

## Case Study – Fleet Management: *Worksafe Prosecution*



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**Introduction:** Case studies can be a helpful way of understanding real world actions and consequences, and to learn from other's mistakes. This case has been drawn from a Worksafe Prosecution Court Summary file dated 27 August 2019.

**The Situation:** A transport company in the business of transportation of goods by road in the Central North Island.

**Accident:** On 25 October 2016, an accident took place on the Waikato side of the Kaimai Ranges when the truck which was driven by the Putaruru-based driver, collided with another vehicle. The driver stated that earlier in the day she had noticed braking difficulties near Tirau and she had called in the problem by phone to the office, but there was no apparent record of the call and notification in the office. Following investigation, the accident was found to be the result of brake failure in the truck. The WorkSafe investigation concluded that the 3rd axle brakes were inoperable, and the 2nd axle brakes would have been imbalanced on application.

**The Outcome:** The case was heard at Tauranga District Court the company pleading guilty to the charges brought by Worksafe. The court decision was a conviction, delivered during August 2019, nearly three years after the accident. The company was convicted under Sections 48(1) and 2(c), and 36(1)(a) and sections 48(1) and 2(c), and 36(2) of the Health and Safety at Work Act 2015.

**Fines Imposed and Reparation Awarded:** \$150,000 (the maximum fine available for such offences was \$1,500,000) plus reparation for emotional harm - \$60,000 to other persons and \$25,000 to the Putaruru-based driver. Reparation was also awarded for consequential loss - \$20,340 to other persons and \$1,773 to the Putaruru-based driver.

### **The Learnings:**

- Ensure that trucks are appropriately maintained, including having adequately functioning brakes at all times.
- Establish an effective system for identifying and monitoring maintenance requirements specific to each truck in the company fleet.
- In the event of a truck accident, Worksafe and/or NZ Transport Agency would likely request evidence and/or seek to understand how the company managed the following.

**Daily Pre-start Checks:** Evidence drivers are completing these before driving the truck out of the gate. Ensure these are recorded either on a checklist, an app or as a part an integrated system such as EROAD Check and enforce that all drivers complete these and/or return paper copies to the office.

**Faults:** If a fault is picked up in a pre-start check, what does the company do with it? Is the fault logged into the Fleet Management System straight away or does it sit in the driver's log book until the end of



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the day/week? If a driver calls through to the office with a fault or breakdown during the shift, is this recorded and logged into the Fleet Management System?

**Service and Vehicle Maintenance:** Do all vehicles meet service schedules and is there a record of what was checked, changed or fixed? Similarly, if fixing defects, is there a record of what was fixed, when and with what parts?

**Records:** If Worksafe or the NZ Transport Agency were to ask you to produce records of all the checks, service and maintenance undertaken on a truck or the company fleet, could your company quickly produce these, and would all actions be closed out?