

Health & Safety at Work

March/April 2016 | 2nd Edition

WORKSAFE
NEW ZEALAND | KAWHIA NAUMARU
AOTEAROA

Important Changes to Health & Safety Law
Are you up-to-date?

Health and Safety – a Way of Life

On the 4th April 2016 the Health and Safety at Work Act 2015 will replace the Health and Safety in Employment Act 1992.

Yes, there are significant changes. We will not focus on the wide range of penalties under the new Act but rather focus on the impacts on the employer (PCBU) and the costs to business.

Be Aware of the Cowboys

Recently two men who attended a Site Safety related course were told that if staff had a site safety certificate then that would exonerate the employer of any responsibilities – FALSE Section 36 of the new Act states (among other matters) The PCBU (person conducting a business or undertaking) must ensure so far as reasonably practicable the health and safety of – workers who work for the PCBU while the workers are at work or undertaking and- There are no exceptions to this section. There are other references in the new Regulations.

Two New Regulations – already

In support of the Health and Safety at Work Act 2015 there are now the – Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations Act 2016 and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016. Both documents are extensive and offer a series of fines for non-compliance.

To detail all aspects of the new Act would take several pages, so we will alert you to the key points.

- ▶ The Act steps out the duties for a PBCU
- ▶ The definition of hazard in the new Act is one part of the definition in the current law. It appears there is a misprint there.
- ▶ Within the current law the word “Harm “is defined but it is omitted from the new law.
- ▶ Section 30 of the new Act is rather robust in detailing the management of risks. This requirement is reinforced elsewhere in the Act and in the Regulations. The word “Risk “is not defined in the new law. In general, we are saying – “A risk is a possibility or a probability of harm arising from a hazard.”
- ▶ PCBU’s will need to come to terms with the phrase “Reasonably practicable,” which is detailed in Section 22 of the new Act. It is this statement that forms the basis of doing something relative to Health and Safety.

Up Coming Courses

March

7 th	BA Training
9 th /10 th , 23 rd /24 th	Height Safety
14 th /15 th , 29 th /30 th	Confined Space
10 th , 17 th , 24 th , 31 st	MEWP
16 th , 18 th , 22 nd	First Aid
31 st	Health & Safety Rep

April

1 st	Hazard ID
1 st	Permit to Work
4 th /5 th , 21 st /22 nd	Height Safety
6 th , 21 st	First Aid
7 th , 20 th	MEWP
11 th /12 th , 28 th /29 th	Confined Space
13 th	Besafe Zero Harm
14 th	Health and Safety Rep
18 th	Permit to Work
26 nd	Health and Safety Rep

Contact us or see our website for more courses & dates

- ▶ Section 36 of the new Act details a PCBU’s duty of care – this takes up a page and a bit in the new Act and is comprehensive and it imposes specific obligations onto an employer.
- ▶ In Section 37 of the new Act there is a specific statement as to “Duty of PCBU who manages or controls a workplace.”
- ▶ Sections 44-46 of the new Act details the duties of Officers, workers and other persons in the workplace, (all defined in the new Act) it includes the responsibility of due diligence.

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Throughout the new Act are words such as “shall” and “must” no room for maybe!! PCBU's will need to understand all the new provisions of a worker of a Health and Safety Representative being able to cease work if it is considered unsafe to do so. The details of this are contained with Sections 82 -87 of the new Act.

A Health and Safety Representative cannot give a direction to cease work unless the Representative has attended a prescribed course. A Health and Safety Representative has completed initial training when they are assessed as having achieved NZQA unit standard 29315.

Contact Besafe Training Ltd now to arrange your Health and Safety Representative training.

If we now go to the Regulations, throughout is the word “duty” - below is a list of a few main “duties.”

- › Duty to Identify hazards
- › Hierarchy of control measures
- › Duty to maintain effective control measures and the duty to review them
- › Duty to provide information, supervision ,training and instruction to workers
- › Duty to provide general workplace facilities
- › Duty to provide First Aid
- › Duty to prepare, maintain and implement emergency plan
- › Duty to provide PPE – this has been enlarged to allow a worker to provide their own, under conditions
- › Duty to provide Health monitoring (and reporting) of workers

And the list goes on.

The new Act and Regulations will require a paradigm shift of both attitude and effort, in short, a mindset change. Health and Safety responsibilities have now landed onto the table at company Boardrooms.

The decision that PCBU's have to make is - are lost time injuries more expensive than Health and Safety? In general 60 new Zealanders are killed at work per year. 4900 workers are seriously harmed, and more than 1 million workers are injured at work within a year, costing ACC an annual cost of \$1.68b

The new Act calls for PCBU's to be proactive and understanding wellbeing risks in the workplace. The new Act requires greater consultation with workers and a greater level of co-operation. The objective is to reduce New Zealand's workplace accident rate – that's a good thing.

PCBU's should be rethinking employment agreements, policies and procedures ensuring that they are consistent with the new law. Both documents should be couched in language that details responsibilities and accountabilities and thereby promoting Health and Safety of excellence.

Perhaps this is an opportune time to consider a Zero Harm Charter or something similar that will promote Health and Safety as the best means for workers to go home safely. The new laws offer a new business opportunity – take it – Health and Safety is a way of life.

Besafe Training – Now in Taranaki

Besafe Training Ltd has partnered with Barry Pinder, Kevin Thomason and David Hall to extend our services to the Taranaki region. They offer a vast depth of national and international experience in Oil and Gas, Construction, Emergency Services and Dairy industries along with outstanding track records of Health and Safety on the sites they have managed. Training can be delivered on-site or at the training centre based in New Plymouth.



Talk to us now!

If you have any questions in regards to your Health and Safety Training or company policies and procedures be sure to contact us.

P: (09) 555 2365 E: info@besafetraining.co.nz

1B Beatrice Tinsley Cres
Rosedale, Auckland