

CES Seminar Health and Safety at Work Act 2015

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August 2016

Background

- Health and Safety in Employment Act 1992
- Enacted in 1 April 1993
- Regulations 1995 and others
- Health and Safety at Work Act 2015
- Enacted in 4 April 2016
- Enacted HS Regulations 4th April 2016

Why change:

- Work related fatality and serious harm trends
- 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.

Health and Safety at Work

- Establish a new workplace health and safety agency
- Strengthen the legal framework for workers participation
- Support for worker participant
- 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

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)

WorkSafe NZ

WorkSafe New Zealand (WorkSafe) is the work health and safety regulator.

In addition, other government agencies (called designated agencies) can be designated to carry out health and safety regulatory functions for certain work e.g.:

- Maritime New Zealand for ships as workplaces and work aboard ships
- Civil Aviation Authority (CAA) for work preparing aircraft for imminent flight and aircraft in operation
- NZ Police Special units

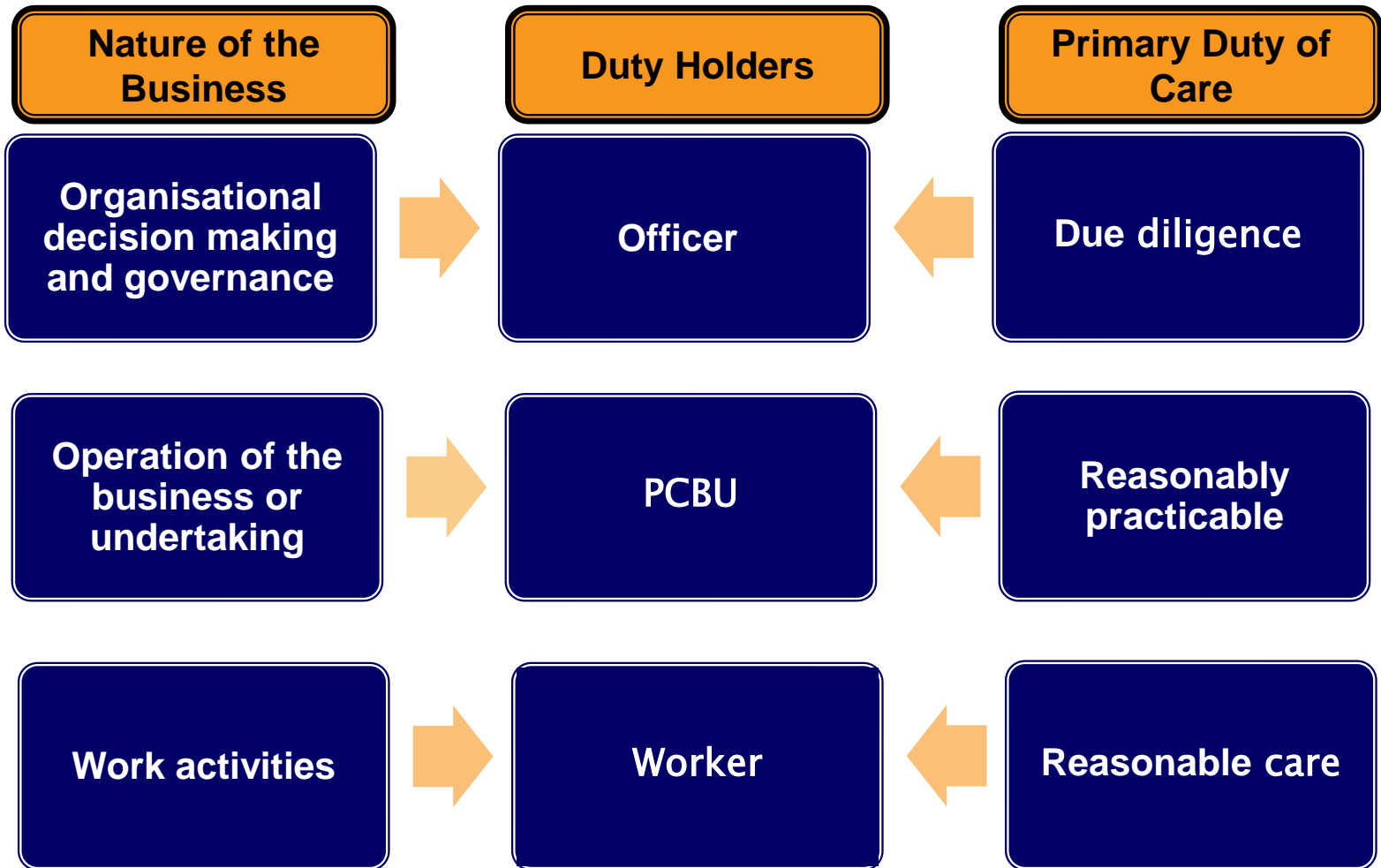
WorkSafe NZ works collaboratively with businesses, undertakings, workers and their representatives to embed and promote good work health and safety practices. Some of WorkSafe's functions include:

- Engaging with duty holders (e.g. businesses, undertakings and workers)
- Educating duty holders about their work health and safety responsibilities (e.g. through guidance)
- Enforcing health and safety law.

WorkSafe NZ

Functions include:

- Monitoring and enforcing compliance with work health and safety legislation
- Providing guidance, advice and information on work health and safety
- Fostering a co-operative and consultative relationship between the people who have health and safety duties and the persons to whom they owe those duties and their representatives.
- Collecting, analysing and publishing statistics and other information relating to work health and safety



Officers

- Those who make or participate in making of decisions that affect the whole business or substantial part of it, who have the ability to influence the company/operation

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
- Provide suitable resources for the PCBU

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

- Old- 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

PCBU

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

PCBU

Person Conducting a Business or undertaking

While a PCBU may be an individual person (sole trader) or an organisation, in most cases the PCBU will be a organisations or an entity, company or School.

e.g.

- A business or LTD company
- Sole trader or self employed person
- Limited partnership or partner in a partnership
- An entity created by legislation, (statutory Body such as university)

Duties of the PCBU

Primary duty

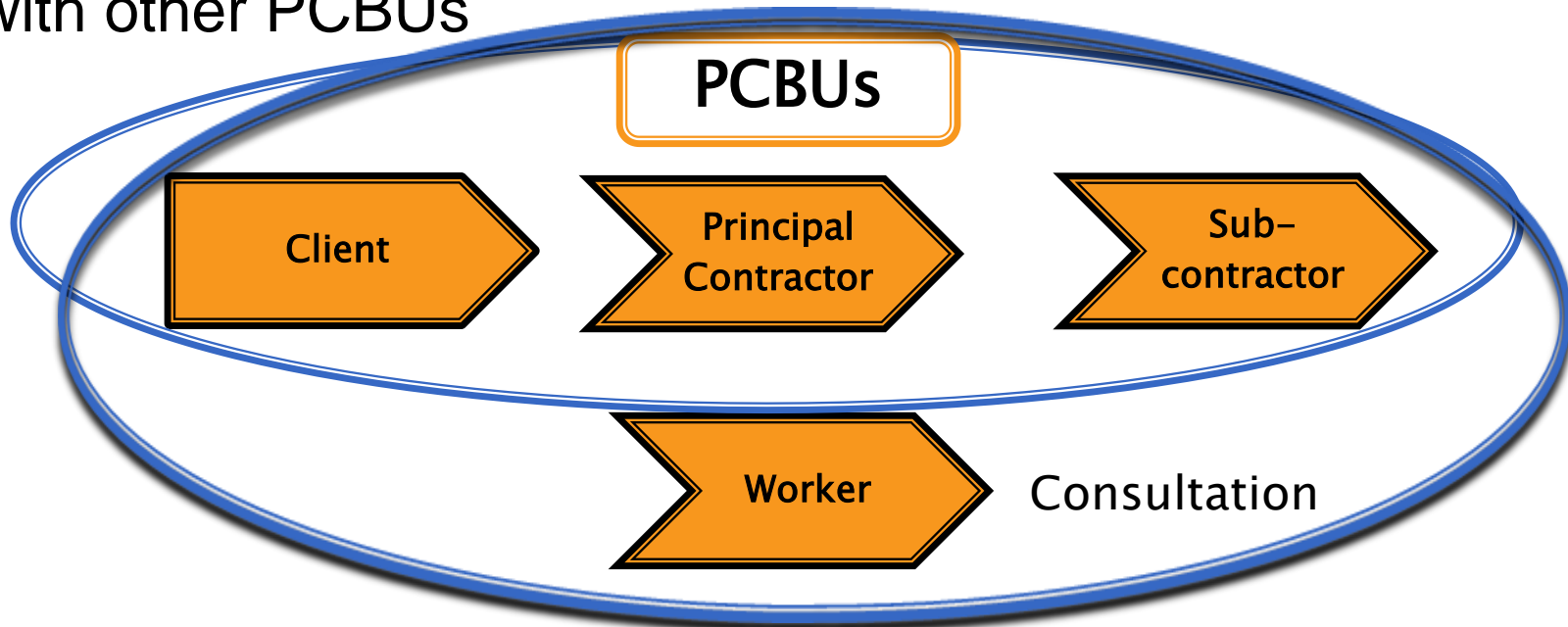
- Providing and maintaining a work environment that is without risk to health & safety
- Providing and maintaining safe plant and equipment and safe systems
- Ensure the safe use handling and storage of plant structures and substances
- Providing adequate facilities for the workers to carry out work
- Providing information, training, instructions or supervision as necessary
- Monitor the health of workers and the condition at workplaces for the purpose of preventing injury

A PCBU cannot contract out of their duties but can enter into agreements with other PCBU's to meet their duties.

People and organisation **that are not** PCBU's

- Volunteer associations
- Home owners
- Persons to the extent they are solely a worker or officer in the business
- Statutory officers to the extent they are officers or workers in a business
- Other person declared by regulations not to be a PCBU for the purpose of the HSWA

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



Selection, supervision and monitoring
Consult, coordinate, cooperate

Workers

Everyone who is doing a task. Gain

Workers must

- Take reasonable care for their own health and safety
- Take reasonable care their act or omission to act is not causing a person harm
- Co-operate with reasonable workplace policy and procedures
- Comply when reasonably able to instructions given by the PCBU

Hazard identification and Risk Management

The 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 Severity

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

Eliminate:

Eliminate the hazard
remove it completely from your workplace

If this isn't practicable, then...

Minimise:

Substitute the hazard
with a safer alternative

If this isn't practicable, then...

Isolate the hazard
as much as possible away from the workers

If this isn't practicable, then...

Use engineering controls
adapt tools or equipment to reduce the risk

If this isn't practicable, then...

Use administrative controls
change work practices and organisation

If this isn't practicable, then...

Use personal protective equipment (PPE)
This is the last option after you have considered all the other options for your workplace

Monitor all controls

Worker Engagement

- When requested by 5 or more workers
- Improve communication and procedures
- Provide time for the functions of roles
- Coordinate activities and roles for H & S
- Help to resolve matters and issues in the workplace
- Assist with investigations and review of workplaces

Contact with WorkSafe NZ

A notifiable event:

- Death
- Notifiable injury or illness
- Notifiable incident

Notifiable event via the quickest means possible

Phone 0800 030 040

In writing, www.worksafe.govt.nz

In all cases for notifiable event

- Freeze the scene if safe to do so
- Start the investigation and complete it
- Photos, witness statements, records of service, inductions
- Training records, procedures instructions, etc.
- Maintain a record of the event

Health and safety at Work Regulations 2016

- General Risk and workplace management
- Worker engagement participation and representation)
- Asbestos
- Hazardous Substances
- Major hazardous facilities
- Adventure Activities
- Amusement devices
- Electricity Safety Regulations 2010
- Infringement Offences and fees
- Health and Safety Regulations 1995
- Plus others in the listing for specific activities:
Mining Operations and Quarrying operations, Petroleum
Explorations and extraction, geothermal, pressure equipment
Pipeline

Summary

- Notification of the changes is the responsibility of all
- Objective is the consistent framework to secure the health and safety of workers
- The management of the potential source of harm and the reduction of risk of harm to all
- Reasonably practicable programme
- Consultation, coordination and cooperation

Thank you for joining me today

Questions?