

December 2025

## How we work with victims and people affected by an incident

### This policy's purpose

This policy sets out how we work with victims and other people affected by work health and safety and energy safety incidents.

### Introduction

When we use the word victim, we mean a person whose circumstances meet the definition of a victim in this policy. We have legal obligations to meet when we work with victims. There are likely to be other people who are also negatively affected by an incident, such as friends and co-workers of victims, whose circumstances don't meet that definition.

Much of our work may have either a direct or indirect impact on victims and affected persons. When we work with victims and affected people we aim to:

- engage meaningfully
- manage expectations, and
- treat those we engage with in an empathetic and respectful way.

We acknowledge that victims and people affected by an incident may experience trauma. Where appropriate we support victims and affected persons in contact with us while they are processing trauma.

We act consistently with the principles in the [Victims Code](#) and the recommendations made in the [Solicitor-General's Prosecution Guidelines - Victims](#)

### Who is a victim?

For work health and safety and energy safety incidents, a victim is:

- anyone who has had an offence committed or allegedly committed against them under the Health and Safety at Work Act 2015 (HSWA), the Electricity Act 1992, or the Gas Act 1992
- anyone who has suffered physical harm or had property damaged because of a gas or electrical incident
- the parent or legal guardian of a victim, if the victim is a child or young person and the parent or legal guardian didn't commit the offence
- the immediate family of a victim, if the victim dies or can no longer take care of themselves.

We use this definition to decide who is a victim of work health and safety and energy safety incidents, sometimes referred to as a 'primary victim'. The definition is based on the Victims' Rights Act 2002 and HSWA and its associated regulations. This definition doesn't apply to the prosecution process and entitlement to reparations. In those circumstances only the definition in the Victims' Rights Act applies.

The Victims' Rights Act defines immediate family members as members of the victim's family, whānau, or other culturally recognised family group in close relationship to the victim at the time of the offence. 'Immediate family' includes a person who is:

- the victim's spouse, civil union partner, or de facto partner, or
- the victim's child or step-child, or
- the victim's brother or sister or step-brother or step-sister, or
- a parent or step-parent of the victim.

## What victims can expect from us

Our work with victims is guided by this policy, as well as the:

- [Victims Code](#)
- [Victims' Rights Act 2002](#)
- [Solicitor-General's Prosecution Guidelines](#) and
- [Public Service Commission's Model Standards: Working with Survivors](#)

## Principles

We have five main principles for working with victims. Below, listed under these five principles is an exhaustive list of what we're able to do for victims.

### We respect victims

This means we:

- treat victims with dignity and compassion
- respond to victims in a timely manner
- acknowledge and respect victims' cultural needs, values, and beliefs, and
- use approaches that are appropriate to victims who have experienced trauma.

### We tailor our approach to the victim

This means:

- we seek to understand the needs, and appropriate level of support, for victims on a case-by-case basis
- we seek victim views where appropriate, and explain our decision-making, noting that the victim's views will be a factor, but not determine the final decision
- where possible we communicate with victims in a way that's easy for them to understand, and in line with their wishes
- we check with victims to identify who they nominate to be their support person, who can speak on their behalf, if appropriate, and what immediate family or whānau we need to know about, and
- we support whānau who would like our Mate Ohore protocol<sup>1</sup> to be applied, where the victim identified has a cultural connection to tikanga protocols.

### We support understanding

This means we:

- share information with victims about the support services and entitlements they can access
- explain our role and the process ahead as soon as possible at each stage, and
- keep victims informed of a case's progress through court where appropriate, and when alternative remedies and services are available.

## We ensure victims' rights

This means we:

- protect victims' privacy
- return any property taken as evidence as soon as we are able
- support victims to write a victim impact statement, and
- tell victims in a timely way about their right to take a private prosecution.

## We keep ourselves accountable

This means we:

- explain the nature of any investigation, and that for some investigations there may be no updates for months at a time
- provide updates about investigation developments where appropriate, and
- let victims know how to make a complaint about us or provide us with feedback.

## Those affected by an incident

### Who is a person affected by an incident?

People affected by an incident may include:

- those who have witnessed an incident
- those injured in an incident
- a victim's immediate and extended family or whānau, when they don't meet the definition of a victim themselves
- a victim's friends or coworkers, or
- a victim's support person.

We can provide people affected by an incident with information on:

- resources and contacts to organise extra emotional support or practical assistance
- entitlements for a victim's support person and witnesses that is available during the stages of a prosecution
- our processes and policies, and
- the outcome of our notification and intervention decisions.

## How we respond to incidents

Once we're aware of a work health and safety or energy safety incident we decide whether to intervene. We use decision-making criteria in [Our regulatory approach](#) policy to make the decision. If we do intervene, we have a range of options to choose from to ensure we use the best intervention for the circumstances.

<sup>1</sup> Mate Ohore is WorkSafe New Zealand's approach to managing cultural beliefs and protocols surrounding a workplace death.

We use our [How we make prosecutions decisions](#) policy to decide whether or not we will prosecute. We consider specific public interest factors about victims as part of our decision-making process.

In certain circumstances victims and their whānau are entitled to take a [private prosecution](#). More information is available on our website.

## How we keep ourselves accountable

We encourage victims, and people affected by an incident, to give us feedback directly at [feedback@worksafe.govt.nz](mailto:feedback@worksafe.govt.nz)

If victims believe we haven't carried out our legal responsibilities to them under the Victims' Rights Act they're able to make a [complaint](#) on our website.

When we receive a complaint, we'll respond promptly and fairly.

If victims or persons affected by an incident still aren't satisfied after we've looked at the complaint, they're able to complain to the Office of the Ombudsman.