CRITICAL INCIDENT MANAGEMENT PLAN
Full Worksafe Investigation

Incident:

- Full Worksafe Investigation

Guiding principles:

- Critical Incidents take precedence
- Delegate functions and duties
- Put people first
- Be professional and ethical at all times
- Work logically through your Critical Incident Plan
- Be proactive, not reactive
- Deal only in the facts, keep an open mind, never assume anything
- Document everything, including time, date, place
- Consider preservation of your brand

Your Initial Action (first hour after notification)

- Remember Worksafe are conducting a criminal liability investigation
- Advise your onsite Health and Safety Manager
- Delegate the following tasks to management or senior staff……
    - Notify your lawyer of the pending Worksafe investigation
    - Seek preliminary clarification on the rights of Directors and staff in respect of the Worksafe investigation
    - Seek preliminary clarification on Worksafe staff accessing your premises and seizing evidence
    - Notify your staff that Worksafe will be conducting a full investigation
    - Notify your staff that you will provide further instructions to them based on their potential involvement with Worksafe
    - Request staff complete and secure any relevant documentation
    - Request your staff to maintain confidentiality around the information
    - Ensure all steps are taken to secure evidence including physical, documentary and digital evidence

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- Documentary and digital evidence may include machine maintenance manuals, staff induction and training records, time sheets, toolbox meeting records, financial records, employment agreements, safety certifications, previous incident reports, photographs and video, medical reports

Legal Considerations

- Remember Worksafe are conducting a criminal liability investigation
- Advise your health and safety consultant of the investigation
- Consider seeking advice from a criminal law specialist (Lawyer)
- Consider engaging your lawyer to be present during the Worksafe Investigation and interviews
- Ascertain your legal position regarding Worksafe interviews of staff and seizure of evidence
- Comply with all legal obligations regarding site access, staff interviews, release of physical, documentary, and digital evidence
- Consider ongoing legal requirements to eliminate and minimise risks so far as is reasonably practicable
- As an employer you are legally obliged to continue to provide a safe work environment

Human Resource Considerations

- Advise your staff of the pending Worksafe investigation
- Be mindful some staff may experience varying levels of concern and anxiety
- Be open to staff believing management or Directors' negligence is responsible for incident occurring
- Reassure staff any downtime caused through the investigation will be paid
- Reassure staff of the financial security of your business
- Offer to provide specialist assistance to those adversely affected
- Reassure staff your business will support them throughout the investigation
- Seek professional advice on the legal obligations of staff in respect to the investigation
- Consider having your legal representative present during Worksafe interviews with staff
- Warn staff against conspiring to or interfering with the course of justice in respect of the investigation
- Advise staff to direct any external inquiry to the business owner

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- Ask staff to refrain from discussing the incident or investigation with outside the workplace
- Monitor the ongoing wellbeing of all staff

Business Continuity

- Plan for lost productivity
- Communicate with all affected customers
- Prepare for potential for Customers to cancel contracts
- Prioritise identified remedial improvements to policy, processes, training, machinery
- Consider the need to redistribute staff resources
- Consider the need to outsource work to maintain continuity
- Seek Worksafe approval to resume operations at the earliest opportunity
- Plan for likely financial implications on business
- Monitor staff productivity levels moving forward

Financial Considerations

- Plan for the financial effects of both the incident and Worksafe investigation
- Advise and regularly update your Accountant on the financial implications
- Consult with your Insurance provider to check potential claim validity
- Consider the impact on the business of any financial penalty imposed
- Consider Accident Compensation Corporation obligations to injured staff
- Consider the cost of professional services including Health and Safety provider, Counsellor Lawyer, Accountant
- Consider the cost of staff and family welfare initiatives
- Consider the cost of additional staff training

Brand Considerations

- Do not underestimate the potential for brand damage locally and nationally
- Consider potential brand damage to other Licensees
- Brand damage could include loss of reputation, confidence and trust, perceived or real
- Potential avenues include printed media, radio, television, social media and digital platforms
- Brand damage could result in losing existing or attracting fewer new employees
- Make a list of three key positive messages for media release

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- examples could include…….
    - ‘We take the health and safety of our employees very seriously’
    - ‘We will cooperate fully with any Worksafe investigation’
    - ‘We will be conducting our own internal investigation into the incident’
- Consider engaging professional public relations assistance to deal with media enquiries and issue press releases
- Consider a press release if Worksafe investigation clears your business of any wrong doing

Specialist Services

- Mastercraft National Support Office
- Health and Safety Consultants
- Specialist legal services
- Insurance agent
- Human Resource Consultants
- Counselling services
- Other Mastercraft Directors
- Information Technology Consultant
- Accountant
- Business advisor
- Private investigator

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Your Business Information Resources:

- Mastercraft National Support Office

  Kevin Belz 0294 772 524

  Dave Wilson 021 246 4944

  Luke Boustridge 027 5722 493

  Mitchell Laverick 021 0233 7601

  Kylie Teague 021 778 809
- Ministry of Health

  https://www.health.govt.nz/our-work/emergency-management/pandemics
- Covid19 Website

  https://covid19.govt.nz/
- Worksafe

  https://www.govt.nz/organisations/worksafe-new-zealand/
- Ministry of Business, Innovation and Employment

  www.employment.govt.nz/resolving-problems/steps-to-resolve/personal-grievance
- Employment Act 2000

  www.employment.govt.nz/about/employment-law/legislation/
- Employment Relations Authority

  www.era.govt.nz
- Mental Health

  https://www.mentalhealth.org.nz
- Business NZ

  https://www.business.govt.nz
- Work and Income
- https://workandincome.govt.nz
- Immigration NZ

  https://www.immigration.govt.nz
- Employers and Manufacturers Association

  https://www.ema.co.nz/Pages/Home.aspx
- Employee Assistance Programme (EAPWorks)

  www.eapworks.co.nz
- Mediation Services

  www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation

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