cause serious harm, the maximum fine will be increased from \$100,000 to \$500,000 and the maximum term of imprisonment increased from 1 year to 2 years. It should be noted that this section is very seldom used.
 - There is also a fine that only applies for failure to comply with Section 16(3), a duty to warn authorised visitors of work-related, out-of-the-ordinary hazards. In this case the fine cannot exceed \$10,000.
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Q: Will a fine put me out of business?

A: The Act makes it clear that the financial circumstances of the offender must be taken into account when the Court orders an offender to pay a fine.

Q: Is there any way that a victim can receive money from a fine?

A: No. The Sentencing Act 2002 no longer allows fines, or proportions of fines, to be directly paid to victims.

A separate sentence of reparation can be made by the Court based on demonstrable loss or damage to the victim. For example, reparation may be imposed when a workplace accident damages a victim's vehicle or work tools. It cannot compensate for physical injuries.

Further information

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call Workinfo on 0800 20 90 20, or visit their website at: www.workinfo.govt.nz
