

CES Seminar Health and Safety Reform Bill

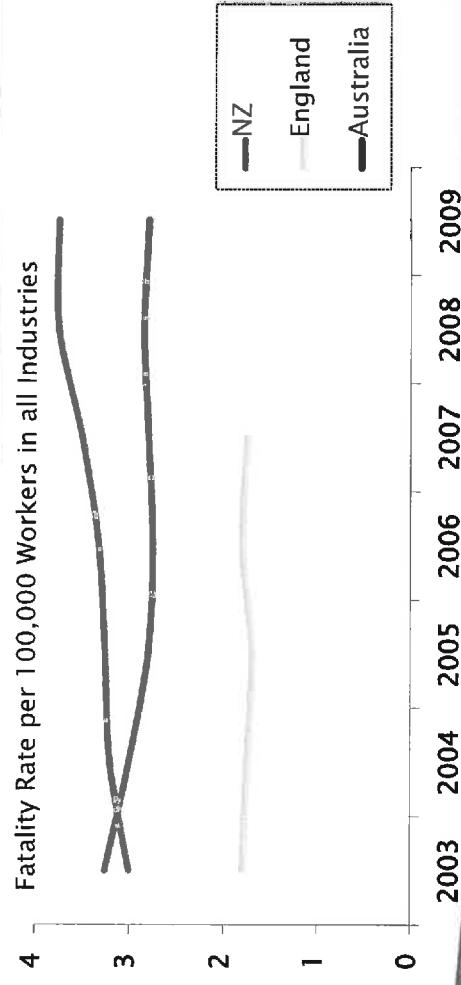
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Background

- Health and Safety in Employment Act 1992
- Enacted in 1 April 1993
- Regulations 1995 and others
- Amendments continually with changes in 2003

Why change:

- Work related fatality and serious harm trends are static overall
- In 2012 the Government established the Taskforce to review the HSE Act and provide recommendations
- The reform package is aimed at reducing New Zealand's workplace injury and death toll by 25 per cent by 2020.
- Provide clarification that good workplace health and safety is good practice, good business and better staff engagement.



Source: Safe Work Australia Statistics, 2012

The Taskforce

- A group of people appointed by the Ministry
- Guidelines in scope of the review
- Time frame to have the review completed by 1 April 2013
- Provide recommendations of a way forward for Government and industry to consider

The Health and Safety at Work Review

- Establish a new workplace health and safety agency
- Start work on a new Health and Safety at Work Act
- Strengthen the legal framework for workers participation
- Support for worker participant is enacted
- Strengthen the alignment with all agencies
- Strengthen the regulations of occupational health
- Strengthen the regulatory regime for high risk hazards

- Provide stronger leadership and act as exemplar
- Implement measures that reward business
- Implement measures that increase cost for poor HS
- Implement a comprehensive set of regulations
- Improve the quality and availability of data and information
- Require the agency to lead the development
- Ensure the new agency's compliance is focused on harm prevention

When?

- The establishment of WorkSafe New Zealand
- HS reform Bill introduced to Parliament
- Improvement in regulatory workforce
- Agency coordination and relationships
- Reviews and debates

The second reading completed August 2015

Debated in the House 19th August 2015

Date to be set for the third and final reading to Parliament

Vision

Everyone who goes to work comes home healthy
and safe

Purpose

To transform NZ's workplace health and safety
performance

Goal

- Build Technical Capacity within all workplaces
- Regulations/ACoP's/Guidance documents
- Goals and Focus on occupational health and safety
- High risk occupations to be identified and listed
- Strengthened Worker engagement and representation
- Health and Safety Professional Alliance (HaSPA)

Changes in Duty Holders - Person Conducting a Business or Undertaking (PCBU)

- ▶ Currently - Principal, Person in Control, Employer, Employee
- ▶ New - A person conducting a business or an undertaking must ensure, so far as is reasonably practical, the health and safety of :
 - A. Workers
 - B. Visitors, volunteers, the public
 - C. Not a PCBU as occupier of a home for residential work

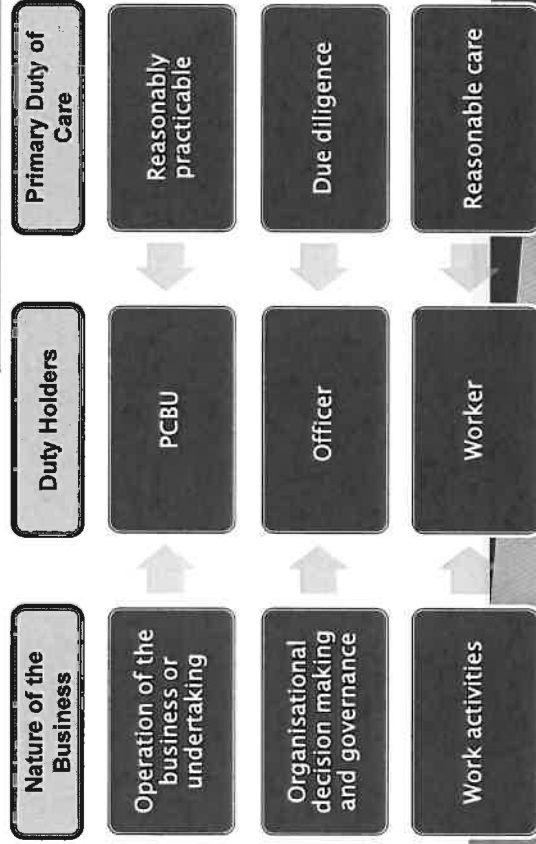
Wording change

Person Conducting a Business or Undertaking PCBU

- A PCBU is the legal entity conducting the business.
- A company rather than a person unless the person is a sole trader

Workers

- Defines workers to include, employees, contractors sub-contractors, outworkers, employees of labour hire companies and volunteers



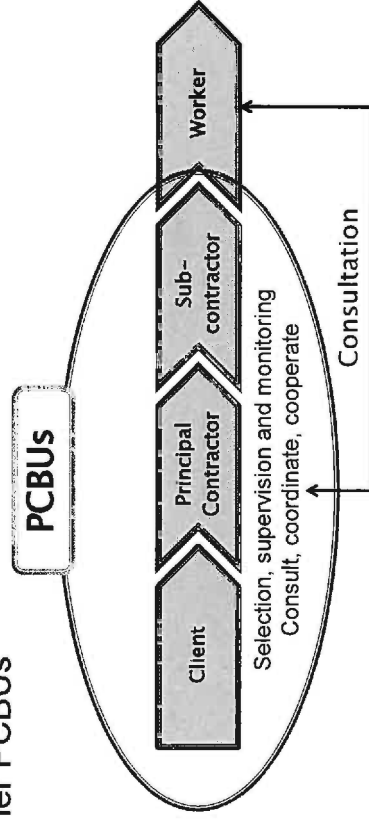
Officers

- Those who make or participate in making of decisions that affect the whole business or substantial part of it

Due Diligence

- All officers are required to demonstrate due diligence
- Understand the HSW Act
- Know the business and the key things that can potentially harm people

Multiple PCBU duty holders must coordinate H&S activities with other PCBUs



The Management of the Health and Safety at Work

- Management of Risk Hazard management (RAMS)
- Reasonably Practicable
- Primary duty of care
- PCBU Duties
- Supplier duties
- Duties of Officers workers and other people

- ▶ Change from Hazard to Risk Management
- ▶ New process
 - a. Identify hazards
 - b. Assess the level of risk for each hazard
 - c. Control and monitor hazards
- ▶ To determine the level of the risk consider
 - The likelihood of a hazardous event occurring
 - The severity of the harm or illness

Level of Risk

Consequences					
	Minor	Important	Serious	Major	Catastrophic
Likelihood	1	2	3	4	5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (Possible)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

Legend E: extreme risk, immediate action required; H: high risk, senior management attention needed; M: moderate risk, manager responsibility must be specified; L: low risk, manage by routine procedures.

RISK ASSESSMENT SHEET

How likely is an event to occur?

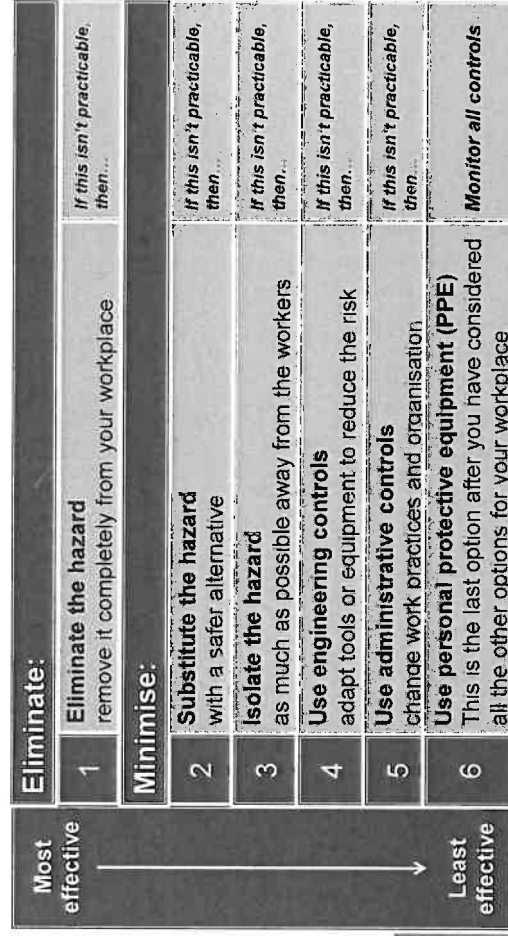
PROBABILITY/LIKELIHOOD

Level	Descriptor	Description
A	Almost certain	The event is expected to occur in most circumstances
B	Likely	The event will probably occur in most circumstances
C	Possible	The event should occur at some time
D	Unlikely	The event could occur at some time
E	Rare	The event may occur only in exceptional circumstances

Consequences or Impact

Level	Descriptor	Example detail description
1	Minor	No injuries/First aid treatment
2	Important	Medical treatment but at work
3	Serious	Medical treatment required lost time
4	Major	Extensive injuries, loss of production capability
5	Catastrophic	Death

New Hierarchy of Controls



Summary

- Changes will take place
- Publication of the changes is the reasonability of all (MoE)
- Objective is the consistent framework to secure the health and safety of workers
- The management of the potential source of harm
- Reasonably practicable programme
- Consultation