

4 June 2026

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

Formal warning

1. WorkSafe has decided to issue a formal warning to you in relation to the incident that occurred at [REDACTED] site on 13 June 2025, in which a worker sustained serious injury.
2. As you are aware, WorkSafe conducted an investigation into the above incident, which included consideration of your actions as a worker. In the circumstances, WorkSafe has decided the appropriate enforcement response is to issue you with a formal warning as an alternative to prosecution. The reasons for this are detailed further below.
3. WorkSafe considers that you have likely breached ss 45 and 48(1) and (2)(a) of the Health and Safety at Work Act 2015 (HSWA) by failing to take reasonable care that your acts or omissions did not adversely affect the health and safety of others. WorkSafe also considers that you failed to comply with reasonable instructions given by [REDACTED] and [REDACTED], and failed to cooperate with reasonable health and safety policies or procedures of which you had been notified. In particular:
 - a) At the time of the incident, you were employed as a supervisor and were responsible for overseeing the [REDACTED] work at the site. Your role did not require you to operate the forklift.
 - b) On 13 June 2025, you operated a forklift at the site without the required certification and in an unsafe manner by driving forward with an obstructed view, contrary to instructions, procedures, and relevant industry guidance and standards.
 - c) By operating the forklift with an obstructed view, you failed to see the victim and struck him with your forklift, causing him serious injury.
 - d) You accepted responsibility for your actions.

Reason for issuing this formal warning

4. While WorkSafe considers the likely breach to be serious, we have taken into account that you did not intentionally disregard safety procedures, accepted responsibility for your actions, showed remorse for the incident, cooperated with WorkSafe throughout its investigation, have advised WorkSafe of the steps you have taken to prevent this from happening again and have no previous compliance history with WorkSafe.
5. Having regard to those factors, together with the Solicitor General's Prosecution Guidelines, WorkSafe's [How we make prosecution decisions](#) and [How we use formal warnings](#) policies, WorkSafe has decided that it is in the public interest to issue a formal warning rather than commence a prosecution.

Consequences of the warning

6. The consequences of this warning are as follows:
 - This warning does not amount to a finding that an offence against HSWA has been committed, as only the courts can make such a determination.
 - If you carry out similar conduct in the future, WorkSafe may proceed with a prosecution.
 - WorkSafe may take this warning into account when making future decisions about you, including when considering future enforcement.
 - WorkSafe may draw this warning to the attention of any court dealing with relevant proceedings involving you.
 - Details of this warning will be published on our website for three years and WorkSafe may issue a media release about the outcome of this matter. However, your name and any identifying details, including the names of the companies, will not be published.
 - A copy of this warning will be kept by WorkSafe and held on record in accordance with relevant legislative requirements. We may share the outcome of the investigation following an Official Information Act request, or as part of information sharing with other regulators.

Your rights

7. We have decided to publish the formal warning on the WorkSafe website. However, your name and any identifying details, including the names of the companies, will not be published.

8. If you have concerns about any further details of this warning being published on the WorkSafe website, you may write to us at the address given below with reasons why we should not make this publication within ten working days from the date of this letter. If we do not receive a request from you by then, WorkSafe will publish the warning. If you do write to us within this timeframe, we will consider your reasons before making a final decision on publication and advise you of our decision.

Reviews

9. In some circumstances, we may review and reconsider warnings if new evidence has been found. Reviews are undertaken independently of the original decision-maker, and we seek legal advice as part of the review process.
10. You may request a review of our decision to issue a warning. This can be made via our [website](#) within ten working days of this letter being issued.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brad Duggan', with a long horizontal flourish extending to the right.

Brad Duggan

Regional Manager – North

WorkSafe New Zealand

PO Box 165, Wellington, 6140