

Information for bereaved families

WorkSafe New Zealand would like to offer you condolences on your loss.

This information explains what to expect when WorkSafe investigates a death caused by a workplace accident.

It also explains:



WorkSafe's role in investigating the accident



The decisions and legal processes that may follow



The services and support that are available to you during this difficult time.

What is WorkSafe?

WorkSafe is the Government agency responsible for workplace health and safety in New Zealand. One of WorkSafe's tasks is to carry out fair and independent investigations into workplace accidents.

What will happen during the investigation?

WorkSafe Inspectors and the New Zealand Police may both be involved in the early stages of the investigation. The Police investigate whether an offence has been committed under the laws the Police are responsible for, while WorkSafe investigates whether any of New Zealand's health and safety laws have been broken.

During the investigation WorkSafe will try to find out:

- what led to the accident
- what, if anything, could have been done to prevent it
- what, if anything, should be done to prevent an accident like this happening again
- whether anyone involved in this accident broke the law, and whether any action should be taken against them.

As part of their role, WorkSafe Inspectors will (if possible) examine the scene of the accident, interview people who were involved, and review documents that relate to the accident.

How will WorkSafe let me know what's happening during the investigation?

Once WorkSafe has begun investigating the accident, a WorkSafe Inspector will contact you to arrange a face-to-face meeting, or a conversation over the phone if this is not possible. If you have questions at any stage, or think you may have information that could help, please contact the WorkSafe Inspector assigned to the investigation.

WorkSafe aims to keep you informed about key stages of the investigation. There will be information that we are not able to share with you because it may affect possible legal proceedings.

WorkSafe appreciates your patience and understanding as we work through the investigation process. Investigations are often complex and it may take months to reach a conclusion.

What will happen at the end of the investigation?

Criminal proceedings

After the investigation is complete, WorkSafe will make a decision about whether to prosecute. WorkSafe's purpose in prosecuting is to discourage others from breaking the laws it is responsible for enforcing, and to make the people who break those laws accountable. If WorkSafe decides to prosecute, the Inspector investigating the accident (or another WorkSafe representative), will contact you to let you know, and explain that process.

One possible outcome of an investigation is an Enforceable Undertaking. This is when WorkSafe comes to a voluntary agreement with the business being investigated, to take action for any breach of the law they may have made. The agreement states the actions the business will take to address the alleged breach. Enforceable Undertakings allow a business to make improvements for workers, the industry and the community, as well as to make amends to victims of the incident.

If you would like to know the outcome of the WorkSafe investigation, you can fill out a Notification of Interest form. This can be found on WorkSafe's website at: worksafe.govt.nz/worksafe/notifications-forms/interest-in-knowing-enforcement-action

If WorkSafe decides not to prosecute, you have the option to take a private prosecution.

For more information on private prosecutions, see WorkSafe's special guide *Introduction to the Health and Safety at Work Act 2015*.

For more information about how WorkSafe decides whether to prosecute, see the *Prosecution Policy* on the WorkSafe website: worksafe.govt.nz

Coroner's investigation

The results of WorkSafe's investigation will be passed onto a Coroner. Coroners are qualified lawyers who hold inquiries into sudden unexpected deaths. A Coroner opens an inquiry to understand when, how and why someone has died. A Coroner's inquiry is led by the Police, not by WorkSafe. Family members or friends of the victim have the right to be present (or represented) at the Coroner's inquest. Generally, an inquest will not take place until after any prosecution by WorkSafe has been completed.

Coroners can also make recommendations or comments based on their inquiries that may prevent other people dying in a similar way. The information page, 'When someone dies suddenly' outlines the Coronial process in more detail. This can be found on their website: coronialservices.justice.govt.nz

Sources of help and further information

The following organisations can offer information and support, or put you in touch with other local support services.

Accident Compensation Corporation (ACC)

ACC can offer support for partners, children and other dependants. They may be able to assist with things like:

- funeral grants
- a survivor's grant
- childcare payments
- weekly compensation.

Contact your doctor for support with lodging an ACC claim.

More information on these services can be found on the ACC website:

www.acc.co.nz 0800 101 996

Victim Support

If you are directly affected by a workplace fatality, either as a colleague or family member, Victim Support are available free of charge to provide a range of practical and emotional support.

Victim Support can assist with:

- understanding and accessing the financial, legal, and other practical support services available to you
- free psychosocial support and accessing professional counselling services
- practical assistance through the court process.

More information on these services can be found on the Victim Support website:

www.victimsupport.org.nz 0800 842 846

The Grief Centre

The Grief Centre has resources available online and other support services available nationally for all New Zealanders coping with loss.

www.griefcentre.org.nz 09 418 1457

Skylight

Skylight has a large collection of resources and other support information available online for all New Zealanders coping with loss. They also provide a free tailored support pack service, with a strong focus on children and teenagers.

skylight.org.nz 0800 299 100

You can also contact the deceased person's union for further support.

Information on making a complaint

WorkSafe takes your privacy seriously and will handle all personal information with care and respect.

WorkSafe is committed to dealing with all complaints fairly, and values your views. You will be treated with courtesy, respect and fairness at all times. If for any reason you are unhappy with the service or experience you have received from WorkSafe, please let us know. We are dedicated to learning how our service may be improved.

How do I make a complaint or provide feedback?

Write: Feedback and Complaints
WorkSafe New Zealand
PO Box 165
Wellington 6140

Email: feedback@worksafe.govt.nz

Call: 0800 030 040