



Independent Taskforce  
on Workplace Health and Safety

THE REPORT OF THE INDEPENDENT TASKFORCE ON  
**WORKPLACE  
HEALTH  
& SAFETY**  
HE KOROWAI WHAKARURUHAU

**EXECUTIVE REPORT**

APRIL 2013

# He Korowai Whakaruruhau

*A protective cloak*

## He Whakatauki

“He korowai āta raranga

He korowai whakaruruhau,

Mō tātou katoa”

“A carefully woven cloak, is a protective cloak for us all.”

### *Cover image acknowledgment:*

The Taskforce gratefully acknowledges weaver Robin Hill for the use of her korowai or protective cloak on the front cover.

“This korowai is made of pheasant feathers, both male and female birds, which speaks to me of the inclusion of all people. The taniko (woven border) is designed with a family in mind. The marriage of two people and their respective families join to make one pattern. Although people belong together in society we are all individuals so there are individual bundles of feathers throughout the korowai body.” *Robin Hill*

### *Further copies*

The Independent Taskforce on Workplace Health and Safety report is divided into three parts:

1. Workplace Health and Safety Executive Report
2. Workplace Health and Safety Report
3. Workplace Health and Safety Working Papers

Each of the above reports and papers can be found at: [www.hstaskforce.govt.nz](http://www.hstaskforce.govt.nz)

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## DISCLAIMER

The Independent Taskforce on Workplace Health and Safety was appointed by the Minister of Labour with the purpose of reviewing New Zealand's workplace health and safety systems and making recommendations based on its findings. This publication represents the collective view and recommendations of the Taskforce members; it is not Government policy. While every effort has been made to ensure that the information in this publication is correct, the Taskforce does not accept any responsibility for, or liability for, error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information or any reliance placed on it.

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# Introduction

The Independent Taskforce on Workplace Health and Safety was established by the Minister of Labour in June 2012 to assess whether the workplace health and safety system in New Zealand is fit for purpose, and to recommend practical strategies for reducing the rate of workplace fatalities and serious injuries by 2020.

The Taskforce's report is in three parts: this Executive Report, the Main Report, and a set of working papers. The Executive Report summarises the Main Report, which is the culmination of our extensive consultation with stakeholders and experts, and of research and analysis we commissioned on specific health and safety topics. The working papers are published online only.

We recommend an integrated package of measures which represent the first steps necessary to bring about the substantial changes we believe are necessary for healthy and safe workplaces in New Zealand. These are our collective views and we all fully endorse the findings and recommendations.

The recommendations are structured to support the Government's role in influencing the health and safety system. The Government can pull on three broad levers to influence the attitudes, understandings and behaviours of employers, workers and others in the system – Accountability levers, Motivating levers and Knowledge levers.

The Taskforce has formed a clear vision of workplace health and safety in 2023 and of the prerequisites to make this a reality. We call for an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes to the point where this country's workplace health and safety performance is recognised as among the best in the world in 10 years' time. This vision reflects our findings on the performance and weaknesses of the current system, and the invaluable input of many stakeholders and experts over the past 10 months.

The Taskforce is strongly of the view that all injuries and deaths in New Zealand workplaces are preventable, and any such death is unacceptable. We lack comprehensive and reliable intelligence on the extent and causes of ill-health, injury and fatality. What is certain is that the number of people dying each year in New Zealand workplaces is a shameful tragedy.

We believe that far more resource must go into preventing ill-health, injury and death – and that the returns will come in greater quality of life for New Zealanders, higher productivity, and reduced medical and other costs.

We feel privileged to have been involved in such important work. We thank the hundreds of submitters in our consultation process, and many others who gave their time, expertise and personal life experiences to inform the Taskforce's work. It is our sincerest wish that our work contributes to fewer deaths and injuries in New Zealand workplaces from now on.



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# Recommendations

## Accountability levers

The Taskforce recommends that the Government:

1. establish a new workplace health and safety agency with a clear identity and brand, and statutorily defined functions, including:
  - a. it should be a Crown agent
  - b. the new agency should be constituted on a tripartite basis, including an independent chair and members reflecting the interests of workers, unions, employers and iwi, as well as other parties interested in the workplace health and safety system
  - c. the new agency should have primary responsibility for workplace harm prevention, including strategy and implementation
2. enact a new workplace health and safety Act based on the Australian Model Law ('Model Law'), including:
  - a. the scope of the new Act should include acute, chronic and catastrophic harm
  - b. an Object based on the Object in the Model Law
  - c. duties should extend to all relationships between those in control of workplaces and those who are affected through adopting the Australian approach of persons conducting a business or undertaking (PCBUs)
  - d. duties should extend to all those in governance roles through adopting the Australian approach of giving a due diligence obligation to officers of PCBUs
  - e. replacing the current 'all practicable steps' test with the Australian 'reasonably practicable' test
3. strengthen the legal framework for worker participation, including through providing (based on the Model Law):
  - a. specific obligations for employers to support worker participation
  - b. expanded powers and responsibilities for worker health and safety representatives
  - c. stronger protections for workers who raise workplace health and safety matters
4. ensure that the following actions occur to support effective worker participation:
  - a. the new agency should include in regulations, approved codes of practice (ACoPs) and guidance material more specific requirements for how worker participation is expected to occur
  - b. the new agency should provide increased support for worker participation, including increased support for:
    - i. worker health and safety representatives
    - ii. workers who raise workplace health and safety matters, including either confidentially or anonymously
    - iii. unions' existing rights of entry
5. ensure a much stronger alignment and co-ordination of workplace health and safety activities through:
  - a. regulation of the use of hazardous substances in the workplace that are currently under the Hazardous

Substances and New Organisms Act 1996 (HSNO Act) (although enforced by the Ministry of Business, Innovation and Employment (MBIE)) moving to the new workplace health and safety legislation. This will make it easier for the new agency to provide guidance, co-ordinate and enforce the law, and reduce complexity and uncertainty for businesses

- b. a partnership between the new agency and Accident Compensation Corporation (ACC) to oversee funding arrangements for the delivery of workplace injury prevention activities
- 6. revise the workplace health and safety activities of transport regulatory agencies (Civil Aviation Authority (CAA), Maritime New Zealand (MNZ), New Zealand Police and NZ Transport Agency (NZTA)) to ensure that they:
  - a. are led by the new agency through service-level agreements for specific health and safety services
  - b. are strategically and operationally co-ordinated through a cross-agency oversight group to ensure:
    - i. effective targeting that takes a risk-based approach
    - ii. common capabilities and warranting
    - iii. the alignment of compliance strategies
    - iv. effective co-ordination when dealing with accidents
    - v. stronger operational co-ordination while allowing for specialist expertise
- 7. significantly strengthen the regulation of occupational health by:

- a. giving the new agency accountability and responsibility for leading strategic and operational occupational health activities in New Zealand
- b. establishing an occupational health unit within the new agency
- 8. strengthen the regulatory regime for managing the risks of major hazard facilities by:
  - a. mapping the risk landscape around potential catastrophic failure
  - b. developing criteria and prioritising types of major hazard facility for inclusion in the major hazards regulatory framework
  - c. ensuring that robust regulatory requirements apply to all priority facilities
  - d. building capacity in the new agency to provide rigorous regulatory oversight and ensure compliance with the new regulatory framework.

### Motivating levers

The Taskforce recommends that the Government:

- 9. provide strong leadership and act as an exemplar of good health and safety practice, demonstrated by:
  - a. developing a comprehensive and targeted public health and safety awareness programme to change behaviours, norms, culture and tolerance of poor practice. This programme should be linked to a compliance strategy and specific compliance activity
  - b. ensuring that excellent health and safety outcomes are achieved by

its own agencies (e.g. ministries, departments, Crown entities, state-owned enterprises (SOEs))

- c. government procurement policies and practices that drive high standards of health and safety practice through the supply chain
- d. introducing an assessment of workplace health and safety impacts to all preliminary impact and risk assessments (PIRAs)

10. implement measures that:

- a. reward businesses for better health and safety performance through a levy regime that:
  - i. more meaningfully differentiates based on risk, good and poor performance
  - ii. is based on lead and lag indicators
  - iii. is aligned to a business health and safety rating scheme
- b. reflects the costs of regulatory activity inherent to the industry (e.g. major hazards)

11. implement measures that increase the costs of poor health and safety performance, including:

- i. extending the existing manslaughter offence to corporations and revising the corporate liability framework that applies to all offences (including manslaughter)
- ii. stronger penalties and cost recovery
- iii. visible and effective compliance activity

### Knowledge levers

The Taskforce recommends that the Government:

- 12. ensure that the new agency implements a comprehensive set of regulations, ACoPs and guidance material that clarifies expectations of PCBUs, workers and other participants in the system:

- a. Significant resourcing should be dedicated to this function of the new agency in the short term. The new agency should publish a timetable for the development and review of regulations, ACoPs and guidance material, and must ensure that these processes are undertaken on a tripartite basis. The new agency must consider what support is required for tripartite participation in the standard-setting process, including training and potentially funding for participation.

- b. The new agency must ensure that its information and support services are delivered effectively to hard-to-reach population groups and should consider establishing advocacy or advice services (potentially on a trial basis) to support this.

13. improve the quality and availability of data and information on workplace injury and occupational health performance by establishing a sector-leading research, evaluation and monitoring function within the new agency:

- a. with the mandate to influence and direct the collection of occupational health and workplace injury administrative data across government regulatory, compensation and health agencies and to collate and integrate this data for research purposes
- b. to commission and undertake research, monitoring and evaluation programmes, including the development of minimum datasets for workplace injuries and occupational illnesses and a system-wide suite of lead and lag performance indicators, to inform evidence-based regulatory and business practice
- c. to publish and disseminate findings, including through annual reporting on system-wide performance measures, and to make monitoring data available to partner agencies and key stakeholders in appropriate formats

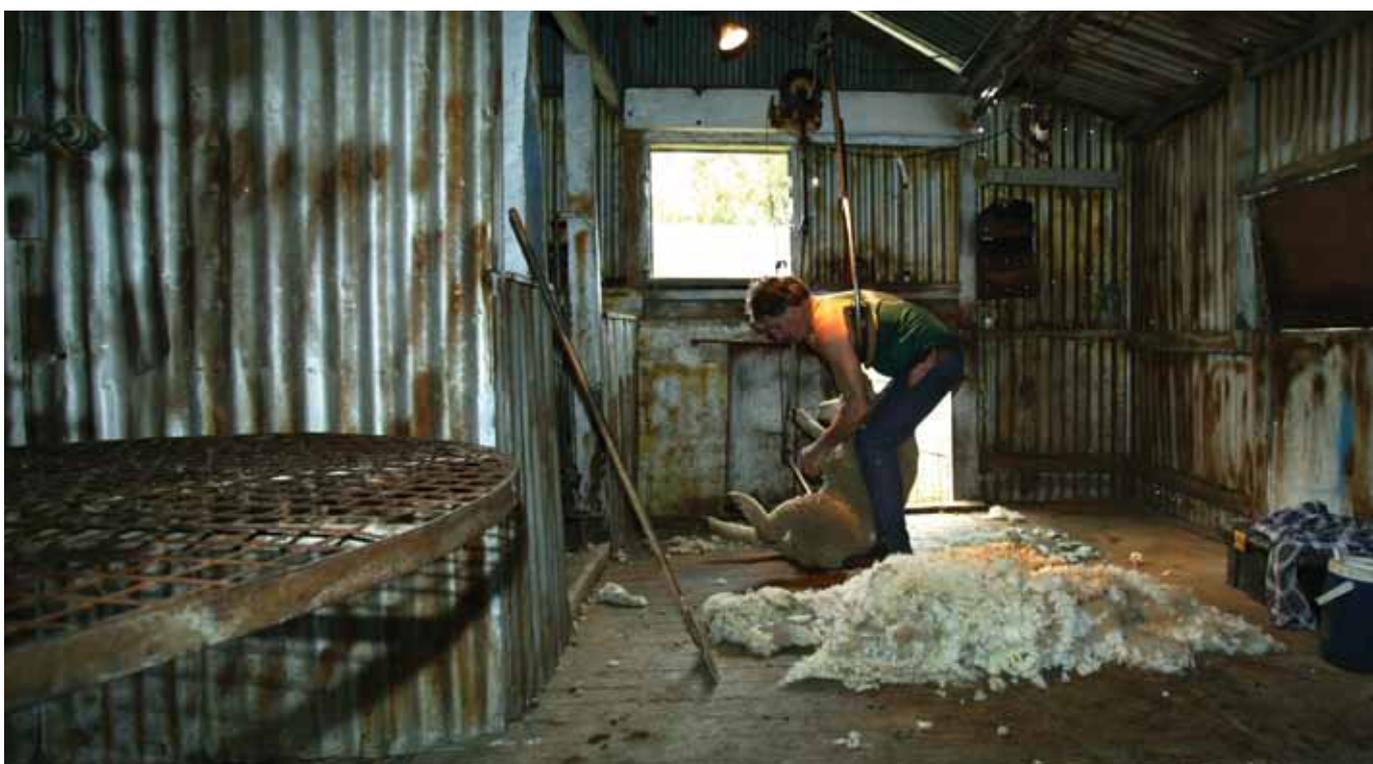
14. require that the new agency lead the development and implementation of a workforce development strategy to identify and address capacity and capability gaps within the new agency as well as the workforce more generally, so that the workplace health and safety system functions effectively. Priority components for the new agency for inclusion in the workforce development strategy are:

- a. developing specific workforce development plans for the new agency's staff generally and occupational health staff specifically
- b. information-gathering to inform the strategy's content
- c. leadership from the new agency for the establishment of a health and safety professionals alliance (HaSPA), and the development of a pathway to the occupational regulation (registration) of health and safety professionals

d. a comprehensive embedding of workplace health and safety into the education and training system at all levels to support up-skilling of the workforce generally

15. ensure that the new agency's compliance activity is focused on harm prevention, with far greater emphasis placed on root-cause analyses in investigations. To support this, the Government should:

- a. require that the new agency develop ACoPs or guidance material on how employers and PCBUs can implement no-blame, no-fault or even-handed culture models of managing workplace health and safety matters, and how to undertake root-cause analysis
- b. require that all investigations by the regulators examine the root causes of incidents, and that the regulators undertake more systemic reviews of root causes across groups of incidents
- c. extend the role and function of TAIC to allow it to undertake root-cause investigations of a broader range of workplace health and safety incidents.





# Inquiry process

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The Taskforce and its Secretariat gathered and analysed information from a wide range of sources during a 10-month inquiry process. We consulted with stakeholders in three phases. The first involved consulting expert reference groups to help identify and frame the issues pertaining to New Zealand's health and safety system prior to the release of a public consultation document, *Safer Workplaces*, in September 2012. In phase two, 429 written submissions were received and 500 people attended 28 public meetings (including open forums, hui, fono, workplace visits and business network meetings). The third phase involved synthesising the Taskforce's thinking around key issues and opportunities, and sharing a high-level discussion document with a range of stakeholders for feedback. Around 100 people attended a two-day February 2013 conference.

The Taskforce met with the following government agencies to discuss their roles in the health and safety regulatory and injury prevention systems: ACC, CAA, the Environmental Protection Authority (EPA), MNZ, the Ministry for the Environment (MfE), MBIE, the New Zealand Police Commercial Vehicles Inspection Unit, NZTA and the Transport Accident Investigation Commission (TAIC). The Taskforce also met with the New Zealand Council of Trade Unions and other interested parties in the judiciary and business sector.

To support its decision-making and to fill gaps in knowledge, the Taskforce commissioned research into health and safety culture change. This research identified and reviewed examples of successful national culture change programmes to identify common themes and success factors. The Taskforce also commissioned other research on international injury and fatality rate comparisons, and on the operation of health and safety systems in 11 firms varying in size, nature of industry and organisational form. Case studies were developed to assess workplace capacity and capability for effective health and safety systems.

When the Taskforce was established, the best available data on New Zealand's workplace injury, health and fatality rates were Statistics New Zealand's Serious Injury Outcome Indicators (SIOIs). These showed that on average there were 102 fatal work-related deaths a year between 2008 and 2010, and New Zealand had a workplace fatality rate of around four deaths per 100,000 workers a year. On the basis of international comparisons using historical SIOIs and data from other jurisdictions, New Zealand was identified as having a high rate of deaths compared with many Organisation for Economic Co-operation and Development (OECD) countries.

The Taskforce was struck by how little knowledge there is on how health and safety headline numbers are derived and how unreliable they are. In *Safer Workplaces*, we reported that there is no comprehensive or reliable data set for monitoring workplace fatal injury rates in New Zealand.

In November 2012, Statistics New Zealand issued an official caution: "We have discovered some quality concerns with the work-related indicators and are working to fix them... We recommend that no further use is made of the data on work-related injury... until our review is complete." We understand that Statistics New Zealand will soon release modified work-related fatal and non-fatal SIOIs.

The Taskforce is left with a profound unease about the quality of data in New Zealand. We are deeply concerned that we do not have a clear, reliable picture of New Zealand's performance. Accordingly, we believe that data improvements, vital to advancing our understanding and targeting of issues and to monitoring and evaluating outcomes accurately, need to be addressed as a priority.

# Key findings

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## Poor performance

The Taskforce is deeply concerned about New Zealand's workplace health and safety performance. While we acknowledge that there are problems with the data, the fact is that a lot of bad things happen to people at work in this country. Each year, around 1 in 10 workers are harmed, with about 200,000 claims being made by people to ACC for costs associated with work-related injuries and illnesses. Of these, about 90 percent are medical fee expense claims, often involving only one or two visits to a health professional. The remainder are more substantive entitlement claims, reflecting a more serious degree of harm, for which compensation and support beyond medical fees are required. These include payments for rehabilitation, weekly compensation and accidental death benefits. Approximately 26,000 workplace-related entitlement claims were approved by ACC for people being harmed at work in 2010. Workplace injuries and diseases inflict an enormous emotional toll on the people affected, and significant economic costs on New Zealand. In 2010, the costs were most reliably estimated at \$3.5 billion a year (almost two percent of GDP).

Five industries – manufacturing, construction, agriculture, forestry and fishing – account for more than half of all workplace injury entitlement claims and have the highest entitlement claim rates (as high as 32 per 1,000 full-time-equivalent employees in the agriculture, forestry and fishing industries).

Some groups of workers are also particularly vulnerable to injury and harm. Work-related injury claims, occupational disease data and fatality figures show that Māori workers, Pacific workers and workers of other ethnicities are more likely to be seriously injured at work. Other vulnerable groups include males, youth, older people, the self-employed and workers with low literacy and numeracy skills. There is a lethal nexus between high-risk population groups and high-risk industries.

Occupational illnesses have significantly worse human and financial impacts than harm incidents. These illnesses arise from a broad range of poorly-managed hazards in the workplace, resulting in gradual impairment or chronic harm conditions such as cancers and musculoskeletal disorders, and acute harms related to hazardous substance exposures.

New Zealand does not collect reliable data on occupational illnesses and diseases, due partly to the difficulties in measurement and attribution arising from long latency periods and conditions that can have multiple causes. In 2011, it was estimated that occupational illness cases result in 500-800 premature deaths a year. The majority of premature deaths are from work-related diseases due to occupational cancer, from exposure to hazardous substances such as asbestos and arsenic, and diseases of the respiratory system and ischaemic heart disease. Mental and nervous system disorders, diseases of the digestive and genito-urinary system, and toxic poisoning are also prevalent.

New Zealand has another particular issue in the potential for catastrophic harm as a result of ineffective oversight of major hazard facilities. The latter include extractive operations such as mining, and major chemical storage and processing facilities. The catastrophic consequences of inadequate management of such facilities were brought into stark relief by the 2010 Pike River mine tragedy.

## Weaknesses in the system

The Taskforce has found that there is no single critical factor behind this poor performance. Instead, we see significant weaknesses across the full range of workplace health and safety system components, coupled with the absence of a single strong element or set of elements to drive major improvements or to raise expectations. The fundamental issue is systemic.

It is our view that weaknesses across the system stem from fundamental failure to implement properly the Robens health and safety model in New Zealand: this model, originating from the UK, informed the thinking behind New Zealand's Health and Safety in Employment Act 1992 (HSE Act).

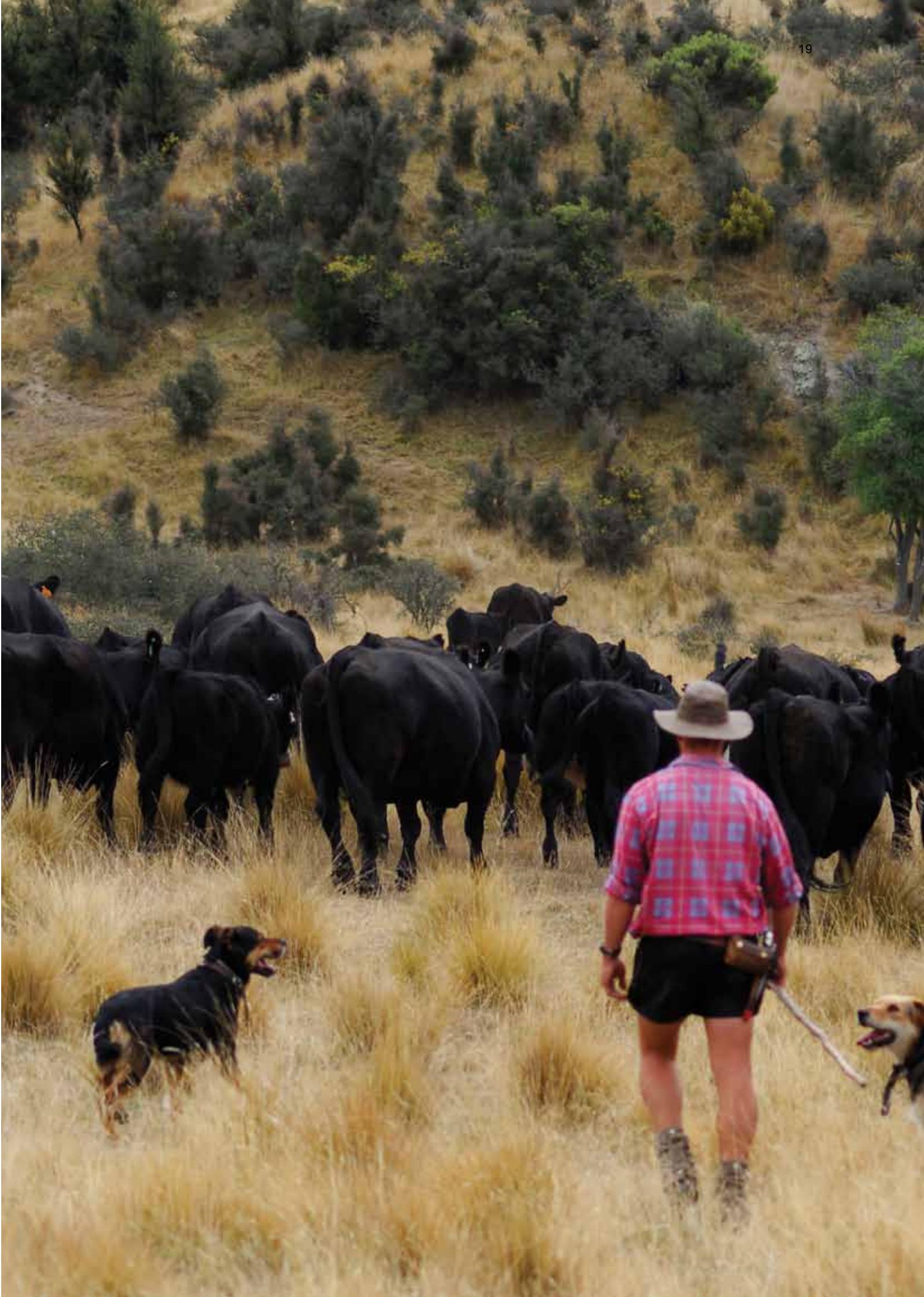
The HSE Act replaced a plethora of highly prescriptive, sector-specific acts which had grown in an ad hoc manner, and in the early 1990s were seen as too complex and overly-reliant on external inspection. The single new Act, by introducing performance-based standards (i.e. duties to do what is 'reasonably practicable' to achieve safe outcomes), provided comprehensive and standardised coverage of most places of work and hazards at work, whilst giving greater flexibility to workplaces for meeting their obligations. Regrettably, it also removed prescription where prescription was warranted, e.g. mining.

Ultimately, New Zealand implemented a much lighter version of the Robens model, and much later, than other countries. This light implementation reflected a range of New Zealand-specific factors during the late 1980s and 1990s, notably resource constraints (including public sector staff cuts), changing attitudes towards the roles of government and business (including an ethos of business self-regulation), and liberalisation of the labour market with weakened union representation.

The Taskforce has identified the following issues with components of the health and safety system.

1. **Confusing regulation:** The system currently fails to make clear expectations of regulated entities and duty holders, and the regulator does not make compliance easy for the vast majority who want to comply. Sanctions for those who intentionally, or through neglect, break the law are not adequate. The framework is confusing with multiple pieces of legislation, blending hazard- and risk-management specifications, falling across overlapping and ambiguous jurisdictional boundaries. There is a lack of coordination between agencies and gaps in coverage.
2. **A weak regulator:** Despite efforts in specific areas, and the integrity and dedication of many staff, the primary regulator has failed to deliver on core responsibilities under the Robens model. Overall, it has failed to provide the system with sufficient certainty on how duty holders and regulated entities should comply. The regulator lacks capacity and capabilities, and it has failed to collaborate with other agencies on effective harm prevention.
3. **Poor worker engagement:** Worker engagement in health and safety is generally ineffective and often virtually absent. New Zealand falls well short of the strength of worker representative legislation and levels of engagement operating in comparable jurisdictions.
4. **Inadequate leadership:** There is little leadership being shown by a large number of people and organisations who have influence in the workplace. The issues include a lack of capability among managers generally, New Zealand's shortage of large private sector employers who could become exemplars, and defensive attitudes in some industry bodies.
5. **Capacity and capability shortcomings:** These shortcomings exist among workers, managers, health and safety practitioners, business leaders and the regulator. The shortcomings include insufficient knowledge of workplace health and safety risks and specific hazards, and insufficient knowledge of workplace health and safety regulatory requirements, including of rights and obligations.

6. **Inadequate Incentives:** New Zealand lacks the positive incentives and deterrents needed to drive compliance with minimum health and safety standards or to foster behaviours that lead to continual improvement. The low likelihood of inspector visits, and of prosecution or other action, creates an uneven playing field and effectively rewards non-compliance. The regulators' resources are not applied optimally, penalties are far too low and the tools available are limited.
7. **Poor data and measurement:** New Zealand has poor information and intelligence on health and safety risk concentrations, causes of workplace injuries and illnesses, and the effectiveness of interventions to improve health and safety outcomes. We do not know the full extent of the issues or what to target. Reviewers and committees have reported on the issues before, but their recommendations have been largely ignored.
8. **Risk tolerant culture:** Our national culture includes a high level of tolerance for risk, and negative perceptions of health and safety. Kiwi stoicism, deference to authority, laid-back complacency and suspicion of red tape all affect behaviour from the boardroom to the shop floor. If recognition and support for health and safety are low or intermittent, workplaces are liable to develop, accept and defend low standards, dangerous practices and inadequate systems.
9. **Hidden occupational health:** New Zealand's estimated 500-800 premature deaths year from occupation ill-health receive little government, media or business attention. Inadequate data systems and research mean the scale and nature of the issues are largely unknown – and the system is unresponsive to new and emerging risks. Activity is fragmented across multiple regulators, disciplines and sectors with no effective co-ordination or leadership.
10. **Major hazard facilities:** Some major hazard facilities have insufficient oversight. The current framework focuses on certain industries (e.g. offshore petroleum, mining, geothermal energy) but other facilities with comparable dangers are not subject to the same degree of oversight and regulation. This reflects the gaps in knowledge about major hazards, and the fact that the risk landscape in New Zealand is not understood.
11. **Particular challenges to SMEs:** Challenges arise for SMEs from the generally less formal management style of smaller businesses, their resource constraints, limited access to external advice and support, and lack of systems fit for health and safety purposes. The current regulator has provided insufficient, relevant advice to SMEs who are particularly dependent on it.
12. **Particular at-risk populations:** Some groups experience disproportionate levels of workplace-related poor health and injury. Low literacy and poor communication skills are, in themselves, risk factors especially in workplaces that are inherently more risky. This presents a particular challenge to policy-makers and regulators, as a one-size-fits-all response to population-specific outcomes, without a careful analysis of all underlying causes, may result in poorly targeted and ill-conceived interventions.



# Taskforce vision

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The Taskforce seeks an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes, to the point where New Zealand's workplace health and safety performance is recognised as among the best in the world in 10 years' time.

A number of critical changes and improvements, reflecting dual priorities around acute workplace injury and chronic health conditions, coupled with a seismic shift in attitude, will be needed across the health and safety system to create a robust, efficient and effective system.

At the very least, as required by the Government, the package of practical measures recommended in this report needs to result in *at least* a 25 percent reduction in the rate of fatalities and serious workplace injuries by 2020. We are confident that this modest target can and will be met, but only if the full package of recommendations is implemented in its entirety.

By 2023, if not earlier, the Taskforce wants New Zealand to be one of the best places in the world to go to work and to come home at the end of the day, every day, safe and sound.

To turn our vision into reality, we need all of the elements in place for a new, high-functioning system.

## Prerequisites for a high-functioning system

We need a new, stand-alone, well-resourced health and safety agency that is effective in its enforcement and its provision of advice, but this on its own will not be sufficient to ensure the level of change needed across the system. There needs to be a broad-based approach involving change on a number of fronts to help workplaces do the right thing yet hold outliers to account for evading their responsibilities. We need better law, a stronger regulatory toolkit, a lift in leadership, greater commitment and participation from everyone in the workplace, more robust research and data, more effective incentives, and

information and guidance material that are fit for purpose. We also require working New Zealanders to shift their mind-sets and lift their game.

Following are our prerequisites for a high-functioning workplace health and safety regulatory system.

1. **Good, workable law:** Our vision is that the law makes clear to duty holders (those who create and/or are in the best position to manage risks to workplace health and safety) what their legal duties are and holds them to account for undertaking those duties. The law is comprehensive in its coverage to ensure there are no gaps. The law increases certainty by clarifying compliance requirements and the legal consequences of non-compliance.
2. **An effective primary regulatory agency:** Our vision is that the new agency has both the mandate and the resources to be a visible and effective best-practice regulator so that all participants in our nation's health and safety system know how to perform well, and are motivated and able to do so. The new agency requires a defined set of statutory functions, powers and accountability mechanisms for its activities. The new agency engages well with key stakeholders and has a commitment to effective tripartism in developing guidance and support to help all parties to comply with their duties under the law, and to deter non-compliance.
3. **Strong, visible leadership:** Our vision is that all people and organisations able to influence what happens in workplaces 'step up' to provide demonstrable leadership



for better workplace health and safety outcomes. Leadership comes from the bottom up, and from the top down – from the Cabinet room and the boardroom to workers on the front line. At a day-to-day level, the chief executive and senior management team lead the way but are held to account by those above (the board) and below (workers) for their responsiveness to concerns and risks. Leadership is vital to creating a workplace culture in which health and safety automatically comes first.

4. ***A robust level of capacity and capability:***  
Our vision is that safety is an integral part of everybody's personal and workplace values. Our education system (from school to the vocational and tertiary sectors) supports the development of higher levels of awareness of health and safety risks, rights and obligations, and how to manage risk safely. Different users have access to comprehensive, high-quality guidance and standards that are fit for purpose. Research helps us to monitor and enhance our understanding of workplace health and safety risks, and to improve responses to those risks. There is also easy access to quality specialist advisers, when required.
5. ***Tripartism throughout the system:***  
Our vision is that tripartism is inculcated throughout the workplace health and safety system. Tripartism involves the government regulator, employers and unions working together to improve workplace health and safety outcomes. The UK has shown respect for tripartism for 40 years. Tripartism is also the dominant model in Australia. The Royal Commission on the Pike River Coal Mine Tragedy ('Royal Commission') found that a key reason for the Department of Labour (DoL) being an ineffective regulatory body was that it had

"no shared responsibility at governance level, including the absence of an active tripartite body". Tripartism needs to be reflected in engagements between the Government and peak representatives of employers and workers, and in the governance of the regulators. Similarly, the implementation of the Robens model needs to be done on a tripartite basis, with representatives of employers and workers actively engaged in the development of regulations, ACoPs and guidance material.

6. ***Genuine and effective worker participation:*** Our vision is that worker participation is a valued part of the workplace health and safety system, and management is interested in and open and responsive to workers' health and safety concerns. 'Active worker participation' means that workers: are involved in developing, implementing and monitoring their workplaces' health and safety systems; can participate through a range of representation mechanisms, including unions; have the training, support and knowledge to enable them to participate without fear of possible repercussions; and can hold employers to account for their responsibilities.
7. ***Incentives that are effective levers for good practice:*** Our vision is for a mix of positive incentives ('carrots') and deterrents ('sticks') to encourage better workplace health and safety outcomes. The carrots include risk- and performance-rated levies, and procurement policies that require good practice to act as levers for proactive behaviour. The sticks include significant financial and legal penalties and sanctions for poor performance. Importantly, the incentive regime is designed to overcome any potentially perverse effects, e.g. non-reporting or suppression of ACC claims to avoid the consequences of higher rates of harm.



8. **High-quality data:** Our vision is that there is a robust, comprehensive and integrated workplace injury and disease data-collection, monitoring and reporting system. An effective data-collection and management system ensures the timely identification of signals and trends among the working population, and across types of work and workplace. Much better intelligence on health and safety risk concentrations, the causes of workplace injuries and illnesses, and the effectiveness of interventions will go a long way to informing the new agency's work, improving health and safety outcomes, and providing benchmarks to firms to understand their own performance in relation to that of others.
9. **Occupational health is taken seriously:** Our vision is that occupational health is front and centre of New Zealand's health and safety system. Strong government leadership sets ambitious targets and drives a programme of change to improve occupational health outcomes significantly. There are greater capabilities and awareness across government and business, in the health system and among the public to support the effective control of workplace exposures that cause high rates of occupational ill-health. In short, chronic harm prevention is treated with the same priority and commitment as acute harm prevention.
10. **SMEs have easy access to useful information:** Our vision is that health and safety information and advice are accessible and tailored to SMEs, which are the predominant business type in New Zealand. This information may be provided by the new workplace health and safety agency, by other businesses in their industries or with which they do business, and through trusted intermediaries such as accountants and industry associations. Regardless of source, it allows owners, managers and workers in SMEs to address workplace health and safety in a way that is fit for purpose and proportionate to the inherent risks in their workplaces.
11. **High-risk population groups are targeted effectively:** Our vision is that the new agency targets its activities towards the high-risk population groups that are overrepresented in injury, illness and fatality rates. These groups include workers in high-risk industries and occupations, males, older and younger workers, Māori, Pacific and other ethnic groups, recent migrants, people in casual and contract work and new on the job, and the self-employed. Further, there are targeted actions to changing unacceptable workplace health and safety practices and improving outcomes, e.g. literacy, language and communication skills training targeted to higher-risk workers with literacy skill gaps in firms in high-risk industries.
12. **Major hazards are effectively regulated:** Our vision is that there is a comprehensive and systemic framework for managing workplace health and safety risks in major hazard facilities. This framework is future focused, and involves mapping major hazard facilities and prioritising them by risk. It also involves scanning the New Zealand and international environments to identify new and emerging potentially catastrophic risks, and responding appropriately to the implications of major incidents and international changes to major-hazard-facility regulation. In particular, the regulatory approach to major hazard chemical storage and processing facilities is updated. The general public has confidence that risks in major hazard facilities are managed appropriately.
13. **A national culture that is more risk aware:** Our vision is for our national culture to be intolerant of preventable harms and to have a positive view of health and safety. New Zealanders have a high awareness of potential risks at work and are proactive in managing them. This involves New Zealanders being engaged in the campaign to improve workplace health and safety outcomes. It requires everyone to understand the key issues and be committed to solving them together. Ultimately, New Zealanders have a low tolerance for risky, unsafe and unhealthy work, and are personally proactive about good health and safety practice.

# Levers for change

The following sections are structured to reflect the nature of the Government's role in influencing the workplace health and safety system. The Government has three broad levers it can pull to influence behaviour by workers, PCBUs and other participants in workplaces.

- **Accountability levers:** The Government can create accountabilities and set expectations through legislation, regulations or ACoPs, empowering state agencies by providing them with the mandate and function to ensure compliance with legal requirements, and empowering individuals.
- **Motivating levers:** The Government can encourage behaviours. This involves providing positive incentives to encourage or reward desirable behaviours, and negative incentives to discourage or sanction undesirable behaviours.
- **Knowledge levers:** The Government can influence behaviours. This involves providing information to influence people's choices about how they behave, and ensuring that people have the knowledge, capacity and capabilities to make decisions. It also involves ensuring there is adequate research and evaluation that reinforces system participants' learning.

## Accountability levers

An effective workplace health and safety system requires that those who create risks, those who are best placed to manage those risks, and those who should be protected from harm are absolutely clear about their obligations and rights. The Taskforce proposes a set of accountability mechanisms that will strengthen and clarify these rights and obligations in a new workplace health and safety law.

## New agency

We believe the system requires a well-resourced regulatory agency with a clear mandate to bring about change and an ability to do so. This new agency must be able to detect and penalise

those who break the law, and to inform, guide and direct as appropriate. Consistent with the recommendation of the Royal Commission, the Taskforce considers that the regulator should be a Crown agent with statutory independence. Its governance board should be constituted on a tripartite basis, with members representing the Government, workers, business and iwi.

The Taskforce recommends that, consistent with modern regulatory practice, the agency's wide range of functions should be specified in the new legislation. The functions should include monitoring the health and safety system to ensure it remains fit for purpose, providing rules, ACoPs and guidance to provide certainty, promoting and supporting education and advice, and monitoring and enforcing standards to ensure compliance.

The new agency should have a clear leadership role to remove current confusion over regulatory responsibilities and inadequate collaboration between agencies. The Taskforce recommends it should also be accountable for all workplace harm prevention, including advice to the Minister of Labour on strategy setting. The new agency should actively work with other agencies, industries, unions, sectors and communities to engage the whole system in harm-prevention efforts.

We recommend that some of the regulation of hazardous substances that relate to use in the workplace transfer to the new Act, and that injury prevention activities be delivered through a partnership between the new agency and ACC. Through a partnership arrangement and defined methodology, ACC's funding for workplace injury prevention activities would move to the new agency, which would lead the delivery of workplace injury prevention activities.

The Taskforce has noted a distinct lack of co-ordination and confused jurisdictions between health and safety regulatory agencies. The Taskforce recommends that the new agency take a leadership role on health and safety regulation through service-level agreements with other health and safety agencies for specific health and safety services to improve clarity of role and co-ordination of service delivery.

The Taskforce also believes that the new agency should work with Victim Support and other similar bodies to identify best practice for providing information, and emotional and practical support, to victims of workplace deaths and serious injuries and their families, and to embed this into its practice.

### New law

The Taskforce proposes a new Act to replace the HSE Act 1992, with this legislation to include the functions, duties and powers of the regulatory agency. We recommend that the scope of the new Act extend to acute, chronic and catastrophic harm. We also recommend that the new Act be based on the Australian Model Law and associated regulations, while having regard to distinctive New Zealand conditions, as they are the most recent articulation of the Robens approach available to us. In developing the Model Law, Australia has been through an extensive modernisation process, drawing on both Australian and international experience. We have the opportunity to capitalise on that work.

The Taskforce recommends that the law has an Object with more positive language in relation to what is to be achieved. The current Object in the HSE Act is to *promote* the prevention of harm to all persons at work. The new Object should be to *secure* the health and safety of workers and workplaces. It should state clearly that “workers and other persons” will be protected “through the elimination or minimisation of risks arising from work”. The new Object should include a principle to inform duty holders and regulators on the level of health and safety being sought. The principle is that “workers should be given the *highest level of protection* against harm to their health, safety and welfare from hazards and risks arising from work [or from specified types of substance or plant] as is reasonably practicable”.

The Taskforce believes that the underlying foundation of the regulatory framework should be the allocation of duties to those who are in the best position to control workplace health and safety risks to keep them as low as is reasonably practicable. The duties should provide for the *coverage* necessary to ensure that those people who can prevent workplace harm have an explicit obligation to do so; and assign the *appropriate duties* to the appropriate duty holders to ensure that their actions are directed at preventing the most workplace harm. Coverage should extend to all upstream participants in the supply chain, including designers, manufacturers, importers and suppliers of plant, substances and structures, and commissioners of plant and structures.

The new Act should adopt the concept of a PCBU as in the Model Law. This covers all relationships between those in control and those who are affected, recognising that the traditional employer-employee relationship is only one arrangement. The Taskforce also recommends that those in governance roles assume a due diligence duty to be held by directors and people (e.g. chief executives) who participate in decision-making. We believe strongly that directors’ duties in relation to workplace health and safety should be as strong as other fiduciary duties.

The Taskforce considers that the current ‘all practicable steps’ test should be changed to the Model Law “reasonably practicable” test to improve certainty, clarify that risk-based decision-making is required, and create a presumption in favour of health and safety. The Taskforce believes that the regulatory framework should be made explicitly risk based.

### Worker participation

The value of worker participation in workplace health and safety is acknowledged through conventions by international organisations (e.g. International Labour Organisation) and through research into actual outcomes. The Taskforce’s consultation process confirmed that New Zealand worker participation in this area is not effective. Improved engagement with workers is necessary, along with a major ‘mind-shift’ in New Zealand society and in workplaces. This ‘mind-shift’ needs not only to lead to more opportunities for worker participation but also to set an expectation that everyone in the workplace is

responsible for workplace health and safety. It is important that each workplace is able to adopt the approach to worker participation appropriate to its circumstances. Research has confirmed that current worker participation arrangements are varied.

The Taskforce recommends that the Government strengthen the legal framework, including through providing stronger obligations on PCBUs to support worker participation, expanded powers and responsibilities for worker health and safety representatives, and stronger protections for workers who raise workplace health and safety matters. We propose that the new agency develops regulations, ACoPs and guidance material on how worker participation should operate. Furthermore, there should be specific obligations on PCBUs to support worker participation. In addition to existing responsibilities set out in the HSE Act 1992, we recommend that PCBUs have explicit legal responsibilities to: consult workers affected by health and safety matters; have issue-resolution procedures in place for health and safety issues that might arise; identify workplace-specific health and safety matters in employment agreements; and identify workplace-specific health and safety issues in staff induction processes.

The new agency should provide increased support for workplace health and safety representatives, unions exercising existing rights of entry, and workplace engagement between its inspectors and workers and their representatives. There should also be better mechanisms for protecting workers who raise health and safety issues.

### Occupational health

Occupational health issues, such as chronic harm resulting from the use of hazardous substances and the effects of fatigue and hours of work, can be a hidden feature of workplace health and safety. This is because the risks and/or effects may not be obvious until some time after the events that led to them. The Taskforce considers that occupational health activities should be given the same priority and attention as occupational safety activities. It is clear that these have not been a public or political priority for many years. We recommend that the new agency have responsibility for leading strategic and operational

occupational health activities, with the agency having a unit dedicated to this area of risk. This unit's functions could include developing a New Zealand occupational health strategy, facilitating research and evaluation, and leading occupational health communication and social media campaigns.

As a matter of urgency, the new agency needs to improve intelligence on occupational health in New Zealand. It needs to build an occupational health, serious harm dataset and facilitate the development of whole-of-life databases. For this, we consider it needs a strong mandate to collect health-monitoring and exposure-monitoring data. The Taskforce recommends that the new agency be given the authority to direct the collection of occupational health data from government agencies. It should also have the powers to require an employer or a medical provider to provide to it anonymised health-monitoring information on request.

### Major hazard facilities

New Zealand has many facilities with a potential for catastrophic failure leading to significant harm to people, property and the environment. A number are not currently covered by specific regulations or proactive regulatory activities. Currently, specific regulations beyond the HSE Act 1992 apply to, for example, mining, pipelines and petroleum and geothermal activities, and are enforced by the current regulator's High Hazards Unit. The Taskforce recommends strengthening the regulatory regime to cover all major hazard facilities and adopting international best practice.

The new agency should begin by mapping the risk landscape and developing regulatory criteria. Prioritisation for inclusion in the expanded regulatory framework should depend on the extent to which the risks are effectively covered off by existing regulations, and the nature of the jurisdictional boundaries operating between the new agency and other regulators (e.g. Police, Fire Service, local authorities).

The Taskforce considers that the costs of regulating major hazard facilities should be separated out and more directly recovered from the operators of these major hazard facilities. We consider that mechanisms such as differentiated levies and direct charging for services are

appropriate to reflect the disproportionate costs of providing regulatory oversight of major hazard facilities.

## Motivating levers

Some participants in the workplace health and safety system will respond positively to better information on the issues and what can be done to improve performance. They will also respond positively to leadership, human stories of the costs of poor health and safety, and what their peers are doing to improve performance. Other participants are more likely to be motivated by self-interest. They will act if convinced better workplace health and safety will reduce their costs or create more business opportunities. Regrettably, others will only respond positively if they are compelled to do so. They calculate the likelihood of getting caught for having poor health and safety practices and the costs to them if they are caught. If they think they can get away with poor practices, they will. The Taskforce proposes a set of motivating levers that address the characteristics of these different groups.

## Leadership

The system requires leadership from all participants but first and foremost from the Government. The Taskforce recommends that the Government should become an exemplar of good workplace health and safety practice by: undertaking a comprehensive and targeted national public awareness programme to change behaviours, norms, culture and tolerance of poor practice; ensuring that excellent health and safety outcomes are achieved through its own agencies; strengthening workplace health and safety requirements in government procurement policies and practices; and introducing workplace health and safety impacts to all preliminary impact and risk assessments (PIRAs). Active and visible participation by business and community leaders, as demonstrated by exemplar health and safety practices in their respective organisations, is also required if a truly national focus on improving health and safety is to be achieved.

New Zealand's poor health and safety outcomes are exacerbated by social attitudes that tend to underplay both risks and consequences. We need widespread support from the public to achieve significant and enduring improvements. Building

public support should involve highly visible campaigns and partnerships with industries and communities, including iwi and other significant groups. The result should maximise voluntary compliance so that the new agency's activities can be focused on where they are needed most.

The Taskforce recommends that government agencies put their own houses in order as exemplars of workplace health and safety practice. This needs to be a first priority if the Government wants the rest of the nation's workplaces to lift their performance. The best approach is to set explicit expectations of government agency chief executives for the health and safety performance of their agencies. Government procurement policies requiring sound workplace health and safety practices are another effective means of driving up standards in the economy. The Government can leverage better outcomes through its purchasing clout particularly in construction and other services where it is a major customer for many New Zealand suppliers. The Taskforce has a firm view that the public sector must demonstrate leadership in procurement practice, and should be subject to ongoing reviews in this matter by the State Services Commission or other monitoring agencies.

## Incentives

Incentives to encourage workplaces to do the right thing, and deter them from doing the wrong thing, are essential. Positive incentives need to be strong, visible and worth the effort of both the Government providing them and the businesses pursuing them. It is far better for workplaces to be stimulated to take voluntary steps than for a regulator to enforce action. Deterrents should provide certainty that poor performance will be punished.

The Government should introduce a business health and safety rating scheme with value to both the businesses involved and the people who depend on its ratings when making decisions on employment, investment, procurement and regulatory inspection. The scheme should be voluntary. The Taskforce considers that significant design work is required by MBIE, ACC and the new agency, rather than basing the scheme on existing performance measures (including the ACC levy discount schemes). At the same time,

the Taskforce considers that there is greater potential to use ACC levies to incentivise good performance by introducing a greater differential between good and poor performers.

We recommend that MBIE, ACC and the new agency be jointly mandated to provide advice to the Government on how the rating system can be used to better incentivise good performance. Specifically, the Taskforce considers that stronger lead and lag indicators need to be developed and tested. Poorly performing and higher risk employers should be subject to much higher levy loadings. Careful consideration needs to be given as to whether smaller employers are included in such a regime.

The new agency's research, monitoring and evaluation function will, over time, lead to improved data on health and safety outcomes, and on preventative and resilience factors – and this will enable benchmarking between firms, and across industries and regions. Benchmarks will need to be relevant if they are to serve as guides and motivators for firm and industry improvement.

### Penalties

The Taskforce looked closely at Canadian, UK and Australian experience in this area, and we do not propose introducing a new law on corporate manslaughter in New Zealand because other jurisdictions have had very limited success in establishing an effective approach to the offence.

The Taskforce recommends extending the existing manslaughter offence to corporations and revising the corporate liability framework that applies to all offences (including manslaughter). This would be the most effective way to maximise the denunciatory and deterrent effect of the criminal law in influencing the behaviour of corporations. The recommended revision to existing law would need to address two issues. First, it would need to allow the attribution of criminal liability to a corporation as a result of the acts and omissions of a greater range of officers and employees within that corporation, provided they are acting within the scope of their authority. Second, it would need to provide that liability could be attributed to a corporation if two or more individuals of the required seniority within the company engaged in conduct that, if it had

been the conduct of only one of them, would have made them personally liable for the offence. This would allow conduct and states of mind to be aggregated for the purposes of attributing corporate liability in a way not permitted under current New Zealand law.

The Taskforce recommends that the maximum penalty ceiling for offences be raised so they are comparable with Australian levels, with a graduated penalty range. At present in New Zealand, offences likely to cause serious harm incur fines of up to \$500,000 or imprisonment for up to two years, or both. These are lower than provided for in the Model Law. Under the Model Law, reckless conduct offences by individuals incur penalties of up to \$600,000 or five years' imprisonment, or both, and by a body corporate up to \$3 million.

The Taskforce considers that the Government should introduce a hierarchy of offences and corresponding penalties of the same or a similar nature to those described in the Model Law. The offences should have three levels: *reckless conduct* where a person who has a health and safety duty without reasonable excuse engages in conduct that exposes an individual (to whom that duty is owed) to a risk of death or serious injury or illness, and the person is reckless as to the risk; *failure exposing to serious risk* where a person fails to comply with their health and safety duty, and the failure exposes an individual to a risk of death or serious injury or illness; and *failure* where a person fails to comply with their health and safety duty. The Taskforce recommends that consideration also be given to including a further category of serious offending with higher maximum penalties that would apply where death results.

The Taskforce considers that judges should be able to make adverse publicity orders after convictions for workplace health and safety breaches. Avoiding the risk of reputational damage caused by publicity about any poor performance or negligence can also incentivise employers to maintain good workplace health and safety systems. Likewise, the Taskforce believes the new agency should be able to make public information on their enforcement actions once the appeal period has expired.

## Enforcement

Sustained or repeated poor performance on health and safety is often not due to deliberate non-compliance. Businesses may want to perform well but find it challenging because of competition pressures that favour poor health and safety performers. This might apply particularly to small businesses. To motivate compliance and create a level playing field, the new agency and the other regulators need an enhanced toolkit of effective sanctions, deterrents and remedies for ensuring responses are proportionate to the breaches.

The tools should include enforceable undertakings which are agreements reached between a PCBU and an inspector to put right an alleged breach to a required standard in a specified timeframe. Such an agreement avoids costly prosecution but can be enforced later, if need be, through a compliance order in the District Court. The Taskforce also sees greater potential for enforcement through: civil procedures under the Criminal Proceeds (Recovery) Act 2009 in relation to ill-gotten financial benefits from non-compliance; improved prosecutorial processes generally; the use of infringement notices (with increased penalties) without the current requirement for prior warning; and the use of compliance or restoration orders to address the deficiencies of improvement notices, which resolve the causes but not the consequences of the failure.

An essential feature of a fair regulatory system is transparency. The new agency and other regulators need to ensure their strategies, plans, policies and activities are published and accessible, including their enforcement policies and targeted sectors. By helping system participants to understand where harm-prevention priorities are within the system, the participants are able to focus their attention appropriately.

## Knowledge levers

An effective workplace health and safety system requires all participants to have high levels of knowledge about health and safety, and reinforces the value of that knowledge. Participants need to understand their obligations and rights, and how to achieve good outcomes. That knowledge needs

to be supported by authoritative data, research and evaluation about what works and what does not. At present, we don't know what the issues are and what to target. The Taskforce proposes knowledge levers that will redress the lack of certainty left by current gaps in information and guidance for duty holders and regulated entities. Knowledge levers should also provide participants with the necessary capacity and capabilities to improve health and safety outcomes. In addition, by learning from past incidents, they will be better able to focus on preventing harm in the future.

## Greater certainty

The Taskforce is concerned that low levels of general awareness of health and safety limit the ability of business owners, directors, managers and workers to engage for improved outcomes. New Zealand's poor outcomes are exacerbated by a high tolerance of risk and negative perceptions of health and safety in New Zealand. For system-wide improvements, participants need to recognise poor health and safety practices when they encounter them. Business owners, directors and managers need to know their responsibilities and how they can meet them. Workers need to know how they can ensure their own safety, health and wellbeing.

We recommend that the new agency implement a comprehensive set of regulations, ACoPs and guidance material, giving greater certainty to PCBUs, workers and other participants in the system on the expectations of them. The best available material from Australia can be adopted and adapted to speed up these developments. The Taskforce considers that all firms as a matter of best practice should have a fit-for-purpose health and safety management system. There should also be regulation-making powers that provide for mandatory health and safety systems such as in high-risk areas. Regulations, ACoPs and guidance material will assist in the development of firm-specific health and safety management systems, including the obtaining of competent advice from health and safety practitioners. ACoPs and guidance are also needed to promote worker participation, to address occupational health issues and for major hazard facilities. We note concerns about the current capacity and capabilities of managers and supervisors. The new agency should develop ACoPs and

guidance material for them, these becoming more specific in relation to managers' duties in a high-risk context.

The changing nature of work arrangements and reduced union membership mean a growing number of workers are hard to organise and reach on health and safety matters. The Taskforce understands that existing government agency contact centres, websites, publicity campaigns and inspection services do not meet public expectations. We recommend that the new agency ensures its information and support services are effectively delivered to hard-to-reach groups including through possibly establishing regional support centres, and that advocacy or advice services be considered.

### Information quality

New Zealand has incomplete and poorly integrated intelligence on workplace health and safety risk concentrations, the causes of workplace injuries and illnesses, and the prevalence of good preventive practice. Occupational health data is particularly poor. As a consequence, industry bodies, businesses, unions and workers have inadequate information and are unable to compare their prevention-management performance meaningfully against that of their peers, reducing their ability to make improvements. The Taskforce recommends a leading health and safety research, evaluation and monitoring function be established within the new agency to direct the collection of relevant data across government agencies, commission and undertake research, monitoring and evaluation programmes, and to publish and disseminate findings. The latter will include annual reporting on system-wide performance measures. The Taskforce intends this single-focus workplace health and safety research, evaluation and monitoring function to lead a fundamental shift in the comprehensiveness and quality of workplace health and safety data captured, analysed and reported.

### Workforce development strategy

The Taskforce recommends that the new agency lead the development and implementation of a workforce development strategy for people working in health and safety New Zealand-wide, including its own staff. We also recommend

that a health and safety professionals alliance (HaSPA) network be established by the end of 2014, drawing on Australian experience in this area. Longer term, the Taskforce sees some form of occupational regulation or a register of practitioners as being feasible as capacity and capability build in New Zealand.

In relation to the education system, the Taskforce recommends that health and safety learning is embedded in the nation's education and training systems. Health and safety standards should be embedded in all academic and vocational training at levels 1-6 of the New Zealand Qualifications Framework (NZQF), and made mandatory in trade certification. Together with education agencies and other standards-setters, the new agency needs to define roles and responsibilities for generic health and safety unit standards under the NZQF. It should also collaborate with professional registration bodies to ensure health and safety capabilities are part of university-level qualifications, professional standards and general management training.

The Taskforce is concerned that too often the response to workplace health and safety incidents is to seek and blame an immediate cause or responsible person, not to analyse root causes. As a consequence, the health and safety system does not learn adequately from incidents. A no-blame approach in workplaces would encourage greater co-operation from those who contribute to failures and more opportunity to fix problems for the future. We also recommend that the new agency's compliance activity is focused on harm prevention, with far greater emphasis placed on root-cause analysis in investigations. This will better enable knowledge levers to prevent future harm by ensuring the lessons of the past are understood and acted upon.



# Cost-benefit analysis

The Taskforce’s terms of reference required that we identify the net and gross fiscal and economic costs and benefits of our recommendations and, if applicable, how they should be financed. This section addresses this requirement.

In developing this section, we drew on:

- modelling by Ernst & Young of some of the costs of our recommendations
- advice from the New Zealand Institute of Economic Research on the broader costs and benefits of our recommendations.

## Modelling the costs of our recommendations

The Taskforce commissioned Ernst & Young to provide advice on some of the costs of our recommendations. This work built upon work that Ernst & Young was undertaking for MBIE on the costs of a workplace health and safety agency. Both of these estimates are based on a steady-state costing. We consider that these steady-state costs are appropriate estimates of the costs of the new agency once it has scaled up to implement our recommendations fully.

The methodology for this work is reflected in the diagram below:

For the purposes of the cost-benefit analysis, the relevant incremental costs are identified by boxes B and C.

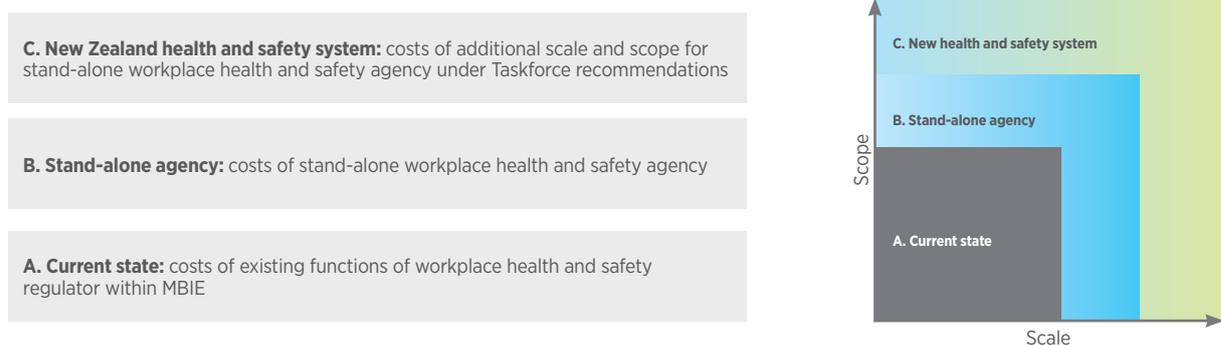
## Summary of costs of our recommendations

We have been advised by MBIE that the level of funding currently available for the existing functions of the workplace health and safety regulator within MBIE is \$53.675 million for 2013/2014, rising to \$53.975 million for 2014/15 and out-years (excluding the costs of energy-safety functions).

Ernst & Young estimates of the steady-state costs of the new agency is that it would require funding of approximately \$100 million per annum to fully implement our recommendations, including the costs of having a stand-alone workplace health and safety agency. This would involve additional funding of approximately \$32 million per annum, when offsetting transfers of funding are taken into account.

For the purposes of assessing the overall incremental costs of our recommendations, we have made a number of assumptions about the timing for reaching this steady-state level of costs, which are reflected in the annual total costs in Table 1 on the following page.

FIGURE 1: COSTS OF GROWTH IN SCALE AND SCOPE ENVISAGED BY TASKFORCE



The above increases in funding make no explicit allowances for cost pressures, such as the impacts of inflation and labour market cost pressures. The new agency would need to make a case for additional funding for these cost pressures through the normal appropriations processes. The Taskforce considers that funding will need to be monitored carefully over time to ensure that it remains adequate. Account should also be taken of the fact that the Health and Safety in Employment levy revenue received by the Crown will increase in line with growth in leviable earnings.

While the above figures are presented as annual funding allocations, we are also concerned that this model of funding is not appropriate for the new agency. We recommend that the Government consider providing the new agency with a three-year rolling appropriation. This would provide the new agency with greater certainty and stability of funding. For more analysis on the costs and the subsequent benefits to New Zealand, see the Main Report.

**TABLE 1: Annual increases in funding for the new agency**

	2013/14	2014/15	2015/16	2016/17	2017/18
<b>A:</b> current costs	\$53.675m	\$53.975m	\$53.975m	\$53.975m	\$53.975m
<b>B:</b> stand-alone agency and <b>C:</b> additional scale and scope	\$33.870m	\$40.524m	\$44.709m	\$46.422m	\$46.422m
<b>Total costs</b>	<b>\$87.555m</b>	<b>\$94.499m</b>	<b>\$98.684m</b>	<b>\$100.397m</b>	<b>\$100.397m</b>
<b>Net costs</b>	<b>\$19.970m</b>	<b>\$26.624m</b>	<b>\$30.809m</b>	<b>\$32.522m</b>	<b>\$32.522m</b>







# Working Safer

**A blueprint for  
health & safety  
at work**

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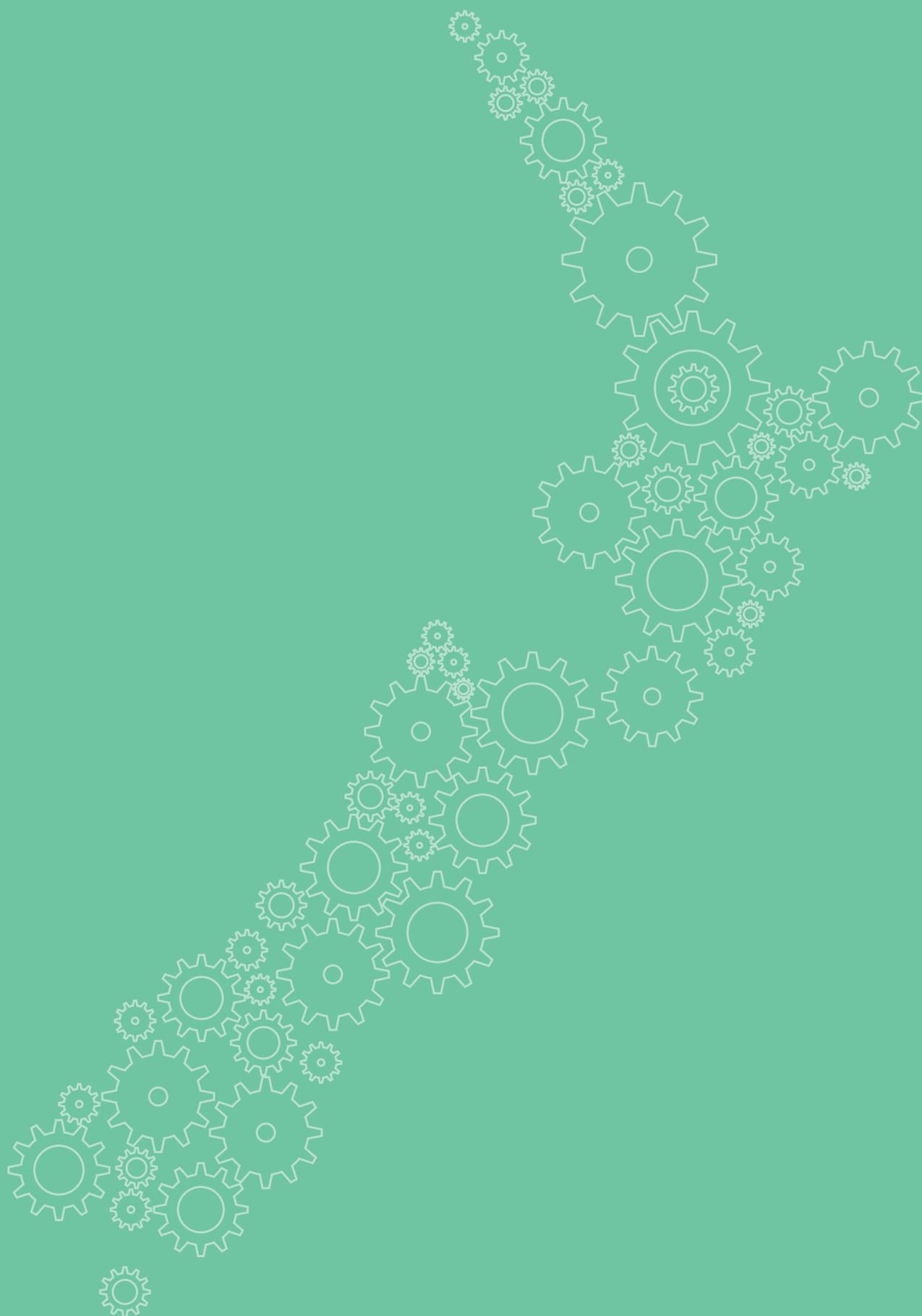
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# Working Safer

## A blueprint for health and safety at work

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# Foreword from the Minister of Labour



We are at an important turning point in workplace health and safety in New Zealand. We have an opportunity to create a world-class system.

The report of the Royal Commission on the Pike River Coal Mine Tragedy was a serious wake-up call for us all. The legacy we leave to the Pike River 29 is to ensure such a tragedy never happens again. We also owe this to the families of the 75 New Zealanders who die each year in our workplaces.

In 2012 the Government established the Independent Taskforce on Workplace Health and Safety (the Taskforce) to advise on possible ways to meet our goal of reducing the rate of fatalities and serious injuries in the workplace by at least 25 per cent by 2020.

The Government has carefully considered the recommendations of the Taskforce and our response – *Working Safer* – outlines the programme of change necessary to improve health and safety at work. *Working Safer* represents the most significant reform of New Zealand’s workplace health and safety system in 20 years.

This reform includes an overhaul of the law to provide clear, consistent guidelines and information for business, additional funding to strengthen enforcement and education with a focus on high-risk areas, and better coordination between government agencies.

We’ve already made progress towards achieving a step-change in performance by setting up a stand-alone workplace health and safety Crown agent – WorkSafe New Zealand. This agency will play the lead role in delivering on this major package of reform.

But this is not a job for government alone. Success requires government, businesses and workers to work collaboratively to drive solutions. Success will not be achieved by telling people what to do, but what they need to achieve, and breaking down the “us and them” barriers in order for everyone to recognise their shared purpose.

Good workplace health and safety is an investment in good business. It aids business through better productivity and reliability, and better staff engagement. Not only does good health and safety make good business sense, it’s the right thing to do. Workers and their families have the right to expect they will return home safe from work every day.

A handwritten signature in black ink, appearing to read 'S Bridges'.

**Hon Simon Bridges**

Minister of Labour

# Changing the way we manage health and safety at work

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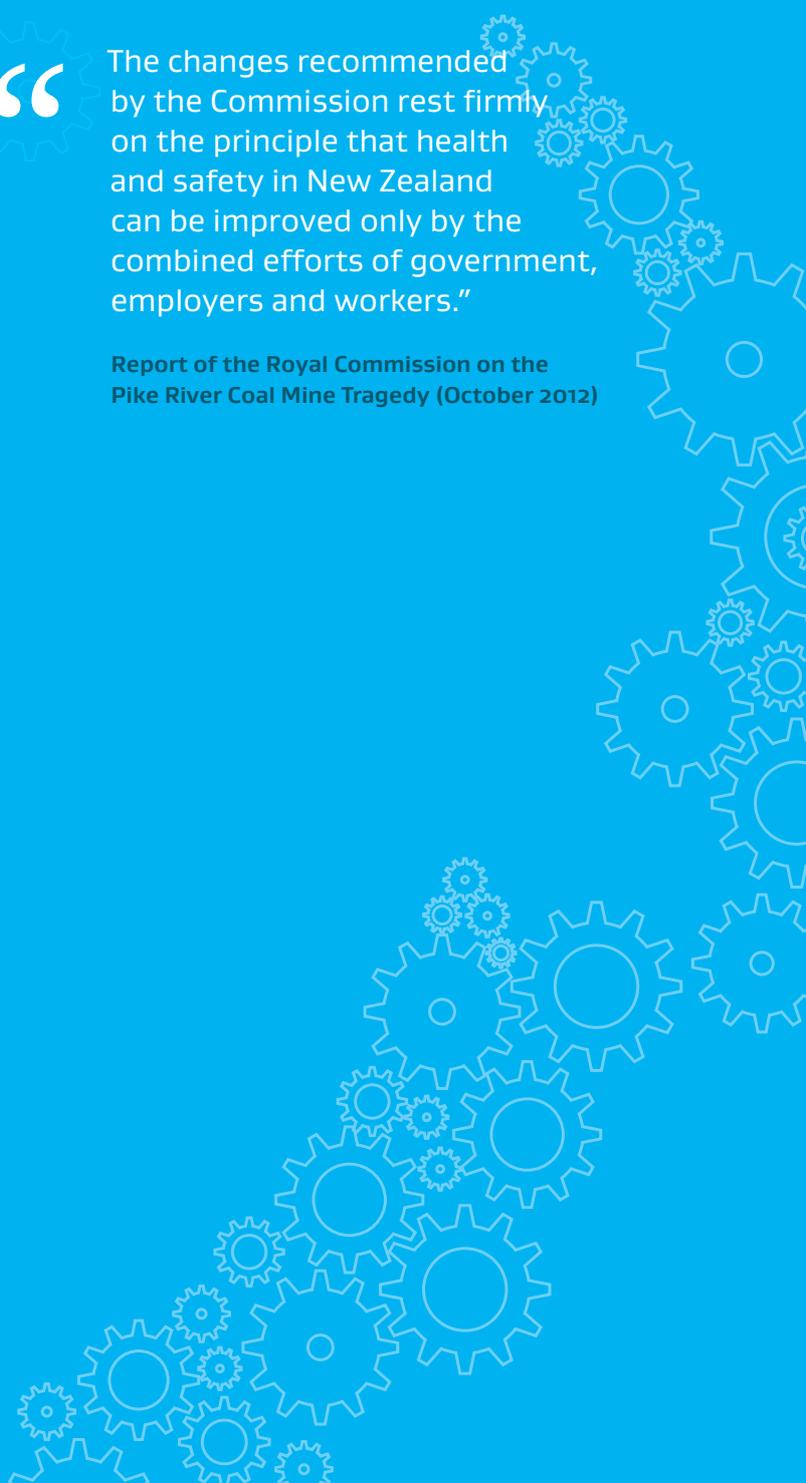
We call for an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes to the point where this country's workplace health and safety performance is recognised among the best in the world in 10 years' time.”

**Report of the Independent Taskforce on Workplace Health and Safety, (April 2013)**

“

The changes recommended by the Commission rest firmly on the principle that health and safety in New Zealand can be improved only by the combined efforts of government, employers and workers.”

**Report of the Royal Commission on the Pike River Coal Mine Tragedy (October 2012)**



## INTRODUCTION

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Too many people are being harmed and killed while at work in New Zealand. Our serious injury, fatality and occupational disease rates are unacceptably high. In addition, they are not showing significant improvement in contrast to other countries we like to compare ourselves to, such as the United Kingdom and Australia. In these countries, their approach to the issues is producing significant decreases to their rates of workplace harm.

Each year about 75 people are killed at work and there are conservative estimates of 600 to 900 deaths from work-related diseases such as asbestosis and various cancers. Around 1 in 10 workers are harmed each year, with about 200,000 claims being made to the Accident Compensation Corporation (ACC) for costs associated with work-related injuries and illnesses.

Work-related fatalities and serious injuries come at a high social, financial, and personal cost. Direct costs, such as to employers' short-term production, and the human capital costs of occupational illness and injury were conservatively estimated at \$3.5 billion in a 2010 cost-of-injury estimate prepared for the New Zealand Injury Prevention Strategy (NZIPS).<sup>1</sup>

*Working Safer* outlines the Government's plan to improve New Zealand's workplace health and safety system with the involvement and support of businesses and workers. The Government has set an ambitious target of at least a 25 per cent reduction in workplace injuries and fatalities by 2020 – it's going to take us all working together to make this happen.

## DRIVERS FOR CHANGE

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On 19 November 2010 an explosion at the Pike River coal mine resulted in the deaths of 29 men, a tragedy that was a serious wake-up call for us all. The Government established the Royal Commission on the Pike River Coal Mine Tragedy (the Royal Commission) to report on what had happened and recommend changes to prevent similar tragedies occurring.

The Royal Commission made 16 recommendations in its final report in October 2012. A number of these addressed the way New Zealand approaches workplace health and safety, while others related specifically to mining. The Government accepted all of the Royal Commission's recommendations and has committed to implementing them by the end of 2013. This includes the establishment of a new Crown agent, WorkSafe New Zealand, in December 2013, and establishing a new regulatory regime for mining in New Zealand.<sup>2</sup>

Following the Pike River tragedy, the Government also established the Independent Taskforce on Workplace Health and Safety (the Taskforce). The Taskforce was asked to research and evaluate New Zealand's workplace health and safety system, and to recommend a package of measures that would achieve the 25 per cent reduction target. The Taskforce undertook a robust and extensive engagement process throughout New Zealand and presented its report to the Minister of Labour on 30 April 2013, listing 15 main recommendations and calling for "an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes".<sup>3</sup>

The weaknesses of the current workplace health and safety system are set out in Diagram 1.

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1. O'Dea D. and Wren J. (2012) New Zealand Estimates of the Total Social and Economic Cost of Injuries. For All Injuries, and the Six Priority Areas. For Each of Years 2007 to 2010, At June 2010 prices. Report to New Zealand Injury Prevention Strategy. Wellington, New Zealand.

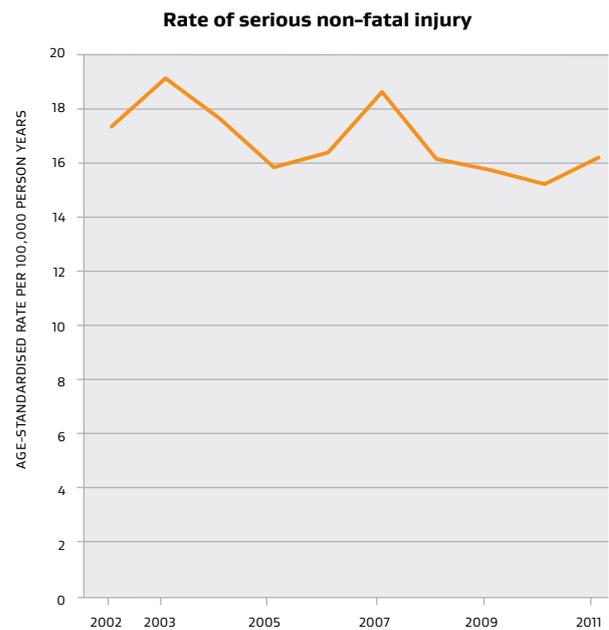
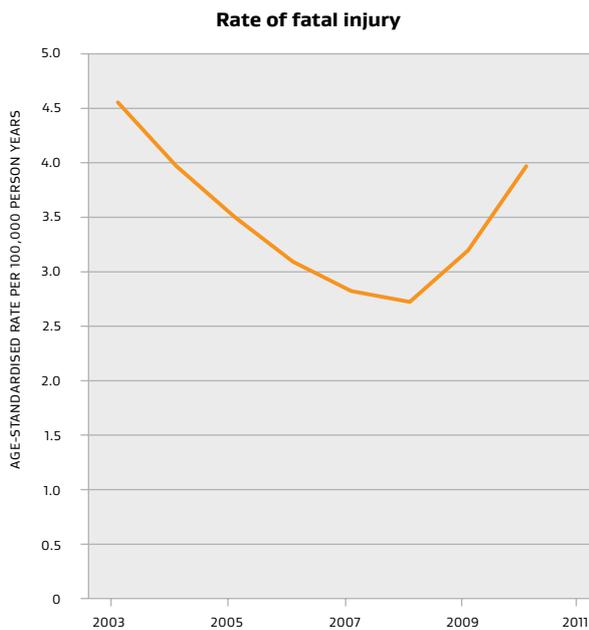
2. Details of the Government's Pike River Implementation Plan are at <http://www.mbie.govt.nz/what-we-do/pike-river-implementation-plan/pike-river-implementation-plan>

3. Executive Report of the Independent Taskforce on Workplace Health and Safety (2013), page 3

## The case for change and opportunity to do better

New Zealand's rates of serious injury and fatality and occupational disease are too high, costing us an estimated \$3.5 billion or more annually, as well as taking a huge social toll.

### RATES OF SERIOUS INJURY AND FATALITY



#### LEGISLATION

“The idea was to replace ‘prescriptive’ legislation and regulation, which tended to focus on specific hazards in specific industries, with principles that could be flexibly applied to the health and safety hazards confronted by all employers. ...The move towards more self-management by the employer was appropriate but the necessary support for the legislation, through detailed regulations and codes of practice, did not appear” – *Pike River Royal Commission*

“The performance-based Robens Model for Health and Safety legislation, which underlies the existing legislation is sound... however, New Zealand's implementation of the Robens model has been weak.” – *Independent Taskforce*

#### Other issues:

The HSE Act is over 20 years old and the changing nature of working arrangements and the increasing complexity of supply chains makes it difficult for businesses and workers to identify and understand their duties.

Legislation itself needs to be clearer, to enable better targeting of high-risk firms and to ensure costs are minimised for low risk firms.

#### PRIMARY REGULATOR

“The Taskforce considers that the overarching problem with the primary regulator has been a failure to provide the system with sufficient certainty” – *Independent Taskforce*

The regulator lacks some important functions and funding to enable the regulator to perform the basic role of a health and safety regulator in comparable jurisdictions. Previous enforcement focus on SMEs not large firms was misguided.

There are significant capacity and capability gaps within the regulator, and lack of oversight of the regulators' performance.

#### DATA AND RESEARCH

“The Taskforce is left with a profound unease about the quality of data in New Zealand. We are deeply concerned that we do not have a clear, reliable picture of New Zealand's performance.” – *Independent Taskforce*

No single agency that has sufficient data to provide an overview of how the system as a whole is functioning.

This means that links are not made, the quality of data is variable and affects how we can make informed interventions.



*“The Taskforce has found that there is no single critical factor behind this poor performance. Instead, we see significant weaknesses across the full range of workplace health and safety system components, coupled with the absence of a single strong element or set of elements to drive major improvements or to raise expectations.”* – **Independent Taskforce on Workplace Health and Safety**

#### FRAGMENTATION AND POOR COORDINATION OF DELIVERY

“Regulatory effectiveness is compromised by inadequate coordination across a multiplicity of agencies.” – *Submission to Independent Taskforce on Workplace Health and Safety Leadership*

#### LEADERSHIP

“While the regulatory system has not provided the right incentives and enforcement measures to drive high standards of leadership, all influential stakeholders need to step up and be accountable for workplace health and safety” – *Independent Taskforce*

#### CAPABILITY

“There are major capacity and capability constraints among workers, managers, health and safety practitioners, business leaders and the regulator that contribute significantly to New Zealand’s poor workplace health and safety record” – *Independent Taskforce*

#### MAJOR HAZARDS

“While death and injury statistics are important, there needs to be a better focus and strategy to understand and manage risks inherent in areas like mining” – *Pike River Royal Commission*

There is a range of high hazard areas and facilities that have the potential for catastrophic failure. The current regulatory framework for high hazards has limited coverage beyond mining and petroleum production and pipelines, and there are real risks that the next Pike River may be in a workplace such as a chemical plant.

#### HSNO

“One of the biggest challenges to managing occupational health risks and exposure to hazardous chemicals is that confusion can arise between different legislation” – *Submission to Independent Taskforce*

We have two regimes that do not work well together. These need to be simplified for businesses that do not understand their obligations and often don’t comply with many of the controls.

#### OCCUPATIONAL HEALTH

“Occupational health has been left in the too-hard basket” – *Independent Taskforce*

Occupational health injuries and fatalities are significantly higher than traumatic workplace injury but it is even harder to collect data on these and there is not enough focus given to preventative measures.

There is a lack of awareness, knowledge and understanding about specific occupational health risks by employers, managers and staff.

#### WORKER PARTICIPATION

“Worker involvement in workplace health and safety is a critical weak link” – *Independent Taskforce*

“Worker participation is essential to strong safety performance.” – *Submission to Independent Taskforce on Workplace Health and Safety*

Worker participation, a key component of the Robens model, is not being implemented properly, levels of worker engagement in workplace health and safety issues are inconsistent across businesses.

#### INCENTIVES

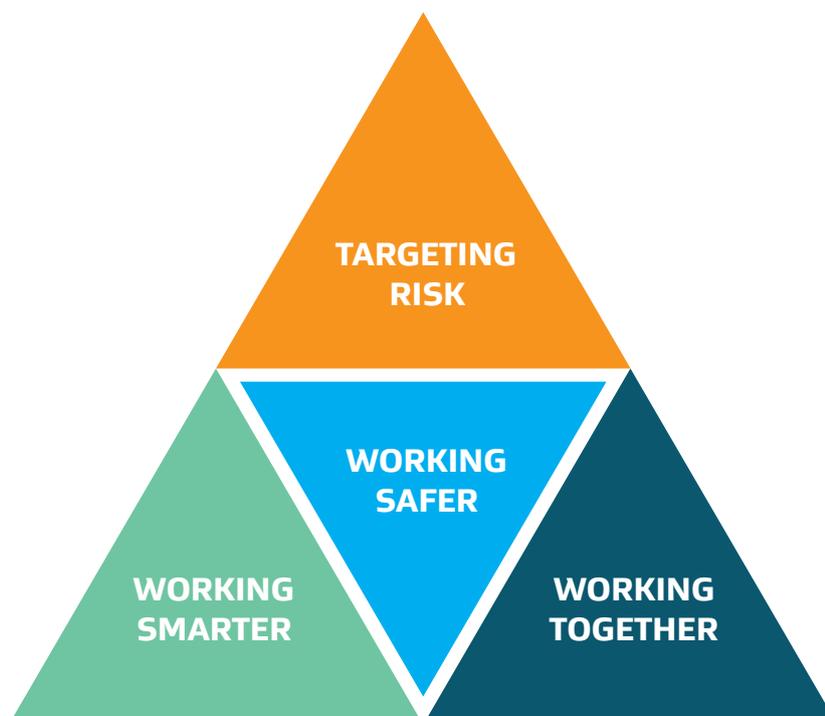
“New Zealand does not have the right mix and weightings of positive incentives and deterrents” – *Independent Taskforce*

Low levels of inspection and prosecution have contributed to high levels of non-compliance.

More could be done to incentivise good health and safety practices and reward high-performing employers.

## OUR VISION

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### Working safer

The Pike River Royal Commission and Taskforce reports indicate that there is no one problem and no one solution to improve the workplace health and safety system in New Zealand. The Government is committed to working with businesses and workers to implement a comprehensive package of system-wide changes in order to create an effective workplace health and safety system.

The creation of WorkSafe will make a significant contribution to this, but further change is needed in order to meet the 2020 target. We need to make meaningful changes across the workplace health and safety system and this will require investment, focus, and commitment.

*Working Safer* presents a once in a life-time opportunity to take an effective, system-wide approach to workplace health and safety in New Zealand. It will help foster a New Zealand culture that recognises that health and safety is not a burden but an investment in good business practice, improved productivity and reliability, and an engaged workforce.

This package of initiatives refreshes and recalibrates our approach. To achieve our vision we will *work smarter*, *target risk*, and *work together* to ultimately *work safer*.

The Government has broadly accepted the Taskforce's recommendations and shares its ambition for a new, high-functioning system for health and safety at work.

This package of change will deliver:

- › **strengthened leadership by government** through a strategic national workplace health and safety system that is coordinated and integrated; the creation of an effective health and safety regulator, WorkSafe; and government agencies working together and showing commitment to workplace health and safety in their own activities as employers and purchasers

- › a **greater focus** through legislation, prevention activities with business, education, enforcement and incentives **on addressing acute, chronic and catastrophic harm including high-risk sectors** (industries which have the highest numbers of fatalities and serious injuries) and **major hazard facilities** (operations which have the potential for one-off catastrophic events, such as large chemical plants)
- › a system that **gets the balance right and is proportionate for small and large low-risk businesses**, where regulation, guidance and information makes it clear that businesses need health and safety practices which are proportionate to the risks in their workplace and the requirements are easy to comply with.
- › a **new legislative framework**, which continues the current performance-based approach, but which is modelled on the most recent version of this – the Australian Model law (see the *Model Work Health and Safety Law* text box on p.15). This approach recognises that a well-functioning health and safety system relies on participation, leadership, and accountability by government, business and workers. This includes:
  - › the appropriate level of regulations and guidance to ensure people understand their obligations and can comply with them, without being overly prescriptive
  - › an effective enforcement regime with graduated categories of offences and penalties to provide better guidance to the Courts about appropriate fine levels
  - › obligations being placed on the people in a work environment who create the risk and are best able to manage the risk
  - › a law which is flexible enough to work appropriately for small and large businesses and high and low-risk sectors, without imposing unnecessary compliance costs
  - › a worker participation model which provides for better levels of participation and helps workers to have the knowledge and accountability to keep their colleagues safe
- › a **well-resourced regulator with a firm regulatory stance focused on the areas of most risk**, that holds people to account and performs critical roles relating to guidance, education and providing incentives for injury prevention
- › **more resourcing and targeted activity** to address the challenge and opportunity the Canterbury re-build provides in relation to workplace health and safety
- › **robust data, monitoring, reporting, analysis and evaluation of the system** to understand system performance and to enable government and others to best target effort
- › **greater partnership and collaboration that makes the most of the skills and relationships of all government agencies** operating in the workplace health and safety system to achieve the most efficient and effective collective impact of government's investment. For example, ACC and WorkSafe creating an injury prevention action plan, which is focused on delivering the best outcomes, as well as an effective performance rating scheme linked to levy discounts for businesses
- › **work within the regulator, and with industry bodies, to develop more depth and capability** within the system and to develop agreed professional standards for health and safety professionals.

## A joint effort

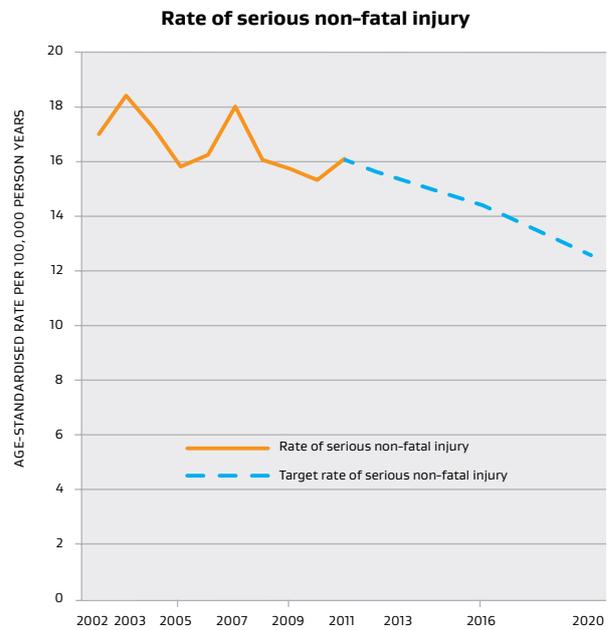
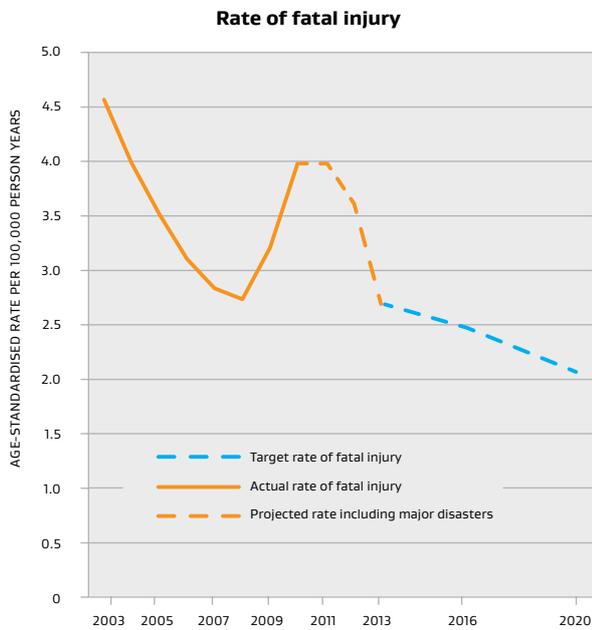
Collective action and shared responsibilities throughout the system – by workers, business and government – will be needed to ensure the success of the new health and safety system. The changes outlined in this document aim to give everyone the tools and knowledge needed to play their part in improving health and safety at work.

Our target is a 25 per cent reduction in serious workplace injuries and fatalities by 2020 – supported by a number of interim targets so we stay on track. By 2016 we want to achieve: a 10 per cent reduction in the rate of fatal work-related injury; a 10 per cent reduction in the rate of serious non-fatal work-related injury; and a 10 per cent reduction in the rate of work-related ACC claims for more than a week away from work. We will measure our progress against the 2008–2010 average.

# Our response



## TARGET RATES OF SERIOUS INJURY AND FATALITY



### LEGISLATION

#### New legislation

- A new Act based on the Australian Model law
- Clarify duty holders and duties
- Cover alternative working relationships
- Positive duty on directors
- Will contain controls to manage hazardous substances in the workplace

Provide appropriate regulations and guidance without being overly prescriptive

A suite of new compliance and enforcement tools, including:

- Stronger penalties
- New compliance tools and Court powers
- Cost recovery mechanism for prosecutions

The Minister of Justice is considering corporate manslaughter and the general corporate liability framework. There will also be legislative changes to support improvements to other parts of the system.

### DATA AND RESEARCH

- New research, evaluation and monitoring function in WorkSafe NZ
- More focus on occupational health data and analysis
- Will augment its own data with information from other agencies (MBIE, Statistics NZ, ACC, and other regulators)
- Ability to share data with other agencies
- Checks in place to keep personal information private

### HSNO

- Better alignment of HSNO and Health and Safety at Work hazardous substances regimes and workplace controls under health and safety legislation
- Most businesses will have one set of more simplified requirements covering all workplace hazards

### PRIMARY REGULATOR

- Set up WorkSafe to not only enforce, but also educate, guide and coordinate implementation across the system
- Work with MBIE to develop regulations
- Develop Approved Codes of Practice and guidance for business
- Greater role in: education; injury prevention (with ACC); research, monitoring and evaluation; high hazard facilities, occupational health, hazardous substances; and supporting the Canterbury rebuild.
- Will have available to it greater resources and use of compliance and enforcement tools
- Focus on increasing internal capability
- Cross Board membership with EPA and ACC

### CAPABILITY

- WorkSafe will build its own internal capability first to carry out functions
- National Workplace Health and Safety Strategy will develop actions to address the capacity and capability gaps from the end of 2014

### MAJOR HAZARDS

- Map risk landscape and expand to include all major hazard facilities (for example large chemical facilities)
- Prioritise the types of major hazard facilities for inclusion, thresholds for automatic inclusion and powers to classify lower levels
- Ensure that appropriate regulations are developed for the priority sectors
- Ensure the regulator is resourced to provide rigorous oversight and compliance with the new framework

### OCCUPATIONAL HEALTH

- Increased focus on, and resourcing of, occupational health throughout WorkSafe's functions

### INCENTIVES

- Stronger compliance and enforcement tools
- Implementation of a new Safety Star Rating scheme and consideration of its use in Government procurement processes
- Improved ACC incentive programmes

### COORDINATED DELIVERY

- Roles and expectations further clarified in strategies, and cross-agency oversight groups
- Removing gaps, duplication and confusion
- New regulatory regime for regulating hazardous substances
- New provisions for injury prevention in the workplace and design and delivery of products to incentivise Health & Safety

### LEADERSHIP

- National Workplace Health and Safety Strategy which will be owned by the Minister of Labour and developed by MBIE, WorkSafe and other relevant agencies
- MBIE and WorkSafe to provide leadership on workplace health and safety across government
- MBIE will work with industry to establish a representative body for Health & Safety professionals

### WORKER PARTICIPATION

#### Representation

- Worker perspectives on the Board of WorkSafe
- Expert advisory groups containing worker representation

#### Strengthen the legal framework for worker participation

- Specific obligations on all employers to support worker participation
- Expand powers and responsibilities of H&S representatives
- Protections for workers who raise H&S issues
- Requirement that businesses of all sizes must have worker participation practices appropriate to the business

#### Building the capability and education of workers to participate

Diagram 3: Timeline of Phasing

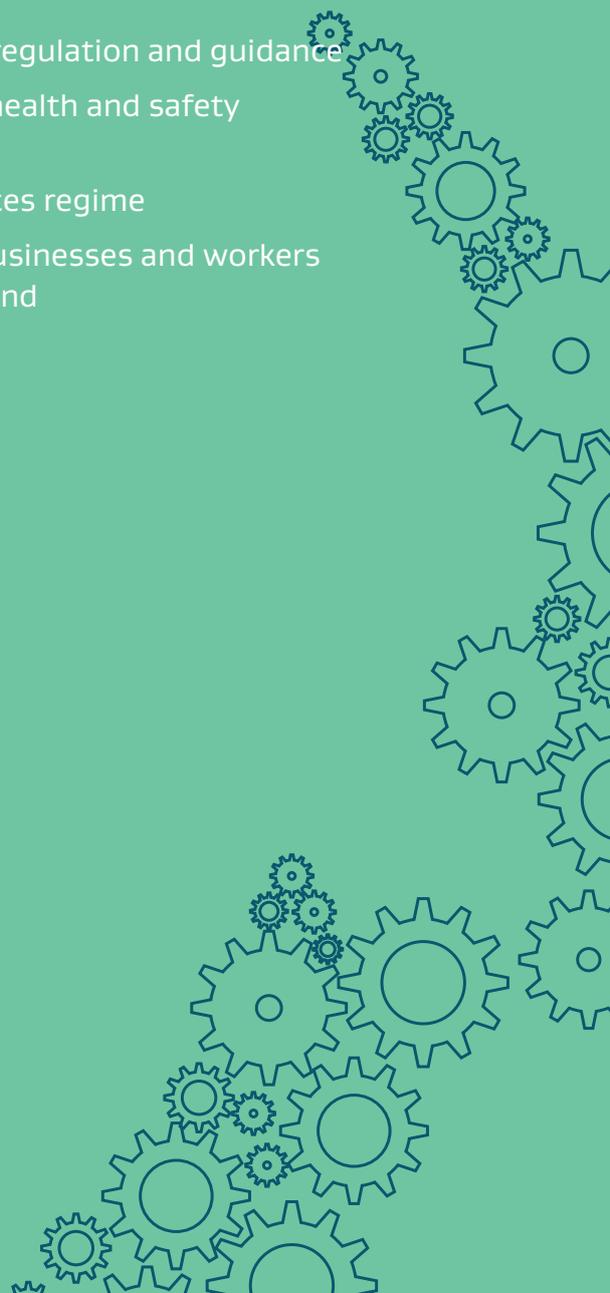


# Working smarter

We aim to work smarter by making sure everyone has access to the knowledge they need to understand what is expected of them, make informed decisions and then implement them. This set of changes will give businesses and workers the knowledge and guidance necessary to prevent serious harm and fatalities at work. Government agencies will also have better information to help them target the work they do to where it is needed most.

We will do this by:

- providing clarity through legislation, regulation and guidance
- setting up a representative body for health and safety professionals
- creating a clearer hazardous substances regime
- building capability of the regulator, businesses and workers through information and education, and
- improving data and research.





## PROVIDING CLARITY THROUGH MORE EFFECTIVE LEGISLATION

### RECOMMENDATION 2 & 12<sup>4</sup>

What's happening ...	... and when
Clearer duties in a new Health and Safety at Work Act to cover health and safety at work, based on Australia's Model WHS Law	Introduced into the House by December 2014
New Health and Safety at Work Act passed	By the end of 2014
Regulations, codes of practice and other guidance for specific sectors, activities and duty holders developed	On-going development from December 2013

### What's happening

#### ■ The vision for a new Act

New Zealand's current primary workplace health and safety legislation, the Health and Safety in Employment Act 1992 (HSE Act), follows what is known as the Robens model. The Robens approach introduced an emphasis on reduced levels of prescriptive regulation and a shift towards a 'performance based' rather than a 'compliance based' approach. Performance-based general duties cover a broad range of work and workplaces. The advantage of this approach means that the legislation does not date quickly, they support innovation and they provide flexibility. The duties are underpinned by industry- or hazard-specific regulations; approved codes of practice and guidance where further clarity is needed.

The new Health and Safety at Work Act will be based on the recently developed Australian Model Work Health and Safety Law (the Australian Model Law, see the textbox below) and adapted where necessary for New Zealand conditions. Australia has been through an extensive modernisation process to develop this legislation, drawing on its own and international experience. We can capitalise on that work and at the same time generally align ourselves with our neighbours.

The benefits of adopting and adapting the Australian Model Law include the following:

- › it is the most recent approach to the Robens performance-based legislation, and is a sound approach to workplace health and safety legislation
- › the performance-based approach allocates duties to the people who are best placed to manage them
- › the Australian Model Law is sufficiently novel that New Zealand duty holders and regulators will realise that they need to change their approach to health and safety at work
- › it will make it easier to create the extensive body of regulations and guidance needed to effectively implement the Robens approach, as we can draw upon the significant resources and body of knowledge already developed in Australia, and
- › it will simplify workplace health and safety for trans-Tasman businesses.

4. This notes which of the Taskforce recommendations the actions in this section correspond with. Details of the Taskforce recommendations can be found in the *Report of the Independent Taskforce on Workplace Health and Safety* at <http://hstaskforce.govt.nz/documents/report-of-the-independent-taskforce-on-workplace-health-safety.pdf>

New Zealand's new Act will help us work smarter by improving clarity for the regulator, businesses and workers. These changes include:

- › a fundamental change to the definition of duty holder by moving to the more inclusive definition of a 'person conducting a business or undertaking' (PCBUs) to allocate duties to those people in the best position to control risks to health and safety in the workplace
- › a clearer test to determine what is a 'reasonably practicable' action for PCBUs to take, given risk and other circumstances
- › a positive due diligence duty so that those with governance roles in firms and organisations must actively manage workplace health and safety, and will face consequences if they fail to perform their duties, and
- › a modified penalties structure (for more information see the 'Response to non-compliance' section, p.25).

#### ■ Providing clarity through regulation and guidance

Regulations, guidance and Approved Codes of Practice (ACOPs) will be developed to provide PCBUs and workers with certainty about how the law and regulations will apply to them, without being unnecessarily prescriptive. In their submissions to the Taskforce businesses indicated that they wanted more guidance in order to better understand how to fulfil their responsibilities and design their own compliance systems. Guidance material will be particularly important in helping duty holders to understand and implement key concepts contained within the new law, such as PCBU, and 'reasonable practicability'. Lack of guidance was identified as a weakness of the current legislative regime. This will promote better health and safety outcomes, and make it easier for businesses to achieve compliance.

The current health and safety legislation can be misinterpreted and wrongly applied – especially in small low-risk businesses. Our focus will be on creating guidance that is appropriate for the types of risk faced and size of business. We will consult with and provide guidance to managers and workers to increase knowledge and awareness of health and safety, including through WorkSafe's national harm reduction programmes.

We will use the Australian regulations, codes of practice and guidance as a starting point, but recognise in some areas:

- › there are differences in the arrangements and practices in Australia and New Zealand (such as our hazardous substances regime)
- › some New Zealand regulations have only recently been developed and will not require substantial changes, so they will be amended to fit with the new Act.

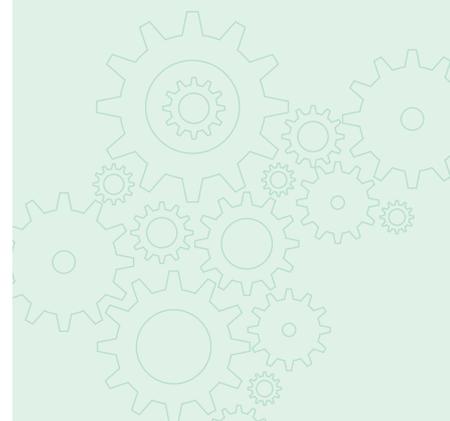
We will consult widely to ensure that there is balance and clarity of obligation. We want to avoid unnecessary prescription and make it easier for businesses to comply. WorkSafe will need to dedicate significant resource to the development and maintenance of ACOPs and guidance.

The creation of regulations, ACOPs, standards and guidance will be a phased process, based on priority. WorkSafe will have resources to make additional improvements and ensure that they are kept up-to-date with any changes in working arrangements.

## Model Work Health and Safety Law

The Australian Model Work Health and Safety Law was developed following an extensive national review in 2008–09 to determine the optimal content of a workplace health and safety Act. In a bid to achieve national harmonisation of legislative provisions, each of the nine Australian jurisdictions was to use the Model Law as a template for new State legislation, making adaptations as necessary for their context. The Model Law consists of the Model Work Health and Safety (WHS) Act, supported by model WHS regulations, model Codes of Practice, guidance documents and a National Compliance and Enforcement Policy.

The aim is to provide all workers in Australia with the same standard of health and safety protection regardless of the work they do or where they work. A stronger national approach means greater certainty for businesses (particularly those operating across state borders) and, over time, reduced compliance costs for business.



## Person conducting a business or undertaking (PCBU)

The new legislation will allocate duties to those people in the best position to control risks to health and safety, as are appropriate to their role in the workplace. The core duty is that of a PCBU:

*A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:*

- (a) workers engaged, or caused to be engaged by the person; and*
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*

There is also a duty owed by the PCBUs to other people affected by the work being done. Specific duties extend to upstream participants in the supply chain (e.g. PCBUs that are designers, manufacturers, importers and suppliers of plant, substances, and structures).

### What does this mean?

There may be multiple businesses or undertakings and therefore multiple PCBUs involved in work at the same location or on the same project. For example:



The diagram above shows a typical supply chain in the construction industry. All of the members of the chain (except the worker) are a PCBU. PCBUs must firstly consult with their workers, and secondly consult, coordinate and cooperate with other duty holders regarding matters affecting health and safety. The PCBU at the head of the contracting chain (in this case the construction firm) needs to ensure that the principal contractors, contractors and sub-contractors are properly selected and managed via the contract and instruments such as compliance guides. Each PCBU has to manage the health and safety performance of the parties beneath them in the chain through supervision and monitoring. The construction firm and principal contractor will lead the coordination of the work, and health and safety performance of all the parties.

Other examples of people who might be PCBUs if they have people working to them, are:

- The owner of a multi-tenanted shopping centre, the manager of the shopping centre, each of the businesses operating from shops in the shopping centre and those carrying out ancillary activities such as cleaning, security and shopping trolley collection.
- A service station owner, the service station operator (if different from the owner), the mechanic (if running a separate business), the PCBU carrying out the supply of gas cylinders to the public at the service station and the operator of an attached fast-food outlet.

## What this means

- › clearer obligations for duty holders back up with regulations, ACOPs, standards and guidance to make it easier for businesses and workers to understand and fulfil their roles and responsibilities
- › duties will be allocated to those people in the best position to control risks to health and safety
- › up-to-date law that reflects modern employment arrangements, has better coverage and less duplication
- › a consistent trans-Tasman approach that will reduce transaction costs for firms and individuals operating in both countries, and
- › architects, engineers and other upstream duty-holders are more aware of workplace health and safety issues and reflect this in their work.



## CREATING A CLEARER HAZARDOUS SUBSTANCE REGIME RECOMMENDATION 5A

What's happening ...	... and when
Moving regulation of workplace hazardous substance use to the new Health and Safety at Work Act	Act to be passed by December 2014
Improvements to the Hazardous Substances and New Organisms Act 1996	As above

### What's happening

Hazardous substances are currently regulated by two different and overlapping Acts: the HSE Act and the Hazardous Substances and New Organisms Act 1996 (the HSNO Act). The following are the primary government agencies currently involved:

- › **the Ministry for the Environment (MfE)**, which administers the HSNO Act, including the default controls for hazardous substances set out in regulations under that Act
- › **the Environmental Protection Authority (EPA)**, which considers applications for hazardous substances, identifies their hazardous properties, sets controls (as conditions to its approval) and produces guidance, and
- › **the Health and Safety Group within the Ministry of Business, Innovation and Employment (MBIE)**, which is responsible for compliance and enforcement regarding use of hazardous substances in workplaces under both the HSNO and HSE Acts.

For the significant majority of the estimated 150,000 New Zealand businesses using hazardous substances, the key difference is that they will only have to engage with one agency (i.e. WorkSafe), which will provide complete and integrated information of workplace health and safety requirements, including for the first time, hazardous substances. This will make it easier for businesses to understand their obligations and comply. Firms whose core business is the introduction of hazardous substances into the market will continue to deal with the HSNO regime for approvals and compliance. They will also interact with the workplace health and safety regime to ensure the safety of workers.

For the agencies involved roles and responsibilities will be divided in a clearer and more user friendly way. The regulatory framework will keep the overarching responsibilities for hazardous substances with the EPA, which is the agency most capable of classifying hazardous substances and determining base controls for safely managing them. The EPA will also have a new focus on ensuring substances being introduced into the market comply with HSNO controls. The use of hazardous substances in the workplace will transfer to regulations under the new Health and

Safety at Work Act, and will be administered by MBIE and enforced by WorkSafe. Hazardous substances will continue to be classified, assessed and have controls assigned by the EPA via an updated and improved HSNO Act that makes controls for hazardous substances simpler.

This approach will enable hazardous substance controls to be simplified so safety requirements can be more easily communicated to users.

### What this means

- › greater certainty and clarity for users of these hazardous substances
- › reduced workplace illness and improved occupational health for workers
- › businesses and workers will have a better understanding of how to manage hazardous substances as part of their total workplace health and safety management rather than having to comply with two different approaches, saving them time and cost.



## ESTABLISHING A HEALTH AND SAFETY PROFESSIONALS ALLIANCE RECOMMENDATION 14C

What's happening ...	... and when
Establishment of a representative body for health and safety professionals	June 2014

### What's happening

There are a number of professional bodies for different occupational health and safety professions. The establishment of a representative peak body to bring these groups together as a Health and Safety Professionals Alliance (HaSPA), was an action in the Workplace Health and Safety National Action Agenda 2010–2013, but has not yet happened. MBIE will work with and support the professional bodies to establish HaSPA by June 2014.

There are several benefits in establishing a peak body for workplace health and safety professionals. These include having overarching accreditation, professional development, and a consistent quality of advice. HaSPA will provide more effective engagement on education and developing the sector's skills. The creation of a peak body will ensure that there is a clear and agreed understanding of what good standards look like, and an easy way for people to access them. It will be able to steer firms in the right direction for advice or services and assurance that the providers are competent. Finally, it will provide a first point of contact for government when a professional health and safety perspective is needed.

### What this means

- › workplace health and safety will be recognised more consistently as an area of professional practice
- › duty-holders will be able to find and engage high-quality professional advice where necessary, and
- › as a representative professional body, it will be easier for occupational health and safety professionals to engage with government and for government to consult with them.



## BUILDING CAPABILITY RECOMMENDATIONS 14A, B & D

What's happening ...	... and when
Workforce development plan formulated, as part of the Workplace Health and Safety Strategy	Beginning from December 2014
Increased capability of WorkSafe so that it can carry out its new functions	On-going

### What's happening

There will be a focus on building the capability needed for WorkSafe to carry out its role. It is clear there has been a gap between the type and extent of the skills, knowledge and experience in the regulator and what WorkSafe will need to carry out its enhanced functions (see *Establishing WorkSafe New Zealand* section for more information, p.22). Other initiatives to build capability in the system will rely on WorkSafe taking the lead in new areas. It will require a broad range of expertise including knowledge of good workplace health and safety practices; occupational health expertise including knowledge of hazardous substances; specialist knowledge of high hazard industries such as petroleum, mining, chemicals; skills and knowledge to develop safety incentive programmes, assessors and test certifiers. MBIE has already started the process of strengthening the regulator's capabilities ahead of the intention to transition to WorkSafe in December 2013 with its *Lifting Our Game* programme.

Once WorkSafe is fully up and running, a workforce development plan will be developed as part of the new Workplace Health and Safety Strategy (see the *Workplace Health and Safety Strategy* section for more information, p.30). This will involve WorkSafe, MBIE, other government agencies and a wide range of industry and sector stakeholders identifying where improvements are needed and develop a plan to address them. These agencies will need to develop the skills of their staff, both in relation to the new legislation and to support compliance outcomes generally.

WorkSafe and MBIE will also help develop workforce skills by working with education agencies to investigate further opportunities to improve health and safety capability within priority sectors. This work will start by exploring how to embed workplace health and safety standards in relevant New Zealand Qualifications Framework (NZQF) qualifications at levels 1–6. The tertiary education system will support the preparation and on-going ability of all duty holders and advisors by building awareness, knowledge and skills.

### What this means

- › WorkSafe will have the capability to carry out all the functions necessary to be an effective regulator
- › greater focus on health and safety at work in vocational training to prepare people for the workforce
- › more people (at all levels, including managers) either in or entering the workforce who are aware of their workplace health and safety obligations and rights, and
- › workers will have the knowledge and skills they need to keep themselves and their colleagues healthy and safe at work.



## IMPROVING DATA AND RESEARCH

### RECOMMENDATION 13

What's happening ...	... and when
A research, evaluation and monitoring function will be set up within WorkSafe	June 2014

### What's happening

A research, evaluation and monitoring function will be set up within WorkSafe to ensure a constant focus on high quality workplace health and safety information, analysis, and evaluation. A priority will be improving the quality of information and statistics.

WorkSafe and other agencies will also be able to share data for the purpose of developing better workplace health and safety statistics (as long as people's private information is not easily identifiable) and to share and coordinate data which will improve operational intelligence.

WorkSafe will be responsible for a comprehensive programme to:

- › coordinate the documentation of work-related injury data sets and produce guidance on the statistics available
- › improve existing data, including a review of the data-recording systems used by inspectors
- › develop minimum data sets for work-related injury and illnesses and develop a system-wide suite of performance indicators
- › publish and disseminate its findings and make monitoring data available to partner agencies and key stakeholders.

This programme builds on MBIE's current work with Statistics New Zealand and ACC to:

- › redevelop the work-related injury indicators
- › improve the consistency of work-related injury data, accessibility to this data, and timeliness of the outputs, and
- › link ACC data into the Statistics New Zealand linked employer-employee dataset (LEED) to build a better understanding of who is getting injured and where they are getting injured.

### What this means

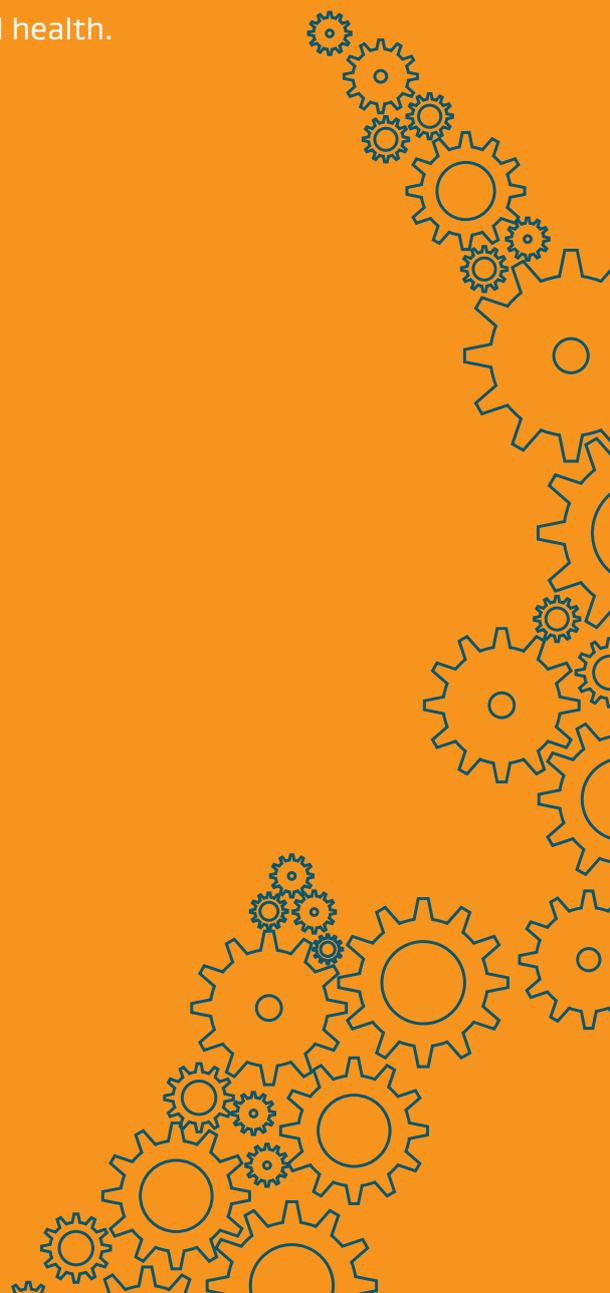
- › WorkSafe and other workplace health and safety agencies will have better information to help them target activities
- › we will have access to complete, timely and comparable data on the number of people seriously injured each year
- › agencies and others will have clarity on which numbers to use, when to use them and how to interpret them
- › good information on the links between people's jobs and workplace injury rates
- › we will understand the trends and better be able to target initiatives to reduce harm in the workplace
- › we will be able to measure whether programmes and enforcement are working or not, and
- › there will be more reliable research to help businesses see how well they are doing compared to others and to improve their own approach to health and safety at work.

# Targeting risk

Government actions and the focus of the new regulator, WorkSafe, will be based on levels of risk. Businesses in high hazard industries, or at risk of acute, chronic, or catastrophic harm will need to do more, but businesses with lower levels of risk will find it easier to comply and will have minimal costs. There will be more focused prevention activity by the government and businesses in higher risk industries.

We will do this by:

- creating a better targeted and more focused regulator
- strengthening the response to non-compliance
- regulating major hazard facilities, and
- giving more attention to occupational health.





## CREATING A BETTER REGULATOR – WORKSAFE NEW ZEALAND

### RECOMMENDATION 1 & 15

What's happening ...	... and when
MBIE's <i>Lifting our Game</i> operational structure in place	July 2013 onwards
Government's main workplace health and safety regulatory role transfers to WorkSafe	December 2013

### What's happening

#### ■ Lifting Our Game

Even before the Royal Commission made its final recommendations and the Taskforce was formed, the government and the former Department of Labour (one of the foundation agencies of MBIE) were looking at ways to improve health and safety delivery.

In April 2012 Cabinet agreed to additional funding of \$37 million over four years to enable MBIE's health and safety group to improve service delivery, through the *Lifting Our Game* programme.

This programme is underway and its key objectives include:

- › **a new service delivery model** for the inspectorate from 1 July 2013. The new service model includes an increased focus on targeting high-risk activity, improved and nationally consistent practice, increased visibility and presence in workplaces, and tougher enforcement. Teams will specialise in response (triaging), investigations and assessments (planned proactive visits)
- › **fully resourcing the High Hazard Unit** covering off-shore petroleum, geothermal and mining industries
- › **ensuring that inspectors and managers are fully trained** and hold warrants under both the HSE and the HSNO Acts
- › **engaging with stakeholders in the highest risk sectors**, particularly forestry, agriculture, construction, and manufacturing, and continuing to develop action plans and harm reduction programmes in these sectors
- › **establishing a small programme team** to start planning and coordinating services required to support the **Canterbury Recovery**
- › **making some initial improvements to the core computer systems** supporting the inspectorate to improve productivity and accuracy of information recording
- › **increasing operational intelligence**, and
- › **strengthening the operational relationship with ACC**, including joint development of focus areas.

#### ■ Establishing WorkSafe New Zealand

In February 2013 the Government decided to establish WorkSafe as a standalone Crown entity with a sole focus on workplace health and safety. It is the intention for WorkSafe to be in place in December 2013 and it will take the lead in harm prevention in workplaces and enforce health and safety at work regulations. It will also work collaboratively with business and workers to promote good workplace health and safety practices.

In particular, WorkSafe will:

- › **monitor and enforce compliance** with the primary workplace health and safety legislation
- › **develop codes of practice** in accordance with the primary workplace health and safety legislation
- › **provide guidance, advice and information** on workplace health and safety to duty holders under the primary workplace health and safety legislation and also to the community

- › **promote and support education and training** on workplace health and safety matters
- › **collect, analyse and publish statistics** relating to workplace health and safety
- › **foster a co-operative, consultative relationship** between duty holders, workers and their representatives in relation to workplace health and safety matters, and
- › **engage, promote and co-ordinate the implementation** of workplace health and safety, including the sharing of information, with regulators and other agencies that contribute to workplace health and safety.

#### ■ Next steps

When WorkSafe is established it will have the functions and powers of the existing regulator (MBIE). However, additional functions are needed to enable it to perform the basic role of a health and safety regulator in comparable jurisdictions.

The extra funding provided for *Lifting Our Game* only covered some of the regulator's functions. The system-wide reform outlined in this document involves new roles and functions, which will require additional funding. These functions include:

- › **significantly larger standard-setting and operational policy functions**
- › **the development of expert advisory groups** to support the process of developing legislation, regulation, ACoPs and other Crown agent initiatives
- › **a stronger educational role**
- › **an extended harm prevention function** (through targeted national programmes)
- › **more support for high-risk sector action plans and the Canterbury recovery** so the government can play a key leadership role in reducing harm in these areas
- › **a new research, monitoring, reporting and evaluation function** to collect, analyse and publish data
- › **an extension of the high hazard unit functions** to additional identified major high hazard facilities (such as chemical plants)
- › **an expanded role in occupational health and hazardous substances**
- › **working with ACC to develop a Safety Star Rating scheme** (see the *Better coordination between agencies* section for more information, p.31)
- › **an increased coordination role with ACC and EPA**
- › **a key skills development role**, first in developing its own capability and skills through training and development, and then on a workforce development programme, and
- › **the use of additional enforcement tools.**

Diagram 4 shows the changing role of the regulator as WorkSafe is established. The most important change is towards using a broader range of tools (including enforcement, education, harm reduction programmes and other incentives) to deliver better results. WorkSafe will have a leadership role as the primary regulator and will be a key source of information for other agencies and businesses.

## How will WorkSafe focus on what's important?

New workplace health and safety legislation will lay out the framework for WorkSafe to work within and the Workplace Health and Safety Strategy will set out WorkSafe's priorities. The focus will be on increasing compliance without creating a burden for businesses, and better management of high and catastrophic risk.

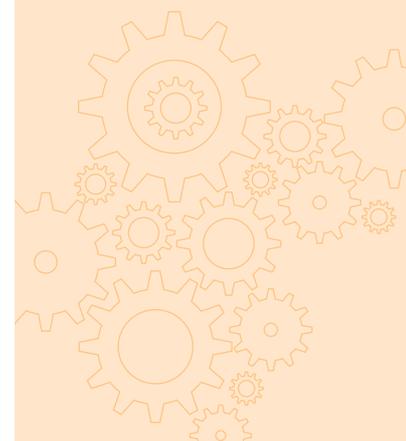
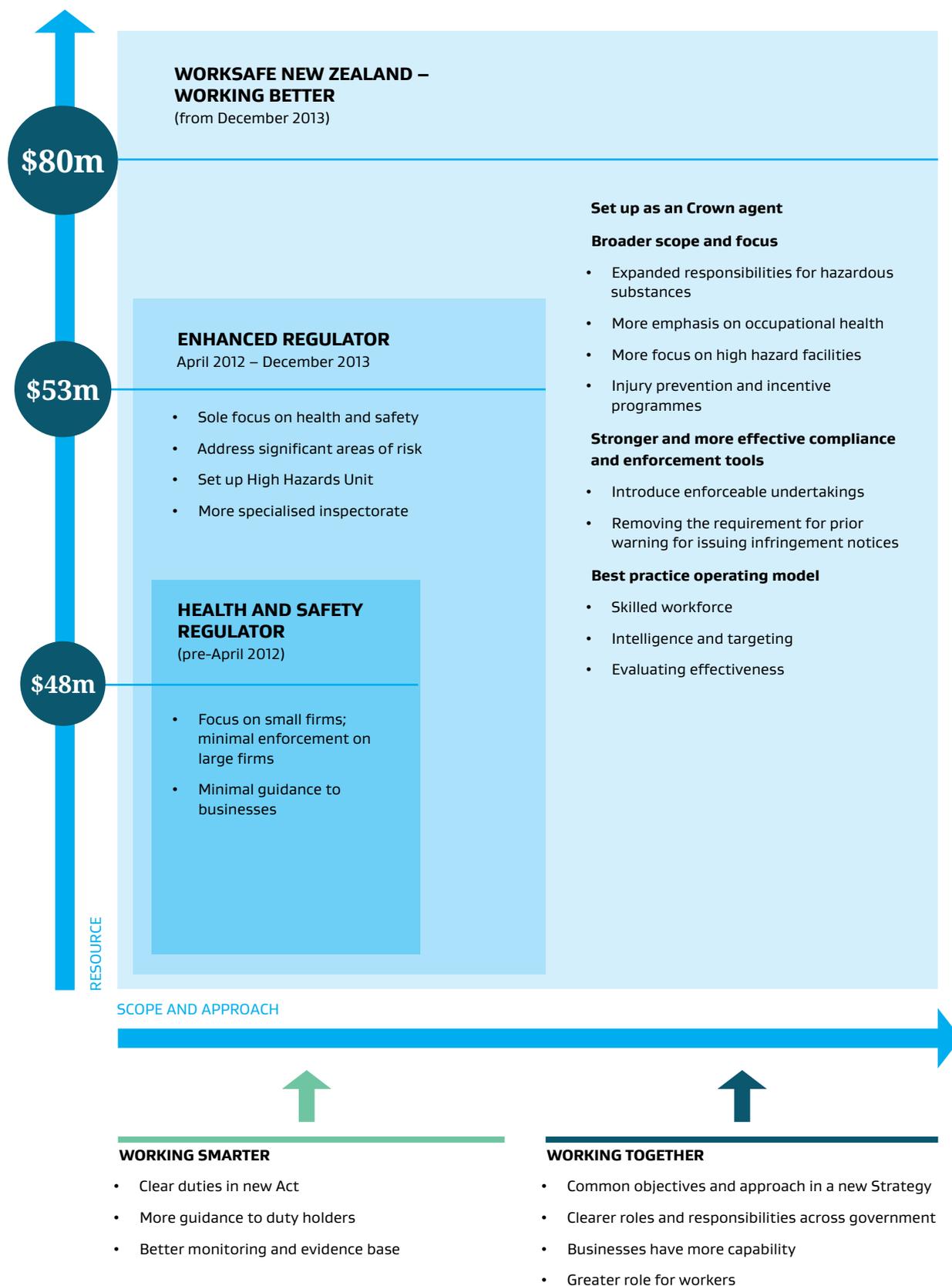


Diagram 4: A significant shift in the nature and scope of the regulator



## What this means

- › businesses will find it easier to work with WorkSafe and to understand their health and safety obligations
- › more support for business from inspectors, who will make more proactive visits
- › a greater focus on prevention, better guidance and support for businesses and workers
- › improved information and support for currently hard-to reach groups of employers and workers.



## RESPONDING TO NON-COMPLIANCE RECOMMENDATION 11

What's happening ...	... and when
Additional powers for the regulator and the courts established in the new Health and Safety at Work Act	Act to be passed by December 2014
Additional guidance developed for inspectors, the regulator and the Courts on health and safety at work	From December 2013

## What's happening

WorkSafe will be established under the existing functions and powers that exist under current legislation. It will keep the enforcement tools that have proven effective in motivating compliance and will introduce additional tools. The Australian Model Law provides for a range of compliance and regulatory tools, most of which are equivalent to existing tools in the HSE Act. Changes include:

- › **accepting enforceable undertakings from duty holders** given in connection with a contravention or alleged contravention
- › **removing the requirement for prior warning for infringement notices and increasing penalties.** Currently, at least two visits are required before an infringement notice can be issued, which has contributed to low numbers being issued
- › **the regulator publishing information about its enforcement actions** after the appeal period has passed
- › **investigating extending the existing manslaughter offence to corporations**, as recommended by the Taskforce. This is being considered by the Minister of Justice.
- › **introducing a hierarchy of offences and corresponding penalties** in line with those set out in the Australian Model Act and the Taskforce recommendations. This will result in a new tiered penalty regime and a significant increase in maximum levels, including up to five years imprisonment for the most serious offences involving reckless conduct that exposes people to serious risks. This will create a greater deterrent for duty holders, while the use of graduated categories of offences and penalties will provide better guidance to the Courts about appropriate fine levels, and

## Easing the compliance burden

The changes to the health and safety system also focus on easing the burden that small and large low-risk businesses can face in complying with health and safety requirements.

The regulatory system will make it clear low-risk businesses only need health and safety practices which are in proportion to the risks in their workplace. For businesses in low-risk sectors, this means the requirements will be not be of the same magnitude as for businesses that face higher risks.

The legislative changes will be supported by clear guidance as we recognise that many (particularly smaller) businesses would rather adopt existing material than design their own compliance systems.

WorkSafe will take a deliberate and strategic approach to compliance, based on better data about higher-risk and high-hazard sectors and activities. This will provide businesses with greater certainty about how rules will be applied in practice by the regulator.

The changes will mean some initial costs to businesses – as with any regulatory change, businesses need to understand the changes and if necessary adapt their systems. This can particularly affect small business. Over time, the legislation and systems changes should provide greater certainty and reduce on-going compliance costs for small and large low-risk business, and even make it easier to comply for high-risk businesses.

- › **improving the tool-kits for judges including enabling them to order wrong-doers to:** publicise their failures, take action to remedy their failures, and pay the regulator's costs of bringing the proceedings.

### What this means

- › Stronger enforcement tools will incentivise firms to comply with their workplace health and safety obligations so they can avoid the increased penalties, and
- › better tools for judges and the regulator to encourage compliance.



## REGULATING MAJOR HAZARDS RECOMMENDATION 8

What's happening ...	... and when
Changing the approach to major hazards via the new Health and Safety at Work Act	Act to be passed by December 2014
Increased guidance for, and enforcement in, major hazard facilities	On-going from the establishment of WorkSafe
Implementing the necessary regulations	By January 2015

### What's happening

The High Hazards Unit in MBIE is now well established. The scope of the High Hazards Unit is limited to mining, petroleum production, geothermal activities and pipelines. Other major hazard facilities where chemicals, harmful substances, or large quantities of fuel or chemical dust are stored, used or produced are not currently subject to the same scrutiny. Some of their activities are covered under other regimes such as the HSNO Act, but there is no consistent approach. Our early estimates suggest there may be around 60 higher-risk major hazard facilities in New Zealand not currently overseen by the High Hazards Unit.

We will continue to investigate the number of major hazard facilities define the responsibilities of different regulators in relation to these major hazard facilities. This assessment will also help us to define the scope of major hazard facilities in the legislation. We will use models from other jurisdictions to extend the High Hazards Unit. We will implement the necessary legislative provisions and regulations based on international best practice before January 2015 to prevent and mitigate the effects of major accidents at major hazard facilities.

Operators of major hazard facilities which already have effective controls across plant, equipment, safety management systems, procedures, and people to prevent a major accident are expected to incur marginal compliance costs. Operators of major hazard facilities that need to carry out significant remedial work to improve the effectiveness of their controls are expected to incur more significant costs.

Regulatory changes will include a new regime where:

- › **a facility or proposed facility will automatically be a major hazard facility if quantities of particular dangerous substances are (or will be) processed, handled, or stored on site that exceed defined thresholds prescribed in the regulations**
- › **WorkSafe may also carry out an assessment and designate a facility a major hazard facility** if it meets certain criteria. WorkSafe will follow a process set out in the new Health and Safety at Work Act and regulations to show a facility has the ability to cause catastrophic harm to people and the environment.

Major hazard facilities must:

- › **prepare a safety case for assessment by WorkSafe** containing details of the dangerous substances, the facility, the management system, the potential for major accidents, and the measures to be taken to prevent, control and mitigate the effects of major accidents
- › **prepare and implement an emergency response plan**, in consultation with emergency services and the relevant territorial authority
- › **investigate any dangerous occurrence and report to the regulator** on the outcome of the investigation, and
- › **involve members of the workforce in the preparation and review of the safety case, safety management system, and emergency response plan.**

WorkSafe will also:

- › **promote existing guidance**, including the Approved Code of Practice for Managing Hazards to Prevent Major Industrial Accidents, and **carry out compliance monitoring against those obligations** until the new regulations are implemented
- › Be able to **stop the operation of a major hazard facility where the measures taken by the operator for the prevention and mitigation of major accidents are not sufficient**
- › **engage with territorial local authorities** on the land use planning implications associated with proposed major hazard facilities, and existing or proposed developments in the vicinity of existing major hazard facilities
- › **develop guidance material and codes of practice** to clarify expectations and support duty holders to comply with the new regulations, and
- › **build capacity and capability within the High Hazards Unit** to carry out a comprehensive compliance strategy. Initial inspection and standard setting resources should be in place by June 2014 and full capacity by June 2017.

## What this means

- › risks associated with major hazards and major hazard facilities will be better monitored and regulated, and also better controlled by operators
- › better management will reduce the likelihood of a major accident occurring
- › operators that need to come up to best practice standards will need to change their systems and will face more rigorous assessments, and
- › workers should be more involved in the process of assuring that the systems in their workplaces are effective.



## INCREASING FOCUS ON OCCUPATIONAL HEALTH

### RECOMMENDATION 7

What's happening ...	... and when
Integrate occupational health at different levels of the structure of WorkSafe	December 2013
WorkSafe will develop goals and programmes focused on occupational health and safety	June 2014
Key regulations, guidance and standards will be in place	2016/2017

### What's happening

It can be hard to establish causal links for occupational disease. There is a lack of reliable data in this area, so occupational illness and disease prevention is often overlooked in favour of injury risks that are easier to identify, treat and measure. However, an estimated 600–900 New Zealanders die prematurely from occupational illness every year. Simply put, occupational health needs to be a focus of WorkSafe.

The functions related to improving occupational illness and disease will be integrated within WorkSafe's operations. We believe that integration with other workplace safety actions is preferable and will ensure that occupational health is considered throughout the system with the appropriate expertise.

WorkSafe will:

- › start by **focusing on the occupational causes of chronic ill-health**, on preventative measures, and monitoring and enforcing those measures
- › **set goals and develop programmes for reducing exposure, preventing workplace illness, and removing disease hazards**
- › **issue accessible guidelines for employers and workers** to help them manage identified occupational health hazards
- › **address occupational health in national programmes and harm prevention programmes** it undertakes with business and workers
- › **work with other agencies, including ACC, to identify emerging trends and issues relating to occupational health and compensation claims**, and
- › **apply information on trends and compensation claims throughout its functions** for example through guidance material, compliance and enforcement focus and consider how to integrate occupational health into new incentive programmes.

### What this means

- › WorkSafe will focus on chronic occupational harm, and
- › businesses and workers will have a better understanding of occupational health hazards and what they need to do to manage them as part of their total workplace health and safety management through guidance, education, enforcement, and targeted prevention campaigns.

# Working together

We need everyone to re-evaluate how they approach health and safety at work: we all have an interest in reducing workplace injury and death, so we all need to do our part at making the system better.

In this section we set out how government agencies, business and workers will collaborate to improve workplace health and safety. Government agencies will ensure better coverage and reduce duplication of effort and resources on health and safety issues. Agencies will communicate with business and workers in a clear way with consistent messages. Businesses will take on enhanced leadership roles with the support of government and their workers. They will also find it easier to deal with agencies, and have more clarity about the different roles of agencies. Worker participation will be encouraged through additional powers and better guidance. Collaboration, cooperation and a collective commitment is essential to improving health and safety at work.

We will do this by:

- developing a workplace health and safety strategy
- better coordination between agencies
- strengthening government accountability and leadership
- promoting leadership by business
- supporting the Canterbury rebuild, and
- improving worker participation.





## DEVELOPING A WORKPLACE HEALTH AND SAFETY STRATEGY

### ADDITIONAL RECOMMENDATION

What's happening ...	... and when
The workplace health and safety strategy will be developed by MBIE and WorkSafe in conjunction with other agencies and stakeholders	From December 2014

### What's happening

The new Act will create a legal requirement for a Workplace Health and Safety Strategy to make sure it is given appropriate attention and resource. The Strategy will start to be developed by MBIE, WorkSafe and others in late 2014 and approved by the Minister of Labour. It will be evaluated and reported on regularly.

The new WHS Strategy will:

- › **be developed in consultation with stakeholders** including businesses, workers, health and safety specialists, and other relevant government agencies such as ACC, transport agencies<sup>5</sup>, Ministry of Health and the Environmental Protection Authority (EPA)
- › **have its performance measured** through outcomes, intermediate targets, priorities, and key performance indicators for health and safety interventions based on data and analysis
- › **address issues associated with high-risk populations**
- › **take a system-wide approach including the government agencies** involved in health and safety, and existing strategies and initiatives, and
- › **include a workforce development component** (see the *Building capability* section above, p.19).

### What this means

- › business and workers will be involved in the development of the Strategy and will be able to contribute to it
- › the strategy will include clear targets that can be evaluated
- › WorkSafe and MBIE will have the resources to provide sector leadership on this strategy, and
- › better coordination and less duplication of workplace health and safety activities amongst agencies.

5. Civil Aviation Authority, Maritime New Zealand, the New Zealand Police, Ministry of Transport and the New Zealand Transport Agency



## BETTER COORDINATION BETWEEN AGENCIES RECOMMENDATIONS 5 & 10

What's happening ...	... and when
Roles and functions of various agencies clarified in the Health and Safety at Work Act	Act to be passed by December 2014
ACC and EPA coordination relationships and mechanisms set up and operating	December 2013
The joint workplace injury prevention action plan will be developed by ACC, MBIE and WorkSafe	In December 2013
EPA, WorkSafe, MBIE and MfE will work to transition and simplify the hazardous substances regime	By June 2014
Safety Star Rating scheme Implementation Plan developed	December 2014

### What's happening

The roles and responsibilities for workplace health and safety are spread over a range of agencies and organisations. The role each agency plays is varied and includes direction-setting, delivery and supporting roles. We will improve partnership and collaboration to make the most of the skills and relationships of all government agencies operating in the workplace health and safety system. This will achieve the most efficient and effective collective impact of government's investment.

#### ■ The roles of MBIE and WorkSafe

MBIE will continue to have a leadership role for general policy and system-wide advice to government on health and safety at work. This includes working in partnership with WorkSafe on the development of the workplace health and safety strategy, to be owned by the Minister of Labour. MBIE will also lead the development of the new Health and Safety at Work Act and regulations under the new Act.

WorkSafe will lead the development of ACOPs and guidance to support the new regulatory system, provide technical and expert input into regulations and provide feedback on the workability of legislation. MBIE and WorkSafe will take a partnership approach to this work and will be working to achieve shared outcomes. This will include joint engagement with stakeholders where it is appropriate.

This approach will harness the comparative strengths of WorkSafe and MBIE to achieve the best collective impact on health and safety outcomes in New Zealand. WorkSafe will have the ability to draw on its expertise, networks and deep knowledge of the sector to influence policy, and has the ability to make independent recommendations for change when needed. As well as leadership on workplace health and safety law, MBIE has influence over a range of levers which can incentivise health and safety outcomes: the regulatory environment for business, leadership on skills and employment, business development and innovation systems, business facing services and government procurement. It also has extensive experience in the design of effective regulatory systems, a broad understanding of strategic government policy goals and established relationships with Ministers, other government agencies, both in New Zealand and overseas.

### ■ Better coordination between the regulator and ACC

ACC plays an important role in the workplace health and safety system. Under the law it has a function to prevent injuries and to provide rehabilitation and compensation. ACC and WorkSafe will work together effectively to help meet the Government's 2020 target to reduce workplace serious injuries and fatalities by 25 per cent. To ensure strong connections and effective working relationships between them, the two agencies will develop a partnership agreement and share a Board member. Injury prevention and incentive programmes are two of the areas that the agencies will cooperate on.

#### Injury prevention

The Taskforce recommended that there should be a partnership between the new agency and ACC to oversee how workplace injury prevention activities are funded.

The Workplace Health and Safety Strategy and ACC's injury prevention priorities must take account of each other. ACC and WorkSafe will work together to plan their workplace injury prevention action plan. As part of this ACC and WorkSafe may agree for WorkSafe to deliver specific workplace injury prevention activities that ACC will fund, using some of the money collected from levies on employers.

Effective workplace injury prevention means better support for businesses. Strong connections between WorkSafe and ACC will ensure businesses get consistent and clear messages from the two agencies about how to prevent injuries. A joint approach will reduce duplication to make the most of the government's and levy payers' investment in injury prevention.

#### Voluntary incentive programmes

Financial incentives are used to motivate businesses to promote safety, improve their practices and promote knowledge of what good health and safety practice looks like. Businesses can receive a discount on their ACC levy by participating in ACC's voluntary incentive programmes, such as the Workplace Safety Management Practices programme. The government is making it easier for ACC to adjust incentive programmes over time to improve them and to respond to businesses' needs.

A new scheme, the Safety Star Rating scheme, is currently being designed and tested and is drawing on suggestions from businesses and the Taskforce. It needs to take account of the new health and safety legislation and a 'proof of concept' will be completed in June 2014. The primary objectives of Safety Star Rating are to encourage a proactive focus on injury prevention, compliance with health and safety legislation, and more effective workplace health and safety practices. A Safety Star Rating scheme will create a credible standard to allow customers or other stakeholders to compare businesses' health and safety practices and performance.

### ■ Better coordination between agencies that regulate hazardous substances

As the regulation of workplace use of hazardous substances is being integrated into workplace health and safety legislation, the agencies involved will need a new approach to how they work together. MBIE, MfE, EPA and WorkSafe will develop ways to work together on the production of guidance, and the identification of, and response to, emerging issues about hazardous substances. The coordination process between the agencies may include a joint monitoring Board to bring agencies together for regular communication; development of joint actions and monitoring; EPA/WorkSafe cross-Board membership; WorkSafe representation on the EPA assessment committee; and the sharing of datasets. This better coordination of the agencies' work will mean higher quality guidance and support for businesses.

The following work is already underway:

- › MBIE and the EPA have signed a memorandum of understanding to clarify the agencies' respective roles and responsibilities, improve how they work together and achieve more effective compliance and enforcement
- › MBIE and the EPA have identified industries to target for compliance in the 2013/14 year, and will develop and deliver targeted guidance, and

- › MfE and the EPA have a regulatory work programme that includes simplifying hazardous substances controls and the process for developing and amending those controls, improving the quality of the test certifier regime, developing additional enforcement tools and simplifying the relationship with the Resource Management Act (RMA).

### What this means

- › it will be easier for workers and businesses to understand which agency does what and why
- › businesses will get more effective services for their ACC levies
- › businesses will get a more complete picture of their health and safety requirements, with reduced risk of contradictory messages, due to better links between the workplace health and safety regime and ACC scheme
- › better alignment of incentives, education and compliance
- › the responsible agencies will find it easier to operate, will have more visible and effective leadership, and will make better use of their resources
- › agencies will have a higher level of joint planning and programme integration, and will benefit from more data sharing and joint training
- › less duplication and fewer gaps
- › better communication from agencies, with consistent messages
- › alignment of activities and better coordination, cooperation and collaboration, and
- › improved clarity of the regulator's role in improving health and safety outcomes.



## STRENGTHENING GOVERNMENT ACCOUNTABILITY AND LEADERSHIP RECOMMENDATION 9

What's happening ...	... and when
Assessment of government agencies whose workplaces are high-risk or have high hazards completed	December 2014
Consideration of procurement practices in the development of the Safety Star Rating scheme Implementation Plan	December 2014

### What's happening

It is important that the government and state sector lead by example in workplace health and safety as employers and purchasers of goods and services. We will consider how the Safety Star Rating scheme could be linked to government procurement opportunities. This would allow government to consider a business' health and safety systems and performance when awarding contracts. This can create competitive pressure for companies to improve their health and safety systems in order to tender for government contracts.

MBIE will continue the process of identifying where there are any particular government agencies (including Crown entities and state owned enterprises) operating in high-risk or high hazard areas of workplace health and safety, and that require greater guidance and support. Once WorkSafe is established it will work together with MBIE and the assessment will be completed by the end of 2014. Following this, WorkSafe will develop ways to work with any identified agencies to target and manage risk.

## What this means

- › The use of government procurement processes to encourage better compliance by businesses will be explored
- › government agencies that operate in high-risk or high hazard areas will be given greater guidance and support to lift their health and safety performance, and
- › government will use its leadership role to set an example in health and safety at work as an employer.



## IMPROVING WORKER PARTICIPATION RECOMMENDATIONS 3 & 4

What's happening ...	... and when
Strengthening the role of worker representatives in the new Health and Safety at Work Act	Act to be passed by December 2014
Greater support for worker engagement through guidance and enforcement by WorkSafe	Immediately

## What's happening

One key to the success of any health and safety system is that workers are given the opportunity to participate in health and safety, and that they know how to keep themselves and their colleagues safe. Through the actions of WorkSafe and changes to the legislation, we will ensure broader worker participation, more enforcement of these requirements, and more support for health and safety representatives. The workforce are the eyes and ears on the ground and need to be encouraged to speak up about what is not working and offer suggestions as to how it could be improved.

Improvements we will make include:

- › **requiring the Board of WorkSafe to include perspectives of workplace participants** to ensure that the views of workers will be fully considered
- › **WorkSafe setting up expert advisory groups containing worker representatives**, that will be used to test the development of new legislation, regulation and guidance
- › **providing for more effective worker participation in health and safety through the regulatory regime and accompanying guidance**, with the ability to differentiate requirements where necessary for high-risk industries, and
- › **prevention and enforcement efforts focussed on workers** and increasing their understanding.

The worker participation system will include a general duty to involve and consult workers on health and safety matters. All duty holders will be required to have worker participation practices appropriate to the workplace, not just workplaces with more than 30 employees, or where a worker or union has requested it, as is the case under current legislation. This will mean that, for all workplaces:

- › if workers want to have health and safety representative/s, the duty-holder must consult the representative/s, allow them time off for training, pay for training, provide time and resources to perform their role, and give them information
- › the legislation will specify powers and functions for representatives and committees, including the powers for trained health and safety representatives to direct unsafe work to cease (balanced by safeguards against improper use) and issue a provisional improvement notice to an employer requiring them to address a health and safety concern in the workplace, and

- › if the workers and/or the PCBU want to have a health and safety committee, workers must make up at least half of the committee, the PCBU must consult the committee, the PCBU must allow the committee time to perform its role, and the PCBU must give the committee information.

Regulations and guidance will be developed for representatives, committees and duty-holders about how the worker participation provisions apply to them. These will include materials targeted at smaller workplaces, as these are less likely to have representatives or committees for workplace health and safety and they will need to consult and involve their workers in other, more informal ways.

WorkSafe will also consult with specific industry sectors to develop targeted regulations and guidance for those sectors. Other actions which will help to create effective worker participation, and ultimately safer workplaces, include the following:

- › health and safety representative training will be reviewed and updated to reflect new powers/ requirements
- › these changes would be backed up by stronger protections for workers who raise health and safety issues and greater enforcement, including more connections between inspectors and health and safety representatives
- › employers will be able to apply to the regulator to disqualify representatives who have misused their powers, and
- › existing rights for unions to enter workplaces will not change.

### What this means

- › PCBUs will be required to consult and involve workers
- › it will be easier to understand how effective worker participation systems can be developed and maintained within and tailored to the needs of different workplaces
- › worker representatives and committees will have greater powers and responsibilities and their role will be clearer
- › workplaces' health and safety systems will be more effective because they will take more account of workers' views and ideas
- › workers (including non-employees) will feel confident raising health and safety concerns in the workplace because they know they are protected by law, and
- › government will have a bigger role in supporting and enforcing worker participation.



## PROMOTING LEADERSHIP BY BUSINESS ADDITIONAL INITIATIVE

What's happening ...	... and when
National programmes geared up in high-risk sectors	From December 2013

### What's happening

Sector Actions Plans, which were developed from mid-2011 to early 2012, are national programmes that target the five industries at high-risk for fatalities and serious injuries: construction, forestry, manufacturing, agriculture and fishing. They are at various stages of implementation. There is also an action plan covering occupational health.

Lessons learned so far from the implementation of these action plans include:

- › **the action plans have been good tools to help understand what health and safety initiatives are taking place within each sector** and to identify any gaps

- › **considerable government time and effort was needed** to bring together business leaders and set up governance structures and frameworks for taking the action plans forward
- › **campaigns work best if they are integrated with the regulator’s guidance, education and enforcement strategies and are done in partnership with ACC and MBIE** to make the most of the funding and skills available, and
- › **in areas of strong business leadership they can gain real traction**, for example, in some of the action plans, a number of the initiatives are being led and implemented by the sector itself.

Under this reform programme more national initiatives will be rolled out to focus on harm reduction. National programmes will promote sector leadership and development of initiatives. With ACC’s agreement, WorkSafe will be able to access injury prevention funding derived from ACC levies, which will be used on priority injury prevention activities in high-risk priority sectors to support planning, coordination and monitoring (see *Better coordination between the regulator and ACC* for more information, p.32).

### What this means

- › further development of national programmes
- › better leadership by industry in priority sectors, and
- › industry agreement on key priorities for action, and co-ordination of activity.



## SUPPORTING THE CANTERBURY REBUILD ADDITIONAL INITIATIVE

What’s happening ...	... and when
Launching the Canterbury Safety Charter	July 2013
A dedicated rebuild inspection team will be established and expanded	2013/2014

### What’s happening

MBIE and ACC have developed a partnership with industry leaders in Canterbury and have played a significant role in the development and launch of the Safety Charter. The Charter aims to lift the standard of health and safety practice across the rebuild and increase the visibility of the health and safety inspectorate. It was launched on 4 July 2013 and is an innovative model for government and industry collaboration. MBIE has also created a dedicated team of inspectors for the Canterbury rebuild and ACC is channelling significant resources into injury prevention activities for the rebuild.

Additional work will be done to address the risks presented by the rebuild effort in Canterbury:

- › **WorkSafe will work with industry to assure the Safety Charter is being met**
- › **an inspectorate team skilled in construction will focus on enforcement activities** on high-risk issues and work activities that will come with the rebuild
- › **development of targeted guidance to clarify obligations**
- › **running targeted education and briefings for industry**
- › **targeting high-risk communities and populations** across the rebuild
- › **more focused intervention on asbestos** to increase resource and increase compliance activities across the rebuild, and
- › **increased and enhanced focus on occupational health hazards and risks** across the rebuild.

Additional funding has been allocated to support this work and shows the Government's commitment to rebuilding Canterbury in a safe and sustainable way. This investment is likely to benefit the construction sector nationwide.

### **What this means**

- › the construction industry will be supported by the government to reduce potential harm as a result of the Canterbury rebuild
- › better protection for workers on the Canterbury rebuild
- › a safer and more sustainable approach to construction in Canterbury, and
- › broader benefits for construction nation-wide as a result of the work initiatives put in place to support the Canterbury rebuild.

# Appendix One: Further Information

## **Detailed information about Government decisions and actions to improve health and safety at work**

More detailed information on the actions and initiatives set out in *Working Safer* can be found in the suite of Cabinet papers that led to these decisions. These papers have been made available to the public on the MBIE website. The Cabinet papers can be found here:

<http://mbie.govt.nz/>

## **Recommendations of the Royal Commission on the Pike River Coal Mine Tragedy**

The Royal Commission released its final report in October 2012 and made 16 recommendations to address the failures it identified as contributing to the Pike River disaster. A number of these addressed the way New Zealand approaches workplace health and safety, while others related specifically to mining. The final report and further information can be found here:

<http://pikeriver.royalcommission.govt.nz/>

## **Recommendations of the Independent Taskforce on Workplace Health and Safety**

In its report of April 2013, the Taskforce made 15 main recommendations. These were divided into groups based on three behavioural levers: accountability, motivation and knowledge. The final report of the Taskforce and information about their consultation process can be found here:

<http://hstaskforce.govt.nz/index.asp>

## **Safe Work Australia: Model work health and safety laws**

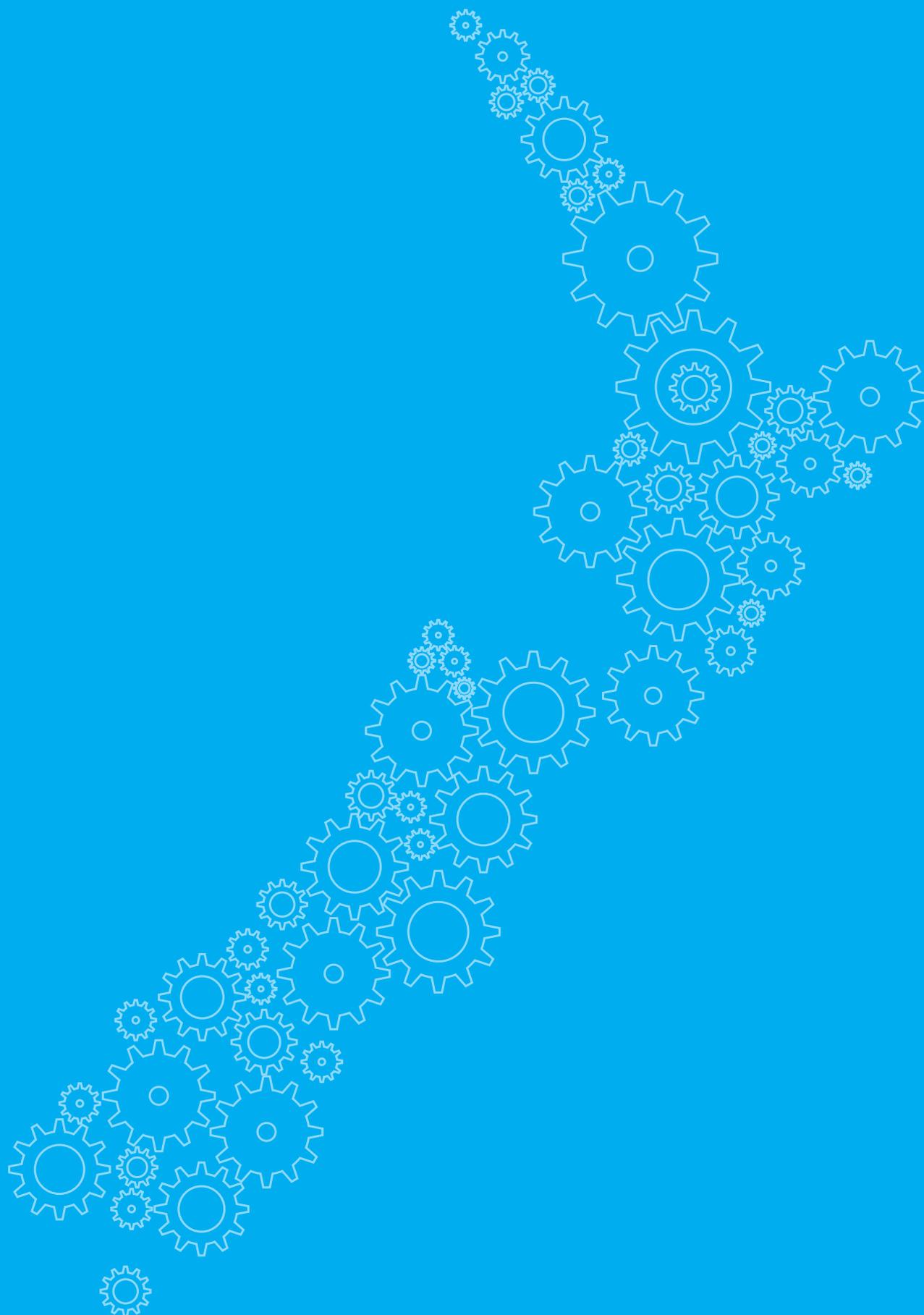
The new Health and Safety at Work Act will be based on the recently developed Australian legislation, the Model Work Health and Safety Law (the Australian Model Law) and adapted where necessary for New Zealand conditions. Information on the Australian Model law, including the development and implementation process can be found here:

<http://www.safeworkaustralia.gov.au/sites/swa/model-whs-laws/pages/model-whs-laws>











# health and safety toolkit

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2014

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**All organisations should be aware of their obligations and responsibilities under health and safety legislation.**

**Breaching these requirements can be costly for organisations; not only in a financial sense but also in terms of the commercial and reputational fallout.**

2013 saw the start of a series of legislative and policy developments that have culminated in the most comprehensive reform of New Zealand's health and safety system for over 20 years. The overhaul will impact all New Zealand workplaces, organisations and individuals. While some aspects of the new regime are already in force, others will be introduced on a staged basis throughout 2014 and 2015.

We have compiled this toolkit to help workplaces and individuals navigate the reforms and to highlight the main steps that need to be taken to ensure compliance with the current regime and with the proposed new changes. Should you have any questions about your health and safety obligations, our team has experience across a broad range of health and safety matters and we would be delighted to assist you.



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# The changing landscape for health and safety in New Zealand

An overhaul of New Zealand's health and safety system is currently underway.  
How might the new and proposed changes affect you?

## Legislative reform announced

The Health and Safety Reform Bill which will replace the current health and safety legislation, was introduced to Parliament in March 2014. It is currently being considered by the select committee and is expected to take effect from April 2015. Key features of that Bill include:

- It is based on the Australian Model Work Health and Safety Act.
- It increases the penalties for non-compliance and creates a new three-tiered hierarchy of offences.
- It imposes a new duty to take "reasonably practicable steps."
- It replaces the duties owed by employers and principals with a broader duty owed by "persons conducting a business or undertaking".
- It includes a new object of securing workers' health and safety.
- It promotes continual improvement and best practice, benchmarked on international standards.
- It implements a presumption in favour of the highest level of protecting workers from harm.
- It imposes a new due diligence obligation on directors and officers.

Each year, around 1 in 10 workers in New Zealand is harmed at work.

## If you are a director or an officer

AS A DIRECTOR, MANAGING YOUR ORGANISATION'S HEALTH AND SAFETY RISK IS JUST AS IMPORTANT AS MANAGING FINANCIAL AND REPUTATIONAL RISK AND IT SHOULD RECEIVE THE SAME FOCUS.

- Best Practices Guideline for Directors

- "Officers" include individuals who make decisions that affect the whole, or a substantial part, of the business.
- Under the new legislation, directors and officers will be required to exercise due diligence to ensure compliance.
- Best practice Guidelines detail the specific steps directors and officers should take, including:
  - Acquire and maintain current knowledge of health and safety matters, the company's operations and the hazards and risks arising from those operations.
  - Verify that the company has sufficient resources available to manage health and safety risks, and that the company is utilising those resources.
  - Ensure the company complies with its health and safety duties.
- The new legislation contains increased penalties for non-compliance and an increased focus on enforcement. Directors and officers will be personally liable if they fail to exercise due diligence.
- Insurance against fines imposed for breaching health and safety obligations is invalid and has no effect.

## If you are a Person Conducting a Business or Undertaking (PCBU)

(includes employers, principals, self-employed, partnerships, managers or controllers of a workplace etc)

- The new legislation imposes:
  - An enhanced primary obligation on PCBUs to take "reasonably practicable" steps to ensure the health and safety of workers.
  - Specific duties on PCBUs that manage or control workplaces or fittings or plant at workplaces, and designers, importers, manufacturers and installers of plant, substances or structures to be used in a workplace.
  - Increased obligations to support worker participation, to consult with workers and, if requested, to train health and safety representatives.
  - A levy on businesses that differentiates between good and poor performance and is based on a health and safety rating scheme.
  - Increased penalties for non-compliance and an increased focus on enforcement.
- Insurance against fines imposed for breaching health and safety obligations is invalid and has no effect.

## If you are a worker or involved in the workplace in another role

(includes employees, apprentices, contractors, students, etc)

- The Health and Safety Reform Bill contains the following relevant features for workers:
  - Workers and others will be subject to a legislative obligation to take reasonable care for their own health and safety and not to affect the health and safety of others.
  - Increasing the existing framework for worker participation and consultation with PCBUs.
  - A system for workers to request the election of health and safety representatives and to form work groups.
  - Increased penalties for non-compliance and an increased focus on enforcement.
- New regulations will also contain further detail about worker participation.

## The new regulations

The Ministry of Business, Innovation and Employment is preparing new regulations to underpin the new legislation.

The regulations are based on Australian Model Regulations and provide specific guidance on five areas of workplace health and safety:

- General risk and workplace management;
- Worker participation, engagement and representation;
- Asbestos;
- Hazardous substances;
- Major hazard facilities.

Compliance with the regulations will be mandatory. The new regulations will take effect at the same time as the legislation, which is expected to be in April 2015.

The economic and social costs of workplace injuries and diseases for New Zealand are estimated to be about \$3.5 billion annually – around 2% of GDP.

# Working in the new health and safety landscape

What practical steps can you take to ensure you continue to comply with your obligations?

## What are these steps based on?

The Royal Commission into the Pike River Tragedy, the Independent Taskforce on Workplace Health and Safety, the Good Governance Practices Guideline for Managing Health and Safety Risks, the Health and Safety Reform Bill, the Work Safe New Zealand Act and the Government's reform blueprint identify a number of measures that can be implemented by a range of parties to improve New Zealand's health and safety performance.

We have distilled these practical steps from the findings contained in those documents.

## If you are a director or an officer

- Prepare a Board charter that outlines the Board's commitment to health and safety and update the charter periodically.
- Understand the company's operations, the hazards and risks associated with the operations and the controls in place to manage those hazards and risks.
- Hold the CEO and senior management team to account for health and safety by developing specific targets, implementing stringent reporting requirements and including health and safety targets in KPIs.
- Receive and review comprehensive updates on health and safety incidents, near misses, illnesses, contractors' health and safety performance, progress with implementing formal plans and risk assessments and findings from internal and external audits.
- Monitor the company's health and safety performance and understand its processes by reviewing audits, management plans, risk assessments, risk registers and incident investigations.
- Ensure the company allocates adequate resources and engages appropriate expertise to implement, develop and maintain the health and safety management system.
- Obtain independent expert advice as required.
- Arrange periodic formal reviews of the company's health and safety performance, and ensure appropriate steps are implemented to address any recommendations from reviews.
- Form a Board subcommittee to monitor health and safety performance in greater detail and provide periodic reports to the entire Board.

## Where to from here?

The Health and Safety Reform Bill has been introduced to Parliament and is expected to be enacted by the end of 2014 and to take effect from April 2015.

The health and safety regulator, WorkSafe New Zealand, has been tasked with preparing regulations and codes of practice to provide specific guidance for workplaces on the steps required to comply with the legislation.

We will continue to monitor New Zealand's changing health and safety landscape and update the steps in this document.

## If you are a Person Conducting a Business or Undertaking (PCBU)

(includes employers, principals, self-employed, partnerships, managers or controllers of a workplace etc)

- Track health and safety performance through lead and lag indicators and monitor other information that may reflect latent health and safety issues (such as rates of sick leave absence, exposure to risks that are potentially harmful and reports of non-compliance).
- Investigate incidents (including near-misses) and conduct root cause analyses.
- Review incident reports and statistics to identify trends and implement appropriate responses.
- Monitor contractors' health and safety performance and ensure contractors have robust processes in place that are consistent with the company's expectations.
- Ensure inductions and training provided to employees and contractors is consistent and comprehensive.
- Implement and update the health and safety management system.
- Conduct and finalise risk assessments, implement the controls identified in those assessments and update risk assessments where risks or controls may have changed.
- Support a 'no-blame' culture where health and safety is supported and promoted through enabling worker participation, ensuring adequate resources are allocated to health and safety initiatives and providing training and information about specific health and safety risks.

## If you are a worker or involved in the workplace in another role

(includes employees, apprentices, contractors, students, etc)

- Increased support for worker representatives and workers' involvement in health and safety matters.

Each year, around 1 in 10 workers in New Zealand is harmed at work.

The economic and social costs of workplace injuries and diseases for New Zealand are estimated to be about \$3.5 billion annually – around 2% of GDP.

## Current duties under the Health and Safety in Employment Act 1992

### Employers

Employers must:

- Take all practicable steps to ensure the safety of employees while at work, including to:
  - provide and maintain a safe working environment;
  - provide and maintain facilities at work for employees' health and safety;
  - ensure that plant used by any employee is arranged, designed, made and maintained so it is safe for the employee to use;
  - ensure that employees are not exposed to hazards arising from the arrangement, disposal, manipulation, organisation, processing, storage, transport, working or use of things in or near their place of work; and
  - develop procedures for dealing with emergencies that may arise while employees are at work.
- Ensure there are effective methods in place for systematically identifying existing and new hazards to employees at work.
- Ensure employees are given the results of monitoring in relation to health and safety.
- Ensure employees are given information about what to do if an emergency arises, all identified hazards to which the employee may be exposed and where all safety clothing, devices, equipment and materials are kept.
- Take all practicable steps to ensure that employees are appropriately supervised and are adequately trained in the safe use of all plant, objects, substances and protective clothing and equipment that the employee is or may be required to use or handle.
- Take all practicable steps to ensure that no action or inaction of any employee while at work harms any other person.
- Maintain a register of accidents and serious harm.
- Provide reasonable opportunities for employees to participate in ongoing processes for improvement of health and safety in the place(s) of work.
- Provide health and safety representatives with paid leave to attend health and safety training.

### Principals

Principals must:

- Take all practicable steps to ensure that no contractor, subcontractor or employee of a contractor or subcontractor is harmed while doing any work that the contractor was engaged to do.
- Maintain a register of accidents and serious harm.

### Persons in control of a place of work

Persons who control a place of work must:

- Take all practicable steps to ensure no hazard that is or arises in the place harms
  - people in the vicinity of the place (including people there solely for recreation or leisure),
  - people who are lawfully at work in the place, or
  - people who are in the place with the express or implied consent of the person, and who have paid to be there or to undertake an activity there.

## Anticipated duties under the Health and Safety Reform Bill

### Persons conducting a business or undertaking

- The Health and Safety Reform Bill, which is based on the Australian Model Work Health and Safety Act, has been introduced to Parliament. The Bill imposes primary obligations on 'persons conducting a business or undertaking' (PCBUs), replacing the existing categories of duties owed by employers, principals and persons in control of a place of work.
- PCBUs are defined in the Bill as including businesses or undertakings conducted by one or more person, whether or not the business or undertaking is conducted for profit or gain and includes partnerships and unincorporated associations.
- PCBUs owe all the current duties of employers, principals and people in control of a place of work as well as additional, more onerous duties.

The Bill contains the following features:

- PCBUs owe a duty to "ensure that, as far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged by the person; and workers whose activities in carrying out work are influenced or directed by the person, and must also ensure that the health and safety of other persons is not put at risk from work carried out."
- PCBUs are responsible for lifting workplace-specific awareness of health and safety and provide fit-for purpose health and safety management systems that include worker participation mechanisms.
- In addition to the existing obligations currently imposed on employers under the Health and Safety in Employment Act 1992 to provide health and safety representatives with paid leave to attend health and safety training, PCBUs also owe obligations to:
  - consult, as far as reasonably practicable, workers who are or are likely to be directly affected by matters relating to health and safety, and with health and safety representatives.
  - have issue-resolution procedures where matters about work health and safety arise at workplaces and the matters are not resolved after discussions between parties.
  - identify workplace-specific health and safety matters in employment agreements.
  - identify workplace-specific health and safety issues in induction processes, including inductions for new roles that cover the health and safety issues for the new roles.

The Bill also imposes duties on PCBUs to ensure, so far as is reasonably practicable:

- The provision and maintenance of a work environment without risks to health and safety.
- The provision and maintenance of safe plant and structures.
- The provision and maintenance of safe systems of work.
- The safe use, handling and storage of plant, structures and substances.
- The provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities.
- The provision of any information, training, instruction or supervision necessary to protect people from risks to their health and safety arising from work carried out as part of the business or undertaking.
- That the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

The Bill also imposes specific duties on PCBUs that:

- Manage or control workplaces.
- Manage or control fixtures, fittings or plant at workplaces.
- Design, manufacture, import, supply, install, construct or commission plant, structures or substances.

# The changing expectations for internal health and safety investigations

The health and safety regulator has introduced a new requirement for employers, principals and people in control of places of work (“duty-holders”) to conduct internal health and safety investigations and, in some circumstances, to provide the findings of those investigations to a health and safety inspector. Here is what that means.

## The current legislative position

- Under current health and safety legislation, employers are required to investigate certain workplace accidents and incidents, including:
  - Any accident that harmed or might have harmed any employee or person in a place of work controlled by the employer;
  - Every occurrence of “serious harm” to an employee at work; and
  - Every occurrence of “serious harm” to an employee as a result of any hazard to which the employee was exposed at work.
- The Health and Safety in Employment Act does not impose a specific obligation on principals or persons in control of a place of work to investigate accidents and incidents of “serious harm”. Depending on the circumstances (including the terms of any contractual arrangements), principals and persons in control of places of work may choose to conduct their own internal investigations.
- Employers, principals, self-employed people are required by the Health and Safety in Employment Act to notify the health and safety regulator of accidents and incidents of serious harm.

## Where to next?

New Zealand’s health and safety system is currently undergoing significant change. WorkSafe New Zealand, the new health and safety regulator, is now operational.

The Health and Safety Reform Bill has been introduced to Parliament and is expected to be enacted by the end of 2014.

## The new “Duty-Holder Review”

- The regulator, WorkSafe New Zealand, sometimes requires organisations to carry out of “duty-holder review”. There is no statutory basis in either the current or the new legislation that provides for this review. The duty-holder review is an internal investigation of a health and safety incident conducted by an employer, principal or person in control of a place of work at the request of a health and safety inspector.
- The purpose of the duty-holder review is to “address everything that contributed to an accident to make sure it won’t happen again”.
- Health and safety inspectors will request a duty-holder review when an incident occurs at the workplace and the inspector determines that the duty-holder should examine the incident themselves and provide the Ministry with a report of the investigation.
- Health and safety inspectors will review the duty-holder’s report to “check that improvements described in the report have been completed or are under way.”
- Health and safety inspectors will also liaise with any victims of the incident to keep them informed of the progress of the report.
- The Ministry has developed a template for the duty-holder’s investigation report, which is available from this [link](#).

## What are the implications for my organisation?

- Internal health and safety investigations play an important part in all organisations’ health and safety management systems.
- The Good Governance Practices Guideline for Managing Health and Safety Risk recommends that directors review serious incidents and serious near misses and satisfy themselves that management have taken adequate steps to respond to such incidents. Managers can therefore expect directors to take greater interest in the conduct and findings of internal health and safety investigations.
- Duty-holders can use different strategies in conducting and reporting internal investigations. Depending on the circumstances and the findings of the investigation, duty-holders may wish to consider using legal privileges to protect certain parts of the investigation.

# The changing approach to recording and notifying workplace accidents and serious harm

New Zealand's health and safety framework is undergoing a significant overhaul. The Health and Safety Reform Bill has been introduced to Parliament. Once enacted, it will replace the current Health and Safety in Employment Act. Among the changes contained in the Bill are changes to the recording and notifying of workplace accidents and serious harm. The changes are outlined here.

## The current requirements

### If you're an employer, you must:

- Maintain a register of accidents and serious harm in which you record:
  - Every accident that harmed or could have harmed an employee at work or any person in a place of work under your control.
  - Every occurrence of serious harm to an employee at work or as a result of any hazard to which the employee was exposed while at work.
- Notify WorkSafe as soon as possible after an occurrence of serious harm to an employee or any person in a place of work under your control (air and sea serious harm occurrences must be reported to the Civil Aviation Authority and Maritime New Zealand respectively).
- Provide WorkSafe with written notice within 7 days of the circumstances of the occurrence of serious harm to an employee or any person in a place of work under your control.
- Maintain a register of accidents and serious harm in which you record:
  - Every accident that harmed or could have harmed a contractor while the contractor was at work and contracted to you.
  - Every accident that you become aware of that results from the work of a contractor (while they were contracted to you) and that harmed (or might have harmed) any person.
  - Every occurrence of serious harm to a contractor while at work or as a result of any hazard to which the contractor was exposed while at work.
- Notify WorkSafe as soon as possible after an occurrence of serious harm to a contractor or resulting from the work of a contractor.
- Provide WorkSafe with written notice within 7 days of the circumstances of the occurrence of serious harm to an employee or any person in a place of work under your control.



### What is an accident?

Any event that causes any person to be harmed or, in different circumstances, might have caused any person to be harmed.

### What is serious harm?

Any one or more of the following conditions:

- Death.
- Any of the following conditions that results in permanent or temporary severe loss of bodily function:
  - respiratory disease
  - noise-induced hearing loss
  - neurological disease, cancer
  - dermatological disease
  - communicable disease
  - musculoskeletal disease
  - decompression sickness
  - poisoning illness caused by exposure to infected material
  - vision impairment
  - chemical or hot-metal burn of eye
  - penetrating wound of eye
  - bone fracture
  - laceration
  - crushing
- Amputation of body part.
- Burns requiring referral to a specialist medical practitioner or specialist outpatient clinic.
- Loss of consciousness from lack of oxygen.
- Loss of consciousness, or acute illness requiring treatment by a medical practitioner, from absorption, inhalation, or ingestion, of any substance.
- Any harm where the person is hospitalised for 48 hours or more within 7 days of the occurrence of the harm.

# The changing approach to recording and notifying workplace accidents and serious harm

New Zealand's health and safety framework is undergoing a significant overhaul. The Health and Safety Reform Bill has been introduced to Parliament. Once enacted, it will replace the current Health and Safety in Employment Act. Among the changes contained in the Bill are changes to the recording and notifying of workplace accidents and serious harm. The changes are outlined here.

## The new requirements

Under the Health and Safety Reform Bill,

If you're a person conducting a business or undertaking (PCBU), you will be required to:

- Keep a record of every notifiable event for at least 5 years.
- Ensure that WorkSafe is notified immediately after you become aware of a notifiable event occurring at the business or undertaking.
- If required by WorkSafe, provide written notice of the notifiable incident within 48 hours of being requested to do so.



### What is a notifiable event?

A notifiable event means the death of any person, the notifiable injury or illness of any person or notifiable incident.

### What is a notifiable injury or illness?

- Any injury or illness that requires the person to have immediate treatment:
  - As an inpatient in a hospital; or
  - For the amputation of a body part, a serious head injury, a serious eye injury or separation of skin from underlying tissue; or
  - Any injury or illness requiring the person to have medical treatment with 48 hours of exposure to a substance; or
- Any infection where work is a significant contributing factor, including any infection that can be attributed to carrying out work with micro-organisms, providing treatment or care to a person, involving contact with human blood or bodily substances or work that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products; or
- Any of the following illnesses that are contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products: leptospirosis, anthrax, brucellosis, avian influenza or psittacosis.

### What is a notifiable incident?

An incident in relation to a workplace that exposes a worker or any other person to a serious risk to the person's health or safety arising from immediate or imminent exposure to one or more of the following:

- An uncontrolled escape, spillage, or leakage of a substance.
- An uncontrolled implosion, explosion, or fire.
- An uncontrolled escape of gas or steam.
- An uncontrolled escape of a pressurised substance.
- The inrush of water, mud, or gas in workings in an underground excavation or tunnel.
- The interruption of the main system of ventilation in an underground excavation or tunnel.
- Electric shock.
- The fall or release from a height of any plant, substance, or thing.
- The collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations.
- The collapse or partial collapse of a structure or the collapse or failure of an excavation or any shoring supporting an excavation.

## Where to from here?

The Health and Safety Reform Bill has been introduced to Parliament and is being considered by Select Committee.

It is anticipated that the new legislation will take effect from 2015.

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Stacey is an experienced litigator with expertise dealing with the challenging interplay between regulatory investigations, criminal prosecutions and civil lawsuits. She specialises in commercial litigation and dispute resolution, health and safety matters, white-collar criminal and regulatory proceedings, public law and insurance matters.

She also frequently provides strategic and crisis management advice to clients, plus handles investigations and internal compliance reviews.

Following the explosion at **Pike River's** coal mine in November 2010 Stacey was engaged to respond to investigations by NZ Police, the Chief Coroner and the Department of Labour. Stacey was lead counsel for certain company directors and officers including Pike's former CEO and board chairman, before the Royal Commission into the Pike Tragedy and at the Coronial Inquest. Stacey also defended Pike's former CEO in a prosecution for alleged health and safety violations that resulted in the charges being withdrawn.



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Ministry of Business,  
Innovation & Employment



# Good Governance Practices Guideline for Managing Health and Safety Risks

“The board and directors are best placed to ensure that the company effectively manages health and safety. They should provide the necessary leadership and are responsible for the major decisions that must influence health and safety: the strategic direction, securing and allocating resources and ensuring the company has appropriate people, systems and equipment.”

Royal Commission on the Pike River Coal Mine Tragedy

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# Introduction

The governance of an organisation is a framework of interlocking values, principles and practices. Through this framework boards of directors exercise governing authority and make decisions in order to achieve the organisation's purpose and goals. They also ensure that the organisation operates with high standards of ethical behaviour, abiding by all laws and regulations.

It is important to distinguish between the governance and management of an organisation. The focus of directors should be on determining the organisation's purpose, developing an effective governance culture, holding management to account and ensuring effective compliance<sup>1</sup>. Directors work with management to develop the organisation's strategy and business plans which are then implemented by management.

Health and safety governance is as important as any other aspect of governance. It is a fundamental part of an organisation's overall risk management function which is a key responsibility of directors. Failure to manage health and safety risk effectively has both human and business costs. The price of failure can be the damaged lives of workers, their families and friends as well as direct financial costs, damaged reputations and the risk of legal prosecution.

It is important to remember that an organisation's duty to provide a safe and healthy work environment extends further than its employees. Legislation in New Zealand extends that duty to all those who could be affected by the activities of the organisation such as contractors, visitors and customers.

Organisations that learn to manage health and safety well, learn that the capability that drives success in this area is the same capability that drives success in other areas of the business. Organisations with a good health and safety culture and reputation are valued by workers, investors and stakeholders.

Because of their position in the organisation directors have a unique opportunity and an obligation to make a difference by providing leadership in this critical area of governance. It is also important to ensure that when an organisation achieves success that it is celebrated.

**"Leadership is about what I say,  
what I do, and what I measure"**

Business Leaders' Health and Safety Forum

<sup>1</sup> The Four Pillars of Governance Best Practice; Institute of Directors in New Zealand (inc.), Wellington, 2012.

Health and safety should be part of everyday business, it makes good business sense.

## PURPOSE AND SCOPE OF THIS GUIDELINE

The purpose of this guideline is to provide advice on health and safety governance and to:

1. Demonstrate how directors can influence health and safety performance
2. Provide a framework for how directors can lead, plan, review and improve health and safety
3. Assist directors to identify whether their health and safety management systems are of a standard and quality that is effective in minimising risk
4. Encourage directors to create strong, objective lines of reporting and communication to and from the board.

The principles discussed in this guideline apply to all members of governing bodies including directors, trustees and councillors of organisations of all types and sizes (including voluntary organisations). It is however, intended to have particular application to directors of medium to large sized organisations (20 or more employees). A separate guideline for directors of smaller organisations is being developed and will be available soon.<sup>23</sup>

This guidance is neither a policy statement nor a statutory document. While a court may take the document into account, there is no compulsion for it to do so. The document does however refer at times to relevant New Zealand legislation and to specific provisions within legislation. Where the word 'must' is used in the document to specify a requirement, this is intended to convey a legal requirement. Where the document intends a good practice imperative, rather than a legal one, the word 'should' is used.

This guideline was developed by the Institute of Directors in New Zealand (IoD) and the Ministry of Business, Innovation and Employment (MBIE) as a result of the key findings and recommendations laid out in the final report of the Royal Commission on the Pike River Coal Mine Tragedy. The development of the guideline was assisted by the New Zealand Council of Trade Unions (NZCTU), Business Leaders' Health and Safety Forum, Employers and Manufacturers Association (EMA), New Zealand Institute

<sup>2</sup> This document does not provide industry-specific advice. It is recommended that you seek such advice as a regular part of best practice. Ideally, you will have somebody with industry knowledge on your board who can provide this advice.

<sup>3</sup> This document can be used by any organisation regardless of the number of workers. However, SMEs and NGOs often have different needs which may not be specifically addressed in this document.

# Why Effective Governance is Important

of Management (NZIM) and Business New Zealand.

## THE NEED TO IMPROVE

We know that many New Zealand organisations can and should improve their health and safety record. Each week one to two New Zealanders are killed while at work. In addition, there are an estimated 600 to 900 deaths each year from occupational diseases such as asbestosis. The financial cost is estimated to be \$3.5 billion or more each year. When looking at our performance in comparison to other developed countries we have much room for improvement.

The statistics do not begin to describe the impact on those who have been harmed, their families, friends and colleagues. The need to address this human cost is in itself sufficient reason to improve our record of harm prevention.

## THE BENEFITS OF GOOD HEALTH AND SAFETY

A positive and robust health and safety culture that begins at the board table and spreads throughout the organisation adds significant value, including:

- enhanced standing among potential workers, customers, suppliers, partners and investors as a result of a good reputation for a commitment to health and safety
- workers participating positively in other aspects of the organisation. A good organisational culture spreads wider than health and safety
- decreased worker absence and turnover. Engaged workers are more productive workers
- reduced business costs, for example a reduction in ACC levies as a result of improved health and safety performance and outcomes
- potentially increased economic returns. A report from the International Social Security Association found a return on prevention ratio of 2.2.<sup>4</sup>

The Pike River mine case provides a sobering example

of how ineffective governance can contribute to catastrophic results.

### CASE STUDY – PIKE RIVER COAL MINE TRAGEDY

An explosion at the Pike River mine on 19 November 2010 caused the deaths of 29 men.

In its final report into the tragedy the Royal Commission reached the following conclusions about corporate governance at the mine:

- **the board's focus on meeting production targets set the tone** for executive managers and their subordinates
- **the board needed to satisfy itself that executive managers were ensuring workers were being protected.** The board needed to have a company-wide risk framework and to keep its eye firmly on health and safety risks. It should have ensured that good risk assessment processes were operating throughout the company
- **an alert board would have ensured that these things had been done and done properly.** It would have familiarised itself with good health and safety management systems. It would have regularly commissioned independent audits and advice. **It would have held management strictly and continuously to account**
- **the Chairman's general attitude was that things were under control unless told otherwise.** This was not in accordance with good governance responsibilities. Coupled with the approach taken by executive managers this attitude exposed the workers to health and safety risks.

<sup>4</sup> The Return on Prevention: Calculating the costs and benefits of investments in occupational safety and health in companies; International Social Security Association (ISSA), Geneva, 2011.

# Essential Principles of Health and Safety Governance

## LEADERSHIP

It is the role of directors to provide leadership and policy that sets the direction for health and safety management. Directors create and demand expectations and exercise due diligence in holding management strictly and continuously to account for meeting them. Directors should:

- ensure there is an active commitment and consistent behaviour from the board that is aligned with the organisation's values, goals and beliefs. This will encourage a positive workplace culture
- ensure leadership is 'informed leadership'. Directors need to be aware of the organisation's hazards and risks. They should have an understanding of hazard control methods and systems so that they can identify whether their organisation's systems are of the required standard. They should understand how to 'measure' health and safety performance so they can understand whether systems are being implemented effectively. Directors should be prepared to seek advice from industry and health and safety experts as required
- set an example and engage with managers and workers, this could include visiting work sites. This provides leadership and improves their knowledge of health and safety matters.

## WORKER PARTICIPATION

Worker participation is an important part of health and safety risk management not only because it is a legal requirement but because it has proven to be highly effective. Research has shown that worker participation (and trade union participation) leads to better health and safety outcomes<sup>5</sup>. At the most fundamental level workers should be encouraged to contribute to continuous improvement by raising issues, generating ideas, and participating in system development, implementation, monitoring and review either directly or through their representatives.

Directors should set the overall tone for participation by holding management to account to ensure workers are involved. Questions as simple as "what are our workers saying about this issue?" or "how do our workers feel about it?" can bring a new dimension to the discussion.

**"The main conclusion that emerges from our findings overall is that worker representation and consultation in the UK have a significant role to play in improving health and safety at work. They have the potential to raise health and safety awareness amongst both workers and managers, effect improvement in arrangements for managing health and safety, improve the practical implementation of these arrangements, and contribute to improved health and safety performance. Most importantly they represent means by which workers' voices can be heard and acted upon to the benefit of those that experience the risks of the production process."**

David Walters et al (2005)

<sup>5</sup> The role and effectiveness of safety representatives in influencing workplace health and safety, Walters, D.R. Theo Nichols, Judith Connor, Ali C. Tasiran and Surhan Cam, (2005), HSE Research Report 363, Sudbury, HSE Books.

## LEGISLATIVE COMPLIANCE

An organisation's officers and directors must always comply with relevant laws and regulations and they must ensure their organisation's compliance. This requires that directors keep informed and up-to-date with legislative changes.

The overarching legislation that governs health and safety practice in New Zealand is the [Health and Safety in Employment Act 1992 \(HSE Act\)](#). This is supported by other key legislation such as the [Accident Compensation Act 2001](#) and the [Hazardous Substances and New Organisms Act 1996 \(HSNO\)](#). The HSE Act also has a number of regulations and approved codes of practice. A summary of the HSE Act titled [A Guide to the Health and Safety in Employment Act 1992](#) is available from MBIE.

Under the HSE Act the primary responsibility is placed on the employer who has a general duty to provide a safe and healthy work environment. The duty extends to all persons who may be affected by the activities of the organisation including, employees, contractors, public, visitors and customers and to the organisation's activities as a supplier to other organisations.

Directors can be held personally liable for an organisation's failure to comply with the HSE Act if they are held to have "...directed, authorised, assented to, acquiesced in, or participated in..."<sup>6</sup> a failure to comply.

A case study on Icepak Coolstores is included in this section and provides an example of a situation where a director was prosecuted.

### CASE STUDY – Icepak Coolstores

A director of Icepak Coolstores Ltd was convicted and fined \$30,000 after pleading guilty to a charge of breaching health and safety regulations. The specific charge was that **he acquiesced in the failure of the company to take all practicable steps** to ensure the safety of its employees while at work. This followed the coolstore explosion and fire at Tamahere near Hamilton in April 2008. The explosion killed a firefighter and left seven other firefighters with serious injuries.

Icepak Coolstores had installed a propane-based refrigeration system which they were aware was unique as an industrial operation of this kind and had never been adapted to use a highly flammable, explosive substance. The Fire Service had not been made aware of the presence of the explosive material nor were there any warning signs indicating its presence. The Crown claimed that directors had ignored a number of 'red flags' which should have alerted them to the risk such as propane gas regularly leaking, site gas detectors that needed replacing and several sources of ignition such as forklifts and switchboards.

The term 'acquiescence' is not defined in the Act and there was no discussion during the case regarding the meaning as the director had entered a guilty plea. The Department of Labour's position was that acquiescence meant the director was aware of the circumstances of the offending (not necessarily aware that there was an offence committed, just aware of the circumstances), was in a position to do something about it (the fact they were working directors of the business assisted with this) and didn't do anything about it.

<sup>6</sup> Health and Safety in Employment Act 1992, Section 56 (1).

The requirements for directors may be expressed as exercising 'due diligence'. While this concept is not currently used in legislation in New Zealand it is now defined in Australian legislation in the [Model Work Health and Safety Act \(WHS Act\)](#). Section 27 of the WHS Act requires officers to take reasonable steps to:

- a) acquire and update their knowledge of health and safety matters
- b) understand the operations being carried out by the person conducting the business or undertaking in which they are employed, and the hazards and risks associated with the operations
- c) ensure that the person conducting the business or undertaking has, and uses, appropriate resources and processes to eliminate or minimise health and safety risks arising from work being done
- d) ensure that the person conducting the business or undertaking has appropriate processes in place to receive and respond promptly to information regarding incidents, hazards and risks
- e) ensure that the person conducting the business or undertaking has, and uses, processes for complying with duties or obligations under the WHS Act.<sup>7</sup>

Boards and directors should aspire to move beyond compliance to 'best practice' – an approach that has shown results superior to those achieved by other means and that is used as a benchmark.

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<sup>7</sup> Guidance for officers in exercising due diligence; Comcare (Australian Government).

# The Role of Directors in the Governance of Health and Safety

The role of directors is outlined in the following pages in terms of four key elements:

- 1 Policy and Planning
- 2 Deliver
- 3 Monitor
- 4 Review

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The discussion of each element begins with a table that outlines director and management responsibilities. At the end of each section you will find a series of diagnostic questions and director actions. The diagnostic questions are designed to be used by directors as a tool to determine whether the organisation's practices are consistent with the board's beliefs, values, goals and approved systems. They can also be used as a basis for identifying areas that could be improved. The actions for directors are divided into two categories – baseline actions and recommended practice. Baseline actions are a suggested minimum requirement while recommended practice reflects taking the next step towards best practice.

Directors should never turn a blind eye to health and safety information. If they become aware everything is not as it should be they need to take decisive action.

## 1 Policy and Planning

### DIRECTOR RESPONSIBILITIES

- To determine the board's charter and structure for leading health and safety.
- To determine high level health and safety strategy and policy, including providing a statement of vision, beliefs and policy.
- To hold management to account for implementing strategy.
- To specify targets that will enable them to track the organisation's performance in implementing board strategy and policy.
- To manage the health and safety performance of the CEO, including specifying expectations and providing feedback.

### MANAGER RESPONSIBILITIES

- To determine and implement business and action plans to give effect to board strategy.
- To determine targets that will enable them to track their own performance.
- To implement performance management processes for workers that specify health and safety expectations, and provide feedback on performance.

### BOARD CHARTER AND STRUCTURE

The board should have its own charter setting out its role in leading health and safety in the organisation as well as the role of individual directors. The board may consider delegating a lead role in health and safety to an individual (if you have someone on the board with the necessary expertise) or a committee. Where specialist expertise is required consideration should be given to the engagement of an expert advisor. However, it must always be remembered that while tasks can be delegated, overall responsibility cannot be.

### HEALTH AND SAFETY POLICY (VISIONS AND BELIEFS)

A health and safety policy (also known as a vision and beliefs statement) will be the formal mode of communication that demonstrates the board's commitment to, and beliefs about the management of health and safety. An example from the Todd Corporation is included in this section. As a positive statement about values, beliefs and commitments it represents a long-term view that will set the tone for how they, and others in the organisation, will behave. These policies will be most robust where management and workers are involved in the preparation and 'reality testing'. However, they should ultimately be approved and 'owned' by the board. These policies should reflect the organisation's responsibility to provide a safe and healthy work environment not just for its workers but for contractors, visitors, customers and anyone who may be affected by the organisation's activities.

## SETTING TARGETS

Directors should set targets for the organisation that will provide direction, focus and clarity of expectation. They should:

- be measurable
- be challenging but realistic
- contain a mix of lead and lag indicators, ensuring a greater weighting on lead indicators which focus on prevention.

A good discussion of the use of indicators is included in the publication [How Health and Safety Makes Good Business Sense – A Summary of Research Findings](#) which is available on the MBIE website.

## RELATIONSHIP WITH FINANCIAL TARGETS

It is important that directors send a clear message to management and the wider organisation that health and safety and financial targets are complementary. It is important that directors ensure their organisation does not have a culture where financial targets are prioritised at the expense of health and safety.

## ZERO HARM

'Zero harm' is often used as an aspirational target. Before applying this target, consider the strength of your organisation's risk and reporting culture. If it is a weak one, there may be a risk of cover-ups and non-reporting. Always remember, the key is to know what is happening in your organisation so that the board can make the right decisions.

## MANAGEMENT STRUCTURE AND PERFORMANCE

The board should ensure that there is an effective linkage between their health and safety goals and the actions and priorities of senior management. The board achieves this linkage through the CEO. Managers allocate health and safety responsibilities and accountabilities throughout the organisation, with details included in role descriptions and performance management processes. It is also good practice for knowledge and commitment to health and safety to be assessed during the recruitment of senior managers.

Lead indicators measure activities designed to prevent harm and manage and reduce risk, whereas lag indicators measure performance results. Care should be taken with the use of lag indicators because of their potential to encourage perverse outcomes such as the non-reporting of incidents, 'near misses' and injuries.

## DIAGNOSTIC QUESTIONS

The following diagnostic questions are examples that can be used by directors and boards as prompts to determine whether they are effectively meeting their responsibilities and accountabilities. They can also be useful in determining whether the organisation's practices are consistent with the board's strategies, beliefs, values, goals and approved systems.

1. How do you ensure that the targets you establish for your organisation are aligned with your health and safety strategies and goals in both the long and short-term, are challenging but realistic, and have no unintended perverse consequences?
2. How is your board structured to deliver its commitment to health and safety and where and how is this structure described?
3. What are the key health and safety responsibilities and accountabilities of operating managers and how are these different from support staff?
4. How do you ensure that the CEO understands and meets the board's expectations with regard to health and safety management?
5. What process do you use to assess the CEO's health and safety performance? How does this process recognise good and bad performance?
6. What processes are in place for ensuring that managers clearly understand their health and safety responsibilities and are held accountable for carrying them out?
7. How are the organisation's workers involved in the establishment of your organisation's vision, beliefs and policy?

### CASE STUDY – PROGRESSIVE ENTERPRISES

With 18,500 workers across almost 200 locations and 135 million people visiting their stores each year, Progressive Enterprises has a diverse and significant risk profile. While they believed they were putting safety first it was not being reflected in their performance with an LTIFR of over 20. In 2009 they started thinking more deeply about what safety actually meant and started to really engage workers.

In a drive to build credibility and engage workers the Countdown to Zero programme was launched. As part of the programme additional equipment was purchased to reduce specific risks such as injuries from deli slicers. The investment was not small with that upgrade alone costing over \$4000 per machine.

Recognising they weren't preparing workers appropriately to deliver the desired safety performance, a significant amount was invested in training. This was very well received by workers. A recent course saw every single band saw operator come along on their day off, not because they had to but because they wanted to.

Changing the culture was fundamental to the process. Implementing measures of performance that meant something to workers and ensuring that all incidents were reported was vital. The organisation now has a culture where the first thought is not blame but how to support the affected person followed by what can we learn and how do we share that.

The investment Progressive has made in health and safety has delivered results – the LTIFR is now under 5 and the financial cost of injuries at work has halved since 2009. It has also had a real impact on staff attitudes and beliefs with over 95% of staff strongly agreeing that safety is important to the organisation.<sup>8</sup>

<sup>8</sup> Our countdown to zero injuries; Dave Chambers - Managing Director Progressive Enterprises: [www.zeroharm.org](http://www.zeroharm.org)

## ACTIONS FOR DIRECTORS

BASELINE ACTIONS	RECOMMENDED PRACTICE
<b>Organisational Beliefs, Vision, Policy</b>	
Develop, approve and publish a safety vision and beliefs statement that will express the organisation's commitment to health and safety.	Consider involving workers and their representatives in the development of a vision and beliefs statement. This will help to ensure that it is 'owned' by the whole organisation.
<b>Targets</b>	
Establish targets for tracking the organisation's effectiveness in implementing the board's health and safety strategy and goals.	Include both lead and lag indicators in targets and ensure they do not create perverse incentives.
<b>Board Policy, Structure, Process</b>	
Decide how to structure the board so that health and safety has appropriate focus and expertise.	Consider nominating a non-executive director as a health and safety 'champion', or a committee that can focus on this key area.
Determine a board charter that will describe the board's own role and that of individual directors in leading health and safety in the organisation.	Ensure the board charter describes detailed structures and processes to be used to plan, deliver, monitor and review leadership of health and safety.
<b>Management Structure and Performance</b>	
Provide the CEO with a role description that includes health and safety responsibilities and accountabilities.	
Ensure that management operates with a structure that appropriately recognises the respective health and safety responsibilities and accountabilities of operating and support staff.	
Apply a performance review process to the CEO role and ensure that a similar process applies to other management.	Ensure that performance review and reward systems do not encourage cover-ups and other unwanted behaviours that are inconsistent with the board's beliefs and values.

## EXAMPLE OF POLICY STATEMENT

# Health and Safety Policy



## Our Health & Safety Vision:

***“We will all have a safe workplace”***

We believe that:

- No business objective will take priority over health and safety
- All incidents are preventable
- Whilst management have ultimate accountability, we all have responsibility for health and safety
- All personnel have the responsibility to stop any job they believe is unsafe or cannot be continued in a safe manner

To achieve this we will:

- Maintain and continually improve our Health, Safety and Environmental Management System
- Proactively identify hazards and unsafe behaviours and take all steps to manage these to as low as reasonably practicable
- Set targets for improvement and measure, appraise and report on our performance
- Assess and recognise the health and safety performance of employees and contractors
- Consult and actively promote participation with employees and contractors to ensure they have the training, skills, knowledge and resources to maintain a healthy and safe workplace
- Accurately report and learn from our incidents
- Support the safe and early return to work of injured employees
- Design, construct, operate and maintain our assets so that they safeguard people and property
- Require our contractors to demonstrate the same commitment to achieving excellence in health and safety performance
- Comply with relevant legislation, regulations, codes of practice and industry standards

Jon Young

A handwritten signature in black ink that reads 'Jon Young'.

Group Chief Executive Officer  
Todd Corporation Limited

## 2 Deliver

### DIRECTOR RESPONSIBILITIES

- To lay down a clear expectation for the organisation to have a fit-for-purpose health and safety management system.
- To exercise due diligence to ensure that the system is fit for purpose, being effectively implemented, regularly reviewed and continuously improved.
- To be sufficiently informed about the generic requirements for a modern, 'best practice' health and safety management system and about their organisation and its hazards to know whether its system is fit-for-purpose, and being effectively implemented.
- To ensure sufficient resources are available for the development, implementation and maintenance of the system.

### MANAGER RESPONSIBILITIES

- To lead the implementation of health and safety management systems and programmes.
- To identify resource requirements for the development, implementation and maintenance of the health and safety system, obtain approval for their provision, and secure and allocate resources accordingly.
- To allocate responsibilities and accountabilities to managers and workers for implementation of the system and its components.
- To monitor the effectiveness of the system and implement continuous improvements.

### HEALTH AND SAFETY MANAGEMENT SYSTEM

Organisations should have a fit-for-purpose health and safety management system that is integrated with other management systems. The size, sophistication and detail of the system will reflect the organisation's risk profile, with high hazard organisations requiring more substantial systems.

Merely having a good system will not achieve good health and safety. Systems need to be implemented with rigor and consistency. Directors should hold management to account for effective implementation.

The main aim of a health and safety management system is effective hazard and risk management. This is the process by which hazards that have the potential to cause harm are identified and controls to eliminate, isolate or minimise the risk of harm are implemented. Harm refers to illness, injury or both. It also includes physical or mental harm caused by work-related stress.

Risk assessment requires a judgement about the probability of an incident happening and the potential seriousness if it does happen. Attention needs to be paid to the full spectrum including those incidents that are more likely to occur but with less serious consequences, and those incidents that are less likely to occur, but with catastrophic consequences when they do.

Guidelines on the requirements for an effective health and safety management system are described in [Standards AS/NZS 4801:2001](#) and [AS/NZS 4804:2001](#). Further guidance to safety management practices and injury management can also be obtained from ACC ([www.acc.co.nz](http://www.acc.co.nz)):

- ACC442 ACC Workplace Safety Management Practices Audit Standards (aligned with the Australia/ New Zealand Standards for Occupational Health and Safety Management Systems (AS:NZS 4801:2001)
- ACC2465 ACC Partnership Programme Injury Management Practices Audit Standards

## KEY ASPECTS OF A HEALTH AND SAFETY MANAGEMENT SYSTEM

### Hazard and risk management

Organisations must identify all actual and potential hazards and implement controls for those assessed as significant. During organisational change, risk assessments should be undertaken so that the full health and safety impact of the changes can be understood and managed.

### Incident management

Organisations should have well-defined processes for reporting and investigating incidents to identify root causes. The aim of incident management is to identify and implement remedial actions to prevent the incident happening again.

### Emergency management

Organisations should develop plans for managing potential emergencies that may arise in the workplace. These plans should be communicated to all persons working on site. Plans should be regularly tested by simulation.

### Injury management

Organisations should have processes for ensuring that injured persons are properly cared for. In the case of serious injuries and fatalities this care should extend also to families and work mates.

### Participation

Under the Act organisations with more than 30 employees, or when requested by an employee or a union, must develop and agree a participation agreement.

### Continuous improvement

The need to continuously improve the health and safety management system is a fundamental requirement. Directors should hold management to account for doing this. Guidance on continuous improvement can be found in AS/NZS 4801 and 4804. Continuous improvement also includes the audit and review process.

Two areas that overlay the system are resources and leadership. The organisation must be provided with the resources required for it to operate safely. This includes people, plant and equipment, systems and budget. Leadership should be shown at all levels throughout the organisation. Management must define its commitment to health and safety, establish objectives, targets and plans for giving effect to this commitment, and lead the organisation in their achievement.

## DIAGNOSTIC QUESTIONS

The following diagnostic questions are examples that can be used by directors and boards as prompts to determine whether they are effectively meeting their responsibilities and accountabilities.

1. How do you know that the organisation's health and safety management system is fit for purpose and represents best practice?
2. What systems are in place to ensure that hazards and risks are identified, assessed and effectively managed?
3. Have you thought about potential incidents that are less likely to occur, but with catastrophic consequences if they do?
4. Where there is significant organisational change that has implications for health and safety how do you ensure that this is reported to the board?
5. How good is the organisation's emergency management plan and state of readiness that will ensure an effective response to any potential emergency? When was it last tested?
6. How does the organisation ensure that it has the right people with the right skills and motivation managing health and safety?
7. How does the organisation ensure that all plant and equipment used on site meets an acceptable standard?
8. How does the organisation ensure that contractors have satisfactory health and safety standards?
9. How does the organisation ensure that the goods and services it supplies to other organisations meet satisfactory health and safety standards?
10. Does the organisation have an adequate budget for its health and safety programme?

*"We insist that safety is our number one priority. Above all else, we value human life and expect that our port colleagues will go home to loved ones at the end of their shift in the same condition they entered the port gate."*

Mark Cairns, Port of Tauranga

## ACTIONS FOR DIRECTORS

BASELINE ACTIONS	RECOMMENDED PRACTICE
<b>Health and Safety Management Systems</b>	
Ensure that management develops, implements, audits and regularly reviews and updates an effective health and safety management system consistent with accepted standards.	Undertake training to ensure a good understanding of the requirements of the health and safety management system and particularly of hazard and risk management practices.
Review management reports on reviews and audits of systems and control plans.	Commission periodic external audits and reviews of the system.  Ensure that workers and representatives participate in audits and system reviews.
Become personally aware of your organisation's hazards and control systems. Review risk registers.	Ensure you have a detailed knowledge of your organisation's hazards and control systems. This should be refreshed regularly including through engagement with managers and workers which may include site visits.
Ensure that hazards are identified by management and that control plans are in place for their effective management.	Periodically (at least every two years) obtain/review independent advice on the adequacy of hazard control plans and the effectiveness of their implementation.
Ensure that management implements procedures for the selection of contractors and monitoring their activities so that you are assured of their health and safety.	Ensure that management insists on contractors having health and safety standards that match your organisations.
<b>Resources – People</b>	
Ensure that management have staffed the organisation with sufficient personnel with the right skill mix, supported by specialists as required to operate the business safely.	Ensure that the organisation has effective processes in place for recruitment, training and direction of managers so that they are skilled and motivated to reinforce a positive health and safety culture and ensure the health and safety of their people and teams.

<p>Ensure management implements a system of worker participation that enables workers and their representatives to participate in decision-making, implementation and monitoring of their workplace health and safety management systems.</p>	<p>Ensure that the organisation implements a 'just culture' whereby there is an atmosphere of trust in which people are encouraged to provide safety-related information, without fear of retribution or blame for honest mistakes but are still held accountable for wilful violations and gross negligence.</p>
<p>Encourage a culture where reporting of events is expected and followed up.</p>	<p>Monitor the overall workplace health and safety culture using survey techniques.</p>
<p><b>Resources – Plant and Equipment</b></p>	
<p>Ensure that plant and equipment is provided by management that is fit for purpose, well maintained and supported by training and safe operating procedures.</p>	<p>Ensure well established and documented standards for plant and equipment that are used at procurement and during on-going operation and maintenance. Plant and equipment are not allowed on site if it does not meet this standard. This also applies to equipment used by contractors.</p>
<p><b>Resources – Systems</b></p>	
<p>Ensure that management provides systems that will support the effective management of health and safety.</p>	<p>Ensure management provides computer based systems for capturing data on health and safety incidents, analysis and reporting. Good systems will also assist with the tracking of action plans following incidents and audits etc and will assist to ensure their timely completion. The health and safety management system will be documented and available for all to read. Information from it will be regularly communicated to workers.</p>
<p><b>Resources – Budget</b></p>	
<p>Provide sufficient funds for the effective implementation and maintenance of the health and safety management system and for improvement programmes.</p>	<p>Ensure there is a policy of dealing with health and safety on the basis of need rather than budget limits.</p>

### 3 Monitor

#### DIRECTOR RESPONSIBILITIES

- To monitor the health and safety performance of the organisation.
- To outline clear expectations on what should be reported to the board and in what timeframes.
- To review reports to determine whether intervention is required to achieve, or support organisational improvements.
- To make themselves familiar with processes such as audit, risk assessment, incident investigation, sufficient to enable them to properly evaluate the information before them.
- To seek independent expert advice when required to gain the required degree of assurance.

#### MANAGER RESPONSIBILITIES

- To give effect to board direction by implementing a health and safety management system using the 'plan, do, check, act' cycle.
- To provide the board with reports on health and safety management system implementation, and performance as required.
- To implement further actions following board review of reports.
- To ensure root cause investigations are carried out using independent investigators in the case of serious incidents.

The implementation of long-term goals and strategy through business planning is the responsibility of management. However, the board needs to ensure, through appropriate monitoring, that these strategies are being effectively implemented.

Directors must never turn a blind eye to undesirable information. They should, instead, always seek out complete and accurate information that will enable them to know whether the organisation is meeting all of its health and safety obligations and goals. Directors must always act decisively whenever that information suggests that it is not.

### ROUTINE REPORTS TO BOARD

The following information should be on the board's agenda and reviewed on a regular basis:

- data on all incidents, including near misses and occupational illness. Effective monitoring of these statistics can alert the board to underlying problems before any serious incidents occur
- data on absence rates due to sickness that can be indicators of issues such as stress and fatigue
- data on trends including routine exposure to risks that are potentially harmful to health such as high noise levels, toxic chemicals and bullying
- progress with the implementation of formal improvement plans
- actions in place aimed at preventing harm, such as training, and maintenance programmes
- the health and safety performance and actions of contractors
- reports on internal and external audits, and system reviews.

Directors should be alert to the possibility that there is reluctance to report such information and should satisfy themselves that any such obstacles have been eliminated.

### INCIDENTS

Incident investigations should identify root causes and put in place measures to prevent the incident happening again. Investigations should not be about apportioning blame. When looking for root causes there should be consideration of human factors that can contribute to incidents and the possibility of systemic failure such as culture, workload or lack of training.

Directors should review serious incident reports and be satisfied with the integrity of the process, and that the incident investigation has correctly identified root causes, and that an effective action plan has been put in place to address the issues identified. Directors should require further reports covering the completion of actions so that they can be satisfied that the implementation of actions arising from incidents is both effective and timely.

## DIAGNOSTIC QUESTIONS

The following diagnostic questions are examples that can be used by directors and boards as prompts to verify that the information they receive is appropriate, accurate and comprehensive.

1. Are you asking the right questions? Do you determine what information you receive or does management?
2. How do you know that the information you are receiving is supported by a strong and honest reporting culture?
3. How does your organisation's performance compare with other comparable organisations and how do you know?
4. Does the organisation have the capability to carry out 'root cause' investigations, or know where to get it?
5. How do you know that actions identified in incident investigations are effectively implemented?
6. How much of the information that you receive is also shared with workers?
7. Are you receiving sufficient information about health as well as safety?

### CASE STUDY – COCA-COLA AMATIL NZ

Following a worsening trend in workplace accidents in 2010, it implemented a five-step reform of health and safety measures. The five steps were clear and uncomplicated:

1. Set measurable goals relating to what they wished to achieve with its health and safety reform
2. Use robust and fit-for-purpose health and safety (including hazard) management systems and ensure they are fully integrated into the company
3. Change the culture (including improvement of the reporting culture)
4. Introduce practical programmes (such as stretching before manual labour)
5. Visible leadership – one of the key actions undertaken by the managing director responsible for health and safety was to join the health and safety leadership forum. Another more simple action was to sit in on health and safety committee meetings.

In the year following implementation of the health and safety measures there was a marked increase in reported injuries, but the severity of the injuries had declined. There were 155 near hits reported in November 2011. This indicated a substantial uptake of values by workers at the company and a change in attitudes toward health and safety along with the overall reporting culture. It also indicated that the systems put in place were working. In 2011, the company saw a 90% decrease in ACC costs and in the first quarter of 2012, had zero lost time injuries.

## ACTIONS FOR DIRECTORS

BASELINE ACTIONS	RECOMMENDED PRACTICE
Specify clear requirements regarding reporting and timeframes for significant events in the board's charter.	
Ensure that in the case of serious incidents management have sought external input or review to provide independence and avoid potential vested interests.	
Review serious incidents, including serious non-compliance and near misses and be personally satisfied with the adequacy of management actions in response.	<p>Directors should receive basic training in incident investigation methodology sufficient to ensure that they are able to distinguish between adequate and inadequate investigations.</p> <p>In the case of serious health and safety incidents, obtain independent advice on the adequacy of the investigation and remedial actions.</p>
Ensure that improvement goals are developed annually by management and that regular progress reports are received by the board.	<p>Separate organisations and work sites will have their own business goals. Visible tracking of goals by directors will demonstrate commitment and leadership and encourage commitment from line management to take these goals seriously.</p> <p>For example a site manager may be invited to a board meeting to report on progress with an annual improvement plan or this may be the subject of discussion during a site visit.</p>
Specify clear requirements for the regular reporting of health and safety performance results, and review these reports at meetings for indications of trends, system breakdowns and improvement needs.	<p>Ensure you have a sound understanding of, and focus on, hazards that would have a significant impact on the business.</p> <p>Ensure reports allow tracking of both lag and lead indicators.</p> <p>Directors should satisfy themselves that there are no obstacles to free and frank reporting.</p> <p>Boards should develop their own reports on health and safety performance for shareholders and other stakeholders. Health and safety performance should be included in external reports.</p>

## 4 Review

### DIRECTOR RESPONSIBILITIES

- To ensure the board conducts a periodic (eg annual) formal review of health and safety to determine the effectiveness of the system and whether any changes are required.
- To ensure the board considers whether an external review is required for an independent opinion.

### MANAGER RESPONSIBILITIES

- To organise regular audits and reviews of the health and safety management system (internal and external) and its implementation.
- To take remedial actions as required arising from any audit or review.
- To report to the board on the outcomes of audits and reviews.
- To assist the board with the formal health and safety review by providing information and other input as required.

The board should conduct a formal review of health and safety performance on a periodic basis. This enables the board to establish whether their health and safety principles have been embedded in the organisation's culture. Similarly the review will consider whether the policy and system are being effectively implemented and whether they are still fit for purpose.

### AUDITS AND SYSTEM REVIEWS

Audits and system reviews arranged by management will inform the board's formal review. Directors should ensure that reviews are undertaken on a regular basis. The objective of an audit is to assess the quality of system implementation and the objective of a system review is to assess whether the system is fit-for-purpose and representative of best practice.

It is normal for audits and system reviews to recommend actions for improvement. Directors should ensure that these recommendations are properly considered by management and where agreed, implemented.

It is desirable that an internal audit or review team comprises a cross section of managers and worker representatives so that a range of perspectives, knowledge and skill is brought to the table. This approach also supports the message that health and safety is everybody's responsibility. Directors should consider if the appropriate people were involved in the review or audit.

It is good practice for the organisation to periodically seek independent and objective assurance from an external audit and/or system review. An external opinion can bring a fresh pair of eyes and new ways of thinking. Involving worker representatives in the selection of external auditors and reviewers is good practice that will help ensure the required objectivity.

### FORMAL REVIEW OUTCOMES

The formal review will identify strengths and weaknesses in the system and its implementation.

It is just as important that good performance is recognised and celebrated as it is that opportunities for improvement are identified.

Improvement action plans arising from the formal review should be tracked by directors at regular board meetings.

## DIAGNOSTIC QUESTIONS

The following diagnostic questions are examples that can be used by directors and boards as prompts to verify that they are conducting adequate formal reviews of health and safety.

1. What do you do to ensure an appropriate and thorough board level review of health and safety?
2. What information do you use for the review and who do you involve?
3. How do you ensure that your review uses best practice as a benchmark?
4. How do you ensure that workers contribute to this review?
5. How do you ensure maximum independence and objectivity of reviews and audits?
6. How do you recognise and celebrate success?
7. How do you ensure that actions identified in the review are communicated and effectively implemented?

### CASE STUDY – HOLCIM NEW ZEALAND

In the mid-90s Holcim New Zealand's safety record was poor. With a LTIFR of 43.8 there was significant room for improvement. While a series of short-term measures saw improvements it wasn't until 2003 when the organisation sought outside help that things really started to change. External audits highlighted there was much more to do than expected and it was clear a change would require a lot of energy and drive. Holcim committed to putting in that effort and put in place the following measures:

- management and the board committed to demonstrating visible safety leadership
  - safety is a key agenda item at board meetings
  - a safety council was created which meets each month to set policy and direction and review progress
  - all of the management team are actively involved in health and safety – they each must spend two half days a year working on-site
  - all managers must attend a four-day safety leadership programme

- adopted a philosophy of 'zero harm, safety first'
- each division has health and safety staff
- the safety manager reports direct to the CEO
- focus on the development of useful lead indicators
- significant effort on developing a safety culture among staff; staff engagement surveys now reflect the effort put into safety
- development of a contractor management programme including a pre-selection process, inductions and specific Holcim site training.

These measures have had a significant impact on Holcim's health and safety performance, the organisation now has an LTIFR of below 3. The focus has shifted significantly with 500 employees completing nearly 6600 safety tours (audits) in 2011. Health and safety is now owned by all Holcim employees in their drive for 'zero harm, safety first'.<sup>9</sup>

<sup>9</sup> Safety – one of the toughest leadership challenges; Jeremy Smith - Managing Director Holcim New Zealand: [www.zeroharm.org](http://www.zeroharm.org)

## ACTIONS FOR DIRECTORS

BASELINE ACTIONS	RECOMMENDED PRACTICE
Specify arrangements for the formal review of health and safety in the board's charter including frequency, who is involved and how, what input is required etc.	Provide opportunities for worker representatives and workers with relevant skills and knowledge to participate in internal audits and reviews and in the selection of external auditors and reviewers.
Ensure that input to the formal review includes audits (internal and external), system reviews, performance results, significant incidents, organisational changes and benchmark data.	Periodically commission a culture survey to assist the review.
As an outcome from the review determine an action plan and track progress.	

# Conclusion

As a director, managing your organisation's health and safety risk is just as important as managing financial and reputational risk and it should receive the same focus.

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Boards are responsible for determining high level health and safety strategy and policy which managers are required to implement. This strategy and policy must take into consideration all those affected by the organisation's activities, not just workers. Board responsibility however, does not stop with the issuing of strategy and policy as they should also ensure that it is implemented effectively. They do this by holding management to account through processes of policy and planning, delivery, monitoring and review. This includes recognising when the organisation is doing well and celebrating success. Through these processes the board should ensure that they have created an environment in which a commitment to health and safety is part of everyday business. Having a positive health and safety culture and an integrated, embedded and effective health and safety management system in which managers and workers take individual ownership will have significant benefits for the organisation.

Unless the board is aware of a serious issue, they cannot address it. Information is key. Ensure your management team is telling you all you need to know and don't leave anything to chance. Remember – if it seems too good to be true, it probably is.

# Director Health and Safety Checklist

-  How do the board and all directors demonstrate their commitment to health and safety?
-  How do you involve the organisation's workers in health and safety? Do they feel able to express any concerns?
-  How do you ensure that your organisation's health and safety targets are challenging, realistic and aren't creating unintended consequences?
-  What data is the board receiving on health and safety? Is this sufficient?
-  How do you ensure all staff are competent and adequately trained in their health and safety responsibilities and accountabilities?
-  Does the organisation have sufficient resources (people, equipment, systems and budget) for its health and safety programme?
-  Does the organisation have a schedule of audits and reviews to ensure the health and safety management system is fit for purpose?
-  How do you ensure that actions identified in incident reports, audits and reviews are communicated and effectively implemented?
-  How do you ensure that the organisation's risks are assessed and appropriate mitigation measures put in place?
-  How connected are you to what happens at the organisation's work sites? What measures are in place to inform you?
-  Does the organisation have policies and processes in place to ensure contractors used by the organisation have satisfactory health and safety standards?
-  How does your organisation's performance compare with other comparable organisations and how do you know?
-  How do you recognise and celebrate success?

# Resources

## KEY LEGISLATION

All available online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

- [Health and Safety in Employment Act 1992](#)
- [Accident Compensation Act 2001](#)
- [Hazardous Substances and New Organisms Act 1996](#)

A wide range of regulations and codes of practice can be found on the MBIE website [www.mbie.govt.nz](http://www.mbie.govt.nz).

## STANDARDS

All available from Standards New Zealand online at [www.standards.co.nz](http://www.standards.co.nz)

- [AS/NZS 4801:2001 – Occupational Health and Safety Management Systems - Specification with guidance for use](#)
- [AS/NZS 4804:2001 – Occupational health and safety management system - General guidelines on principles, systems and supporting techniques](#)
- [AS/NZS ISO 31000:2009 – Risk management - Principles and guidelines](#)

## PUBLICATIONS AND WEBSITES

- Ministry of Business, Innovation and Employment – [www.mbie.govt.nz](http://www.mbie.govt.nz)
  - [A Guide to the Health and Safety in Employment Act 1992](#)
  - [Taking All Practicable Steps](#)
  - [How Health and Safety Makes Good Business Sense](#)
  - A range of health and safety factsheets on topics such as serious harm, taking all practicable steps and employee participation systems are available online at [www.osh.govt.nz/order/catalogue/factsheets.shtml#hse](http://www.osh.govt.nz/order/catalogue/factsheets.shtml#hse)
  - A series of health and safety publications can be found at [www.osh.govt.nz/order/catalogue/hse-publications.shtml](http://www.osh.govt.nz/order/catalogue/hse-publications.shtml)
- ACC – [www.acc.govt.nz/publications](http://www.acc.govt.nz/publications)
  - [Measuring your capabilities in Workplace Safety Management - ACC Workplace Safety Management Practices Audit Standards \(ACC442\)](#)

- Guidance for Officers in Exercising Due Diligence – [www.comcare.gov.au/\\_\\_data/assets/pdf\\_file/0020/102566/Guidance\\_for\\_officers\\_in\\_exercising\\_due\\_diligence.pdf](http://www.comcare.gov.au/__data/assets/pdf_file/0020/102566/Guidance_for_officers_in_exercising_due_diligence.pdf))
- Institute of Directors in New Zealand [www.iod.org.nz](http://www.iod.org.nz)
- The Four Pillars of Governance Best Practice (Available from the Institute of Directors in New Zealand)
- Leading Health and Safety at Work, Leadership actions for directors and board members [www.hse.gov.uk/pubns/indg417.pdf](http://www.hse.gov.uk/pubns/indg417.pdf)
- World Class CEO Safety Leadership Assessment (Business Leaders' Health and Safety Forum) [www.zeroharm.org.nz/leadership/leadership-assessment/](http://www.zeroharm.org.nz/leadership/leadership-assessment/)
- The return on prevention: Calculating the costs and benefits of investments in occupational safety and health in companies, International Social Security Association Research Report – [www.issa.int/content/download/152234/3046913/file/2-Return-on-prevention.pdf](http://www.issa.int/content/download/152234/3046913/file/2-Return-on-prevention.pdf)

# Glossary

<b>All practicable steps</b>	A key concept in the HSE Act that relates to a requirement to take all steps that a reasonable, prudent person would take in the same situation. For a full definition or explanation of “all practicable steps”, refer to the HSE Act and/or the Department of Labour fact sheet, both of which are referenced in the following resource list.
<b>Best practice</b>	A method or technique that in like circumstances has consistently shown superior results in comparison to results achieved using other means – used as a benchmark.
<b>Harm</b>	Illness, injury or both. This includes physical or mental harm caused by work-related stress.
<b>Hazard</b>	Is defined in the HSE Act as an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm; and includes: <ul style="list-style-type: none"> <li>• a situation where a person’s behaviour may be an actual or potential cause or source of harm to the person or another person; and</li> <li>• without limitation, a situation described above resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person’s behaviour.</li> </ul>
<b>Lost time injury frequency rate (LTIFR)</b>	Number of reported injuries that resulted in at least one day being lost from work after the day of the injury or illness per million hours worked.
<b>Near miss</b>	A situation or incident where harm might have occurred.
<b>Organisational culture</b>	Collective set of values and beliefs held and exercised within an organisation or workplace.

<b>Serious harm</b>	<p>Is defined in the HSE Act as:</p> <ul style="list-style-type: none"> <li>• any of the following conditions that amount to or result in: permanent loss of bodily function, or temporary severe loss of bodily function: respiratory disease, noise-induced hearing loss, neurological disease, cancer, dermatological disease, communicable disease, musculoskeletal disease, illness caused by exposure to infected material, decompression sickness, poisoning, vision impairment, chemical or hot-metal burn of eye, penetrating wound of eye, bone fracture, laceration, crushing</li> <li>• amputation of body part</li> <li>• burns requiring referral to a specialist registered medical practitioner or specialist outpatient clinic</li> <li>• loss of consciousness from lack of oxygen</li> <li>• loss of consciousness, or acute illness requiring treatment by a registered medical practitioner, from absorption, inhalation or ingestion of any substance</li> <li>• any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within seven days of the harm's occurrence.</li> </ul>
<b>Significant hazard</b>	<p>Is defined in the HSE Act as a hazard that is an actual or potential cause or source of:</p> <ol style="list-style-type: none"> <li>a) serious harm; or</li> <li>b) harm (being harm that is more than trivial) the severity of whose effects on any person depend (entirely or among other things) on the extent or frequency of the person's exposure to the hazard; or</li> <li>c) harm that does not usually occur, or usually is not easily detectable, until a significant time after exposure to the hazard.</li> </ol>
<b>Workers</b>	Employees of the organisation, its contractors and its subcontractors.
<b>Zero harm</b>	An expression used by many organisations to describe an aspirational target of no harm of any sort to workers.

All definitions that relate to legislation are correct as at 30 April 2013.



# Health & Safety Leadership

A guide for small to medium business owners and company directors

## Businesses of all shapes and sizes all over New Zealand are getting smart about health and safety.

Health and safety is an essential part of running a business and it's not just for big business. Whatever your line of work, or whatever your business structure, having a health and safety plan – and putting it into practice every day – will keep your team safe, reduce your risk, could reduce costs and show your customers they can trust you.

*“As the business owner, manager or company director it's your legal obligation to make health and safety part of the day to day running of your business.”*

A positive health and safety culture is part of a broader organisational culture where there is mutual trust and respect and where everyone works together to achieve common goals. This means more productive people and your staff know you are serious about their wellbeing.

Like insurance, good health and safety practice gives you peace of mind. For smaller companies, this counts for a lot as they may find it hard to recover from serious health and safety events. This guide is for directors, owners and managers of small to medium sized businesses. It's designed to give you an overview of the most important things you need to know and do about health and safety.

For more specific and detailed advice relevant to your business it's a good idea to seek the help of a professional health and safety practitioner.

Visit [WorkSafe.govt.nz](http://WorkSafe.govt.nz) or the health and safety section on [Business.govt.nz](http://Business.govt.nz)



*“Having good health and safety practices in place is really important for our personal and professional reputation – it shows that we are fulfilling our legal obligations.”*

**Richard Townshend,**  
– Director and Owner, Dairy Direct Ltd

## THE LEGAL LOW-DOWN

The Health and Safety in Employment Act (1992) is the main law governing workplace health and safety in New Zealand. There is also other legislation that you need to be aware of such as the Accident Compensation Act (2001) and the Hazardous Substances and New Organisms Act (1996) as well as a number of regulations. WorkSafe New Zealand has principal responsibility for ensuring workplaces abide by the law.

Every New Zealand business has the same legal obligations under the Health and Safety in Employment Act (1992), regardless of its size. As a company director, business owner and/or employer you need to:

- take *all practicable steps* to provide a safe work environment for workers and other people in and around your workplace, including contractors and visitors.
- ensure everyone is responsible for workplace safety, including workers. Employers must provide opportunities for workers to get involved in improving health and safety conditions.
- know about the laws and regulations that relate to your industry and your business because the buck stops with you: directors need to ensure their business complies with all relevant laws and regulations.

If something goes wrong and you didn't meet your obligations, you may find yourself being prosecuted and fined, or possibly face imprisonment. Fortunately, there's a lot you can do to reduce the chances of something going wrong.

### Health and Safety laws are changing

A major package of changes to New Zealand's workplace health and safety system is underway, including reform of health and safety law. Information and guidance will be developed to help people understand what they need to do to comply with the new laws.

For more information, please visit the health and safety reform section of the **Ministry of Business, Innovation and Employment's** website.

## PROTECT YOUR PEOPLE AND YOUR BUSINESS

If you're running your own business, chances are you know it's your responsibility to keep your people safe, but what exactly does that mean?

Put simply, managing health and safety is about identifying the risks and hazards in your business – the things that touch wood won't, but could go wrong – and having a plan to manage these risks and hazards that everyone follows, to ensure a healthy workplace. You've invested too much in your business to leave anything to chance.

*Did you know that your health and safety duties extend beyond your staff and workplace? You could be liable for any action, or inaction, by you or your staff that harms any other person. For instance, you need to be sure that equipment or materials you provide, either inside or outside of your workplace, are designed to be used safely, and installed correctly.*

## GET STARTED

It's easy to get started on developing a health and safety plan for your business. Here are three steps that will help guide you.

### ASSESS

*Identify risks and hazards in your business*

### COMMIT

*Develop a health and safety plan*

### ACT

*Make your plan part of your day to day business*



## LEAD FROM THE FRONT

The highest tier of management and leadership in your business, whether it's a board or a management team, or you as an owner operator, plays a crucial role in establishing good health and safety practice in your business.

It's up to you and your leadership team, if you have one, to set the culture and to have clear procedures that help your staff to know 'how we do things around here'. For health and safety measures to be effective, they have to be known, understood, practical and measurable.

All businesses should have a workplace health and safety plan regardless of their size and structure. Whether you are a director or owner operator you are also responsible for ensuring that the plan is effectively implemented and continuously reviewed.

# ASSESS

The first step in developing your health and safety plan is to know where you are starting from. You may already have a plan, or just know the way that things are generally done, but it's time well spent to pull your team away from their work to involve them in identifying the risks and hazards in your business and how you can continuously manage them safely.

You can start by asking these types of questions:

- Could we be injured or become ill if something goes wrong?
- What hazards could seriously harm our staff, suppliers, customers or other persons?
- Do we have any workplace risks that have low probability of occurring but would do serious harm to our people and business if they did occur?
- What processes do we currently have to eliminate, isolate or minimise these risks and hazards? Do we monitor how effective our processes are?
- Are we good at recording and investigating workplace injuries and near misses, to find out how they were caused and fix them?
- Have we contacted our industry body or union for advice about health and safety legislation, regulations and best practice that relates to our business?
- Have we considered what types of emergencies could affect our workplace and developed plans for how to manage in an emergency?

## EXAMPLE WORKPLACE HAZARDS

### Physical hazards

Things that can cause physical harm, like moving machinery, falls from heights or lifting heavy objects

### Environmental hazards

Things in the environment that could cause injury or illness, like hot or cold temperatures, exhaust fumes, or uneven ground

### Hazardous substances

Things such as asbestos or chemicals that could cause health issues such as cancer, fertility problems and even death

### Social hazards

Such as work-related stress, overwork, long hours, inadequate breaks, or bullying

"As directors and managers within our business, we try to spend time discussing bigger picture issues but we often end up gravitating to more pressing day-to-day operational issues. We recognise that we need to make time to plan for health and safety – we know that this has to be led by us."

**Hilary Weller – Managing Director,  
Pure Trails New Zealand**

# COMMIT

Your health and safety plan is just a piece of paper unless you and your team personally commit to it. That means demonstrating your commitment to it in a compelling way and with a sense of urgency so that your people also know and care about it. If you employ staff, involving them in managing health and safety will help to embed it in your company culture. The effectiveness of your plan rests with you and the people in your business who are out there doing the work on the front line.

## How to commit to best practice health and safety:

- Develop a health and safety plan – something that's easy to understand and remember.
- If you already have a plan ask your staff what they think of it. Is it still relevant? Is it meaningful to them? Does it support your company culture? If not, take it back to the drawing board.
- Identify how your plan will be monitored and measured – how will you know you're on track?
- Share your plan with all new staff and contractors. As a person in charge at work, you're also responsible for the safety of contractors working there, and for visitors to your workplace.

## A HEALTH AND SAFETY PLAN SHOULD HAVE THE FOLLOWING COMPONENTS:

- Procedures for identifying workplace hazards, plans for eliminating, isolating or minimising them
- Procedures for monitoring your people's exposure to hazards that can't be eliminated
- Records of training that show that everyone knows what hazards they might be exposed to, and how they can keep themselves safe
- What to do in an emergency, including workplace accidents and natural disasters
- Procedures for recording and investigating workplace accidents and near-misses
- A process for reporting serious accidents to WorkSafe New Zealand
- Health and safety inductions for contractors when they are at your workplace
- A process to review the health and safety plan at least once a year or if a major safety-related event happens.

## *"Our health and safety stance sets us apart from our competitors."*

Our company directors set the overarching health and safety expectations for our business. We do this in conjunction with our lawyer and accountant, and we also employ the services of an external health and safety consultant to help us to develop our plan and implement it too.

We have employees who represent the rest of our staff on our Health and Safety Committee – they have received specific health and safety training. It's really important to get the team to be part of creating the plan – otherwise there's no commitment at a day to day level. It means that every individual here takes our health and safety values to every job they do. That's a benefit to every customer.

Our plan is black and white – there can be no grey areas in health and safety. Our mission is to have an accident-free record – so we think about health and safety when we make choices about buying equipment, maintaining equipment and managing people on-site. We're known for our health and safety stance – it definitely sets us apart from our competitors. Our excellent safety record speaks for itself.

**Scott McLeod – Director, McLeod Cranes**

## HERE IS AN EXAMPLE OF A HEALTH AND SAFETY COMMITMENT STATEMENT TO HELP GET YOU STARTED

We are committed to providing and maintaining a safe and healthy workplace and to providing the information, training and supervision needed to achieve this.

We will take responsibility for health and safety procedures.  
We all need to be aware of our responsibilities and comply with our health and safety policy.

.....

All staff are encouraged to play a vital and responsible role in maintaining a safe and healthy workplace through:

- being involved in the workplace health and safety plan
- sticking to correct procedures and using the right equipment for the job
- wearing protective clothing and equipment as required to minimise your exposure to workplace hazards
- reporting any injury, pain or discomfort as soon as possible
- ensuring all accidents and incidents are reported as soon as possible
- helping new employees, trainees, contractors and visitors to the workplace understand the health and safety plan
- telling your manager immediately about any health and safety concerns

The participation of all staff is appreciated

# ACT

There's no point having a health and safety plan unless you give it life through your actions. It needs to become a part of your every day business practice and be adopted by everyone in the business. It helps to have achievable and measurable health and safety targets that will help you and your staff to stay on track.

## How to put your health and safety plan into action:

- Lead by example – demonstrate your plan's actions
- Have clear targets that everyone understands, such as reducing the number of injuries or near-misses
- Run regular activities to keep health and safety top of mind - think safety training courses or having a practice emergency drill
- Keep accurate health and safety records, such as **hazard registers**, accident reports and training records
- Act quickly if there are signs of safety issues
- Involve your team – give people health and safety responsibilities
- Include health and safety in regular meetings
- Review and update your plan regularly.

## KEEP ON TOP OF THINGS

Monitoring health and safety goals and reporting issues will help you know you are on top of hazards and risks. Directors, managers and owners in your business should receive regular reports on:

- Accidents and near misses
- Newly-identified hazards
- Absence rates due to general sickness (often an indication of stress or fatigue)
- Injury-related leave
- Measurements relating to noise levels or chemical exposure.

It is important to identify any root causes and put an effective response in place. This is particularly important from a legal perspective. When looking for root causes, look closely at systemic factors such as training, workload or performance stress. Involve your team in this process.

## *"If our staff know we act on issues, they know we care"*

We started with an assessment of our farms – identifying hazards, eliminating them, isolating them, and minimising them. For example, we identified all sumps – we isolated them by fencing them all off, and made sure our operating procedures had rules about them, like you're not allowed to grease the pumps on your own.

We identified the different types of people that come on to our farms, so regular contractors coming on site have to acknowledge relevant sections of our health and safety manual that apply to them.

To be honest, our manual sat on a shelf in the cowshed for about two years. Suddenly we realised that just because we had a manual, that didn't mean we were absolved of any responsibility if something went wrong. That was reinforced by the fact that we know someone who had a near miss – it helped us realise how serious health and safety is.

So now we get in a health and safety specialist regularly to present to staff. We have a monthly reporting template for our farm managers to use, and we look at the number of issues that are reported. We take action immediately. We send our staff on courses (Tractor Operating, ATV Operating, Chainsaw Operating, Handling Chemicals). This isn't just about compliance – it's about caring for people. If our staff know we act on issues, then they know we care.

In my mind, we have to accept that humans are human. Sometime, somewhere, someone will have an incident. We just want to make sure we've done everything we can to avoid that happening.

**Richard Townshend**  
– Director and Owner, Dairy Direct Ltd

## A HELPING HAND

Some businesses choose to get help from health and safety experts. An external audit or system review can bring an independent perspective and fresh thinking as well as identifying any weaknesses in your processes and systems. To get the most out of reviews, document the key findings and use them to guide improvements.

The government can provide help, too. WorkSafe New Zealand and the Accident Compensation Corporation have a lot of free workplace health and safety resources that you can access through the internet. Visit the health and safety section of [Business.govt.nz](https://www.business.govt.nz), [WorkSafe.govt.nz](https://www.worksafe.govt.nz) and [www.acc.co.nz](https://www.acc.co.nz)

## GOOD HEALTH & SAFETY SYSTEMS HAVE...

### GOOD LEADERS

Clearly communicate your health and safety goals so everyone's in the loop and lead by example

### HAZARD SMARTS

Identify all the workplace hazards in your business, and work out how to control these hazards by eliminating, isolating and minimising them.

### EMERGENCIES SORTED

Identify all potential emergencies and work out how you would manage them. Share the plan with your team and test it regularly.

### REPORTING PROCESSES

Have clear processes for reporting and investigating injuries, incidents, near misses and hazards to work out what caused them, so you can stop them happening again.

### CARE FOR PEOPLE

Ensure your staff receive proper treatment and rehabilitation if they have an injury at work. Remember their families.

### ACTIVE PARTICIPATION

Get your team actively involved in all aspects of your health and safety plan, including identifying hazards, investigating accidents, and taking part in training and ongoing planning.

### CONSTANT IMPROVEMENT

Your business will change each year and so should your health and safety plan. Set time aside each year to continually look for ways to improve and adapt your health and safety plan to your changing needs.

### RESOURCES AND TRAINING

Like anything, to do it properly you need the right resources (think equipment, plant, budget, time, people, training). It's your responsibility as a director, owner or manager to have people trained safely in how to do their job. Don't be tempted to skimp here – it's just not worth the risk.

## FOR MORE INFORMATION

[Business.govt.nz](https://www.business.govt.nz)

[ACC – Preventing injuries at work](#)

[Workplace emergency planning](#)

[Hazardous Substances toolbox](#)

[Institute of Safety Management](#)

[Institute of Directors in New Zealand \(IoD\)](#)

[WorkSafe New Zealand](#)

[Good Governance Practices Guideline for Directors](#)

[Health and Safety Workplace Kit](#)

[Training for Health and Safety Representatives](#)

[Safety Culture Snapshot tool](#)

[Health and Safety in Employment Act 1992](#)

# Health and Safety Policy

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Opuha Water Ltd is committed to health and safety and believes that the safety and wellbeing of its employees, representatives, contractors, visitors and customers is paramount in all aspects of business.

## POLICY

The company endeavours to provide and maintain a safe and healthy working environment and workplace for the benefit of all persons who experience it by:

1. Meeting all obligations under the Health and Safety in Employment Act 1992 and subsequent amendments, associated Codes of Practices and any other relevant Standards and guidelines.
2. Seeking continuous improvement in Health and Safety performances and open communication with all staff in all Health and Safety matters.
3. Actively supporting and encouraging a consultative process and co-operation between management and employees/contractors to achieve and maintain best practice in Health and Safety within the working environment.
4. Supporting and encouraging a Health and Safety culture.
5. Ensuring safe workplaces at the depot/office as well as at the dams, waterways and irrigation schemes including provision and utilisation of safe equipment and systems.
6. Providing written procedures and instructions to minimise risks and to ensure safe work systems to all employees and contractors.
7. Ensuring compliance with statutory legislative requirements and current industry standards where applicable.
8. Formally reporting on safety performance through regular meetings measuring and monitoring.
9. Providing a full induction process to employees and contractors covering all aspects of safety management, hazards, PPE, training requirements and taking copies of current certificates, training records to ensure safety while at work.
10. Including Health and Safety as a measurement and assessment at employee's annual performance review.
11. Reviewing policies and procedures on a regular basis (annually) and following any significant changes to work procedures or following any significant accident.
12. Providing an injury management/rehabilitation/return to work plan for any ill or injured employee to ensure a safe and early return to work.

The company will develop and operate a formal Health & Safety Management System that will enable the effective implementation of this Policy.



Tony McCormick  
 Chief Executive  
 Opuha Water Ltd

1<sup>st</sup> March 2013



## **HEALTH AND SAFETY MANUAL**

1<sup>st</sup> July 2013

This policy and procedure manual shall be reviewed annually: developed 1<sup>st</sup> July 2013

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# ACC Workplace Safety Management Practices

## Audit Process Fact sheet

*ACC's Workplace Safety Management Practices programme recognises medium (more than 20 employees) to large employers that have implemented effective health and safety systems and practices in their workplaces. If you qualify, it adds to the many business benefits of keeping your staff safe and reducing your ACC work cover levies.*

It starts with a self-assessment and application process, which are followed by a visit to your workplace(s) from an ACC-approved auditor. This factsheet explains how the audit process works.

### What's the audit all about?

The audit involves an ACC-approved auditor visiting your workplace to assess the standard of your health and safety systems and practices.

The audit includes:

- a visit to a selected workplace(s) to view evidence of your health and safety systems in practice, and local site records
- a review of all the system and process documents relevant to your health and safety systems
- focus group interviews with your employees, managers and supervisors.

It takes about a day to complete, but may take longer if you have more than one workplace.

### Who are the ACC-approved auditors?

The ACC-approved auditors are qualified health and safety professionals officially approved by us to conduct audits for the programme. You can choose an ACC-approved auditor which we appoint and fund or you can choose (and pay for) your own ACC-approved auditor. You'll find a list of the auditors you can choose from at [www.acc.co.nz/approved-auditors](http://www.acc.co.nz/approved-auditors)

## How do I prepare for the audit?

Before the auditor visits your worksite, you should ensure that:

- you have all the relevant health and safety documents and records available, this will include all the documents and evidence you looked at when you did your self-assessment document (Workplace Safety Management Practices Audit Standards ACC442). You will also need to have your completed self-assessment(s) available for the auditor
- a person who understands how your health and safety system works is available to discuss your health and safety management systems and practices with the auditor (for example, the health and safety manager or health and safety officer)
- your staff know and understand your health and safety systems and practices
- a private and quiet place is available for the focus group discussions
- you've prepared for the employee focus group interviews by:
  - seeking agreement from the relevant managers and supervisors
  - ensuring that where unions have a presence in the workplace, representatives are given the opportunity to take part in the focus groups
- all managers, supervisors and employees participating in the focus group discussions have completed and signed focus group interview consent forms (ACC1684) (which you can download at [www.acc.co.nz/wsm](http://www.acc.co.nz/wsm)). Show these to the auditor on the day of the audit
- you've read and signed the focus group interview employer declaration (ACC1685) (which you can download at [www.acc.co.nz/wsm](http://www.acc.co.nz/wsm)). Show this to the auditor on the day of the audit.

If you're applying to renew your participation in the Workplace Safety Management Practices programme, you'll also need to have on hand all the relevant documentation since your last audit.

## What happens during the audit?

The main purpose of the audit is to measure your health and safety systems and practices against the Workplace Safety Management Practices Audit Standards. The ACC-approved auditor will start by meeting you and running through the itinerary for the day. They will then review your evidence and conduct a workplace observation.

The auditor will also conduct at least two focus group interviews, one for management and one for employee representatives, to discuss how you operate the health and safety systems in your workplace. Each focus group can take up to an hour to complete. In some cases the auditor may select other options and will discuss this with you.

**Management focus group:** The management focus group should include between two and ten management representatives, including line managers/supervisors and the senior person who's responsible for health and safety management in your workplace.

**Employee focus group:** A separate focus group interview will be undertaken with employee representatives from each workplace. The auditor will discuss the requirements with you before the audit.

The employee focus group should include between two and ten employee representatives, and if possible include employees who:

- have made work injury claims in the previous 24 months
- are health and safety representatives or employed in relevant positions
- have been involved in rehabilitation activities
- are union representatives.

## What happens after the audit?

Usually within five business days after the audit, the auditor will send you and us a report with one of three conclusions:

1. You've successfully completed your Workplace Safety Management Practices audit.
2. You didn't meet all the programme's minimum health and safety standards, but the auditor elected to allow you up to 30 calendar days to address some minor issues which you have now completed. In this case, the 'audit completion date' is the day on which the auditor receives the improvements or documentation and confirms it meets the programme's minimum health and safety standards.
3. You haven't met the programme's minimum health and safety standards, but can re-apply after 12 months.

If you qualify to join the Workplace Safety Management Practices programme, we'll send you a confirmation letter and a certificate, which you'll be able to display as a demonstration of your commitment to health and safety in your workplace. The letter will let you know the levy reduction for which you've qualified, and the conditions that apply.

The levy reduction will apply for 24 months from the first of the month following the audit completion date. You will then have to re-apply and undergo another audit to show that you've maintained (or improved) your health and safety standards. If your business has met the primary or secondary level requirements, you could aim for the next step up the ladder.

## Where do I go for more information?

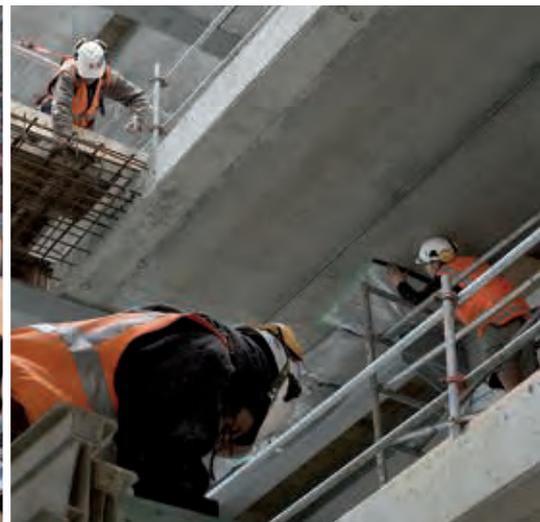
For more information about the Workplace Safety Management Practices programme, contact the ACC Business Service Centre on 0800 222 776, email [wsmp.enquiries@acc.co.nz](mailto:wsmp.enquiries@acc.co.nz), or visit [www.acc.co.nz/wsmp](http://www.acc.co.nz/wsmp)

### Disclaimer

All information in this publication was correct at the time of printing. This information is intended to serve only as a general guide to arrangements under the Accident Compensation Act 2001 and regulations. For any legal or financial purposes this Act takes precedence over the contents of this guide.

# Guidelines to understanding the audit standards for Safety Management Practices

*ACC Workplace Safety Management Practices Audit Guidelines*





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Complying with the Workplace Safety Management Practices Audit Standard and the Workplace Safety Management Practices Audit Standard Guidelines set out in this document should not be relied on to satisfy compliance with any legal and other health and safety obligations of employers. It is the responsibility of the individual employer to be satisfied that legal and other obligations are met.

# Introduction

*These Workplace Safety Management Practices Audit Standard Guidelines will help you to understand and prepare for the audit when applying for*

- ACC's Workplace Safety Management Practices, or
- ACC's Accredited Employers Programme. The first section – Critical Elements 1-9 only

They may also be useful to other people interested in workplace injury management and ACC's safety incentive programmes, such as auditors, health and safety consultants and third party administrators.

These guidelines are **not** a separate level of verification; they provide an explanation of the audit requirements and should be read together with the Workplace Safety Management Practice or Accredited Employers Programme Audit Standards. They provide a number of suggestions on how you could meet the audit standards' requirements but are **not** definitive; there may be other options available depending on your business and the type of health and safety management system you have in place.

## How can these guidelines help?

These guidelines will help you to understand ACC's expectations for each of the audit requirements, so you can then interpret what they mean for your own workplace.

They relate directly to, and should be used together with:

- Workplace Safety Management Practices Audit Standards ACC442
- Accredited Employers Programme Audit Standards ACC440

You can download these documents from [www.acc.co.nz](http://www.acc.co.nz)

## How do the audit standards work?

The audit standards have 10 'critical elements', which provide a framework for building successful and sustainable injury management practices in your workplace.

Each element comprises a number of requirements that need to be met. These requirements are listed according to the three health and safety performance levels that you can achieve in the programme: primary, secondary and tertiary.

## What are the critical elements?

The critical elements are:

1. Employer commitment to safety management practices
2. Planning, review and evaluation
3. Hazard identification, assessment and management
4. Information, training and supervision
5. Incident and injury reporting, recording and investigation
6. Employee participation in health and safety management
7. Emergency planning and readiness
8. Protection of employees from on-site work undertaken by contractors and sub-contractors
9. Workplace observation - confirmation of safe systems in action
10. Focus group interview - confirmation of safe systems in action

## What do the three safety performance levels mean?

- The primary level recognises that your business meets basic workplace health and safety performance standards. You'll receive a 10% reduction in your work cover levy.
- The secondary level recognises that your business has adopted and demonstrates good standards of workplace health and safety practice. You'll receive a 15% reduction in your levy.
- The tertiary level recognises that your business operates a continuous improvement framework for workplace health and safety management. You'll receive a 20% reduction in your levy.

You can only achieve the tertiary level when you have a clear record of established systems and practices operating effectively in your workplace. As a guide, most of the requirements should have been in place and operational for at least 12 months.

## How do I navigate these guidelines?

The numbers used in these guidelines correlate directly to the numbers in the Workplace Safety Management Practices Audit Standards, or Accredited Employers Programme Audit Standards.

The guidelines have been separated into the primary, secondary and tertiary performance levels for each of the critical elements, so the numbering might not always be sequential. Where it might appear that numbers from the audit standards are missing, you'll find them further on in the same critical element, but under either the secondary or tertiary sub-heading.

## Where do I go for more information?

For more information about Workplace Safety Management Practices, contact our Business Service Centre on 0800 222 776, email [wsmp.enquiries@acc.co.nz](mailto:wsmp.enquiries@acc.co.nz), or visit [www.acc.co.nz/wsmp](http://www.acc.co.nz/wsmp)

**CRITICAL ELEMENT 1.**

# Employer commitment to safety management practices

(AS/NZS 4801:2001 Sections 4.2, 4.4 and 4.6)

## Objective

The employer is able to demonstrate an active, consultative commitment to all areas of health and safety management in the workplace.

## Introduction

Employer commitment to health and safety is the foundation on which effective safety management practices are built. Employers who are committed to health and safety, who involve their employees and who lead by example will usually create a safer working environment than employers who dictate changes to employees and who rely on paper-based systems that are not implemented into day-to-day workplace practices.

Involving key people in the development, implementation and monitoring of health and safety management processes and systems is one way of demonstrating an employer's commitment to health and safety. Key people in the workplace may include line managers, supervisors, team leaders, union representatives and employees who are interested in, and involved in, any aspect of workplace health and safety. Employer commitment may also be reflected through the availability of resources and through managers who are familiar with best practice health and safety standards. A health and safety policy that is visible in the workplace or staff notice boards that display relevant and recent health and safety information can also give some indication of an employer's health and safety commitment.

Consideration of both management and employee perspectives on health and safety promotes a workplace culture of joint participation and accountability. Employees should be provided with ongoing opportunities for involvement in the development, implementation and monitoring of health and safety in the workplace. A sense of 'partnership' or joint ownership between management and employees will provide a balance that is likely to instil a greater level of commitment to sustainable health and safety improvements.

## Primary requirements

### 1.1.1

The health and safety policy will usually be a short written document (in either hard copy or electronic form) that identifies the overall health and safety commitment of the employer and includes the specific statements of commitment required in this critical element.

**1.2.1**

The health and safety policy needs to be signed/authorised and dated by a senior management representative who has overall responsibility for health and safety in the workplace. A recent senior management signature gives some indication of management's ongoing interest, involvement and commitment to health and safety.

**1.2.2**

Senior management representatives need to be involved in reviewing the overall policy document(s) at least every two years. This may just involve confirming that the policy is still relevant and then re-dating and re-signing it. Alternatively, changes in the policy may be required based on new ideas and innovations in workplace health and safety, continuous improvement requirements, or due to changes in business practices, structure or key personnel. Confirmation of the process to review the policy document can be verified by evidence such as schedules, diaries or minutes of meetings.

**1.3.1**

There may be a range of different legislative and regulatory standards that employers need to comply with according to the type of business they are in, for example, food hygiene standards, marine safety standards, and handling of hazardous substances. The policy document needs to include a statement of the employer's commitment to comply with legislation, regulations, codes of practice and safe operating procedures relevant to the particular workplace.

**1.4.1**

The policy document needs to include a general statement from management acknowledging and accepting their ultimate responsibilities for health and safety standards in the workplace.

**1.4.2**

A senior manager should be assigned responsibility for health and safety to ensure there is appropriate support and resourcing for health and safety management and initiatives in the workplace.

**1.5.1**

The policy document needs to refer to the responsibilities of all employees in creating a safe and healthy work environment. For example, the statement may include the individual employee's responsibility to maintain his or her own safety, and the safety of others, within the workplace.

**1.6.1**

To support active involvement of employees and their representatives, the policy document needs to include a statement of the company's commitment to consultation with unions and other nominated employee representatives in managing workplace health and safety.

**1.7.1**

For employers to be able to accurately assess their workplace health and safety performance, it is important that all workplace injuries and incidents are reported and recorded accurately. The health and safety policy or health and safety documents should include a specific commitment to ensuring this occurs.

**1.10.1\***

Health and safety documents (for example, policy documents, health and safety manual, induction handbooks) should include a statement of commitment to supporting the safe and early return to work of injured employees.

\* Please note: This requirement applies to Workplace Safety Management Practices audits only. Rehabilitation elements are covered separately for Accredited Employers Programme.

## Secondary requirements

### 1.4.3

As further evidence of an employer's commitment to health and safety, all management positions should include health and safety responsibilities that are measurable and specific to the individual manager's role. For example, 'the supervisor will include a health and safety update in the fortnightly toolbox meetings' or 'the line manager will take responsibility for the investigation of all work injuries'. This can be verified by completed performance reviews, key performance expectations, job descriptions or similar.

### 1.7.2

Accurate reporting of workplace incidents and injuries needs to be the responsibility of all levels of management. Therefore management job descriptions or key performance expectations (or similar) need to include a requirement to ensure injuries and incidents are openly and accurately reported and recorded.

The impact of health and safety performance targets such as the recording of 'injury free-days' should be carefully considered as this may discourage employees from reporting injuries and incidents. Employees may be reluctant to report injuries and incidents as this may be seen as letting the team down by breaking a record number of injury-free days, or it may influence whether a team bonus can be achieved.

### 1.8.1

To support continuous improvement in health and safety, the policy document needs to include a statement confirming the employer's commitment to review and evaluate health and safety.

### 1.8.2

To ensure opportunities for continuous improvement in health and safety are identified, employers are required to have a system to review health and safety in the workplace. It is important that a senior manager(s) is part of this review to ensure any areas of improvement are communicated to senior management for consideration. This can be verified by completed quality assurance reviews, checklists (or similar).

### 1.10.2\*

Information on how to support safe and early return to work needs to be readily available to management staff through, for example, training programmes, written information, brochures, key contact details.

## Tertiary requirements

### 1.4.4

Employers need to demonstrate that the health and safety responsibilities of managers have been reviewed. This can be verified by completed performance reviews or similar confirmation. It is not necessary for employers to provide details of private performance review information. However, employers will need to demonstrate that actual reviews have taken place.

### 1.8.3

Employers need to demonstrate that employees' good performance and ideas in health and safety are acknowledged in some way. This can be verified by, for example, the giving of gift vouchers or

\* Please note: This requirement applies to Workplace Safety Management Practices audits only. Rehabilitation elements are covered separately for Accredited Employers Programme.

certificates, or a notice or mention of achievements, articles in company newsletters or bulletins that recognise good health and safety performance or actions.

The focus of this verification is not on defining excellence in the workplace but rather on an employer acknowledging staff efforts and innovation in health and safety.

### **1.9.1**

It is important that employers acknowledge that health and safety responsibilities are an integral part of each management role. A statement of commitment is required to support management understanding of health and safety, relative to individual positions. For example, the health and safety manager will be required to have a more in-depth understanding of health and safety legislation than a team leader. However, the team leader may be required to have an understanding of how to investigate injuries, and the line manager may need to have an understanding of how to support an injured employee's early and safe return to work.

### **1.9.2**

As further evidence of their commitment to health and safety management, an employer needs to demonstrate that senior managers have kept up to date with health and safety information and any changes in relevant legislation (relative to their workplace and individual management position).

This may be verified by management attendance at health and safety related conferences or seminars, involvement in specific health and safety training or updates (or similar) that has occurred within the previous two years.

### **1.10.3\***

Employers need to demonstrate active involvement in supporting the return to work of any employees injured in the workplace. This can be verified by completed rehabilitation plans, case conference notes, or return to work programmes which include the employer's involvement.

NB: this only applies where employees have required support in returning to work following an injury.

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\* Please note: This requirement applies to Workplace Safety Management Practices audits only. Rehabilitation elements are covered separately for Accredited Employers Programme.

**CRITICAL ELEMENT 2.**

# Planning, review and evaluation

(AS/NZS 4801:2001 Sections 4.3, 4.4 and 4.5)

## Objective

The employer is able to demonstrate a focus on continuous improvement through a systematic approach to occupational health and safety that includes setting specific objectives, establishing and supporting systems or programmes to achieve objectives, regular review of progress and evaluation of outcomes.

## Introduction

Effective planning, review and evaluation will enable employers to establish a sustainable framework to develop, maintain and promote a safer working environment. A planning framework and the setting and monitoring of 'SMART' health and safety objectives ensures that continuous improvement opportunities are identified.

A well-established cycle of health and safety planning, enables health and safety management to remain current and relevant to the workplace and allows for participation and accountability from both management and employees.

## Primary requirements

### 2.1.1

Employers need to demonstrate that there is a process for the annual review of overall health and safety management systems. The process should consider at an organisational level whether the systems in place are sufficient and adequate to manage workplace health and safety requirements. The process may also include:

- the purpose of the review
- who needs to be involved
- the frequency of review
- what the review will cover
- how the review will be undertaken
- recent performance information, and
- any new health and safety information that may influence management changes.

### 2.2.1

Employers who set and meet 'SMART' health and safety objectives are providing a measurable focus for health and safety performance over a defined period of time. For smaller employers the objectives may relate to the management of particular hazards. In a larger organisation, overall objectives set at a head office level will relate to business-wide targets, with more specific targets being set for individual work areas.

In both cases the objectives set should be:

- **Specific** – clear and direct rather than vague and generalised – for example, company ABC will undertake joint hazard identification with employee representatives in all departments every three months from 1 April 2014.
- **Measurable** – it should be easy to confirm whether the objective has been achieved. In the above example – is there a record of three monthly hazard identification 'walk-arounds' and meetings from 1 April signed by management and employee representatives?
- **Achievable** – set objectives that can be met by your staff and within the time frame available. Do not set targets that cannot be met such as 'we will reduce our work injuries by 50% within six months', if you are still trying to get most people to understand the basics of hazard identification and management.
- **Realistic or relevant** – this is tied in closely with whether something is achievable. For example, an objective to 'become a leader in workplace health and safety management in New Zealand' may be commendable but may be difficult to achieve and almost impossible to measure. Staff will quickly become discouraged when the set target is unrealistic. Objectives should also be relevant to the type and size of the business and should build on recent health and safety performance.
- **Time-bound** – the objectives set should be specific and realistic enough to be able to be achieved within a defined time frame that will usually be twelve months or less. If you have three-year targets, it is good idea to break these down into smaller annual or monthly targets so that progress can be tracked and acknowledged.

Health and safety objectives should be 'SMART', easy to remember and few in number, so that the workplace can focus on meeting the targets set.

Employers need to identify and document specific objectives to be achieved over 12 months, and to develop a plan to achieve these objectives. These objectives and management plan may detail:

- responsibility
- resource allocation
- measurement of outcomes
- time frame for completion
- accountability to ensure objectives can be met.

### 2.2.2

Employers need to have a documented procedure to ensure that objectives will be reviewed and updated annually. This procedure may include:

- how the review will be conducted
- time frames for review

- the people to be involved in the review
- measures of achievement
- the method for updating and setting objectives.

### 2.5.1

An annual self-assessment using the programme audit standards will enable employers and employees to gain a clear understanding of actual health and safety performance in all areas of the workplace. This will provide confidence that the standards are being maintained and lead to appropriately targeted improvements in health and safety management. Employers need to have a procedure to carry out an annual self-assessment (with the involvement of union and other nominated employee representatives) to ensure that the requirements of the audit standards are met and maintained. This process is a valuable support in maintaining worthwhile health and safety standards and in sending a clear signal about the importance of joint health and safety involvement and responsibility between management and employees.

The self-assessment procedure may consider:

- which sites will be assessed in detail
- who will take part in the self-assessment
- the process for undertaking the self-assessment
- review of findings
- responsibilities for any necessary amendments
- reporting and dissemination of information
- who might be involved in the audit
- how the independent audit findings will be managed and any issues addressed.

Some of the critical elements in the audit standards can be addressed from a central point in the company to meet the self-assessment requirements, and may not need to be looked at in detail at each individual site. However, each work site should at least consider their responsibilities in relation to the following areas of the audit standards:

- hazard identification, assessment and management
- information, training and supervision
- incident and injury reporting, recording and investigation
- employee participation in health and safety management
- emergency planning and readiness.

The remaining critical elements may also need to be self-assessed depending on the functions and responsibilities within particular areas of the workplace.

### 2.5.2

Employers need to demonstrate that a self-assessment has been undertaken with management and union or other nominated employee representatives within the previous 12 months. This can be verified by completed self-assessments, signed declarations or similar.

## Secondary requirements

### 2.2.3

Employers need to demonstrate that health and safety objectives have been reviewed in the previous twelve months. A commitment to carry out a review of objectives is not sufficient to meet this secondary requirement, rather a review needs to have actually been undertaken. This can be verified by minutes of meetings, planning documents, the update of objectives following review or similar.

### 2.4.1

Employers need to demonstrate the way in which health and safety information (relevant to the particular workplace) is identified and kept up to date, for example, changes in legislation, regulations and codes of practice. The process of keeping health and safety information current may include the receipt of information from professional bodies, renewing of certification, attendance at seminars and briefings and subscription to relevant publications.

### 2.4.2

Employers need to have a process to support compliance with relevant health and safety standards that may include:

- how compliance will be measured
- regular informal checks
- an internal or external audit
- the use of internal or external health and safety specialists following the introduction of significant changes in requirements
- time frames for review.

### 2.4.3

Employers should be able to demonstrate that review(s) have taken place to identify and accommodate any changes in health and safety related information. This can be verified by completed audits or assessments, updates to policies or procedures where legislation has changed or similar.

## Tertiary requirements

### 2.1.2

Employers need to have a process established that requires the structured review of relevant areas of health and safety management following:

- a critical event such as a serious harm injury or major incident involving property damage
- a potentially serious 'near-miss' event, or
- any changes in work practices or systems (for example, changes to business operations, or the introduction of new machinery, or the way the processes are carried out).

This process may consider:

- the main contributing factors to the injury or incident
- whether current policies and procedures are sufficient to prevent or minimise a recurrence

- whether there is an adequate understanding of staff responsibilities following a critical event
- whether additional employee information or training is required.

#### **2.2.4**

The active involvement of key people in the workplace in the setting and reviewing of health and safety objectives promotes a strong, joint management and employee commitment to achieving the agreed objectives. The employer will need to demonstrate that senior managers, union representatives and other nominated employee representatives have been involved in the setting and reviewing of health and safety objectives. This can be demonstrated by minutes of meetings, quarterly review information, the update of objectives following review or similar.

#### **2.3.1**

To ensure opportunities for improvements are identified, employers need to have a documented process to review and evaluate the effectiveness of hazard identification and management systems at a senior level within the organisation. This process should include consultation with unions and other nominated employee representatives and may consider:

- whether timetables for review of hazard management at each site are adequate
- whether there have been any significant breakdowns in hazard management effectiveness
- who should be involved in the review – what expert advice may be needed
- resourcing requirements – are resources sufficient for effective hazard management
- what skills, knowledge and detailed workplace understanding is required of those involved.

#### **2.3.2**

Hazard management systems should be reviewed annually to ensure they remain current and effective. An annual review also provides an opportunity to consider any recent innovations and developments in hazard management practices, and enables any relevant changes to be made.

An annual review of systems can be demonstrated by a review of documents, minutes of meetings, agendas or similar.

**CRITICAL ELEMENT 3.**

# Hazard identification, assessment and management

(AS/NZS 4801:2001 Sections 4.3 and 4.4)

## Objective

The employer has an active method that systematically identifies, assesses and manages the actual and potential hazards in the workplace, over which the employer has authority or influence.

## Introduction

Effective management of workplace hazards is central to creating a safer working environment. Effectiveness can be achieved through:

- informed advice
- an understanding of the workplace
- joint accountability between the employer and employees
- a systematic approach
- ongoing review and evaluation
- measured outcomes.

A good, systematic approach to managing workplace hazards will significantly reduce the number and severity of workplace injuries. It is important to look beyond the obvious physical hazards to include the identification and management of hazards such as job design, work organisation and issues facing employees who work alone or off-site.

## Primary requirements

### 3.1.1

Employers should consider and understand the types of general hazards that may be found within their workplaces (for example, chemical, physical, biological, psychological and ergonomic) and should have a detailed systematic management approach to the specific hazards facing their employees.

A variety of systems may be used by employers to identify these hazards (such as active analysis of the workplace considering work tasks, occupations and work areas, feedback from employees and analysing accident statistics).

Documentation should confirm a robust and sustainable procedure that the employer uses to identify, record and manage hazards within the workplace. Good hazard management is reliant on informed identification and assessment and effective implementation of controls.

### **3.1.2**

A hazard register should exist in either electronic or hard copy form, that confirms the day-to-day operation of the hazard identification process. This process should consider the actual and potential hazards faced by employees working both on and off-site. The hazard register needs to be current and accessible to employees throughout the workplace.

### **3.2.1**

Employers should be able to demonstrate a clear understanding of how a significant hazard is defined in the New Zealand health and safety legislation. This understanding can be demonstrated (to a certain extent) through health and safety documentation, process documents or similar. The understanding can be further demonstrated through the appropriate identification of significant hazards that should then be applied to whatever process is used to prioritise the development and implementation of controls to manage the identified hazards (as required in 3.2.2).

### **3.2.2**

Employers need to have a process in place to demonstrate that the definition of significant is used when assessing hazards in the workplace. This process may include:

- determining the skills, experience or roles of people who should be involved in hazard assessment
- determining how to identify and record hazards in a particular work area
- the way in which the identified hazards will be assessed that includes an assessment of their significance
- gathering of the required information
- determination of the most appropriate control method for each hazard
- confirmation that this process has been used in the assessment of hazards and can be verified by completed assessments, minutes of meetings, agendas or similar.

Please note: Various methods of risk assessment alone (without a clear understanding of significance) are unlikely to meet this requirement.

### **3.2.3**

The hazard register (or similar) needs to record the hazards identified within the workplace and indicate those that have been assessed as significant. Where hazards have been identified as significant, appropriate controls must be put in place.

If employers elect to manage all identified hazards as significant (even though each hazard may not meet the definition of significant as defined by health and safety legislation), the employer is then required to demonstrate that appropriate controls for each hazard have been implemented.

### **3.3.1**

Employers need to have a documented process to consider hazard controls and selection of the most appropriate control (i.e. to eliminate, isolate or minimise). This process may consider:

- the range of people and the skill level required of those involved
- how to determine the most appropriate control, considering expert information and resources available

- the questions to ask to determine what the selection of controls is based on
- the review process and frequency for the selected controls.

### 3-3-2

The documented process should include each significant hazard and whether it has been eliminated, isolated or minimised.

When the decision is made to isolate or minimise a hazard, employers must ensure that there is ongoing monitoring and review of the effectiveness of the control. The process should also include responsibility for reviewing the control and the hazard and the time frames for review.

### 3-3-3

Where significant hazards require use of safety equipment or personal protective equipment a process (in either electronic or hard copy form) needs to exist, to confirm how this equipment is issued, used, renewed and maintained. This process may consider:

- the equipment required by each person
- the date equipment is issued
- the service or replacement timeframes for equipment.

### 3-3-4

Employers need to demonstrate that the controls implemented for significant hazards are based on appropriate internal or external documentation and/or advice. For example, the management of noise levels, workplace temperatures, light and ventilation, and ergonomic assessments must be based on informed specialist advice or assessment.

### 3-4-1

To ensure workplace hazards are appropriately identified and managed it is necessary that employees leading the hazard identification process have received a suitable level of training or are adequately experienced to carry out this function. Employers must be able to demonstrate that anyone involved in leading hazard management in the workplace has specific knowledge and/or experience to undertake this role so that hazards are identified and managed appropriately. This can be verified by records of training, confirmation of previous experience or similar.

### 3-5-1

Where internal staff do not have sufficient knowledge or competency to be able to manage specific hazards, employers need to have a documented procedure to determine when external specialist health and safety advice or support may be necessary. This may include:

- details of internal specialist advice available, and any gaps in knowledge or experience
- the rationale and criteria when considering an external specialist
- contact details of approved external specialists.

### 3-7-1

New or modified equipment, material, services or work processes that are brought into the workplace can potentially lead to the introduction of unidentified and unmanaged hazards. Documentation is required to confirm that there is active consideration and management of the hazard potential before changes in equipment, materials, services or processes are introduced.

This process may consider:

- who should be consulted about the planned changes and what information may be needed
- design and implementation
- use and impact on health and safety
- training needs to minimise hazard potential
- review of hazard management and evaluation of use
- sign off that the process has been completed before implementation.

### **3.8.1**

Employers must provide ongoing opportunities for union and other nominated employee representatives to be actively involved in hazard management. This ongoing involvement is important so that wider perspectives and day-to-day workplace experience can be considered in the management of hazards. Best practice hazard management will always seek both management and employee information and experience in identifying, assessing and managing workplace hazards.

Employers should be able to demonstrate that union and other nominated employee representatives are actively involved in hazard management. This may be demonstrated, for example, through evidence of joint development and review of existing hazard registers, minutes of meetings, memos about upcoming review meetings inviting participation or similar.

Where there is no active union and other nominated employee representative involvement in hazard management the employer needs to demonstrate that opportunities for involvement have been provided, and will continue to be provided. This can be demonstrated through invitations to attend meetings, messages or letters declining participation, dissemination of information, email messages or similar.

### **3.9.1**

Employers need to have a process to identify tasks where health monitoring and ongoing regular testing of employees may be necessary, when specific workplace hazards cannot be eliminated. The process needs to identify the task, the specific hazard potential, the monitoring that is required and the time frames for monitoring. For example, employees working in high noise areas (such as a mutton chain in a meat plant) may be exposed to potential loss of hearing if the required hearing protection is inadequate. Annual hearing tests may alert the employer to problems with protective equipment or unacceptable compliance in wearing the protection, which may need to be managed.

Even where health monitoring is not required a documented process should still exist. The process may be necessary to monitor any potential health issues when new significant hazards are identified and need to be managed through minimisation controls. An existing process will help to ensure that the need for future health monitoring is not overlooked.

If health monitoring has been considered and not needed at this time, the other requirements under 3.9 will not be applicable.

### **3.9.2**

Where baseline health monitoring is required, the employer will have a documented process that considers:

- how monitoring will be undertaken
- testing that is required

- frequency of monitoring required
- notification of results to employees
- employee consent.

### 3.11.1

An employer is required to clearly mark any restricted areas of work. This may include restrictions designated through signage, closed work areas, floor markings, escorting requirements or similar.

### 3.11.2

Employers need to maximise the safety of visitors and members of the general public in work areas. Planning may include the provision of specific and appropriate signage and security log books or visitors registers for all work sites. Some employers may also have escorting restrictions that need to be made clear to any site visitors.

### 3.11.3

Employers need to provide evidence that emergency procedures are covered with site visitors. This may be verified by a document that is signed by site visitors to confirm procedures have been covered or that the company health and safety video has been viewed. In a number of workplaces a staff member will accompany visitors at all times.

### 3.11.4

For those work areas where personal protective equipment is required the employer must ensure that appropriate equipment is available and provided to all visitors (for example, hard hat, safety boots).

## Secondary requirements

### 3.1.3

Employers need to regularly review the hazard identification process used in the workplace to ensure all hazards have been identified and to establish any opportunities for system improvements. Employers need to provide confirmation that the hazard identification and recording process is reviewed regularly. This can be verified by timetables, minutes of meetings, updated hazard registers or similar.

### 3.5.2

Employers need to ensure that relevant information on workplace hazard management is accessible to all employees. Employees should have access to written information, material safety data sheets (MSDS), manuals, reference library information or similar.

### 3.5.3

Where specialist advice is required, employers need to have information about internal or external health and safety specialists who are able to assist in the monitoring and review of specific hazards in the workplace. This information may include details of areas of speciality, qualifications, and experience with the employer's industry type, recent health and safety successes, and details for further information and contact. It may be helpful to also include identification and access to a contact person on-site who is responsible for co-ordinating the use of any external specialists.

### 3.6.1

In situations where hazards are controlled by isolation and minimisation, a schedule or timetable is required to monitor the hazard at intervals appropriate to the nature of each hazard. For example, monthly review

of air quality and ventilation systems in areas exposed to diesel fumes, and annual biological monitoring. Another example is the need for pre-shift checks on some machine guarding where there are many users of the machine, while other hazard controls may only need to be reviewed six monthly or annually.

### 3.6.2

All controlled hazards should be regularly reviewed. The timetable or schedule employers use, needs to include responsibility for ensuring that monitoring occurs and is signed off when completed at the end of each period.

### 3.7.2

The process for purchasing new equipment needs to include consultation with health and safety personnel to ensure that any hazards associated with new or modified equipment or work practices are identified and managed. This process may consider:

- people who should be consulted
- situations when consultation is required
- the method of consultation
- time frames for consultation.

### 3.9.3

The health monitoring process should include post-critical event testing to identify any employee health-related issues that may result from the event. Post-critical event testing can also be used to determine if any employee-related impairment may have contributed to the event.

For example, lung function tests may be undertaken following a critical event such as a workplace fire for all employees who were exposed to smoke, to determine whether there has been any health impact after the event. Sometimes it will be appropriate to undertake drug tests, for example, if driver impairment may be a likely factor in a forklift driving injury.

Exit testing is helpful in identifying any changes that may have occurred as a result of workplace exposure to certain hazards, and also to limit the employer's liability to where it should lie.

A final hearing test may be completed and compared to entry and regular tests for departing employees who have worked in high-noise areas.

In order for health monitoring to be used successfully union and other nominated employee representatives should be involved in setting policies and protocols.

### 3.9.4

A process is required to manage any sub-optimal health monitoring results for employees. The process should consider:

- how the employee is notified of sub-optimal results
- the information, treatment and rehabilitation that may be offered to the employee
- the options for future employment, including internal redeployment (if required).

### 3.9.5

The process for managing sub-optimal health results needs to include feedback of any identified issues into hazard management. For example, lung function tests showing a change in vital capacity may indicate that breathing equipment used as protection needs to be reviewed. This information

should be fed back into hazard management to ensure employer and employee representatives have an opportunity to review hazard controls that may have contributed to the sub-optimal result. It is important that employee confidentiality is maintained throughout this process.

### 3.10.1

Pre-employment screening may be appropriate for some tasks to ensure potential employees are not exposed to any task where they may be predisposed to developing a work-related injury or illness. A documented process is required to identify any tasks where this pre-employment screening may be appropriate so the potential for work-related illness or injury through the exposure to particular tasks is minimised. For example, pre-employment lung function tests may be necessary for new employees whose role may expose them to inhaled hazards, or pre-employment hearing tests for employees where roles will expose them to high noise levels. This process may include:

- detailing the hazard within the task (for example, exposure to solvents for a spray-painter or exposure to high noise levels in a factory)
- identifying appropriate health status measures (for example, lung function tests, audiograms)
- completing the required testing and a review of the results prior to commencement of employment.

### 3.10.2

In situations where pre-employment screening is considered appropriate a documented rationale and process for this screening that is directly related to the identified significant hazards is required. This process may consider:

- factors to identify potential applications to be screened
- how screening will be undertaken
- who will undertake the screening
- how results will be provided to potential employees
- the options for managing the results of screening tests.

## Tertiary requirements

### 3.4.2

To ensure the highest safety standards are achieved in line with current information, employers should be able to verify the level of training and/or experience of staff leading hazard management. People involved in leading hazard management must have received hazard-specific training or increased their experience within the last two years. This may be verified by training records, certificates, and attendance at seminars and workshops.

### 3.7.3

Where employers have identified the need for new or modified equipment, or changes are made to work processes or services, they need to demonstrate that health and safety issues have been considered in purchasing and design decisions. For example, this can be demonstrated by purchasing specifications, protocols for consultation and health and safety sign offs.

**CRITICAL ELEMENT 4.**

# Information, training and supervision

(AS/NZS 4801:2001 Section 4.4)

## Objective

The employer will ensure that all employees are informed of their own responsibilities and the employer's responsibilities for health and safety in the workplace. The employer will ensure that employees have specific knowledge concerning management of the hazards to which they are exposed through workplace procedures, environment, equipment and materials.

## Introduction

The establishment and maintenance of effective information, training and supervision processes related to health and safety will ensure that all employees in the workplace are equipped to undertake their roles and tasks in a way that maintains their health and minimises the potential for injury to themselves and their colleagues. Placing a high priority on health and safety information that is relevant and presented appropriately will not only assist an employer in meeting legislative responsibilities, but will also encourage informed, joint involvement in health and safety issues and clearly demonstrate the employer's commitment.

## Primary requirements

### 4.1.1

Health and safety induction training needs to be provided for all new employees or employees who are transferring to a new work environment, role or task.

The timing of health and safety induction should be determined by the employee's exposure to particular hazards and the significance of these hazards. For example, an employee should not be able to commence work without first being given the necessary safety training and information on emergency procedures relevant to his or her work area. Alternatively, an employee may be able to safely begin work while waiting for a group training session on workplace rehabilitation support, that may be part of a regular cycle of health and safety information.

Employers are required to demonstrate that staff health and safety inductions occur and cover the relevant requirements itemised in the audit standards.

### 4.1.2

Signed employee induction training records or similar individual verifications are required to demonstrate that management responsibilities for health and safety training have been met and maintained for all employees, and to ensure that employees know how to keep themselves safe.

**4.2.1**

In addition to training on general health and safety requirements and information, the employer should identify any further health and safety training that may be required for specific roles, tasks or areas of work. For example, training to safely handle chemicals or training to use specialised equipment.

**4.3.1**

Employers must ensure that health and safety information delivered to employees has been understood. This can be demonstrated in a variety of ways including:

- quizzes or interviews
- written questionnaires or tests
- practical demonstrations and application in the workplace
- certificates of attainment, licences or other similar competency tests.

**4.3.2**

Signed employee training records (or similar verifications such as attendance registers or training records) are required to confirm that employees have undertaken health and safety training.

**4.3.3**

Employers need to provide evidence that employees undertaking tasks that require specific training have completed the necessary training. For example, specific training for confined space entry, and licences for heavy truck driving or forklift driving.

**4.4.1**

Employers should have written guidelines that include reference to the competency level required of people providing health and safety related training to staff. For example, a manager is only able to train employees on a piece of machinery following the successful completion of the appropriate training or certification, or hazard management training can only be undertaken by people with the relevant experience and qualifications.

**4.4.2**

Employers need to provide confirmation of the skills, experience or qualifications of any internal trainers used. This may be assumed in some instances by a trainer's membership in certain organisations, such as St John Ambulance, or may be demonstrated by copies of certificates, qualifications or records of experience.

**4.7.1**

Site-specific health and safety information should be available in each workplace (for example, emergency signage, posters, MSDS sheets). There should also be reference to how employees are able to access further information. This may include a location such as an intranet site or workplace library, or information on how to contact the health and safety manager (or similar) who will then direct employees to additional information.

**4.8.1**

It is crucial that staff members undergoing training do not pose a health and safety risk to themselves or other employees. A process is required to ensure that only appropriately qualified or experienced people supervise employees undergoing on-the-job training. This process may include:

- the skills and competencies required to supervise a particular task
- how experience and skills will be assessed
- determination of responsibility for carrying out the assessment.

**4.8.2**

Employers need to have a process to ensure that employees who are new to a task or role do not endanger themselves, other employees or equipment. The process also needs to confirm that the designated supervisor has sufficient skills and experience to undertake on-the-job training. In many workplaces there may be a need to identify the trainee and the trainer by the use of name badges or different coloured overalls for example. In other workplaces a clear introduction and explanation to other staff may be sufficient.

**Secondary requirements****4.3.4**

Employers need to have a reminder or bring-up system (in either electronic or hardcopy form) to identify staff who need to maintain qualifications, certificates and/or specific training. For example, forklift licences, first aid certificates or similar. The reminder or bring-up system should also assign responsibility for this process.

**4.5.1**

Employers are required to have a process (guidelines or a checklist) available for the selection of external providers. This process may include:

- the particular training needs of an employer (for example, what professional skills may be required?)
- qualifications, expertise and experience of the trainer
- the trainer's familiarity with the workplace
- location, cost and accessibility of the trainer.

**4.6.1**

It is important to ensure that health and safety information in the workplace is kept up to date. A system is required that confirms how health and safety documents will be reviewed and changed, and how outdated documents will be recalled. In a small organisation this responsibility may fall to the manager or health and safety representative. However, in a large multi-site organisation this function should be managed centrally.

**4.6.2**

All health and safety information (for example, manuals, safety instructions) is required to be dated to ensure that only the most current information is being used.

**4.6.3**

To ensure that all areas of the workplace are consistently using the same health and safety information, document control should be the responsibility of a particular role or roles, with all changes to health and safety documents made from a central point by the designated role(s).

**Tertiary requirements****4.3.5**

Employers need to provide evidence that staff have achieved the required competency following specific health and safety training. For example, certificates, licenses, practical skills demonstrations relevant to the particular training.

**CRITICAL ELEMENT 5.**

# Incident and injury reporting, recording and investigation

(AS/NZS 4801:2001 Sections 3, 4.4 and 4.5)

## Objective

The employer has an active reporting, recording and investigation system that ensures incidents and injuries are reported and recorded, and the appropriate investigation and corrective action is taken. The terms incidents and injuries in this context include all 'near miss' or 'near hit' events, work-related illnesses and injury events that harmed or might have harmed any employee during the course of their work.

## Introduction

Systems for reporting and recording incidents, injuries, near-hits and early reports of gradual process injuries are essential to understanding workplace risks and for the successful prevention and management of injuries. Following incident and injury reporting, employers need to respond by carrying out investigations of the reported incidents and injuries according to pre-determined criteria.

Investigating incidents and injuries enables employers to take corrective action to prevent similar events in the future. Investigating near-misses provides employers with an opportunity to assess the frequency and likely impact of these events so that prevention measures can be implemented before anyone is injured.

## Primary requirements

### 5.1.1

A documented procedure is required for reporting and recording injuries, incidents, near-hits and gradual process injuries or work-related illnesses. The procedure should consider:

- an explanation of the workplace understanding of 'near miss', 'incident' and 'injury'
- time frames for reporting
- responsibilities
- method of reporting
- reporting lines
- the requirements of 5.1.2, 5.1.3, 5.1.4 and 5.1.5 should also be considered as part of this documented procedure.

**5.1.2**

Employers need to have incident and injury (accident) reporting forms (for example, WorkSafe New Zealand forms or similar employer-specific reporting forms) available throughout the workplace in either hard copy or electronic form. All employees need to know where these forms are located and how to complete them.

**5.1.3**

To promote early and accurate incident and injury reporting, reporting forms (such as an accident register) should be readily available and accessible in the workplace.

**5.1.4**

The documented procedure should include the requirement for a prompt response to reported incidents and injuries. This procedure should consider:

- designated responsibilities for injury response
- appropriate medical intervention
- reporting and recording the incident or injury
- investigation responsibilities
- initiation of investigation
- management and employee participation in the investigation
- reporting and follow-up of the investigation
- ongoing contact with the injured employee
- any feedback into hazard management.

**5.1.5**

Where employers have more than one work area or multiple sites, incident and injury data should be collated into a central record for analysis. This collation of incident and injury data is important to enable the employer to have a more complete understanding of the injury potential within the whole workplace, and to make the appropriate resources available for targeted health and safety management.

Informal collation of injury and incident information may be acceptable in a small workplace where all employees are aware of injuries and incidents that have occurred, and where prevention planning involves the whole workplace. For larger employers a formal method or system for collation and analysis of injury and incident information from all areas of the business is required.

**5.2.1**

Employers need to ensure that injury and incident reporting forms are available in all work areas. Employees need to know where these forms are located, how to complete them, or who to approach for assistance.

**5.2.2**

Information about individual reporting responsibilities should be included in induction training, in staff communications, in team briefings, in health and safety meetings and communications. This will reinforce individual employee responsibility for incident and injury reporting.

**5.2.3**

Where an incident or injury has occurred at a work site, the employer should have reports available to demonstrate that employees have understood the requirements and that reports have been completed.

The purpose of viewing completed forms is not to reinvestigate the circumstances surrounding the incident or injury, but rather to confirm that incident and injury reports have been completed.

### **5.3.1**

Employers need to ensure that WorkSafe New Zealand is notified of all serious harm injuries as soon as possible (preferably within 48 hours of the event), and that a written report is sent within seven days. Therefore, an individual role or person within the workplace should be designated with the ultimate responsibility to ensure WorkSafe New Zealand is notified.

The procedure should also include a back-up person or position to cover this responsibility for any leave or absence.

### **5.3.2**

Where a serious harm injury has occurred, copies of WorkSafe New Zealand notification forms should be available to demonstrate that notification to WorkSafe New Zealand has actually occurred as required by the procedure.

### **5.4.1**

Employers need a procedure detailing the incident and injury investigation process that is followed in the workplace. This may consider:

- how to determine which incidents require investigation
- the investigation of all workplace injuries, even minor injuries
- the method of investigation
- details of how investigations will be undertaken, by who, when, and within what time frame
- the experience or qualifications required for people leading investigations
- the role of the injured person and work colleagues in the investigation (where appropriate)
- how to access further information or expertise
- the links from the investigation process into hazard management
- reporting results of the investigation to senior management and employees.

### **5.4.2**

The workplace should have designated incident and injury investigators. The appointment of an investigator should consider the skills and experience needed to carry out this function. This role may be appointed internally or externally according to the expertise available.

### **5.4.3**

Employers need to have incident and injury investigation forms available in either hard copy or electronic form. The investigation form used should consider:

- the requirement to gather all relevant information
- feedback from all those involved (where possible)
- seeking and analysing contributing causes
- identification of corrective action
- reporting responsibilities of the outcome of the investigation
- sign off on completion.

#### 5-4-4

Where incidents and injuries have occurred, actual investigation forms should be available to demonstrate that forms have been completed. The purpose of this review is not to assess the correctness of the investigation, but to confirm that investigations are carried out as required by the employer's incident and injury investigation procedures.

#### 5-5.1

The incident and injury investigation procedure should include what corrective actions will need to be undertaken following an investigation. This procedure may include:

- determination of the best response based on the significance of any safety breach that may have occurred
- the expertise and resources available
- time frames for developing and implementing corrective actions
- reporting responsibilities to senior management and other staff.

#### 5-5.2

Any hazard-related issues identified during an investigation should be fed back into the hazard management process to ensure controls are reviewed and that required changes are implemented and monitored. As well as the requirements of 5.5.1, the incident and injury investigation needs to include the provision for the feedback of corrective actions into hazard management.

### Secondary requirements

#### 5-5.3

The process for corrective action should consider the requirements outlined in 5.5.1 and 5.5.2 and also consider:

- assigning responsibility for undertaking corrective action
- time frames for completion
- acknowledging completion by date and signature
- any feedback into injury prevention and training where necessary.

Recommendations for improvement as part of an investigation may include procedural changes, amendment of hazard controls, further injury prevention measures, and additional training or information.

#### 5.6.1

The review of collated incident and injury information enables an employer to understand the scope of any injury issues across the whole workplace, to identify trends, and to prioritise injury prevention initiatives and resources to the most appropriate areas.

An employer needs to have a process to review collated injury data from all work areas, business divisions and worksites, to identify trends.

The process should include:

- frequency of reviews (at least annually)
- the employees and managers to be involved in the process

- the method of collation and interpretation of information (for example, by worksite, injury type etc)
- follow up required as a result of reviewing the injury data
- responsibilities for any follow up
- reporting responsibilities to senior management level.

## Tertiary requirements

### 5.5.4

Senior management involvement is required to ensure there is an overall understanding of current hazard management in the workplace and to ensure appropriate resources are made available for any necessary changes or improvements to workplace safety management practices.

Employers need to demonstrate that there is senior management involvement or interest in the results of incident and injury investigations. For some employers, a senior management representative may lead or take part in the investigation, but where this is not the usual practice, the investigation results should be reported to senior management on completion.

### 5.6.2

Employers need to demonstrate the requirements of 5.6.1, through a six monthly review of incident and injury data to identify trends, and provide information to managers and employees that can be used in injury prevention initiatives. Verification that this has occurred may include minutes of meetings, process documents, communications to management and employees.

### 5.6.3

Where injury prevention needs have been identified through the evaluation of trends in incident and injury data, the employer needs to be able to confirm that appropriate injury prevention initiatives have been implemented. For example, changes to work systems or processes, or injury prevention training workshops.

**CRITICAL ELEMENT 6.**

# Employee participation in health and safety management

(AS/NZS 4801:2001 Section 4.4)

## Objective

The employer will ensure that all employees have ongoing opportunities to be involved and to have their interests represented in the development and evaluation of safe workplace practices.

## Introduction

The most successful and sustainable workplace safety management programmes include active employee involvement and joint accountability. Health and safety works best when there is input from management, employees and their representatives, and other key people or interest groups in the workplace.

There needs to be a recognised framework for communication of health and safety interests. Whatever the health and safety forums look like, they should be made up of management, employees and employee representatives and include clear lines of communication so that relevant information is available to the whole workplace. Managers must provide opportunities for information and opinion on day-to-day workplace safety practices and concerns to be received and openly and actively considered. There must also be opportunities for employees to receive feedback from management and provide input into current health and safety information and initiatives.

Where an employer has many work areas and multiple sites, feedback must be managed in such a way that there are many opportunities for employee participation throughout the business. A multi-tier forum that looks at local regional and national health and safety meetings is advisable for large employers spread over more than one geographic location.

## Primary requirements

### 6.1.1

A forum needs to be established to enable open communication between management and employees on issues of interest and concern relating to workplace health and safety management. In many workplaces this may be in the form of a health and safety committee. Other workplaces will include health and safety as part of regular team meetings, toolbox meetings, tailgate meetings or similar.

The number of health and safety forums should be appropriate to the size, type and geographic spread of the business so that all employees have an opportunity to voice concerns and offer opinions on health and safety management issues. For large employers there may be a steering committee or executive health and safety group made up of senior managers and senior union representatives to determine health and safety policies and procedures. This group may then feedback into smaller on-site groups and vice versa.

**6.1.2**

Employers need to demonstrate that health and safety forums as outlined in 6.1.1 occur at least quarterly. This can be verified by meeting agendas, dated or sequential minutes of meetings.

**6.2.1**

A process needs to exist that clearly supports the involvement of union and other nominated employee representative health and safety development, implementation, monitoring and review. The process may include:

- how to determine who will be involved – election, and selection or endorsement processes
- responsibilities
- methods for encouraging employee participation
- time frames for involvement in the position and re-selection or election
- frequency and forum for interaction with management
- channel and process to raise issues of concern
- communication of information to other employees.

**6.2.2**

Employers will need to provide evidence that there is an agreed process with employees to elect or endorse union and other nominated employee representatives to be involved in health and safety management. If there is sufficient employee interest in being a representative, formal elections should take place. In many cases, volunteers will be sought, or existing representatives will be endorsed, to continue in their positions.

In the latter two situations the employer must be able to demonstrate that volunteers have been endorsed by employees in the work areas they represent. For example, in a workplace of forty employees, three people volunteer to be on the health and safety committee and a further three are asked by the manager to be part of the committee. The employer then posts a list of the six 'nominated' employee representatives on the staff notice board and the intranet inviting comments and feedback within a two-week period. At the end of the two weeks, feedback has endorsed the six 'volunteers' as representatives of the forty employees for the next six months.

**6.2.3**

Employers need to demonstrate that information on the process to elect or endorse employee representatives is communicated to all staff through induction information, and is readily available through staff newsletters, the policy manual, notice boards or similar.

## Secondary requirements

**6.1.3**

Employers need to demonstrate that union and other nominated employee representatives have ongoing opportunities to be involved in the development of health and safety initiatives, for injury prevention or injury management, or both. For example, management and employee representatives may agree to develop a manual handling information pack to present and discuss with employees. Planning documentation or minutes of meetings should be available to confirm this has taken place.

## Tertiary requirements

### 6.1.4

Employers need to demonstrate that there has been at least annual consultation with employee representatives in the development, monitoring and review of health and safety policies, processes and performance. For example, where employee representatives have been involved in the development of a policy concerning the management of health monitoring and testing, a signed process document or similar should be available to confirm this.

### 6.3.1

It is important that appropriate training continues to be provided to enable employees who are actively involved in health and safety management to support this function effectively. The employer needs to demonstrate that training in health and safety has been provided to employees (who are actively involved in some aspect of health and safety management) within the previous two years. This can be verified by training records, certificates, meeting agendas or similar.

For example, employees who actively support rehabilitation initiatives should have received training on best-practice workplace-based rehabilitation. Another example may be that employees who are involved in hazard management have taken part in training focused on the identification and management of workplace hazards relevant to their work areas.

**CRITICAL ELEMENT 7.**

# Emergency planning and readiness

(AS/NZS 4801:2001 Section 4.4)

## Objective

The employer has an effective general emergency plan to manage emergencies likely to occur within any part of the organisation's operation and to comply with legislative requirements.

## Introduction

Effective and reliable emergency planning and responsiveness will ensure the employer is able to provide the best possible protection for all those in the workplace in the event of an emergency. The involvement of employees in emergency planning, training, testing and evaluation is an important part of protecting both people and assets, and provides assurance that information from all areas of an organisation is considered in ongoing planning and continuous improvement.

## Primary requirements

### 7.1.1

Employers need to demonstrate that they have considered the types of emergency situations that may be relevant to their particular workplace types and locations. For example, consideration of chemicals handled in a petro-chemical plant, the potential for earthquakes, or how to manage an employee who becomes seriously injured while working alone.

Please note: Evacuation of the workplace may not always be the most appropriate response for dealing with an emergency and therefore an evacuation plan alone will not meet this requirement. For example, an employer with a retail business will need to consider the most appropriate way for staff members to manage aggressive members of the public. Containment of the situation rather than evacuation may be the most appropriate response.

### 7.1.2

Employers need to demonstrate consideration of specific emergency service requirements for the emergency situations that have been identified. For example, larger employers will need to have their fire evacuation procedures approved and tested by the fire service.

**7.1.3**

Employers need a detailed emergency plan that includes a documented response for each of the potential emergency situations identified. For example, if an employee is confronted with an aggressive member of the public, the employee must be aware of the required response to maximise his or her own safety, the safety of his or her colleagues, and the safety of members of the public.

**7.2.1**

Employers are responsible for ensuring that all staff members are aware of how to behave safely in identified emergencies. The employer needs to be able to demonstrate that staff members have received information on the appropriate emergency response and have taken part in drills. For example, signed induction records, refresher training information, signage in the workplace, records of emergency drills.

**7.3.1**

Employers need to ensure an up to date list of designated employees (photos optional) is available or visible in the workplace so that all employees are aware of who the designated emergency controller (warden) is for each work area.

**7.3.2**

Employers need to confirm that designated emergency personnel (wardens) have the training and expertise to enable them to take control in an emergency situation. This can be demonstrated through internal or external training schedules and record.

**7.4.1**

Employers need to demonstrate that emergency drills are carried out at least every six months to ensure all employees remain aware of how to react to an emergency situation and to identify areas for improvement. The employer can demonstrate this through records of evacuation drills.

Where an employer occupies only one part of a building or site and evacuation drills are not undertaken by the building or site owner at least six monthly, the employer will need to instigate evacuation drills to cover their own employees, regardless of the size of the company or who has control of the building or site.

## Secondary requirements

**7.3.3**

Employers need to demonstrate that emergency review or refresher training has been undertaken with designated employees (or wardens) during the last twelve months to ensure these people remain prepared and skilled to take control in an emergency. This confirmation may be verified through certificates, records of attendance, agendas or similar.

**7.5.1**

Debriefing meetings should occur following emergency response procedures (including drills), involving feedback from the designated emergency controllers for each area and any relevant feedback from other employees. Conformance with this requirement can be demonstrated through minutes of these debriefing meetings. The purpose of this is not to assess the appropriateness of an emergency response, but rather to confirm that consultative reviews occur.

**7-5-2**

Where areas for improvement are identified following an emergency evacuation procedure, the employer needs to provide evidence that emergency response procedures and plans have been updated.

**Tertiary requirements****7-3-4**

In a workplace where specific, specialised emergency situations may occur, a higher level of training or knowledge is required to be able to deal with the emergency potential. Employers need to demonstrate that designated employees have received emergency training at a more specific level than for a general emergency response. For example, training on the emergency management of chemical spills, or co-ordination of the response when dealing with aggressive people.

**CRITICAL ELEMENT 8.**

# Protection of employees from on-site work undertaken by contractors and sub-contractors

(AS/NZS 4801:2001 Section 4.4)

## Objective

The employer has a systematic approach to ensure that contractors, subcontractors and their employees do not cause harm to the employees of the principal while undertaking the work required by the contract. (N.B. There are other specific duties required of the employer as a principal under the terms of the health and safety legislation that are not part of this programme's requirements.)

## Introduction

Almost all workplaces will have some interaction with contractors over the course of a year. This may vary from intermittent and limited interaction with couriers or one-off maintenance contractors, for example, to daily interactions with catering or cleaning contractors. The two key questions an employer should consider to determine whether contractors need health and safety induction and management are:

1. How much interaction will the contractor(s) have with my workplace employees and work areas?
2. Will anything that the contractor(s) does, or does not do, impact on the health and safety of my employees?

The likely health and safety impacts of the contractor's work will be dependent on the level of interaction contractors have with workplace employees. Consideration of this interaction will help employers to assess the level and type of health and safety management that a contractor will require.

For example, a one-off maintenance contractor may receive a brief induction and be accompanied throughout their time on-site. However a maintenance contractor who visits the workplace weekly may be managed through a contractual arrangement which includes health and safety responsibilities and expectations, and is monitored regularly by the employer.

## Primary requirements

### 8.1.1

Employers need to ensure there are appropriate health and safety induction procedures to manage any hazards that may be introduced into the workplace by contractors or sub contractors. Varying levels of contractor induction may be required depending on the areas of the workplace the contractor will have access to, the work being undertaken, and the level of contact with employees.

For example, standard visitor induction and escorting requirements may be sufficient for one-off maintenance-contracting jobs or couriers. However, more detailed health and safety induction would need to be provided to a contractor carrying out renovation work over a longer period of time, and working in an area where there is interaction with the workplace employees.

Employers need to have a process to induct contractors into the workplace that considers the contractor's level of involvement with employees and workplace functions. Documented induction requires sign off by the employer and contractor or subcontractor to confirm an induction has been undertaken.

### **8.1.2**

Ultimate responsibility for health and safety induction and management of contractors should be designated to a particular role or roles within the workplace, so that the health and safety information for all contractors is co-ordinated and is accurate and consistent. This responsibility may be written into the individual's job description, included in process documentation or similar.

### **8.1.3**

Employers need to demonstrate that health and safety induction training is carried out with all contractors. The depth of the induction may vary according to the type of contractor. This requirement can be demonstrated through signed induction records, contracts or similar.

## **Secondary requirements**

### **8.2.1**

A documented procedure is required to confirm that the health and safety performance of contractors is considered during the contractor selection process. For example, health and safety training or injury records may be considered, or contractors may be required to have achieved the primary standard of ACC's Workplace Safety Management Practices programme before being engaged to carry out any work with an employer.

### **8.2.2**

Contractors' management plans need to include information on their staff health and safety training, competencies and current certification and permits. In addition, a declaration should be signed by the contractor to confirm that they and their employees have current and appropriate qualifications to carry out any work that will be undertaken, and that they will work within the health and safety guidelines of the particular workplace.

### **8.3.1**

Employers need to confirm that all contracts contain health and safety responsibilities and accountabilities for contractors. Responsibilities and expectations need to be clearly set out in relation to the work being carried out to ensure contractors do not endanger workplace employees by any action or inaction. For example, the requirement to report all incidents and injuries, and the responsibility to abide by the health and safety requirements of the employer.

### **8.4.1**

Employers need to verify that the health and safety performance of contractors is actively monitored at agreed regular intervals for the duration of the contact. This can be demonstrated by minutes of meetings, site-inspection reports, checklists or similar.

### 8.4.2

In situations where a contractor reports incidents, injuries or potential hazards, the employer needs to provide evidence that this information is fed back into hazard management. This can be demonstrated by updated hazard registers, incident and injury reports and investigations or similar.

## Tertiary requirements

### 8.5.1

It is important that post-contract evaluations include a review of the health and safety performance of the contractor in order to identify areas for improvement. This may include review of incident and injury data relating to hazards introduced by the contractor and review of health and safety monitoring reports.

Employers are required to have a process to evaluate a contractor's health and safety performance on completion of contracts. While this may not be applicable for one-off short-term contracts, ongoing contracts which do not specify a completion date (for example, cleaning or maintenance contracts), should be evaluated at least annually to determine whether health and safety performance is acceptable.

### 8.5.2

Where contracts have been completed, the employer needs to demonstrate that health and safety performance has been part of post-contract evaluations. This can be verified by exit interviews, review checklists of health and safety performance or similar.

**CRITICAL ELEMENT 9.**

# Workplace observation – confirmation of safe systems in action

## Objective

Under this section, there are a few systems-related requirements that need to be observed on each selected site that is visited as part of the audit. This will provide some indication of how the documented systems work in practice. (This is NOT a detailed site inspection and should not be relied on to satisfy legal compliance with other health and safety obligations.)

Details of requirements	The auditor will observe the following
1. The auditor is able to observe some selected audit standard requirements in practice.	<ol style="list-style-type: none"> <li>1. Hazard registers.</li> <li>2. Evidence of assessment of hazards to determine their significance.</li> <li>3. Current safety information on display.</li> <li>4. Incident and injury (accident) registers available in the workplace (hard copy or electronic).</li> <li>5. Forms completed (where applicable).</li> <li>6. Evidence of personal protective equipment in use according to what is appropriate to the area visited.</li> <li>7. Restricted areas of work are clearly marked.</li> <li>8. Escorting and signing requirements are in place for restricted areas of work.</li> <li>9. Emergency evacuation procedures are clearly outlined (e.g. signs, posters, designated listed employees trained to take control in an emergency e.g. wardens, first aiders).</li> <li>10. Emergency exits are clearly marked.</li> <li>11. Emergency equipment is clearly marked and current.</li> <li>12. Security log books, visitor registers (or similar) are provided.</li> <li>13. Personal protective equipment is available for site visitors (where applicable).</li> </ol>

**Please note:** Primary level is the highest level of achievement in this critical element.

The auditor will look at each of the workplace observation requirements during a walk-around at each site selected for the audit. This element seeks to observe some practical examples of workplace behaviour that will confirm the systems information that is reviewed.

## CRITICAL ELEMENT 10.

# Focus group interview – confirmation of safe systems in action

## Objective

The employer is able to confirm and validate hazard management systems through management and employee focus groups

Details of requirements	Suggested prompts
1. There is an understanding of what constitutes a hazard in the workplace.	<ul style="list-style-type: none"> <li>• Tell me about the hazards in your area?</li> <li>• What are some hazards in your workplace?</li> </ul>
2. There is an understanding of the process for hazard identification.	<ul style="list-style-type: none"> <li>• How do you identify hazards in your workplace?</li> </ul>
3. There is an awareness of respective responsibilities in the identification of hazards.	<ul style="list-style-type: none"> <li>• Who is responsible for identifying hazards in your workplace?</li> <li>• What do you do if you identify a hazard?</li> <li>• What do you do if an injury occurs in your area?</li> </ul>
4.* There is an understanding of the term 'significant hazard' and the hierarchy of controls in the management of these hazards.	<ul style="list-style-type: none"> <li>• Are there some hazards in the workplace that are more serious than other hazards?</li> <li>• How do you decide if one hazard is more serious than another hazard?</li> <li>• Tell me about you might deal with these hazards?</li> </ul>
5. There is an understanding of reporting and recording requirements.	<ul style="list-style-type: none"> <li>• What do you do if you have an injury at work?</li> <li>• How do you report injuries?</li> <li>• Where do you record injuries?</li> </ul>
6. There is an understanding of investigation including designated responsibilities and the role of the injured employee and the manager concerned.	<ul style="list-style-type: none"> <li>• Tell me about an injury that has happened in your workplace?</li> <li>• Who reported it?</li> <li>• What happened?</li> <li>• Were you involved in the investigation?</li> <li>• What did this involve?</li> </ul>

*Continued ...*

**Please note:** Primary level is the highest level of achievement in this critical element.

Details of requirements	Suggested prompts
7. There is an understanding of the responsibilities for corrective action resulting from an injury or incident investigation.	<ul style="list-style-type: none"> <li>• Did you get any feedback from the injury investigation?</li> <li>• What changes have occurred in the workplace following the investigation?</li> <li>• Did any training occur following the investigation?</li> <li>• Who was involved in this?</li> </ul>
8.* There is an understanding of how to initiate rehabilitation support and assistance for any injured employees.	<ul style="list-style-type: none"> <li>• When someone is injured at work ACC becomes involved, what happens in terms of his or her ongoing employment?</li> <li>• Does your employer consider alternative duties?</li> </ul>
9. There is an understanding of the process for union and other nominated employee representation and the way in which to raise health and safety issues.	<ul style="list-style-type: none"> <li>• If you have a health and safety concern, who do you contact?</li> <li>• How do you let others know about your concerns?</li> <li>• Do you have a health and safety committee (or similar forum)?</li> <li>• Who represents you on health and safety matters?</li> <li>• How are they chosen?</li> </ul>
10. There is an understanding of the emergency procedures in the workplace.	<ul style="list-style-type: none"> <li>• What do you know about the emergency procedures in the workplace?</li> <li>• What types of emergencies are covered?</li> <li>• How often do you have drills?</li> <li>• Do you know who the employees are who would take control in an emergency?</li> </ul>
11.* There is an understanding of how to initiate rehabilitation and of the support available from management for the early return to work of injured employees.	<ul style="list-style-type: none"> <li>• Why is early return to work after an injury important?</li> <li>• Why is it good for your employer to be involved in your rehabilitation?</li> <li>• What does it mean if a person is doing alternative duties?</li> <li>• Tell me about any employees who have come back to work on alternative duties.</li> <li>• Who was involved in this process?</li> </ul>

\*While these questions may be asked at the management and employee focus groups, primary responsibility for understanding rests with the management focus group.



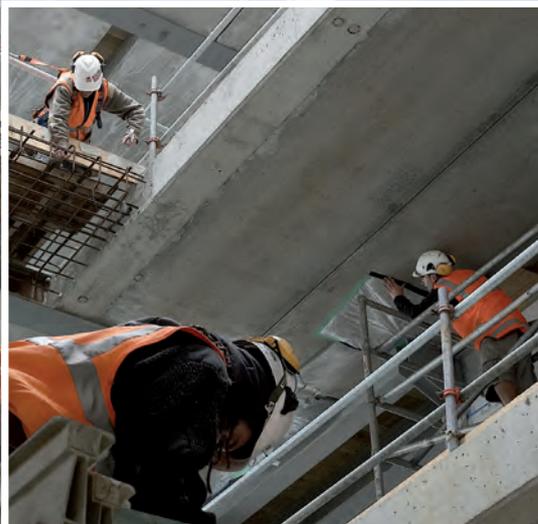
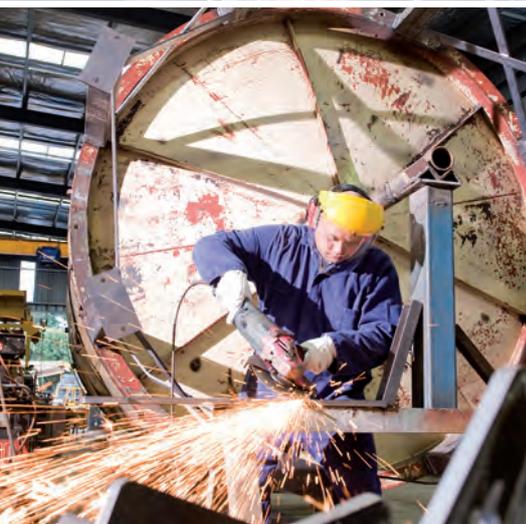




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# Measuring your capabilities in Workplace Safety Management

*ACC Workplace Safety Management Practices Audit Standards*





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Complying with the Workplace Safety Management Practices Audit Standards set out in this document should not be relied on to satisfy compliance with legal and other obligations of the employer. It is the responsibility of the individual employer to be satisfied that these legal and other obligations are met.

# Audit standards for ACC's Workplace Safety Management Practices

A safe and healthy workplace is one of the keys to business success.

By establishing good health and safety practices in your workplace, you're likely to have more motivated and productive employees, lower absenteeism rates, fewer business disruptions, and reductions in the costs of sick pay and temporary replacement staff.

You'll also help to reduce the sometimes serious impacts of injury and illness on employees, families and the wider community – and improve your reputation both in the business world and as an employer of choice.

## What is Workplace Safety Management Practices (WSMP)?

Workplace Safety Management Practices recognises medium to large (more than 20 employees) employers that have implemented effective health and safety systems and practices in their workplaces. If you qualify, you'll:

- have a framework for building successful and sustainable health and safety systems and practices in your workplace
- receive a reduction in your ACC work cover levies
- enjoy official recognition of your commitment to the wellbeing of your staff, customers, suppliers and visitors.

Workplace Safety Management Practices starts with a self-assessment and application process, which are followed by a visit to your workplace(s) from an ACC-approved auditor – either appointed and funded by ACC or chosen by you at your own cost.

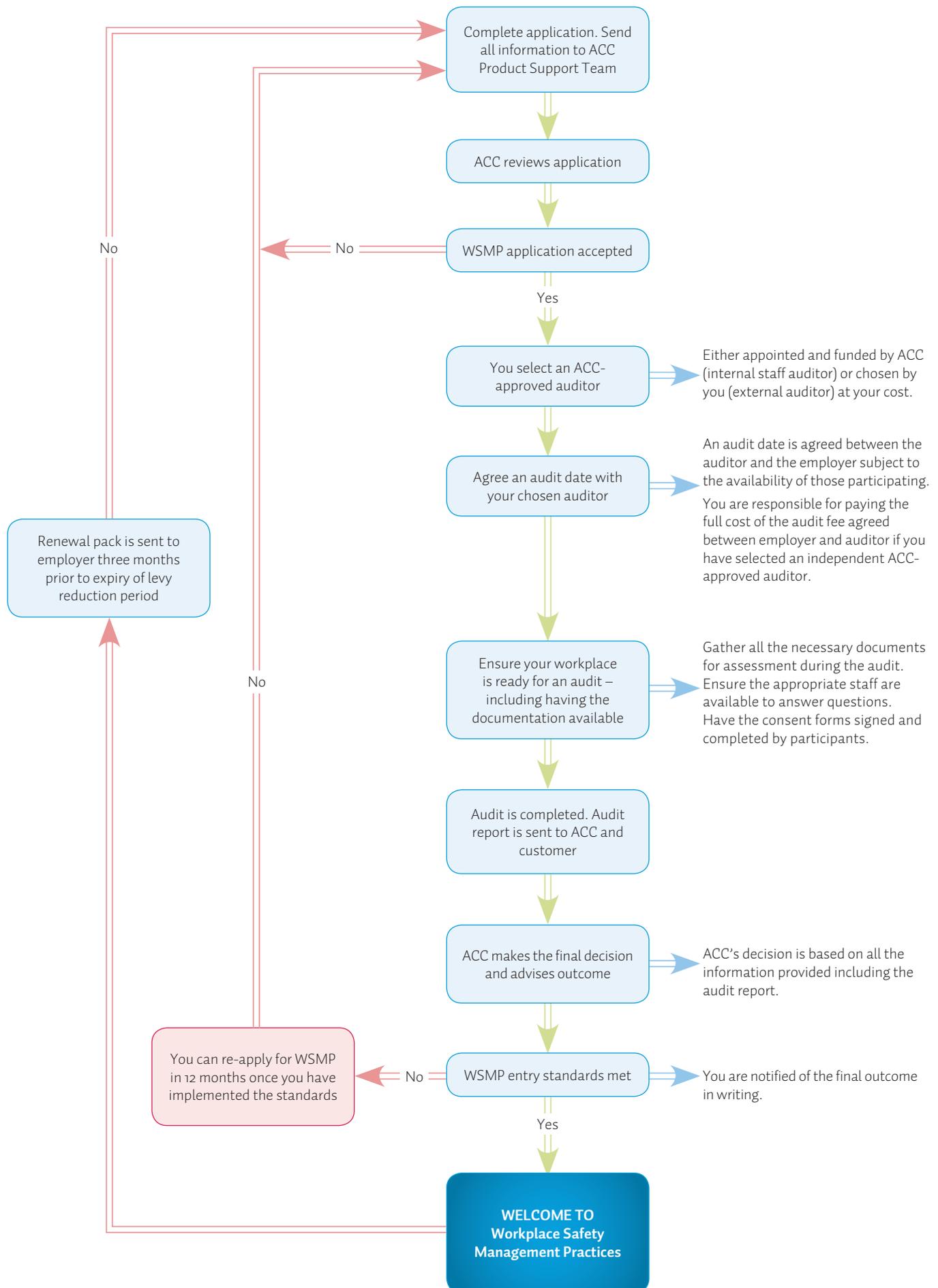
If the auditor concludes that your health and safety systems and practices meet the audit standards in this document, your business will receive a work cover levy reduction based on three performance levels:

- Primary level – your business meets the basic workplace health and safety performance standards. You'll receive a 10% reduction in your levy.
- Secondary level – your business has adopted and demonstrates good standards of workplace health and safety practice. You'll receive a 15% reduction in your levy.
- Tertiary level – your business operates a continuous improvement framework for workplace health and safety management. You'll receive a 20% reduction in your levy.

The reduction to your work cover levy will apply for 24 months from the first of the month following the audit completion date. You will then have to re-apply and undergo another audit to show that you've maintained (or improved) your health and safety standards. If your business has met the Primary or Secondary level requirements, you could aim for the next step up the ladder.

## How do I join?

Here's a diagram showing how the application process works.



## How are the audit standards used?

ACC-approved auditors use the audit standards to determine your ability to meet the programme's primary performance level at a minimum. You will need to be able to demonstrate evidence to the auditor that you meet these requirements during the audit.

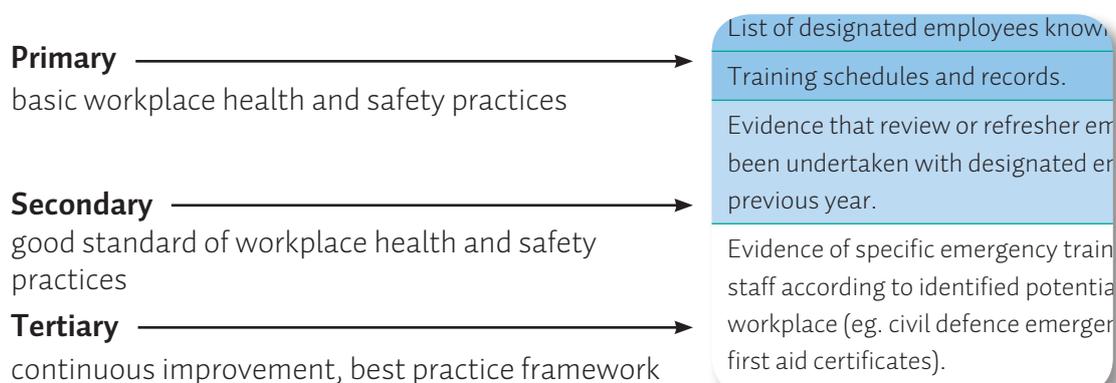
If you meet these requirements and become part of Workplace Safety Management Practices, you're expected to continue monitoring and evaluating the health and safety systems and practices in your workplace so that you maintain, or even better, exceed the primary level standards. Workplace Safety Management Practices encourages continuous improvement, and the integration of best-practice standards in everything you do.

The Audit Standards align with AS/NZS 4801:2001, the joint Australia/New Zealand Standard for Occupational Health and Safety Management Systems.

## What does the audit involve?

The main purpose of the audit is to measure your health and safety systems and practices against these Workplace Safety Management Practices Audit Standards.

The process begins with you reading these Audit Standards thoroughly and undertaking a self-assessment process. This enables you to understand how the audit works and decide whether you're ready to take the next step. The primary, secondary and tertiary performance levels are demonstrated in the Audit Standards by shading, like this:



If after your self-assessment you believe that your business meets at least all of the primary level standards, you can apply to ACC to join Workplace Safety Management Practices. Then, if your application is accepted an ACC-approved auditor (either appointed and funded by ACC or chosen by you at your own cost) will visit your workplace(s) at a time that suits you both. You can see a list of the ACC-approved auditors you can select and the locations they cover at [www.acc.co.nz/approvedauditors](http://www.acc.co.nz/approvedauditors)

During the audit the auditor will:

- visit the selected worksite(s) to view evidence of your health and safety systems in practice, and local site records. The worksite(s), which is chosen by ACC, should represent each main function of your business
- review the documents relevant to your health and safety systems that demonstrates evidence of meeting the audit standards

- conduct focus group interviews with your employees, managers and supervisors to confirm their understanding of the employer and employee responsibilities for workplace health and safety. There is generally will be one management focus group interview for each audit, and one employee focus group interview for each workplace. The auditor may elect other options and will discuss this with you.

The audit takes about a day to complete, but may take longer if more than one worksite is chosen for the audit.

## How much does the audit cost?

The audit costs you nothing if you use an auditor appointed and funded by ACC.

If you'd prefer to choose your own auditor you'll need to pay for the full cost of their services, including any verification audits that may be required. Note that your auditor must be 'ACC-approved'; that is, on the list that you can find at [www.acc.co.nz/approvedauditors](http://www.acc.co.nz/approvedauditors)

## What happens after the audit?

Usually within five business days after the audit, the auditor will send you and us a report with one of three conclusions:

1. You've successfully completed your Workplace Safety Management Practices audit and what level they recommend you have achieved.
2. You didn't meet all the programme's minimum health and safety standards, but the auditor elected to allow you up to 30 days to address some minor issues which you have now completed. In this case, the 'audit completion date' is the day on which the auditor receives the improvements or documentation and confirms it meets the programme's minimum health and safety standards.
3. You haven't met the programme's minimum health and safety standards, but can re-apply after 12 months.

If you qualify to join Workplace Safety Management Practices, ACC will send you a confirmation letter and a certificate, which you'll be able to display as a demonstration of your commitment to health and safety in your workplace. The letter will let you know the level of levy reduction for which you've qualified, and the conditions that apply.

The levy reduction will apply for 24 months from the first of the month following the audit completion date.

## Where do I go for more information?

For more information about Workplace Safety Management Practices, contact our Business Service Centre on 0800 222 776, email [wsmp.enquiries@acc.co.nz](mailto:wsmp.enquiries@acc.co.nz), or visit [www.acc.co.nz/wsmp](http://www.acc.co.nz/wsmp)

**CRITICAL ELEMENT 1.****Employer commitment to safety management practices**

(AS/NZS 4801:2001 Sections 4.2, 4.4 and 4.6)

**Objective**

The employer is able to demonstrate an active, consultative commitment to all areas of health and safety management in the workplace.

Details of requirements	Verified by	Achieved yes/no
1. There is a documented health and safety policy.	1. Policy document.	
2. The policy is authorised by current CEO or other senior management* representatives.	1. Appropriate signature, position and date.	
	2. Process for senior management to review policy document at least every two years.	
3. The policy incorporates management commitment to comply with relevant legislation, regulations, codes of practice and safe operating procedures.	1. Policy document includes statement of commitment to comply with relevant standards.	
4. The policy includes specific understanding of management responsibilities for health and safety.	1. Policy document includes management commitment to health and safety.	
	2. Specific health and safety co-ordination roles are designated at senior management* level.	
	3. Management positions are reviewed against the performance of designated health and safety responsibilities.	
	4. Evidence that individual management performance has been reviewed against health and safety responsibilities.	
5. The policy includes an outline of individual employee responsibilities for health and safety.	1. Policy document states individual responsibilities for health and safety in the workplace.	
6. There is commitment to consultation with union* and other nominated employee representatives* regarding participation in health and safety management.	1. Policy document includes statement of support for employee consultation and participation.	

Continued ...

Details of requirements	Verified by	Achieved yes/no
7. There is specific management commitment to accurate reporting and recording of workplace incidents and injuries.	1. Health and safety documents include a specific statement requiring accurate reporting and recording.	
	2. Records of this requirement included in performance review of management roles.	
8. There is commitment to continuous improvement in health and safety.	1. Indicative statement in policy document.	
	2. Evidence that a system exists for the review of health and safety-related policies by senior management* to ensure their ongoing effectiveness (for example records of reviews or a documented review procedure or checklist).	
	3. Evidence that excellence in health and safety management and innovation by staff is formally recognised (e.g. recognition in staff newsletter, reward for innovative ideas).	
9. There is specific commitment to ensure managers (including senior management*) have an understanding of health and safety management relative to their positions.	1. Evidence of this commitment in policy statement, position descriptions (or similar).	
	2. Evidence that senior management* have been involved in health and safety (e.g. seminars, briefings, conferences, training sessions) within the previous two years.	
10. There is specific commitment by management to support the safe and early return to work of their injured employees.	1. Health and safety documents that include a statement of commitment.	
	2. Information provided to management staff on how to support safe and early return to work.	
	3. Evidence of management involvement in supporting safe and early return to work (where applicable).	

\* Please refer to the definitions on pages 23 and 24 if you require further clarification.

**CRITICAL ELEMENT 2.****Planning, review and evaluation**

(AS/NZS 4801:2001 Sections 4.3, 4.4 and 4.5)

**Objective**

The employer is able to demonstrate a focus on continuous improvement through a systematic approach to occupational health and safety that includes setting specific objectives, establishing and supporting systems or programmes to achieve objectives, regular review of progress and evaluation of outcomes.

Details of requirements	Verified by	Achieved yes/no
1. There is a process to ensure that health and safety management for the workplace is reviewed.	1. Process to review health and safety management annually. 2. Process to review health and safety management that occurs after a critical event and/or if there is a change in work procedures or health and safety policy.	
2. Health and safety objectives are set that are appropriate to the size and type of business, relevant to each level within the business and related to identified hazards (where relevant). (NB: Objectives set should be 'SMART' – Specific – Measurable – Achievable – Realistic – Time-bound.)	1. Documented objectives and management plan to achieve objectives. 2. Procedure to review objectives annually. 3. Evidence that health and safety objectives have been reviewed. 4. Evidence that senior management* and union and other nominated employee representatives* have been included in annual review and setting of objectives.	
3. There is an established consultative process to review and evaluate the effectiveness of hazard management.	1. Process or planning documents (or similar). 2. Minutes, schedules (or similar) to show there is annual review of the effectiveness of hazard management processes.	

*Continued ...*

Details of requirements	Verified by	Achieved yes/no
4. The employer is able to demonstrate knowledge of current health and safety-related information including legislation, regulations, current codes of practice, and other health and safety standards relevant to the particular workplace.	1. Process to identify the health and safety information specific to the employer's business.	
	2. Process in place to ensure compliance or conformance with relevant requirements.	
	3. Evidence of regular review to identify and accommodate any changes to requirements.	
5. A procedure to undertake an annual self-assessment to ensure the programme audit standards can be met and maintained. The procedure involves management, union and other nominated employee representatives*.	1. Self-assessment procedure.	
	2. Evidence that a self-assessment has been undertaken within the previous 12 months (may be immediately prior to initial entry audit).	

\* Please refer to the definitions on pages 23 and 24 if you require further clarification.

**CRITICAL ELEMENT 3.**

# Hazard identification, assessment and management

(AS/NZS 4801:2001 Sections 4.3 and 4.4)

## Objective

The employer has an active method that systematically identifies, assesses and manages the actual and potential hazards in the workplace, over which the employer has authority or influence.

Details of requirements	Verified by	Achieved yes/no
1. There is a systematic procedure to identify and record actual and potential hazards in the workplace.	1. A procedure that covers an understanding of the range of hazards including (for example) work organisation, job design and hazards facing employees working off-site.	
	2. Review of hazard registers to support process in action.	
	3. Records of regular review of the hazard identification and recording process.	
2. There is a process to assess identified hazards to determine which hazards are significant* according to the definition in the health and safety in employment legislation.	1. Documented definition of significance.	
	2. Process to demonstrate the identification of significant hazards* and evidence of implementation of this process.	
	3. The hazard register (or similar) identifies which hazards are significant.	
3. There are appropriate controls in place for each significant hazard based on the hierarchy in the health and safety in employment legislation to:  (a) Eliminate the hazard completely, or  (b) Isolate the hazard to prevent the exposure to that particular hazard; or  (c) Minimise the impact of the hazard.	1. Procedure for developing appropriate controls.	
	2. Details of controls developed for significant hazards*.	
	3. Process for the issue, renewal and maintenance of safety equipment related to significant hazards* including personal protective equipment.	
	4. Evidence that controls developed for significant hazards* are based on appropriate documentation or advice (where applicable).	
4. There are appropriately trained and/or experienced people leading the identification and management of hazards.	1. Records of training, and/or skills and experience for people leading hazard management.	
	2. Evidence of ongoing training or increased experience for people leading hazard management that has occurred within the previous two years.	

Continued ...

Details of requirements	Verified by	Achieved yes/no
5. There is a procedure for obtaining specialist advice for managing specific hazards, where this competency is not available through internal staff.	1. Procedure to support the appropriate use of specialist advice (e.g. the management of hazardous substances, monitoring of noise levels or assessment of workstations). 2. Accessibility of reference information for all staff (e.g. hard copy or electronic) that includes relevant legislation, regulations, codes of practice, safe operating procedures, MSDS etc. 3. List or information about availability of internal or external health and safety specialist advice (where applicable).	
6. There is a schedule documenting the minimum review timetable to monitor significant hazards* that have been isolated or minimised.	1. Hazard review timetable appropriate for particular identified hazards. 2. Responsibilities assigned for ensuring timetable is met and signed off at each period.	
7. There is active management of hazards associated with any new or modified equipment, material, services or work processes introduced into the workplace.	1. Hazard identification and management documents. 2. A process for consultation with relevant health and safety personnel in the purchase or implementation of new or modified equipment, material, services or processes. 3. Evidence of health and safety issues incorporated into purchasing and design decisions (where applicable).	
8. There is an ongoing opportunity for the active involvement of union and other nominated employee representatives* in identifying and managing hazards in the workplace.	1. Evidence of employee consultation or active involvement in hazard management, or the provision of ongoing opportunities for involvement (process document accepted for new applications).	
9. There is a process to identify and manage any areas of the workplace requiring specific health monitoring in relation to tasks being undertaken (where applicable).	1. Process to identify tasks requiring monitoring and ongoing regular testing. 2. Process to undertake baseline monitoring of health related to identified tasks and to notify employees of results (e.g. hearing tests, lung function tests). 3. Process for post-critical event testing and exit testing. 4. Process to manage sub-optimal test results that includes consideration of individual medical and vocational needs. 5. Process to feed back sub-optimal results into hazard management.	
10. There is a process to identify tasks where significant hazards* may make pre-employment health screening appropriate to ensure that the potential for work injury or work-related illness through exposure to those particular tasks is minimised.	1. Process documents. 2. Documented rationale and process for pre-employment health screening that is linked to specific significant hazards* (where applicable).	

Continued ...

\* Please refer to the definitions on pages 23 and 24 if you require further clarification.

Details of requirements	Verified by	Achieved yes/no
11. Work areas over which the employer has control or influence are planned so that the exposure of visitors and the general public to workplace hazards is minimised.	1. Clear marking of designated areas as appropriate.	
	2. Signage, security log books or visitors' registers available as appropriate to specific areas of the workplace or escorting restrictions and induction for site visitors.	
	3. Evidence that emergency procedures are covered with site visitors.	
	4. Provision of appropriate personal protective equipment for visitors to the site (e.g. goggles, 'hi-viz.' vests).	

**CRITICAL ELEMENT 4.****Information, training and supervision**

(AS/NZS 4801:2001 Section 4.4)

**Objective**

The employer will ensure that all employees are informed of their own responsibilities and the employer's responsibilities for health and safety in the workplace. The employer will ensure that employees have specific knowledge concerning management of the hazards to which they are exposed through workplace procedures, environment, equipment and materials.

Details of requirements	Verified by	Achieved yes/no
1. There is appropriate health and safety induction training for new employees and employees transferring to a new environment, role or task.	1. Evidence of staff health and safety induction training that includes consideration of the following needs (where appropriate): <ul style="list-style-type: none"> <li>• Emergency procedures</li> <li>• Incident and injury reporting</li> <li>• Hazard identification</li> <li>• Employer and employee responsibilities</li> <li>• The process for employee health and safety representation</li> <li>• Information about the health and safety forum/s</li> <li>• Designated roles for health and safety and rehabilitation</li> <li>• Work injury claims process</li> <li>• Rehabilitation responsibilities</li> <li>• Use and maintenance of relevant health and safety equipment, including personal protective equipment (e.g. Checklist, training information).</li> </ul>	
	2. Signed employee induction training records (or similar individual verification).	
2. There is identification of health and safety training needs in relation to hazards associated with specific roles, tasks or areas of work.	1. Procedure to identify training needs for specific roles, tasks, or areas of work (e.g. training needs assessment or training plan linked to hazard management).	

*Continued ...*

Details of requirements	Verified by	Achieved yes/no
3. All health and safety information and training is delivered so that the key messages are clearly understood, taking into account language, literacy, vision, hearing or other variables.	1. A process to determine that health and safety information and training have been understood.	
	2. Signed employee training records (or similar individual verification).	
	3. Evidence that task-specific training has occurred (e.g. certification, training records or similar where applicable).	
	4. A process for 'bring-up' reminder facility for recurring training or certification requirements including assignment of responsibilities for this process.	
	5. Evidence to demonstrate that competency has been achieved following specific health and safety training (e.g. written or oral tests, certifications, practical skill demonstrations including on-the-job assessments).	
4. There is access to internal staff members with the relevant skills, experience or qualifications to undertake training.	1. Guideline document (or similar) outlining health and safety trainer selection criteria.	
	2. Records of internal trainer's skills, experience or qualifications.	
5. There is a process to determine the relevant skills, experience or qualifications of external trainers used for specific training requirements.	1. Selection criteria or similar for use of external trainers (where applicable).	
6. There is a system for controlling health and safety-related documents and information including the dissemination of applicable information to staff and notification of outdated documents.	1. Document control system (paper based or electronic).	
	2. Dates on health and safety documents at operational sites.	
	3. Role-specific responsibilities to review health and safety documentation control.	
7. Health and safety information specific to the workplace is available to all employees.	1. Access to further information is included in health and safety information available in the workplace (e.g. posters, signs, training, intranet, briefings, meeting schedules or similar).	
8. Supervision for employees undergoing on-the-job training is provided by experienced and skilled staff to ensure the employee's newness to the task or role does not endanger themselves, others or equipment.	1. A process that requires assessment of relevant experience and skills for the supervision of employees undergoing on-the-job training.	
	2. A process for the clear designation of responsibility for supervision of new employees.	

**CRITICAL ELEMENT 5.**

# Incident and injury reporting, recording and investigation

(AS/NZS 4801:2001 Sections 3, 4.4 and 4.5)

## Objective

The employer has an active reporting, recording and investigation system that ensures incidents and injuries are reported and recorded, and the appropriate investigation and corrective actions are taken. The terms incidents and injuries in this context include all 'near miss' or 'near hit' events, work-related illnesses and injury events that harmed or might have harmed any employee during the course of their work.

Details of requirements	Verified by	Achieved yes/no
1. There is a system for reporting, recording and analysing incidents, injuries and work-related illnesses.	1. Documented procedure.	
	2. Incident and injury (accident) reporting forms.	
	3. On-site incident and injury (accident) registers.	
	4. Procedures requiring early and prompt attention to all reported incidents and injuries.	
	5. Collation of all injury and incident data into a central record for analysis.	
2. Employees understand their specific responsibilities to report incidents, injuries and workplace illnesses that have or might have harmed anyone in the workplace.	1. Reporting systems available in all work areas (e.g. forms in hard copy or online).	
	2. Staff communications, team briefings, health and safety meeting minutes.	
	3. Examples of completed incident and injury reports (where applicable).	
3. When a serious harm occurs to an employee WorkSafe New Zealand is notified as soon as possible and a written report is sent within seven days. (NB: There are other agencies that the employer may also need to notify to meet regulatory obligations, in the event of a serious harm injury).	1. Procedure to notify WorkSafe New Zealand including documented responsibility for notification.	
	2. Example(s) of notification within required timeframe when a serious harm injury has occurred (where applicable).	

Continued ...

Details of requirements	Verified by	Achieved yes/no
4. The employer has a procedure to investigate incidents and injuries that harmed or might have harmed an employee.	1. Incident and injury investigation procedure.	
	2. Designated incident and injury (accident) investigators.	
	3. Incident and injury (accident) investigation forms (forms in hard copy or online).	
	4. Incident and injury (accident) investigation example reports (where applicable).	
5. There is a procedure to ensure corrective action is undertaken in relation to any deficiencies identified during an investigation.	1. Procedure for corrective action to be undertaken when deficiencies are identified in an investigation.	
	2. Feedback into hazard management included in the process.	
	3. Responsibility for corrective action is assigned, time-bound, signed and dated as part of an incident and injury investigation and includes training and injury prevention feedback (where applicable).	
	4. Evidence of senior management* involvement and follow-up (eg. management minutes or communications).	
6. Injury and incident data is reviewed to identify trends and provide information to managers and employees that can be used in injury prevention initiatives.	1. Process for at least annual review of collated data (e.g. minutes of meetings, distribution of findings to management and employees).	
	2. Evidence of at least six monthly review of collated data (e.g. minutes of meetings, distribution of findings to management and employees).	
	3. Evidence of injury prevention initiatives implemented where relevant (e.g. changes in work practices, specific training).	

**CRITICAL ELEMENT 6.****Employee participation in health and safety management**

(AS/NZS 4801:2001 Section 4.4)

**Objective**

The employer will ensure that all employees have ongoing opportunities to be involved and to have their interests represented in the development, implementation and evaluation of safe workplace practices.

Details of requirements	Verified by	Achieved yes/no
1. There is a forum (or series of forums) to enable communication between the employer, employees and union and other nominated employee representatives* on issues of interest and concern related to health and safety. (For a large or multi-site employer the number of forums should be appropriate to the size, type and geographic spread of the business, so that all employees have a 'voice' through to management).	1. Evidence of health and safety forum(s) that include the participation of management and employee representatives (e.g. minutes of meetings).	
	2. Evidence of frequency of forum(s) at least quarterly (not applicable for new applications).	
	3. Evidence of ongoing opportunity for joint involvement in injury prevention initiatives and, where applicable, injury management initiatives (e.g. planning notes, outcomes of joint initiatives).	
	4. Evidence of consultative development, monitoring and review of health and safety policies, processes and performance at least annually (e.g. minutes of meetings, action plans, review documents).	
2. There is a process agreed to by employees, to support union* and other nominated employee representative* involvement in health and safety development, monitoring and review.	1. Process for health and safety management that specifically supports employee involvement.	
	2. Evidence of agreed process to elect or endorse union and other nominated employee representatives* to support health and safety.	
	3. Evidence that information on this process is readily available and communicated to all staff.	
3. Health and safety training is provided to employees actively involved in health and safety management to assist in the development and establishment of safe workplace practices.	1. Evidence that health and safety training has been undertaken within the last two years.	

\* Please refer to the definitions on pages 23 and 24 if you require further clarification.

## CRITICAL ELEMENT 7.

# Emergency planning and readiness

(AS/NZS 4801:2001 Section 4.4)

## Objective

The employer has an effective general emergency plan to manage emergencies likely to occur within any part of the organisation's operation and to comply with legislative requirements.

Details of requirements	Verified by	Achieved yes/no
1. There is a documented emergency plan that identifies potential emergency situations and meets relevant emergency service requirements.	1. Evidence of identification of the range of potential emergency situations in the workplace that considers the type and location of the employer (e.g. chemical spills, earthquakes, management of emergency situations for employees working alone).	
	2. Evidence of consideration of emergency service requirements.	
	3. An emergency plan that includes the response required for the relevant identified emergency situations.	
2. Emergency procedures have been implemented and communicated with all employees and contract staff.	1. Evidence that the emergency procedures have been implemented and communicated (e.g. signage, communications, training).	
3. Designated employee/s or warden/s for each work area trained to take control in an emergency.	1. List of designated employees known to all staff.	
	2. Training schedules and records.	
	3. Evidence that review or refresher emergency training has been undertaken with designated employees within the previous year.	
	4. Evidence of specific emergency training for designated staff according to identified potential emergencies in the workplace (eg. civil defence emergency training, advanced first aid certificates).	
4. There is periodic testing of emergency evacuation procedures at regular intervals – of no greater than six months apart.	1. Record of emergency evacuation drills.	
5. There is a consultative review of emergency response procedures, after any practice drills and after any actual emergency event.	1. Minutes of review meetings, particularly post critical event.	
	2. Evidence of update to procedures and plans (where applicable).	

**CRITICAL ELEMENT 8.**

# Protection of employees from on-site work undertaken by contractors and sub-contractors

(AS/NZS 4801:2001 Section 4.4)

## Objective

The employer has a systematic approach to ensure that contractors, subcontractors and their employees do not cause harm to the employees of the principal while undertaking the work required by the contract.

(NB: There are other specific duties required of the employer as a result of the health and safety in employment legislation that are not part of this programme's requirements.)

Details of requirements	Verified by	Achieved yes/no
1. Induction to on-site health and safety procedures is co-ordinated by a designated person/s for all contracted staff, including one-off maintenance contractors or similar.	1. Process for the induction of contractors and their staff, according to their level of involvement with employees in the workplace, and including sign-off by employer and contractor or subcontractor.	
	2. Designated person(s) to co-ordinate health and safety induction for contractors.	
	3. Evidence of completed contractor induction (where applicable).	
2. Criteria to select and manage contractors include assessment of health and safety performance.	1. Documented procedures (e.g. selection checklist or similar).	
	2. Contractor plans include: <ul style="list-style-type: none"> <li>• Staff training and competencies</li> <li>• Current certification and permits</li> <li>• Declaration of the above signed by contractor.</li> </ul>	
3. Health and safety expectations and responsibilities are written into contracts.	1. Evidence that health and safety responsibilities are written into contracts (e.g. procedures, signed contracts).	
4. There is a process to actively monitor the health and safety performance of the contractor at agreed regular intervals for the duration of the contract where relevant. (NB: Only applies to contract work undertaken on a site where there are employees of the principal present).	1. Evidence of review of worksite health and safety performance including dates and responsibilities.	
	2. Evidence of feedback from the contractor into hazard identification and incident and injury reporting (where applicable).	
5. Post-contract evaluations include health and safety as part of the evaluation.	1. Process for post-contract evaluation.	
	2. Evidence of completed post-contract evaluations (where applicable).	

**CRITICAL ELEMENT 9.**

# Workplace observation

## Confirmation of safe systems in action

### Objective

Under this section, there are a few systems-related requirements that need to be observed on each selected site that is visited as part of the audit. This will provide some indication of how the documented systems work in practice.

(NB: This is NOT a detailed site inspection and should not be relied on to satisfy legal compliance with other health and safety obligations.)

Details of requirements	Verified by	Achieved yes/no
1. The auditor is able to observe some selected audit standard requirements in practice.	1. Hazard registers.	
	2. Evidence of assessment of hazards to determine their significance.	
	3. Current safety information on display.	
	4. Incident and injury (accident) registers available in the workplace (hard copy or electronic).	
	5. Forms completed (where applicable).	
	6. Evidence of personal protective equipment in use according to what is appropriate to the area visited.	
	7. Restricted areas of work are clearly marked.	
	8. Escorting and signing requirements are in place for restricted areas of work.	
	9. Emergency evacuation procedures are clearly outlined (e.g. signs, posters, designated listed employees trained to take control in an emergency e.g. wardens, first-aiders).	
	10. Emergency exits are clearly marked.	
	11. Emergency equipment is clearly marked and current.	
	12. Security log books, visitor registers (or similar) are provided.	
	13. Personal protective equipment is available for site visitors (where applicable).	

**CRITICAL ELEMENT 10.**

# Focus group interview

## Confirmation of safe systems in action

### Objective

The employer is able to confirm and validate hazard management systems through management and employee focus groups.

#### Details of requirements

1. There is an understanding of what constitutes a hazard in the workplace.
2. There is an understanding of the process for hazard identification.
3. There is an awareness of respective responsibilities in the identification of hazards.
- 4.† There is an understanding of the term ‘significant hazard’ and the hierarchy of controls in the management of these hazards.
5. There is an understanding of injury and incident reporting and recording requirements.
6. There is an understanding of injury or incident investigations including designated responsibilities and the role of the injured employee and the manager concerned.
7. There is an understanding of the responsibilities for corrective action resulting from an injury or incident investigation.
- 8.† There is an understanding of how to initiate rehabilitation support and assistance for any injured employees.
9. There is an understanding of the process for union† and other nominated employee representation and the way in which to raise health and safety issues.
10. There is an understanding of the emergency procedures in the workplace.
- 11.† There is an understanding of how to initiate rehabilitation and of the support available from management for the early return to work of injured employees.

† While these questions may be asked at the management and employee focus groups, primary responsibility for understanding rests with the management focus group.

Focus group interviews verify that the systems and processes outlined in the employer’s health and safety documentation already viewed, are widely understood and used in day-to-day practice in the workplace.

By undertaking focus group interviews, ACC is seeking to verify characteristics of a positive safety culture among members and prospective members of ACC Workplace Safety Management Practices.

ACC believes that open communication between varying levels of an organisation, a leadership style that is consultative and co-operative, and appropriate levels of resourcing are indicative of employer commitment to the integrated management of health and safety in the workplace.

#### The focus group process:

- There will be at least one management and one employee focus group interview for each audit completed to confirm safe and active systems.

- Where the audit covers more than one site, ACC will request an employee focus group interview at each site that the auditor will visit.
- The management focus group will be made up of senior management roles involved in workplace health and safety management and will include representative line managers or supervisors.
- The employee focus group will be made up of employees from the particular site who are actively involved or interested in workplace health and safety management. It is recommended that the group includes union representatives and other employee health and safety representatives. It will often include people from the site health and safety committee or similar and any employees who have had recent workplace injuries.
- Informed, signed consent will be sought from all participants before the focus group begins.
- Summary information only will be included in the auditor's report. Individuals will not be specifically identified.

If the information from the focus group interviews raises concerns or conflicts sharply with other health and safety information submitted during the audit, ACC may request further information. In this event ACC will discuss any additional information requirements with the employer concerned.

# Definitions

## Please note:

The definitions used for the purposes of these audit standards may differ in some respects from similar definitions used in other contexts.

## Consultation

Sharing of information and opinions on a particular issue, or series of issues, between two or more interested parties. The outcome of consultation may not necessarily be agreement.

## Focus groups

By undertaking focus group interviews ACC is seeking to verify key characteristics of a positive safety culture in action. There will be at least one management and one employee focus group interview for each audit completed to confirm safe and active systems. Where the audit covers more than one site, ACC will ask for an employee focus group interview for each site visited by the auditor.

- The management focus group will be made up of senior management roles involved in workplace health and safety management and will include representative line managers or supervisors.
- The employee focus group will be made up of employees from the particular site who are actively involved or interested in workplace health and safety management. It is recommended that the group includes union representatives and other employee health and safety representatives. It will often include people from the site health and safety committee or similar, and any employees who have had recent workplace injuries.
- Informed, signed consent will be sought from all participants before the focus group begins.
- Summary information only will be included in the report. Individuals will not be specifically identified.

## Procedure

A process or series of steps that is clearly documented in either hard copy text format, electronic text format, or a series of hard copy or electronic flowcharts, diagrams, picture-form representations or similar, or any combination of these.

## Rehabilitation

A process of active change and support with the goal of restoring a client's health, independence and participation, and comprises treatment, social rehabilitation and vocational rehabilitation. (Refer to the Accident Compensation Act 2001 for further information).

## Self-assessment

An internal assessment carried out by management and union and other nominated employee representatives working together to assess relevant areas of workplace performance against the programme audit standards. From this assessment the representative group should be able to determine whether they are able to meet and maintain the standards required in an ACC Workplace Safety Management Practices audit and gain a clear understanding of the performance of health and safety in all areas of the workplace.

## Senior management

The management level within a business or organisation that reports directly to the most senior manager (e.g. CEO or board), and has the authority to make resources available for health and safety management. This description may also include the next tier of managers in a large multi-site organisation.

## Significant hazard

As defined by the Health and Safety in Employment Act 1992.

'Significant hazard' means a hazard that is an actual or potential cause or source of:

- a) Serious harm; or
- b) Harm (being harm that is more than trivial), the severity of whose effects on any person depend (entirely or among other things) on the extent of the frequency of the person's exposure to the hazard; or
- c) Harm that does not usually occur, or usually is not easily detectable, until a significant time after exposure to the hazard.

## Union and other nominated employee representative

Where there are union members present on a site, it is recommended (but not mandatory under this audit) for union representatives to be provided with ongoing opportunities to be actively involved in workplace health and safety management.

The term 'other nominated employee representative' can refer to any non-union employee elected or endorsed by employees to represent employee interests. A non-union representative should not be a person selected by management.





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## The Safety Star Rating System

The Safety Star Rating Scheme (SSRS) is part of the Government's Working Safer reform package – the most significant package of changes to New Zealand's workplace health and safety in the past 20 years. The goal of the changes is to achieve a 25 per cent reduction in serious injuries and deaths in the workplace by 2020.

The SSRS is being developed by WorkSafe NZ, ACC and MBIE.

The SSRS will be a voluntary scheme that recognises and rewards good health and safety performance. It will support businesses that are implementing good practice and want to comply with the new legislative framework. The SSRS will provide financial and non-financial incentives, including levy discounts, reputational and procurement opportunities, and feedback to support continuous health and safety performance improvement. It will reward stand-out organisations, making a real difference to workplace health and safety.

The SSRS will be a step up, supporting businesses to comply with new Health and Safety at Work Act and regulations. It aims to go beyond systems and processes to the heart of safety culture in organisations. It will provide a competitive advantage to the businesses that take it up.

## All businesses

The SSRS will start with an initial rating level. All businesses may apply however it is likely that medium to large businesses will take it up.

Over time, we intend to build higher performance levels that include industry-specific content and provide a pathway for businesses to further improve health and safety.

## Assessing compliance

The SSRS will contain a robust health and safety assessment tool. That tool is likely to cover a broad range of assessment elements, for example health and safety systems and history (claims performance and standing with the health and safety regulator), safety culture, and return-to-work systems.

## Auditing function

As per the Cabinet decision, WorkSafe NZ will be responsible for ensuring businesses are adequately audited (the exact approach is yet to be confirmed). ACC will be responsible for administering levy discounts.

## Developing and testing the SSRS

The SSRS project team is working closely with health and safety experts and business and worker representatives to develop and critique a robust SSRS health and safety assessment tool and scheme.

Two working groups of health and safety professionals and business and worker representatives are helping design and test the SSRS. The Expert Design Group is helping develop the SSRS health and safety assessment tool and scheme. Members are Pam Waldron of WorkSafe NZ, Helen Parkes of Cosman Parkes Ltd, Kevin Oldham of Navigatus Consulting Ltd, David Wutzler of HSS Ltd, Ann Horner of NZ Council of Trade Unions, Julie Mathieson of ACC and David Tregoweth of NZ Business Leaders' Health and Safety Forum.

The Reference Group is helping test and critique the tool and scheme. Members are Robyn Bennett of ACC, Julie Anne Garnons-Williams of the Health Promotion Agency, Greg Dearsly of First 4 Safety Ltd, Dr Ian Laird of Massey University, Hans Buwalda and Julian Hughes of NZ Business Leaders' Health and Safety Forum, Glenn Barclay of NZ Council of Trade Unions, Hazel Armstrong of ACC Futures Coalition and Paul MacKay of Business New Zealand.

Ultimate decisions around the SSRS design lie with the cross agency Injury Prevention Governance Group (WorkSafe NZ, ACC and MBIE).

## Timing

A proof of concept will be delivered to the Minister for ACC and Minister of Labour in August 2014. Pending Ministerial approval in December 2014, the SSRS will be implemented sometime after the new Health and Safety at Work Act comes into force (expected in April 2015).



# Managing health and safety: A guide for farmers

**JUNE 2014**



# The purpose of these guidelines is to help reduce the risk of injuries and fatalities by providing practical guidance on farm health and safety.

---

## ACKNOWLEDGEMENTS

This guide was prepared by WorkSafe New Zealand, with help from:

- > Accident Compensation Corporation (ACC)
- > Beef and Lamb New Zealand
- > DairyNZ
- > Dairy Womens Network
- > FarmSafe
- > Federated Farmers of New Zealand Inc
- > Horticulture New Zealand
- > Landcorp Farming Ltd
- > Lincoln University
- > Ministry for Primary Industries
- > New Zealand Council of Trade Unions (NZCTU)
- > New Zealand Dairy Workers Union
- > New Zealand Transport Agency (NZTA)
- > Primary Industry Training Organisation
- > Rural Contractors New Zealand
- > Rural Women New Zealand
- > University of Auckland
- > University of Otago

The guideline was based on information from comparable overseas jurisdictions. In particular, WorkSafe NZ acknowledges WorkSafe Victoria for providing information used to develop this guideline.

## DISCLAIMER

WorkSafe New Zealand has made every effort to ensure that the information contained in this publication is reliable, but makes no guarantee of its completeness. WorkSafe New Zealand may change the contents of this guideline at any time without notice.

June 2014



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# **MANAGING HAZARDS: KEY POINTS**

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**IDENTIFY** all significant hazards on your farm

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If you can, **ELIMINATE** the hazards

---

If you can't eliminate the hazards, **ISOLATE** them

---

If you can't eliminate or isolate hazards, **MINIMISE** them

---

**MONITOR** hazards regularly

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**Record significant hazards, controls and monitoring in a HAZARD REGISTER**

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# 01/

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## INTRODUCTION

### IN THIS SECTION:

- 1.1 Purpose
- 1.2 Scope
- 1.3 Development

---

Under the Health and Safety in Employment Act 1992 (the HSE Act), you must manage workplace health and safety effectively. We've developed this guide for farm owners and managers to help you understand your legal responsibilities and develop a farm health and safety management system.

---

### **1.1** PURPOSE

You don't have to be a workplace health and safety expert to develop a health and safety management system. You already have the expertise on your farm: you and your workers. However, you might need expert help in some cases.

Involving your farm workers in developing your health and safety management system and your good leadership will make your system a success.

This guide will help you comply with the law. It gives you a base to start from and leads you to information from other sources.

WorkSafe New Zealand accepts the guide's recommendations as current industry best practice.

### **1.2** SCOPE

This guide is for farmers, employers, employees, principals, contractors (and those who employ them – principals), health and safety advisers, health and safety representatives, consultants and designers. It encourages you to work together with your employees to solve health, safety and wellbeing issues on the farm.

### **1.3** DEVELOPMENT

Industry experts helped WorkSafe NZ develop this guide. WorkSafe NZ also conducted a thorough review of accident statistics and published academic literature and looked at how overseas health and safety regulators manage the same issues.

WorkSafe NZ has taken every effort to make sure the guide's recommended hazard controls reflect current best practice.

# 02/

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## **LEGAL RESPONSIBILITIES**

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### **IN THIS SECTION:**

- 2.1 Employers' duties**
- 2.2 Duties for people in control of the workplace**
- 2.3 Principals' duties to contractors**
- 2.4 Self-employed and contractors' duties**
- 2.5 Employees' duties**
- 2.6 Refusing to work**

---

The Health and Safety in Employment Act 1992 aims to ‘promote the prevention of harm to all people at work, and others in, or in the vicinity of, places of work’. It applies to all workplaces in New Zealand.

---

### 2.1 EMPLOYERS’ DUTIES

Under the HSE Act, employers must take all practicable steps to:

- > provide and keep a safe work environment
- > include employees when developing health and safety procedures, using an agreed employee involvement process
- > identify hazards and find practical ways to control significant hazards
- > provide and keep facilities to make sure employees are healthy and safe
- > make sure machinery and systems are safe for employees to use
- > provide and ensure the use of personal protective equipment (PPE), where appropriate
- > make sure that employees don’t do anything to negatively affect their health or safety
- > give employees information about workplace hazards
- > train and supervise employees
- > record and investigate workplace accidents and illness
- > develop procedures for dealing with workplace emergencies.

Employers are required to report all cases of serious harm to WorkSafe NZ.

### 2.2 DUTIES FOR PEOPLE IN CONTROL OF THE WORKPLACE

A farmer, farm owner, farm manager or sharemilker may be a person who controls the place of work (refer to the definition in the glossary).

The person in control must take all practicable steps to make sure workplace hazards don’t

harm people who are in the vicinity of the workplace, working in the workplace, or in some cases visiting the workplace. The person in control may also have to warn people working or visiting the workplace about significant hazards.

### 2.3 PRINCIPALS’ DUTIES TO CONTRACTORS

A principal is anyone who hires a contractor (refer to the definition in the glossary). When a principal engages a contractor or subcontractor they must take all practicable steps to keep them and their employees safe on the job.

This legal duty doesn’t apply if you’ve hired someone to work in your own home.

How you can carry out your duty:

- > Make sure you give all contractors, subcontractors and their employees advice about the known workplace hazards.
- > Where practicable, monitor (not supervise) their work and, if you believe someone’s health and safety is at risk, take action.
- > If you supply equipment, make sure it is suitable and safe to use, and the contractor knows how to use it. Contractors who are also employers have employers’ duties under the HSE Act.
- > Specify your expected health and safety standards when contractors, subcontractors or their employees carry out work. You could put these standards in a contract.
- > Only hire contractors and subcontractors with good health and safety histories.
- > Ask contractors and subcontractors to tell you how they will manage health and safety

when doing work for you. If they're going to do major work, you should ask for a health and safety system in writing from them.

## 2.4 SELF-EMPLOYED AND CONTRACTORS' DUTIES

Self-employed people and contractors must take all practicable steps to make sure they don't harm themselves or anyone else when working.

If a farming business hires a contractor to work on private land, the business has principals' duties under the HSE Act.

## 2.5 EMPLOYEES' DUTIES

Everyone must work in a healthy and safe way. Although employers have to make sure the work environment is safe for employees, employees must keep safe when they work, and make sure they don't harm anyone around them.

Employees can do specific things to meet these responsibilities, such as:

- > using protective equipment and wearing employer-provided protective clothing. They can wear protective clothing they provide themselves as long as it is suitable
- > refusing unsafe work or refusing to use unsafe practices
- > making unsafe work safe or, if they can't, telling their supervisor or manager
- > understanding and following the farm's health and safety practices and procedures, including reporting work-related accidents, illnesses, injuries and hazards
- > obeying inspector-issued workplace improvement and prohibition notices.

### Health and Safety in Employment Act 1992

19. Duties of employees—every employee shall take all practicable steps to ensure—
- (a) The employee's safety while at work; and
  - (b) That no action or inaction of the employee while at work causes harm to any other person.

## 2.6 REFUSING TO WORK

Employees can refuse to work if they have reasonable grounds to think the work they have to do is likely to cause them serious harm (as defined in the glossary).

An example of reasonable grounds is an employee noticing that a WorkSafe NZ best practice guideline describes the work as hazardous and the appropriate hazard controls have not been put in place.

Employees can't refuse to work if the work has an essential, understood risk of serious harm, unless the risk has increased greatly.

Employees must try to sort the matter out with their employer as soon as possible. But if the employer and employee can't fix the problem, the employee can continue refusing to do that work.

A dispute about an employee's refusal to work is an 'employment relationship problem'. Mediation and dispute resolution services (available under the Employment Relations Act 2000) can help solve these problems.

Section 84 of the Employment Relations Act says employees can strike for health and safety reasons if they have reasonable grounds.

The Ministry of Business, Innovation and Employment (MBIE) offers free mediation services for employers and employees with employment relationship problems. If mediation doesn't solve the problem, you may apply to the Employment Relations Authority to investigate and decide what the best course of action is. There is a small application fee.

The Employment Relations Authority works informally. It looks at the facts and decides what to do based on the case's merits, not legal details.

# 03/

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## **HEALTH AND SAFETY MANAGEMENT SYSTEMS**

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### **IN THIS SECTION:**

- 3.1 The basics**
- 3.2 Other parts of a health and safety management system**
- 3.3 Record-keeping and document management**
- 3.4 Rules and procedures for specific tasks**
- 3.5 Training and capability**
- 3.6 Assigned roles and responsibilities**
- 3.7 Employee participation**
- 3.8 Emergency plans**
- 3.9 Monitoring environmental issues that could impact employee health**
- 3.10 Monitoring employees' work fitness**
- 3.11 Accident reporting and investigation**
- 3.12 Farm safety inspections**
- 3.13 Maintenance**
- 3.14 Contractor management**

---

Farms are workplaces. Like all other workplaces, workplace health and safety laws apply. To meet your requirements under the HSE Act, WorkSafe NZ considers it best practice to have a health and safety management system.

---

### 3.1 THE BASICS

A system doesn't have to be complex. It just needs to:

1. **identify** existing and potential hazards on your farm
2. put **controls** in place to manage the hazards
  - a. if you can, **eliminate** or get rid of the hazard (such as replace a toxic chemical with a non-toxic one, or replace noisy machinery)
  - b. if you can't eliminate the hazard, **isolate** it (such as fit protective guards around dangerous machinery parts)
  - c. if you can't eliminate or isolate the hazard, **minimise** it (such as make workers wear protective helmets, earmuffs or boots when working somewhere dangerous).
3. If you can only minimise hazards, **monitor** them regularly.

Record identified hazards, control measures and any issues that you find through monitoring in a '**hazard register**'. A hazard register doesn't have to be complicated; it's just a book, spreadsheet or other document in which this information is recorded.

If you follow these steps and record the information in a **hazard register**, your farm has a basic health and safety management system in place.

### 3.2 OTHER PARTS OF A HEALTH AND SAFETY MANAGEMENT SYSTEM

A farm health and safety management system should also include:

- > record-keeping and document management
- > rules and procedures for specific tasks
- > a training and capability component
- > assigned roles and responsibilities
- > employee participation
- > emergency plans
- > systems for:
  - > monitoring environmental issues (that could influence employee health)
  - > monitoring employee fitness and wellbeing
- > procedures for:
  - > accident reporting and investigation
  - > farm safety inspections
  - > maintenance
  - > contractor management.

### 3.3 RECORD-KEEPING AND DOCUMENT MANAGEMENT

Documents are a key part of health and safety management systems. All farms should set up, maintain and store the correct health and safety documents.

The most basic document every farm needs is a **hazard register**. Use it to record identified hazards, hazard controls and issues raised through hazard monitoring.

Farmers must record all accidents and

## SECTION 3.0 // HEALTH AND SAFETY MANAGEMENT SYSTEMS

incidences of serious harm in an **accident register**. This doesn't have to be complicated; just keep a written record.

Another farm safety document WorkSafe considers best practice is a **farm map** that identifies hazards, no-go zones and safe routes.

Other records to be kept are:

- > employee training and qualification records
- > details of incidents, complaints and follow-up actions
- > hazardous substance and new organism (HSNO) safety data sheets (SDSs)
- > farm rules and procedures
- > organisation charts (if needed, such as for large farms)
- > health and safety audits and reviews
- > improvement notices
- > supplier and contractor information
- > inspection, calibration and maintenance records
- > standards and guidelines.

### 3.4 RULES AND PROCEDURES FOR SPECIFIC TASKS

Farms should have health and safety rules and procedures for risky farm tasks. For example, how to manage problems in the farm dairy, what vehicle to use for which task and when to wear a helmet. WorkSafe NZ has guidance on most topics to help with this.

During an employee's induction and when assigning tasks, tell employees about these rules and procedures; check regularly to make sure everyone's sticking to them. Document this if possible. Employment contracts should have a clause requiring employees to obey the farm's health and safety system.

Farms should also have rules and procedures to help manage working hours, rest and fatigue.

### 3.5 TRAINING AND CAPABILITY

Employers must train or supervise employees so they can do their work safely.

The employer or person in control of the workplace must tell people doing work about the hazards of the work and what they need to do to stay safe.

Get a skilled worker to closely supervise new or untrained employees until they can work safely.

Young workers, new employees, people doing new or different work and people returning to work after a long time away have a higher risk of being injured. Think about providing 'refresher' training to these workers.

Training helps people share knowledge and develop skills. It can help influence behaviour and improve health and safety.

A farm training programme should:

- > have an induction - to show new employees around the farm and tell them about hazards and safety procedures
- > identify what skills, knowledge or competencies employees need to do particular tasks
- > provide ways to train employees - for example, use external training providers or do on farm instruction
- > make sure people only do work if they're trained and/or properly supervised
- > keep records of employee training and instruction, and identify which jobs they can and can't do.

People might need extra training for some processes and machinery. When they have finished training, get them to explain and demonstrate their understanding. Even if a new employee has excellent qualifications and experience, always assess their competence to work on your farm.

Employees have a right to get involved in workplace health and safety. One way you and

your employees can do this is to elect a health and safety representative. This is a person your employees can talk to if they have workplace health and safety concerns or suggestions. They will work with you in good faith to find a solution to health and safety problems.

Under the HSE Act a health and safety representative is entitled to take two days paid leave a year to attend approved health and safety training.

### **3.6** ASSIGNED ROLES AND RESPONSIBILITIES

Assign on-farm roles and responsibilities to people with the knowledge and skills to do the job effectively. Discuss these with employees, agree to them and record them.

Being clear about health and safety responsibilities will make sure tasks fit the workers' authority, skills and knowledge, improving health and safety on-farm.

### **3.7** EMPLOYEE PARTICIPATION

Employees and others who face workplace hazards often have valuable knowledge and the motivation to improve workplace health and safety. The HSE Act requires you to consult with employees on health and safety issues and to encourage them to help manage workplace health and safety.

Section 19B of the HSE Act says employers must give employees 'reasonable opportunities' to get involved with improving workplace health and safety. This can be a good way to reduce injuries as well as improve business efficiency. Empower, involve and value workers - this will have benefits beyond health and safety.

The rules about employee participation vary depending on the size of the business.

Employers must consider the following:

- > If you have more than 30 employees, you must develop an 'employee participation system'.
- > If you have fewer than 30 employees, you must develop an employee participation system if an employee or their union asks for one. However, it's good practice to have an employee participation system whatever size your business is.

Employee participation schemes can include:

- > holding regular health and safety meetings with employees
- > electing employees as health and safety representatives, either as individuals or as part of a health and safety committee
- > different health and safety representatives or committees to represent different types of work or different workplaces.

Any employee participation system must be reviewable.

If an employee health and safety representative or committee recommends something, employers must either adopt it or provide a written statement setting out reasons for not adopting it.

Elected health and safety representatives can attend an approved health and safety training course, and have up to two days' paid leave per year to attend.

### **3.8** EMERGENCY PLANS

While the goal of a health and safety management system is to prevent incidents, emergencies still happen.

Farms should have basic procedures for managing emergencies. They should include:

- > emergency procedures for particular tasks, hazards and accidents
- > identifying people with suitable training - such as first aid

- > who to ring for different emergencies and having a phone or radio available to use
- > contact numbers for nearest neighbours
- > first aid supplies
- > procedures for staff working alone, including mobile phone use, site maps and GPS coordinates
- > making sure staff know the farm's name, road name, Dairy Company number (if applicable) to give to emergency services
- > fire extinguishers where suitable
- > personal protective equipment (PPE)
- > an agreed meeting place for emergencies.

### **3.9** MONITORING ENVIRONMENTAL ISSUES THAT COULD IMPACT EMPLOYEE HEALTH

Farm workers are exposed to a number of environmental hazards that over time can affect their health. These include:

- > dust – from animals, dirt, manure
- > exhaust emissions
- > agrichemicals
- > loud noise – from tractors, shearing machines, stock and other farm machinery
- > vibration – both hand-arm and whole-body
- > ultra-violet radiation – from being in the sun
- > stress, fatigue, lack of sleep, and alcohol and drug use, which can cause physical, mental or emotional harm.

It can be difficult or impossible to eliminate or isolate farm workers from these types of environmental hazards. In such cases, you must put controls in place to minimise them and monitor employees' exposure to them.

You should measure workers' exposure to these environmental hazards (where it is possible and practicable) to find out whether the degree of exposure is potentially harmful. This is 'work environment monitoring'.

In other cases, accurate measurement is not practicable. In these cases, take a common sense approach. Think about whether something could be potentially harmful, ask workers for their opinion and then monitor their health and fitness – see the next section for more information.

You cannot choose to monitor your employees' exposure to a hazard instead of taking all practicable steps to minimise the hazard. You have to monitor each employee's exposure to any hazard.

You might do general workplace monitoring, but you should target the monitoring at the level of exposure each employee could experience. If you can only minimise hazards, measure how successful the controls are by monitoring the controls' effect on people and their health. A farming example is getting a GP to do a lung function test to see what effect dust is having.

### **3.10** MONITORING EMPLOYEES' WORK FITNESS

Another type of health surveillance is monitoring people's health to check they are fit to do their job. This is important if their health directly impacts on the health and safety of others. Make employees aware of this. Try to get their consent to health surveillance when they start employment.

Health surveillance can give people early warning of medical conditions before they become a problem, affect their health or stop them from working.

A typical health monitoring regime would involve:

- > identifying all the environmental hazards employees may face (as set out in the section above)
- > sending workers for a 'baseline' medical test within 3 months of them starting work
- > an annual health check to see if exposure is worsening their health.

Note that different types of environmental hazards need different tests. For example, exposure to noise will need a check from an audiologist.

Employers must tell employees about the results of:

- > individual health monitoring
- > if requested, workplace exposure monitoring.

If you give out the results of monitoring, you have to protect employees' privacy. Make monitoring information available to health and safety representatives if this helps them in their job.

All employees must be fit for work. Unfit employees can be unsafe.

'Fit for work' means a person can physically and mentally perform assigned tasks competently and safely. In farming, fitness for work can be affected by:

- > fatigue
- > dehydration
- > emotional issues
- > mental health problems
- > alcohol and drugs
- > gambling.

General principles for managing work fitness issues:

- > Make sure employees can recognise signs of not being fit for work in themselves and in others. They must know what to do if an issue arises.
- > Everyone can face these problems at one time or another. A supportive response is usually more suitable than discipline.
- > Set up and run a good drug and alcohol policy. WorkSafe has guidance on how to create an effective policy.
- > Recognise when something compromises an employee's ability to work safely and do something about it.
- > If you have rules to help manage these

issues, make sure the rules are clear, well known and applied consistently.

- > Employees must take all practicable steps to be fit for work.

Mental health:

- > Stigma and discrimination might prevent employees disclosing mental health problems
- > Seek expert assistance for employees with mental health problems
- > The longer a person stays in treatment, the more likely they are to recover.

See [www.mentalhealth.org.nz](http://www.mentalhealth.org.nz) or [www.depression.org.nz](http://www.depression.org.nz) for more information.

Alcohol in the workplace:

- > Manage alcohol consumption at work-related events in the workplace carefully.
- > The employer must approve any event.
- > Put a designated driver in place if work-related travel is needed after the event.
- > Ensure that non-alcoholic refreshments and food are available.
- > The employer or designated driver should keep any work vehicle keys safe.
- > Employees must not work after the event if they're still affected by alcohol.

It is an offence to supply alcohol to anyone under 18 without parental consent.

### **3.11** ACCIDENT REPORTING AND INVESTIGATION

A farm health and safety system must review accidents and near-miss incidents to stop or reduce the chances of the same or similar incidents happening again.

Employers, principals and self-employed people must record all serious harm events (as defined in the glossary) and any deaths, and report them to WorkSafe NZ.

- > Employers must record all accidents or harm, including 'near misses' where someone could have been injured or

harmed. You must find out if a significant hazard caused the incident, and if so, control it.

- > To help employers, employees must report all injuries and incidents. This includes physical injuries and early symptoms of possible work-related illness. To do this, employers should give employees information about what the early symptoms of illness or gradual process injury look like.

Recorded information is useful for working out how, where, when and why accidents happen. Use this information to prevent further accidents.

Injured or ill people should get medical treatment.

If a trained health and safety representative identifies that something is unsafe, they must bring the hazard to the employer's attention and try to discuss steps for controlling the hazard. If the employer won't talk to the representative about it, or they and the representative can't agree how to fix the hazard, the representative can issue a hazard notice. The representative must have reasonable grounds to believe that a hazard exists (such as it being identified in WorkSafe NZ guidance).

If a representative issues a notice, they can tell an inspector about it.

### **3.12 FARM SAFETY INSPECTIONS**

Farm safety inspections are one of the best tools for finding hazards and putting controls in place before accidents happen. It is also one of the best ways to show employees that farm health and safety is important.

A safety inspection should:

- > confirm that workers are following farm rules and processes
- > identify problems with hazard controls
- > identify bad practices
- > identify vehicle and equipment problems like normal wear and tear, abuse or misuse

- > if it's safe to do so, take immediate action to fix things, even if it's temporary.

Safety inspections show the farm owner or manager's commitment to farm health and safety. Do formal inspections alongside informal supervision and monitoring to make sure employees retain awareness.

### **3.13 MAINTENANCE**

The law says businesses must keep vehicles, machinery, equipment and buildings in safe working condition. Mobile and fixed plant pose some of the greatest hazards on the farm. Planned maintenance should be done regularly, rather than only addressing issues when they arise. Unplanned maintenance can be riskier than planned maintenance. Inspect and service plant using service manuals and known safe methods.

Use suitably qualified people to make any changes or repairs and keep a written record.

Prepare checklists and use them to check and confirm condition, mechanical integrity and that machines are working properly.

### **3.14 CONTRACTOR MANAGEMENT**

Contractors and sub-contractors have a big role on farms. Farm owners' and managers' responsibilities extend to the health and safety of everyone who works on the farm – full-time, part-time, casual employees, contractors and their employees, sub-contractors and consultants.

They, in turn, have certain responsibilities to you as the employer (principal).

Contractors and sub-contractors have the same duty of care to their employees as any other employer.

Contractors need to know what the principal's health and safety procedures are so they can assess their employees' safety on site. Farm owners and managers must work with contractors to make sure they share a common understanding of the hazards that workers face and how the site will be made safe.

# 04/

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## WORKING HOURS

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### IN THIS SECTION:

- 4.1 Working hours, rest and fatigue

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**There are no standard working hours in New Zealand. However, the Minimum Wage Act 1983 sets out a maximum 40-hour, 5-day work week, unless employers and employees agree to something different.**

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#### **4.1** WORKING HOURS, REST AND FATIGUE

Employers often dictate their opening hours according to their business needs. Farming is challenging, needing long and irregular hours; but employees have a right to regular breaks and rests.

The Employment Relations Act 2000 states all employees must have a 30-minute meal break and two 10-minute rest breaks in any 8-hour period.

Fatigue and dehydration can cause headaches, loss of sleep, loss of concentration and a lack of coordination. A healthy snack during rest breaks can restore energy. Physically or mentally demanding work is especially tiring and employees need frequent rest breaks.

Personal reasons like the employee's age, general health, sleeping patterns, lifestyle and work experience affect how they cope with fatigue. Employees new to a task will need more supervision when doing the job than an experienced employee.

Employers must take all practicable steps to keep employees safe at work. This also means making sure working hours and shift patterns are reasonable, to reduce the risk of fatigue and the harm it can cause.

Employers must also give employees breaks and a suitable place to breastfeed (including expressing breast milk), as far as it's reasonable and practicable to do. These breaks are unpaid unless you and the employee agree differently. Breastfeeding breaks are in addition to the standard rest and meal breaks, unless you and the employee agree to something different.

Employers can manage fatigue in the workplace by:

- 1) Talking to staff** about how to reduce and combat tiredness on the job. Point out the employer's responsibility to keep employees healthy and safe, and workers' responsibilities to manage their own safety. Employees are also responsible if their poor judgement (caused by fatigue) harms someone. The employee's responsibility also includes personal health care. For example, an employee in charge of dangerous machinery who starts work with a hangover could endanger others.
- 2) Evaluation of work arrangements:** Arrangements like shift-work require employees to work when people are normally asleep. Your employees need to take breaks and get enough sleep between shifts. Work out how you can balance these needs.
- 3) Compromise:** Shift-working arrangements are a compromise between your need for work to continue when people normally sleep, and your employees' need to take breaks and get enough sleep between shifts. Work out how you can balance these needs. Do you need to provide more breaks on certain shifts?

Well-rested employees, contractors and others help make the work environment safe. It can help you significantly reduce the personal, social and financial costs of accidents.

**BEST PRACTICE GUIDELINES // YOUR DUTIES: A GUIDE FOR FARMERS**

Employers should:

- > limit shifts to a safe number of hours
- > make sure staff take regular rest breaks during shifts
- > where appropriate, make food available for staff to keep alert
- > monitor shifts – to ensure people are working appropriate hours and aren't fatigued
- > know when people are most likely to be affected by fatigue
- > manage shift work and overtime so employees get enough time to recover with high-quality sleep
- > if possible, let employees have longer periods off if they have to sleep during the day to work nights
- > have contingency plans in place to cover for staff when they're ill

- > understand how fatigue contributes to accidents when you investigate them
- > support staff as far as possible and ask them how you can do this
- > remove staff from hazardous jobs if you suspect they are not feeling 100 per cent.

Employees and contractors should know about:

- > suitable food and eating times
- > how caffeine and alcohol affect sleep
- > how prescribed medications (like antihistamines) affect their alertness
- > how to make the most of their breaks
- > how to use their recovery and rest time well
- > how to adjust their sleeping area for good sleep
- > how to recognise fatigue
- > getting to and from work safely
- > the impact of exercise on fatigue.



# 05/

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## FARM VISITORS

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### IN THIS SECTION:

- 5.1 Work-related visitors to farms or other private land
- 5.2 Recreational visitors to farms, private or public land

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The person in control of the workplace (usually the farmer or landowner) must take all practicable steps to make sure people working in and visiting the workplace are safe from workplace hazards.

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### **5.1** WORK-RELATED VISITORS TO FARMS OR OTHER PRIVATE LAND

The Act is about managing work in a healthy and safe way and keeping employees and others safe.

It recognises that no one person can stop harm and gives people a range of duties. These duties consider the person's ability to control the work and prevent harm. If a person only has a limited ability to control the work or events leading up to harm, they are only accountable for what they can control. If a person can control the work or events, but took no action and harm occurred, they could be held legally responsible.

If employers need their employees to work on private land (such as vets visiting farms, farm advisors, meter readers, local authority employees), the part of the farm where they will work is their workplace.

The person in control of the workplace (usually the farmer or landowner) must take all practicable steps to make sure people working in and visiting the workplace are safe from workplace hazards. The employer of a visiting employee must make sure the person in control of the workplace has taken all practicable steps to keep their worker safe on the farm.

Under the Act, various people with safety responsibilities share duties. Those duties will overlap between people with responsibilities. A principal has a duty to a contractor, the contractor has a duty to their employees and a self-employed contractor to themselves and others.

### **5.2** RECREATIONAL VISITORS TO FARMS, PRIVATE OR PUBLIC LAND

The Act mainly applies to people at work. However, in some cases, section 16 of the Act places some responsibility on people in control of the workplace to take all practicable steps to make sure others in the workplace are not harmed.

#### **DUTIES**

Under the Act, people visiting the farm for a workplace-connected reason are covered.

Simply, a farmer has a duty under the Act to warn authorised visitors of any work-related, out-of-the-ordinary hazards that may cause them serious harm.

A farmer is not required to warn visitors about hazards from normal every-day farming activities.

This includes natural hazards on the farm, such as bluffs, landslides, rivers, swamps or wasp nests, that would ordinarily be expected.

#### **UNAUTHORISED VISITORS**

A farmer is not liable if anyone comes on to their land without permission and suffers harm, whether from a work-related hazard or for any other reason.

#### **AUTHORISED VISITORS**

An authorised visitor is anyone who visits a farm with the farmer's permission and includes people who come for leisure or recreation. This includes people who are legally allowed to be on the property, but only if they have told the farmer they are coming. Such people

**SECTION 5.0 // FARM VISITORS**

include employees of TransPower, Department of Conservation and local authorities.

A farmer is not responsible if an authorised visitor is injured, if the farmer warned the visitor about any hazards caused by work on the farm, which the farmer knew could harm that person and a visitor wouldn't normally expect to face. For example, hazards from tree felling, blasting, earthmoving machinery or pest control operations.

A farmer only has to tell visitors verbally about the hazard, at the time they give permission to go on the land. If a group of people visit, it's enough to give the warning to a representative of that group.

**PAYING CUSTOMERS**

If people pay to use a farmer's land, or are there to inspect goods for sale, the people become customers. Farmers must take all practicable steps to keep customers safe from any hazard on the farm. Customers can include: people paying to use the farmer's land for camping, horse trekking or fruit picking; or where a tour operator pays for tourists to visit a scenic site on the farmer's land.

**OTHER PEOPLE**

A farmer also has a full duty to other people near where work is being done. But the farmer is only responsible for managing hazards within their control.

**VISITOR RESPONSIBILITIES**

Visitors should take care of themselves by not:

- > interfering with plant or equipment, including electrical installations or fences
- > entering unauthorised areas or farm buildings
- > disturbing or unnecessarily approaching farm animals or work activities
- > letting children wander unsupervised
- > ignoring instructions or warnings
- > leaving gates open or damaging fences.

**WARNINGS AND INFORMATION FOR VISITORS**

The farmer or landowner might need information, instructions or warning signs to alert visitors to known hazards.

Visitors should make sure they take notice of any warnings and stop if in doubt; until they talk to the farmer or landowner for advice. Visitors should not go into unauthorised areas.

If the visitor can't contact the owner or occupier, they shouldn't go ahead. If obvious hazards exist, the visitor must take suitable precautions.



# 06/

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## CHILDREN AND YOUNG PEOPLE

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### IN THIS SECTION:

- 6.1 Legal duties
- 6.2 The hazards children face
- 6.3 Tips for child safety  
on farms

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**Farms are unique environments where families work, live and play. This doesn't happen on this scale in any other industry or workplace. It raises unique challenges that other business operators may not have to consider.**

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### **6.1** LEGAL DUTIES

The Health and Safety in Employment Regulations 58E(1) and 60(2) (the Regulations) forbid employers employing, or letting young people under 15 years work in the following work areas:

- > places that manufacture goods for trade or sale
- > construction workplaces
- > forestry workplaces
- > other places where the work might affect the health and safety of people under 15 years.

Children can visit these workplaces if they are closely supervised and are there for an organised school trip or other similar reason.

Employers also:

- > can't let young people under 15 years lift weights or do work that might affect their health
- > must not let people under 15 years work or help with work on machinery
- > must not let people under 18 years clean machines while the machine is in motion, or work between the fixed and moving parts of machines in motion
- > should not employ people under 16 years between 10pm and 6am, unless the work has an approved code of practice.

There are separate duties for principals who engage young people as contractors and for people who control workplaces, to make sure young people don't do hazardous work, see Regulations 58A to 59.

The regulations require employers, principals and people who control a workplace to take all practicable steps to make sure that someone under 15 does not drive a tractor or ride on a tractor or a tool.

However, in the agriculture sector, someone over 12 can drive or ride a tractor if they are not an employee (doing unpaid work) or are working as an independent contractor. They must be fully trained or being trained on how to use the tractor, and any implement being towed.

Despite this exemption, the best way of keeping young people safe on the farm is to stop them using machinery or driving vehicles.

#### **Regulation 61 Exception for tractors**

Regulations 58E(1) and 60(2) do not apply where—

- (a) the youth is over the age of 12 years; and
- (b) a tractor is being used in connection with agricultural work; and
- (c) the youth—
  - (i) has been fully trained in the safe operation of the tractor and the safe use of any implement that is being drawn by or is attached to the tractor; or
  - (ii) is being trained in the safe operation of the tractor or the safe use of any implement that is being drawn by or is attached to the tractor.

## 6.2 THE HAZARDS CHILDREN FACE

- > All animals can be unpredictable, especially if startled or protecting their young. Children can lack the judgement to deal with animals safely and the size, speed and dexterity to get out of the way safely.
- > Children can get animal diseases like leptospirosis, ringworm and campylobacter.
- > Children lack the judgement, body weight and strength to handle full-sized farm vehicles (like quad bikes).
- > Children need to understand why tractors can be so dangerous. Younger children can be injured playing on or near tractors. Older children are likely to be injured as passengers or while carrying out farm tasks.
- > All farm machinery has the potential to harm. Guards could have holes small enough for children's hands to get through.

## 6.3 TIPS FOR CHILD SAFETY ON FARMS

- > Walk around the farm with children and identify hazards together.
- > Farms should have a map of all the water hazards on the property – rivers, creeks, troughs, dips, tanks, dams and ponds. Hot water can burn, especially in the dairy shed where scalding water is used.
- > Adult supervision is vital. For young children it needs to be close and active.
- > Lead by example. For example, always wear an approved helmet on a quad bike.
- > Think about whether it's practical to have safety fences around play areas, animal pens, work areas and water spots.
- > Keep doors shut or locked so little ones can't get anywhere they're not supposed to. Keep workshops locked where practical.
- > All machinery should have suitable safety guards.

- > Store dangerous farm chemicals safely out of children's reach.
- > Remove keys from doors and vehicles. Never leave vehicles unattended with the motor running.
- > Make sure it is safe to reverse farm vehicles. Walk around the vehicle and make sure children are a safe distance away before starting the engine.
- > Children should not ride on tractors, quad bikes or on the back of utes.
- > Road safety on private and public roads is vital. Have children in car seats and seat belts when in cars, utes and trucks.
- > Make sure children wear high-visibility clothing when out and about on the farm.
- > Teach children to wash and dry their hands after touching animals.
- > Cover tanks and wells with child restraint covers or fill in disused ones.
- > Tie spare tractor wheels to walls or lie them flat so they can't fall over and crush a child.
- > Make sure children ride bikes appropriate for their age and height in line with manufacturers' specifications.
- > If children are riding a smaller model farm bike, they need to wear an approved helmet and closed-in shoes. An adult should always supervise them.
- > Teach children the dangers of speeding and uneven ground.
- > Make sure children know what to do in an emergency: what to do, where to go and who to call. Teach children basic first aid.
- > Make it a rule for older children to always say where they are going.

Children do listen, understand, remember and apply rules over time. But things change – seasonal work, new hazards, environmental changes, getting older, having friends over – so farm safety needs constant attention.

# 07/

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## **AGRICULTURAL EMPLOYEES' ACCOMMODATION**

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### **IN THIS SECTION:**

#### **7.1 Accommodation**

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## Requirements for agricultural employees' accommodation, facilities and amenities are set out in the Health and Safety in Employment Regulations 1995.

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### 7.1 ACCOMMODATION

Build the accommodation from sound and weatherproof materials. New buildings must comply with the Building Act 2004. Locate them away from stock yards and other areas where flies and similar health issues could be a problem. Store machinery and chemicals well away from residential areas.

Caravans and tents are not suitable accommodation.

The roof should have gutters and downpipes that carry rainwater away from the building. Line and finish interior walls of timber-framed buildings. Stop and batten joins in wall linings. Paper, paint or varnish wall surfaces. Provide suitable thermal insulation.

Make sure floors are draught-proof and have a smooth, easily cleanable surface. If the floor is concrete, cover it with material like sheet vinyl flooring. Cover ventilation openings in foundation walls with mesh or screen them to keep out vermin.

Bedrooms should have the following minimum dimensions:

- > For one person: 6m<sup>2</sup> of floor space, 2.4m high in any part, 1.8m wide in any part.
- > For two people: 9m<sup>2</sup> of floor space, 2.4m high in any part, 2.1m wide in any part.
- > For more than two people: 9m<sup>2</sup> for the first two people and 4.5m<sup>2</sup> for every extra person — 2.4m high in any part, 2.1m wide in any part.

Furnish bedrooms with suitable beds and mattresses, and cupboards or wardrobes for hanging up clothes.

### FACILITIES AND AMENITIES FOR EMPLOYEES AND CONTRACTORS LIVING ON THE FARM

Employers in agricultural workplaces must ensure that there are satisfactory amenities and facilities for agricultural employees and contractors.

### COOKING FACILITIES WHERE ACCOMODATION IS PROVIDED

The cookhouse should be big enough to prepare food in. It is ok to have the cookhouse and dining room in the same room.

The cookhouse should have the following requirements:

- > There should be at least 1.5m clear floor space on the working side of the cooking stove and sink bench.
- > No one can use the cookhouse as a bedroom.
- > Provide suitable cooking equipment, utensils and appliances.
- > Provide hot water at the sink.
- > Provide ventilation in the cookhouse. As a guide, the window space should be at least equal to one tenth of the floor area, and at least half of the windows should open.
- > Provide enough cupboard space for storing non-perishable food, utensils and equipment.

**SECTION 7.0 // AGRICULTURAL EMPLOYEES' ACCOMMODATION****DINING FACILITIES AND FURNITURE**

- > There should be enough room for employees to eat their meals in reasonable comfort. As a guide, the dining room should allow at least 1.1 m<sup>2</sup> of floor space for each person. Provide tables and enough seating for all employees at one sitting. Benches with backs are acceptable, but do not attach them to the floor, as this makes it harder to clean.
- > Provide enough equipment, utensils and appliances for dining.
- > No-one should use the dining room as a bedroom.

**HEATING**

Ensure some form of heating – electric, gas, open fire, coal range or space heater (and fuel) in at least one room.

**LAUNDRY FACILITIES**

Ensure a washing machine for laundering clothes.

**LIGHTING AND VENTILATION**

- > Light all rooms with natural and artificial lighting.
- > Artificial lighting should provide a reasonable level of illumination (a minimum of 75 lux).
- > The window areas should be at least equal to one-tenth the floor area, and half of the windows should open.
- > If possible, cross-ventilate rooms.

**REFRIGERATION**

Supply a refrigerator and freezer.

**RUBBISH DISPOSAL**

Provide bins with tight-fitting lids for storing rubbish. Dispose of rubbish so it does not become a health hazard. Do not store rubbish near accommodation.

**SANITARY CONVENIENCES**

Provide a toilet if it is practicable to do so. Installed toilets should meet the standards in the Building Act 2004.

**WASHING FACILITIES**

- > Provide baths or showers.
- > Each shower should have an attached dressing area.
- > Each compartment (shower and dressing area) should have a floor area of at least 1 m<sup>2</sup>.
- > If not providing separate facilities for females, the doors should be lockable.
- > Provide hand basins with hot and cold water.

**WATER**

- > Provide water that is safe to drink.
- > Provide enough hot water for showers, baths, hand basins, washing clothes and cooking.

**SICKNESS**

If practicable, set aside an area where employees can rest if they feel unwell. If this is not practicable, make other arrangements, such as sending them home.

**CLEANLINESS**

Employers should ensure that every workplace under their control is kept clean and hygienic.

# 08/

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## RURAL FIRE

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### IN THIS SECTION:

- 8.1 Planning for a controlled burn
- 8.2 Safe distance
- 8.3 Equipment
- 8.4 Access and escape
- 8.5 Piles
- 8.6 Windrows
- 8.7 Personal protective equipment
- 8.8 Protecting farm buildings and machinery from fire

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## Planning and organisation are essential for ensuring a safe and effective burn. There are a few things to consider before you start.

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### 8.1 PLANNING FOR A CONTROLLED BURN

It is a good idea to talk to your local fire authority before lighting the fire: they can provide advice and guidance. A fire officer's advice does not take away your responsibility for the fire but making use of their expertise reduces your risk. Rural Fire Authorities do not charge for this service.

Your Rural Fire Authority may require a burn plan. Burn plans consider factors such as topography, fuel and weather to understand how the fire will behave. It describes the safest and most effective way to carry out a particular fire.

Check the fire season status; you may need a permit to burn. During the restricted fire season, you will need a permit. You cannot light any open fire during a total fire ban.

Before you burn:

- > Contact the appropriate authority if power and telephone lines are nearby.
- > Check the long-range weather forecast for the following 48 hours and make sure no strong winds are forecast.
- > Consider lighting your fire after 1pm as weather is generally more stable in the afternoon.
- > The fire should only be lit with wind blowing away from any shelter belt, trees, fences, buildings or other combustible material.
- > Have a plan in case things don't go as planned.

During burning:

- > Be ready to put the fire out at the first sign of a change in weather or other conditions that could move the fire out of your control.
- > If the fire moves outside the area, dial 111 and ask for the Fire Service.

After burning:

- > Strong winds can fan a fire back into life and shift embers, creating unwanted fires. Piles of burnt vegetation can hold heat for months after burning.
- > Check your pile in the days and weeks following burning to ensure it is cold in the centre. Turn the pile and, if possible, apply water to cool it down.

### 8.2 SAFE DISTANCE

- > Consider how far your fire is from other flammable material. Remember heat from your fire can be transferred by radiated heat, convection heat or embers.
- > Keep at least 30–50 meters between your fire and other vegetation or buildings.
- > Ensure you are burning downwind of anything flammable; this reduces the chance of the wind carrying embers and other hot material into unwanted areas.
- > Ensure smoke does not create a nuisance to neighbouring properties and public roads.

### 8.3 EQUIPMENT

Think about what equipment you will need to keep your fire safe. It is important to have the right equipment on site and set up before you start your fire. If a fire is out of control, it can grow in size and intensity rapidly, leaving you no time to get equipment ready.

- > If it is a big pile with heavy logs, you may want a tractor with a bucket on site to make handling safer.
- > If it is a small pile of tree trimmings, you may only need a spade to manage the material.
- > If you have water nearby, make sure you have a pump or hose set up and running.
- > Make sure you have enough people so you can see all of the burning area and are aware of what the fire is doing.
- > Give people specific tasks.

### 8.4 ACCESS AND ESCAPE

- > Always have planned escape routes. Make sure everyone knows the safe paths around the fire and escape routes, in case the fire doesn't go as planned.

### 8.5 PILES

- > Start with a small pile and gradually add material to it to keep control of the intensity of the fire.
- > If you have several piles, only light a few at a time.
- > If you have several piles, start with the pile farthest downwind and burn each pile back from there.

### 8.6 WINDROWS

- > Start at the end of the windrow farthest from the direction of wind; burning into the wind reduces the speed and intensity of the fire and allows you to keep control of the burning.
- > If windrows run up a hill, start at the top of the hill – the fire will burn slower downhill, allowing you to keep control.

### 8.7 PERSONAL PROTECTIVE EQUIPMENT

To prevent injury, wear the right gear when working around fire:

- > choose natural fibre clothing, such as cotton or wool (synthetic materials can melt and cause severe injuries)
- > beware of metal clothing components such as zips and buttons that can heat up and burn you
- > ensure your legs and arms are covered
- > do not tuck clothing in – instead create layers so hot material you come into contact with doesn't catch in your clothing (eg don't tuck the bottom of trousers into socks, let the trouser leg fall over the outside of your boot)
- > wear sturdy laced-up leather boots
- > when working close to the fire use heavy leather gloves to protect your hands from radiant heat and hot material.

## 8.8 PROTECTING FARM BUILDINGS AND MACHINERY FROM FIRE

Good planning, maintenance and housekeeping are the keys to protecting farm buildings and machinery:

- > Store liquid fuels and chemicals in clearly labelled approved containers and in a single purpose location away from other farm buildings.
- > Keep areas clean of rubbish, oily rags, firewood and other fuel sources.
- > Fit suitable fire extinguishers in farm buildings and on machinery.
- > Check all machinery is free of mechanical defects that could start a fire and has an approved exhaust system and spark arrester.
- > Clean all machinery regularly to ensure belly pans and spaces around the motors are free of oil, dust, grease, grass and straw.
- > During nesting season, check machinery each time before starting it up; it only takes 15 minutes for a starling to make a nest.
- > Keep trees and branches at least 3 metres clear of power lines.
- > Bale and stack hay when it is dry to prevent spontaneous combustion.
- > Do welding and angle grinding only in clear areas. Wet down and have fire equipment handy.
- > Keep paddocks around farm buildings and yards well grazed to reduce any spread of fire.



# 09/

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## **BRIDGES ON PRIVATE PROPERTY**

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### **IN THIS SECTION:**

- 9.1 Design
- 9.2 Use
- 9.3 Maintenance and inspection
- 9.4 Further evaluation

---

## If you do not inspect and maintain the bridges and culverts on your property, you are putting people at risk.

---

Many bridges on private property don't specify live load carrying capacity or overweight ratings, and have few (or no) design and construction records. Because of the cost involved, they are usually never inspected.

Owners and users of bridges on private property put themselves and others at risk if the bridge's strength and weaknesses, vehicle types, loads and axle weight restrictions of vehicles, as well as speed, aren't defined.

The best way to ensure the safety of bridges on private property is to get an engineer's evaluation of the weight rating and safety of the bridge.

### 9.1 DESIGN

- > Bridges built on private property may be old and originally built to take smaller vehicles and equipment.
- > Some older bridges don't have inspection certificates, systems or design information.
- > Timber treatment in older bridges varies. Even treated timber bridges of a certain age can often be inadequate.
- > Some bridge decks have a large overhang (cantilever) that extends out unsupported, with the kerb on the deck's outside edge. An overhang should be no more than 500 mm to the inside edge of the kerb.

### 9.2 USE

- > Modern vehicles and equipment are larger and heavier than older vehicles and equipment.
- > The wheel base of loaders, machinery and other equipment may be wider than the bridge's beams.

### 9.3 MAINTENANCE AND INSPECTION

- > The bridge's weight-bearing capacity can't be figured out by visual inspection without some expert and background knowledge.
- > Farmers, landowners and users usually don't know how to work out if a bridge is suitable for its purpose if inspections and certification haven't been carried out.
- > Bridges need building consents, but you don't need a consent to maintain an existing bridge.
- > There are costs associated with bridge inspection by an inspector or engineer. Costs vary accordingly.

There is no formal standard for checking bridges, so it's recommended that land owners, users and contractors do a visual check to decide if the bridge is safe to use. If there's any doubt, consult an expert.

Check the following:

1. Deck condition – Are there any rotten boards? Is there good drainage or is it slippery?
2. The distance of the cantilever from the under-bridge supports is not too big (e.g. approximately 500 mm).

3. That the coatings on steel structures are in good condition. Is there any obvious bolt or fitting corrosion (rust)?
4. Concrete deterioration, such as seeing corroded (rusted) reinforcing in beams, piles or abutments; cracks in beams, piles or abutments.
5. Decay in timber piles, and rusted or corroded fixings.
6. Built-up debris in the river, which could weaken the support structures. Also, think about the effects of erosion on banks and river beds, as this can impact on the structure's stability. (Note: if there is any concern, get an New Zealand Transport Agency (NZTA) bridge inspector to check the bridge).
7. Damage, such as impact damage from vehicles, especially to guardrails and handrails.
8. The bridge's approach is suitable for the vehicles accessing the bridge. This includes angle and road conditions.
9. Whether the bridge's structure is suitable for the types of vehicles accessing the bridge:
  - > Is the vehicle a single or tandem unit with one or more sets of wheels on the bridge at the same time?
  - > Check with visiting employees or contractors using the bridge about the weight of their vehicle and loads.
  - > Think about which wheel widths and vehicle speeds are suitable for the bridge. (Note: a bridge inspection and certification is needed.)
10. Think about signage at the bridge's approach if restrictions are necessary. The owner can provide a notice about the bridge's strength, or put a sign on the bridge itself, so anyone driving a heavy vehicle knows what weight or load it can safely carry. (Note: a bridge inspection and certification is needed.) The Transit New Zealand Manual has some ways to manage risks posed by weak bridges, until the owner strengthens or replaces the bridge, like:
  - > a speed restriction
  - > vehicle gross weight and/or axle weight restrictions
  - > limiting the number of heavy vehicles allowed on the bridge at the same time
  - > closing the bridge to heavy vehicles and rerouting them around a bypass, such as a nearby bridge or through a stream.

#### 9.4 FURTHER EVALUATION

1. Check for the bridge builder's stamps or markings on or around the bridge - this might include the dates the bridge was built. Information may be available from the builder. Check if the bridge has been rated for maximum load.
2. Check the availability of any systems, design specifications or information on file from district or regional councils, or from the bridge builder if known.
3. Check your city, regional or district council to find out their rules about who regulates the bridging of rivers and streams within the region under the Resource Management Act 1991.
4. Regular inspections by a suitably qualified person of all bridges longer than 3 metres and higher than 3 metres can significantly reduce the risk.

# 10/

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## APPENDIX

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### IN THIS SECTION:

10.1 Glossary

10.2 Hazard register

## 10.1 GLOSSARY

Term	Definition
Accident Register	A document in which all accidents and incidents of serious harm are recorded.
Act	The Health and Safety in Employment Act 1992.
All Practicable Steps	<p>Section 2A Health and Safety in Employment Act 1992:</p> <p>'The steps taken to achieve the result that it is reasonably practicable to take in the circumstances, having regard to:</p> <ol style="list-style-type: none"> <li>1. the nature and severity of harm that may be suffered if the result is not achieved; and</li> <li>2. the current state of knowledge about the likelihood and severity of harm that will be suffered if the result is not achieved; and</li> <li>3. the current state of knowledge about harm of that nature; and</li> <li>4. the current state of knowledge about the means available to achieve the results and about the likely effectiveness of each of those means; and</li> <li>5. the availability and cost of each of those means.</li> </ol> <p>To avoid doubt, a person required by the Health and Safety in Employment Act 1992 to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about.</p>
Authorised Visitors	An authorised visitor is anyone who comes on to a farm with the farmer's express permission and includes people who come for leisure or recreation. It also includes people who are legally authorised to be on the property, but only where they have given the farmer oral notice of their visit. Such people include employees of TransPower, Department of Conservation and local authorities.
Bridge Inspector	Employees of NZTA who inspect bridges. They are either a professional engineer or a person who, from extensive practical experience, is competent to judge the condition of bridges.
Checklist	A list of all issues or tasks used to ensure they have been assessed or completed.
Communication (Communicate)	To exchange or share health and safety information. This includes listening to the other person's point of view.
Competent	Means a person who has acquired, through a combination of qualifications, training or experience, the knowledge and skill to perform the task required.
Consequence	The outcome of an event, being a loss, injury or disadvantage.
Consultation	To seek the views of the people who work at the site and to have regard for their views for resolving health and safety matters.
Contractor	A person who is engaged to undertake work at the site by a principal, not as an employee of the principal, who undertakes work at the site.
Controls	An action taken that eliminates, isolates or minimises the hazard.
Document Control	The systems by which records are kept, including the allocation of responsibility to specific staff members.
Emergency (emergency event, emergencies)	An event or situation that is not controlled where there is a threat to life or the health and safety of people at or outside the operation.

Term	Definition
<b>Employee Participation</b>	Any arrangement between an employer and employees (and employee organisations where appropriate) that allows the participation of employees in processes relating to health and safety in the workplace, so that: <p>(a) all people with relevant knowledge and expertise can help make the workplace healthy and safe, and</p> <p>(b) when making decisions that affect employees and their work, an employer has information from employees who face the health and safety issues in practice.</p>
<b>Employer</b>	A person who or that employs any other person to do any work for hire or reward; and, in relation to any employee, means an employer of the employee.
<b>Equipment</b>	Refer to machinery
<b>Hazard</b>	Something that is an actual or potential cause or source of harm, as per the HSE Act 1992
<b>Hazard assessment</b>	The overall process of analysing and evaluating hazard.
<b>Hazard control</b>	Refer to controls
<b>Hazard management</b>	The culture, processes and structures that are directed towards the effective management of potential injury, illness, damage or loss.
<b>Hazard Notice</b>	a notice that— <p>(a) describes a hazard identified in a place of work; and</p> <p>(b) is in the prescribed form; and</p> <p>(c) may set out suggested steps to deal with the hazard</p>
<b>Hazard Register</b>	A register to record (in writing) the existence of a hazard, and how and when it is controlled
<b>Hazardous substance</b>	any mixture, element or chemical; or any solid, liquid or gaseous substance that has the potential, through being used at work, to harm the health or safety of persons in the workplace.
<b>HSMS</b>	Health and Safety Management System
<b>HSNO</b>	Includes both the Hazardous Substances and New Organisms Act 1996 and HSNO Regulations in relation to hazard classification and life cycle requirements for hazardous substances.
<b>Improvement Notice</b>	A notice issued by a Health and Safety inspector under the Health and Safety in Employment Act, requiring a person to comply with a provision of the Act.
<b>Likelihood</b>	Used as a description of probability of the hazard occurring.
<b>Machinery</b>	Plant that is to be used or is used in a place of work.
<b>Mobile plant</b>	Self-propelled mobile mechanical plant, as per Health and Safety in Employment Regulations 1995

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Term	Definition
Monitor	To check, supervise, observe or record the progress of an activity or procedure on a regular basis in order to ensure it is being carried out.
Near Miss	An event that has the potential to cause injury or illness if circumstances, such as the interval of time of the event, were different.
Operation	The business, and each site within that business
Paying Customers	People who pay to use farm land for activities such as camping, horse trekking or fruit picking, or where a tour operator pays for tourists to visit a scenic site on the farmer's land.
Person who controls a place of work	A person who is: <ul style="list-style-type: none"> <li>&gt; The owner, lessee, sub-lessee, occupier or any person in possession of a place of work; or</li> <li>&gt; The owner, lessee, sub-lessee or bailee, of any plant in the place.</li> </ul> This can include all or any of the Client, Principal, Employer and Contractor*
PPE (Personal protective equipment)	Safety apparel, protective devices and equipment that protect the health and safety of persons.
Pre-start	A safety checklist that is undertaken prior to first use of machinery for that day or shift.
Principal	A person who or that engages any person (other than an employee) to do any work for gain or reward.
Procedure	A set of instructions, rules or a step-by-step description of what's to be done and by whom.
Prohibition Notice	A hazard that is an actual or potential cause of (a) serious harm, (b) harm where with severity of it depends on extent or frequency of exposure, or (c) harm that doesn't occur until a significant time after exposure to the hazard. (Section 2 Health and Safety in Employment Act 1992)
Residential Work	A hazard that is an actual or potential cause of (a) serious harm, (b) harm where with severity of it depends on extent or frequency of exposure, or (c) harm that doesn't occur until a significant time after exposure to the hazard. (Section 2 Health and Safety in Employment Act 1992) Residential work, in relation to the occupier of a home, means— (a) domestic work done or to be done in the home, or (b) work done or to be done in respect of the home by a person employed or engaged by the occupier solely to do work of one or both of those kinds in relation to the home.
Review	Checking to see whether goals have been achieved, and to assess what needs to be done in future
RTW	Return to work.

Term	Definition
<b>Serious Harm</b>	<p>As defined in the First Schedule to the Health and Safety in Employment Act 1992:</p> <p>'Any of the following conditions that amounts to or results in permanent loss of bodily function, or temporary severe loss of bodily function: respiratory disease, noise-induced hearing loss, neurological disease, cancer, dermatological disease, communicable disease, musculoskeletal disease, illness caused by exposure to infected material, decompression sickness, poisoning, vision impairment, chemical or hot-metal burn of eye, penetrating wound of eye, bone fracture, laceration, crushing.</p> <ul style="list-style-type: none"> <li>&gt; Amputation of body part.</li> <li>&gt; Burns requiring referral to a specialist medical practitioner or specialist outpatient clinic.</li> <li>&gt; Loss of consciousness from lack of oxygen.</li> <li>&gt; Loss of consciousness, or acute illness requiring treatment by a medical practitioner, from absorption, inhalation, or ingestion, of any substance.</li> </ul> <p>Any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence.'</p>
<b>Significant hazard</b>	<p>A hazard that is an actual or potential cause of (a) serious harm, (b) harm where with severity of it depends on extent or frequency of exposure, or (c) harm that doesn't occur until a significant time after exposure to the hazard.</p> <p>(Section 2 Health and Safety in Employment Act 1992)</p>
<b>Supervisor</b>	<p>A person who has the responsibility for persons who work at the site or at part of the site and who supervises the activities undertaken – includes persons who act in such a position.</p>
<b>Unauthorised Visitors</b>	<p>A person who enters or attempts to enter farmland without the express permission of the farmer.</p>
<b>Worker (For the purposes of this guide)</b>	<p>A person who works at the farm. May include, but not limited to employer, employees, workers, contractors, sub-contractors and consultants.</p>

\* This definition is subject to sections 3C to 3F of the Health and Safety in Employment Act 1992

**10.2 HAZARD REGISTER**

Worksite/location:													
Hazards identified	Potential harm	Significant hazard?		Eliminate	Isolate	Minimise	Hazard controls	Training or information required?	Regular checks of hazard controls in place				
		Yes	No						Date checked	Date checked	Date checked	Date checked	
Example: Effluent Pond	Children drowning	✓			✓		> Fence off > Repair fence when damaged	> Note on farm map	10/06/14				

PHOTOCOPY THIS FORM AND USE ONE FOR EACH WORKSITE OR LOCATION.



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# Preventing manual handling injuries on farms

**JULY 2014**



# The purpose of these guidelines is to help reduce the risk of injuries from manual handling on farms by providing practical guidance on how to manage hazards.

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# **PREVENTING MANUAL HANDLING INJURIES ON FARMS: KEY POINTS**

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**Workers must be trained in correct techniques for manual handling jobs**

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**No one should lift something that is too heavy for them**

---

**Lift with the legs, not the back**

---

**(Re)design the workplace to minimise manual handling hazards**

---

**Use mechanical / lifting aids where possible**

---

**Plan regular breaks and rotate jobs**

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# 01/

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## INTRODUCTION

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### IN THIS SECTION:

- 1.1 Purpose
- 1.2 Scope
- 1.3 Development

---

## This guideline is about preventing injuries from manual handling on farms.

---

### 1.1 PURPOSE

Farm workers do a wide variety of manual handling tasks. The tasks involve using force, repetitive movements, stooping, static and awkward postures, continual bending and twisting at the waist, and handling heavy objects.

These can cause several problems, including:

- > serious back injuries
- > musculoskeletal disorders, including occupational overuse syndromes
- > acute injuries, like muscle or tendon sprains and strains
- > injuries from slips, trips and falls.

Manual handling is also one of many inter-related risks for acute low back pain.

This guideline identifies the dangers and risks from manual handling in farming and offers recommendations to help avoid accidents and injuries. WorkSafe NZ accepts these recommendations as current industry best practice. They will help you comply with the Health and Safety in Employment Act 1992 (the HSE Act).

### 1.2 SCOPE

This guide is for farmers, employers, employees, principals, contractors; health and safety advisers; health and safety representatives, consultants and designers. The guide encourages employers and employees to work together to prevent harm when carrying out manual handling tasks on the farm.

Use this guide:

- > to review how existing manual handling tasks are carried out on the farm
- > when designing and carrying out new jobs involving manual handling
- > when designing or changing equipment or work processes
- > when manufacturing, importing or supplying equipment.

### 1.3 DEVELOPMENT

Industry experts helped WorkSafe NZ develop this guide. WorkSafe NZ also reviewed accident statistics, published academic literature and how overseas health and safety regulators manage the same issues.

WorkSafe NZ has made every effort to ensure the guide's recommended hazard controls reflect current best practice.

# 02/

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## **ABOUT MANUAL HANDLING**

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### **IN THIS SECTION:**

- 2.1 Hazardous manual handling tasks**
- 2.2 Musculoskeletal disorders (MSDs)**

Manual handling involves lifting, lowering, pushing, pulling, carrying, throwing, moving, restraining, holding or handling any animate, or inanimate object.

## 2.1 HAZARDOUS MANUAL HANDLING TASKS

A hazardous manual handling task involves one or more of the following:

FORCE	EXAMPLES
Repetitive force	Lifting and stacking hay bales
Sustained force	Carrying feed or water buckets
High force	Lifting concrete posts
Sudden force	Handling frightened or resistant animals
MOVEMENT	EXAMPLE
Repetitive movement	Attaching milking cups
POSTURE	EXAMPLES
Sustained posture	Bending over to attach milking cups in a shallow pit
Awkward posture	Bending and twisting during shearing or crutching
VIBRATION	EXAMPLES
Whole-body vibration	Driving a tractor or quad bike over rough ground
Hand-arm vibration	Using a chainsaw or shearing handpiece

These aspects of manual handling put stress on the body and can cause injuries.

## 2.2 MUSCULOSKELETAL DISORDERS (MSDs)

Manual handling can harm your musculoskeletal system (your bones and muscles) slowly, so the injury gets worse over time (a chronic injury).

Manual handling accidents can also cause immediately-felt (acute) injuries, like cuts or broken bones.

Injuries and pain in the lower back are the most common work-related MSDs.

MSDs include:

- > muscle, ligament and tendon sprains and strains
- > back injuries, including muscle, tendon, ligament, spinal disc, nerves, joint and bone damage
- > joint and bone injuries or weakening, including shoulder, elbow, wrist, hip, knee, ankle, hand and foot injuries
- > nerve injuries or compression, like carpal tunnel syndrome
- > muscular and blood vessel conditions from hand-arm vibration (eg white knuckle)
- > soft tissue hernias
- > ongoing, long-term (chronic) pain.

**BEST PRACTICE GUIDELINES // PREVENTING MANUAL HANDLING INJURIES ON FARMS**

MSDs are caused in two ways:

1. Repeated or continual use of the same body part gradually wears down joints, ligaments, muscles and discs in the spinal cord. These movements include static body positions, like carrying buckets of water.
2. Sudden damage is caused by strenuous work or unexpected movements (such as handling animals that move or change position suddenly).

A combination of these also can also cause harm, for example, you could be more likely to get injured from manual handling if your body is weakened by damage that's built up over time.



# 03/

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## HOW TO IDENTIFY AND CONTROL MANUAL HANDLING HAZARDS

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### IN THIS SECTION:

- 3.1 Review records
- 3.2 Talk with employees
- 3.3 Watch people doing manual handling tasks
- 3.4 Assessing manual handling hazards
- 3.5 Limiting manual handling injuries

---

## There are several ways to identify manual handling hazards on the farm.

---

### 3.1 REVIEW RECORDS

Farm records are a good source of information for identifying hazardous manual handling tasks. Look at hazard registers, accident investigation forms and early reports of discomfort. Use these records to find the locations and tasks where people were harmed from manual handling tasks.

Think about:

- > where in the workplace the problem occurred
- > the person's job
- > what they were doing at the time
- > the body part harmed (for example, the lower back or ankle)
- > what the problem was (for example, a strain, open wound or broken bone)
- > what went wrong.

When reviewing these records, think about:

- > how many accidents or injuries are caused by particular manual handling tasks
- > how often do injuries happen
- > the total workload of each worker - that is, the time spent doing all the different manual handling tasks.

### 3.2 TALK WITH EMPLOYEES

Employees can help you understand potentially unsafe tasks. Employees know about the manual handling tasks they do, and how and when they do them. Employees can identify the exact tasks or actions they find tiring or hard to do. They can also help identify suitable controls to reduce the harm.

### 3.3 WATCH PEOPLE DOING MANUAL HANDLING TASKS

Watch all manual handling tasks to identify the hazards. Not all manual handling is harmful, so it is important to focus on the work that could cause harm.

Involve employees, contractors and principals to find out what they do. Watch them in detail and ask them to help you carry out the evaluation.

You can do this by:

- > watching the worker do the task
- > using checklists to make sure proper procedures are followed
- > taking part in the task (where it is safe to do so).

If you have found one or more manual handling hazards in a task, or if written records or talks with employees show there is the potential for harm, you should assess the manual handling hazards.

---



### 3.4 ASSESSING MANUAL HANDLING HAZARDS

If you find unsafe manual handling tasks, you (and your employees, contractors and principals) should assess the risk level each task poses. As employers, farmers must control the hazard and tell workers how to keep themselves safe.

To assess manual handling hazards, you must:

#### 1. Assess the contributing factors:

- load
- environment
- people
- task
- management.

When you've identified the contributing factors, you can control the task hazards.

See the 'Loads' section of this Guideline for more information on how different types of loads can harm people.

#### 2. Decide how significant the contributing factors are

For each contributing factor you find, decide how risky it is, based on the information you've gathered.

#### 3. Hazard assessment

Once you've assessed the contributing factors and decided how significant they are, you have the information you need to manage the hazard.

### 3.5 LIMITING MANUAL HANDLING INJURIES

Think about how people manage their work. Make sure your employees know which manual handling tasks are hazardous and how to reduce the risk of injury.

- > Remind employees that tasks should be smooth and controlled, never rushed.
- > Teach them how to handle animals - avoid using brute force, which increases the risk of injury.
- > Encourage them to share loads, to use lifting equipment, to handle only as necessary and not beyond their ability.
- > Provide opportunities for employees to change their posture regularly, and to move and stretch between tasks.
- > Encourage employees to keep fit.
- > Encourage early reporting of signs of back pain. Most back problems are short term and not serious. The best way to deal with acute back pain is to stay active and keep moving - building up strength gradually and avoiding heavy duties.
- > If back pain is ongoing or severe, get medical advice to make sure there are no serious problems, like fractures or bone infections.

## **3.6** LOADS

### **3.6.1 HEAVY LOADS**

Handling heavy objects needs a lot of strength. This means tissues and joints in the back, knees, arms and shoulders are overloaded.

A lighter weight held away from the body needs the same effort to handle as a heavy one held close.

Jerking or moving a load quickly uses more force than just carrying the load.

WorkSafe NZ cannot set out specific weight limits (because manual handling is a complex process involving a lot of different risks), but the more weight or force needed, the more likely it is someone will be hurt.

### **3.6.2 BULKY OR AWKWARD LOADS**

A bulky load:

- > needs an awkward and twisted posture
- > makes it hard to keep the weight close to the body
- > increases the load on spine and joints.

### **3.6.3 UNPREDICTABLE OR DIFFICULT TO MOVE LOADS**

Unpredictable loads, like lodged or stuck items, need more force to move. This is also the case with awkward postures or sudden, uncontrolled movements.

### **3.6.4 LOADS WITH UNEVEN WEIGHT DISTRIBUTION**

These put demands on the person handling the load and might overload some muscle groups. The shape might stop the heavy end being held close to the body.

### **3.6.5 UNSTABLE OR UNBALANCED LOADS**

Loads like fluids and sacks of shifting contents need extra muscle effort to control them. The person might have to use sudden,

uncontrolled movements if the contents suddenly tip.

### **3.6.6 LOADS THAT BLOCK THE PERSON'S VIEW**

Loads can cause twisted postures if the handler tries to get a better view. Injuries can also happen from slipping or falling.

### **3.6.7 LOADS THAT ARE DIFFICULT TO GRIP, GREASY OR SLIPPERY**

If gripping the load is difficult, the handler might have to use their hand and arm muscles in a constant high force. Sudden, uncontrolled movements happen if they lose their grip. Gloves might make it easier to get a better grip, but they might increase the force needed to grip the load securely.

### **3.6.8 LOADS WITH HANDLES**

Handles reduce the force needed to move a load and increase precision and ease of movement. The location, shape, position and size of handles are all important.

### **3.6.9 VERY HOT OR COLD LOADS OR THOSE THAT CONTAIN HAZARDOUS SUBSTANCES**

The load's temperature or its chemical make-up influence how the load is handled. The handler might need protective clothing or equipment. The load might have to be held away from the body.

### **3.6.10 ANIMAL HANDLING**

Animals pose unique handling problems, like how to grip the animal and how to counter unpredictable movements. How much help the animal can give, whether it cooperates, and how much pain it might experience also affect the way each animal should be handled.

### **3.6.11 LOADS WITH SHARP EDGES**

Loads with sharp edges are unsafe and add to manual handling hazards.

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## **TYPES OF HAZARDOUS MANUAL HANDLING TASKS**

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### **IN THIS SECTION:**

- 4.1 Lifting and moving objects on the farm**
- 4.2 Sustained postures**
- 4.3 Repetitive actions**
- 4.4 Overreaching or handling with the arms outstretched**
- 4.5 Whole body vibration**
- 4.6 Fatigue**
- 4.7 Poor workplace design**

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## The different types of manual handling hazards faced on farms are outlined in this section, along with management strategies.

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### 4.1 LIFTING AND MOVING OBJECTS ON THE FARM

Lifting and moving objects can involve high, sustained, repetitive or sudden forces. Some examples are:

- > lifting and stacking hay bales
- > carrying feed or water buckets
- > lifting concrete posts
- > handling frightened or resistant animals.

These contribute to lower-back pain, injury and other MSDs.

Uneven, steep or slippery terrain makes the risks of lifting and moving objects worse.

Remember that most back injuries don't happen suddenly. Back injuries often happen over many years of wear and tear, making the discs between the vertebrae weak and more likely to rupture.

#### MANAGING THE HAZARD:

Do not try to lift objects that are too big or heavy for you. Find ways to avoid lifting heavy items. If you must lift them, use your legs, not your back and keep the load in front of and close to your body. During long shifts, change tasks around to give your muscles a break.

Buy products in bulk or on a pallet that can be loaded using a forklift, front-end loader or augers.

- > Make sure the bulk load is secure with straps, chains or other fixtures.
- > Install automatic feeders.

- > Buy smaller or ready-to-use amounts of products you don't use often.
- > Use powered equipment or mechanical aids (eg front-end loaders) instead of lifting by hand.
- > Use wheeled trolleys, dollies, wheelbarrows, ramps and other mechanical aids.
- > Balance the load by carrying quantities in each hand; for instance, two buckets, one in each hand.
- > Get help with lifting bags and heavy objects if you're carrying them over steep or slippery ground.
- > Keep a safe lifting posture by keeping your back straight, the load close to your body and lifting by bending your legs.
- > Make object surfaces easier to grip by attaching handles or using gloves.
- > Break down awkward or heavy loads into smaller packages, drums, bags or packets.
- > Make sure liquid loads are in containers that make handling easier, such as lightweight plastic with easy-to-use handles.
- > Keep your equipment in good condition and replace worn parts - if you reduce friction, you reduce the force needed to move things.

### 4.2 SUSTAINED POSTURES

Any posture you hold for a time is a sustained posture, like bending for too long or using only one group of muscles. Examples are drenching cattle, hoof paring or driving a tractor. Holding one position can tire out the muscles you are using. It can lead to muscle strains, aches, pains or other MSDs.

**SECTION 4.0 // TYPES OF HAZARDOUS MANUAL HANDLING TASKS**

Sustained postures are made more hazardous by:

- > using high force
- > vibration
- > long duration
- > high mental demand combined with unsafe manual tasks, such as inspection work.

**MANAGING THE HAZARD:**

Plan regular rest breaks so you don't hold awkward positions for too long.

Regular rest breaks give workers the chance to avoid or recover from tired muscles caused by unsafe manual handling tasks.

Rotate jobs often.

Rotate staff between different tasks to increase variety, this reduces the risk of MSDs. The tasks need to be different enough to make sure different muscle groups are used, giving the body a chance to recover.

Alter the working position.

Workers should not stay in seated, standing or other fixed postures for a long time.

For workers doing seated or standing tasks, get them to change their postures and movements. Examples are:

- > For seated tasks (unless the backrest interferes with the actions) use seats with:
  - an adjustable seat height
  - adjustable backrest angle
  - a backrest that fits the spine
  - a swivel action so workers don't have to twist to reach.
- > For standing tasks use:
  - a chair, stool or support so the worker can alternate between sitting and standing

- a footrest (large enough for the whole foot) so you can stand with either foot raised
- where possible, suitable floor covering to cushion concrete and other hard floors.

A standing work position is best when:

- > handling large, heavy or bulky loads
- > using forceful movements
- > reaching
- > moving in and out of the work area often
- > lacking knee room or space.

**4.3 REPETITIVE ACTIONS**

Repetitive actions – like attaching and detaching milking cups, drenching or using pruning tools – can tire out the affected muscles. Over time, aches and pains or other MSDs appear.

**MANAGING THE HAZARD:**

Avoid double handling, share heavy workloads and use mechanical aids where possible.

Avoid excessive handling or double handling by planning work and storing objects in suitable areas.

- > Share heavy workloads between workmates, rotate tasks, or spread physical handling tasks over a work week.
- > Use turntables, hoists, trolleys and slides to move objects, instead of relying on body strength.

**4.4 OVERREACHING OR HANDLING WITH THE ARMS OUTSTRETCHED**

Some farming tasks involve overreaching or handling with the arms outstretched.

Examples include working in the milking pit with the milking clusters or drenching and de-horning cattle.

**MANAGING THE HAZARD:**

Use mechanical aids where possible.

Mechanical equipment reduces or eliminates the need for workers to lift, carry or support items, animals or people. A wide range of equipment is available for different farm activities. Use turntables, hoists, trolleys and slides to move objects, rather than relying on body strength.

**4.5 WHOLE BODY VIBRATION**

Some farm tasks involve prolonged exposure to whole body vibration, such as working all day on a tractor or quad bike. Prolonged and repeated exposure to whole body vibration can lead to MSDs.

**MANAGING THE HAZARD:**

Take steps to dampen vibration and plan regular rest breaks.

Using vibration-damped equipment and engine mountings are a good way to reduce exposure to vibration. Other choices include:

- > improving vehicle suspension
- > installing operator seats on suspension systems with spring and damper elements
- > keeping vibration-reducing measures well maintained
- > making sure workers adjust their seats to fit
- > using equipment within the manufacturers' recommendations or to a speed that reduces vibration
- > telling workers about the risks of whole-body vibration and how to keep safe
- > taking regular breaks.

Tell farm staff about hand-arm vibration. Use different work methods if they can eliminate the need for vibrating equipment. If this is not possible, buy tools and equipment that produce less vibration.

**4.6 FATIGUE**

Being tired can make manual handling hazards worse. Problems like poor time management, planning and deadlines can lead to problems, like trying to do too much because of deadline pressures. Sometimes there isn't enough communication or planning. This means work is often done in less than ideal conditions and can result in worker fatigue.

Working while physically fatigued increases the chances of MSDs developing. Working while mentally fatigued increases the chance of accidents happening.

**MANAGING THE HAZARD:**

Plan work in advance so people don't have to work unreasonable hours.

**4.7 POOR WORKPLACE DESIGN**

Poorly designed workplaces can increase the chances of accidents or injuries.

**MANAGING THE HAZARD:**

Get professional design advice when planning improvements or conversion. Keep the things you use most often in easy to reach places. Reduce carrying distances. Plan and design for easy handling; for example, storing heavy objects at waist height, avoiding the need to open doors while carrying loads and reducing how much you need to move objects around.

## SECTION 4.0 // TYPES OF HAZARDOUS MANUAL HANDLING TASKS

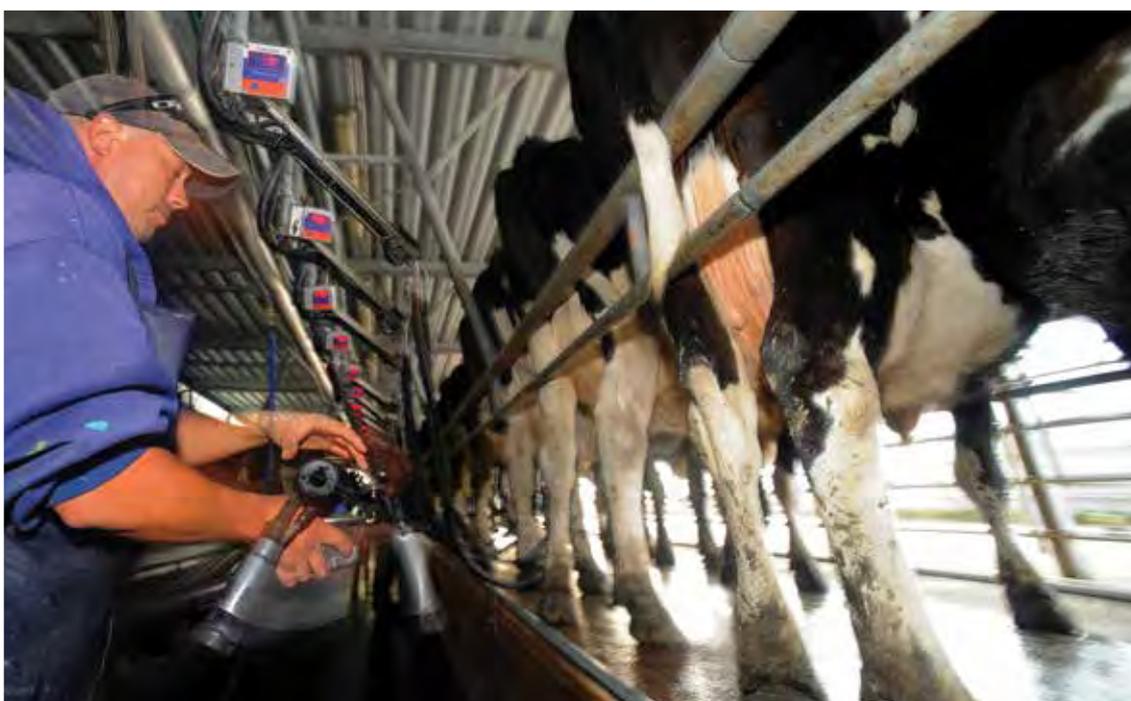
Think about the workplace's design and layout. Redesign or adapt by:

- > Moving equipment and loads closer to where they are handled.
- > Raising work surfaces to waist height to reduce bending, twisting, outstretched handling and awkward postures.
- > Reduce or remove manual handling tasks where surfaces are slippery. Use lifting equipment, cover outdoor areas and wear footwear with a good grip.
- > Keep yards in good condition. Remove trip and slip hazards. Make sure gates open easily.
- > Improve drainage in work areas, such as around yards and sheds.
- > Temperatures affect physical and mental capacity. Wear warm clothes when it's cold and light clothes when it's warm.
- > Workers may need to wear personal protective equipment (PPE); that is, safety gear. This can make manual handling more difficult and hazardous.

- > Beware of high winds – strong or gusty winds can catch a load and can blow you off balance.
- > Be careful in dull or very bright conditions. Sharp and sudden contrasts between lighting (like moving from indoors to outdoors) or glare increase the chances of slips, trips and falls. Make sure farm buildings are correctly lit.
- > Poor air quality affects work ability.

#### HEALTH & SAFETY IN EMPLOYMENT REGULATION 16

**Raised objects:** If you are working under something that has been lifted off the ground, then put supports or similar devices under it to stop it falling.



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## **SPECIFIC HAZARDS AND CONTROLS**

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### **IN THIS SECTION:**

- 5.1 Milking**
- 5.2 Herd testing**
- 5.3 Lifting sheep**
- 5.4 Lifting calves**
- 5.5 Shearing and crutching**
- 5.6 Shearing handpieces**

## The most common manual handling hazards on farms are outlined in this section. Recommendations on how to manage these hazards are provided.

### 5.1 MILKING

Milking cluster handling is one of the most frequent and repetitive manual handling tasks on a dairy farm. Repetitive manual handling, particularly in awkward positions (like attaching milking clusters in a shallow pit), can cause harm.

Specific tasks that can cause injury:

- > handling milking clusters
- > putting on and taking off clusters while bent in an awkward posture
- > releasing clusters from automatic cup removers (ACRs).

An obvious hazard is a mismatch between worker height and pit depth or rotary height.

#### MANAGING THE HAZARD:

Set up your workplace to reduce the need to bend, twist or load.

Reduce injuries by keeping the work in front, between shoulder and mid-thigh height. This helps people to work in a position that keeps the natural lumbar curve in the lower back.

Some ways to achieve this:

- > Make sure the farm dairy is designed to let workers milk comfortably – a position that reduces their need to overreach or bend continuously.
- > Consider designing or changing a cups-on/off area so it adjusts to suit the worker's height. Keep everything within reach or within the shoulder-hip area.
- > Put idle clusters on brackets and jetties at a height that reduces bending and reaching.
- > Retrofit vacuum release valves on ACR rams.
- > Use ACRs wherever practicable.

- > Use rubber 'fatigue' matting in the pit to reduce the strain of standing for a long time.
- > Provide clear access to the udders by planning the height of kick rails or splash guards.
- > Review workers' cups-on technique to reduce repetitive overreaching.
- > Change jobs to reduce repetitious manual handling tasks, including rotating between cups-on and cups-off positions.
- > Use teat spray wands with a long nozzle to reduce the need to bend. This also reduces the chance of being kicked and exposed to spray.

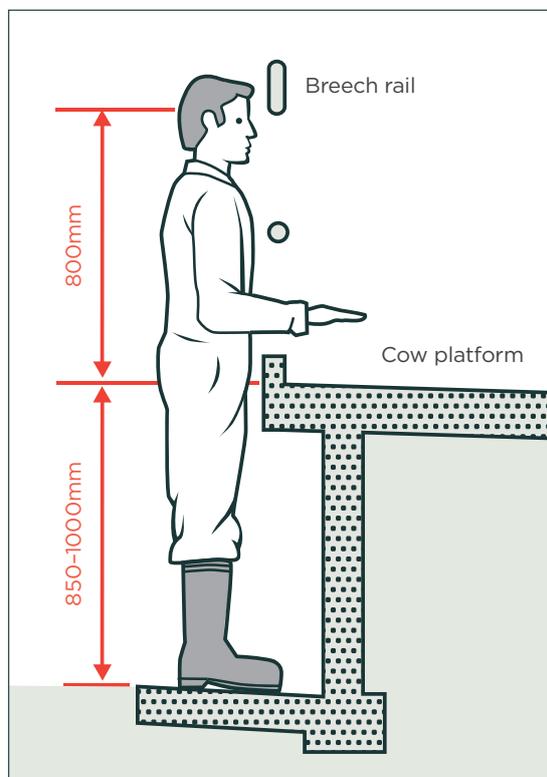


Figure 1: Appropriate height for milking

## 5.2 HERD TESTING

Herd testing can also put people at risk of developing getting MSDs.

### MANAGING THE HAZARD:

HAZARD	CONTROL
Removing herd test sample flasks	> Design the workplace so workers can take samples from a comfortable posture.
Sorting sample flasks on a bench	> Design a herd sample sorting table that reduces reaching and bending.
Moving trays of samples through the shed to a vehicle	<ul style="list-style-type: none"> <li>&gt; Use a trolley to transport samples to the vehicle.</li> <li>&gt; Package samples at the collection point.</li> <li>&gt; Limit the number of samples per tray to a comfortable carrying weight.</li> <li>&gt; Keep the walkway clear of obstacles at floor and head height.</li> <li>&gt; Remove trip or slip hazards.</li> <li>&gt; Reduce the need to repeatedly transfer samples into trays.</li> <li>&gt; Give the person taking the herd samples a milking shed safety induction.</li> <li>&gt; Make sure the herd tester has modern equipment like mini-flasks. These flasks accept a smaller sample and weigh less.</li> </ul>
Washing buckets	> Install a trough at working height in the shed.



### 5.3 LIFTING SHEEP

Sometimes sheep have to be lifted, for example, over a fence. Sheep are large, heavy animals and can fight against being lifted. This can cause back strains and twisting injuries.

#### MANAGING THE HAZARD:

Avoid lifting sheep if possible. Use gates and ramps where available. If a sheep must be lifted, use your legs, not your back.

Some sheep weigh almost 100 kg. Only people with enough strength should lift sheep. Don't make someone lift a sheep if they cannot physically do it.

The correct technique for lifting a sheep is:

- A. Hold the sheep against the rail and straddle its rump. Put one hand on the rail, the other under the sheep's neck.
- B. Using the rail for support, take the strain off your back and pull the sheep onto its hind legs.
- C. Move your hand, from the rail, under the sheep's nearest leg and grasp the opposite front leg.
- D. Move your other hand from the neck and firmly grasp the fold of skin between the belly and hind leg.
- E. Crouch behind the sheep, bend your knees, take the weight on your knees and hold the sheep firmly.
- F. Stand up using your legs, not your back, and lift the sheep off the ground.
- G. Swing the sheep towards the top of the fence, boosting it with your leg.
- H. Put the sheep on top of the rail and let it see the ground.
- I. With a slight rolling movement, let the sheep fall onto its feet.

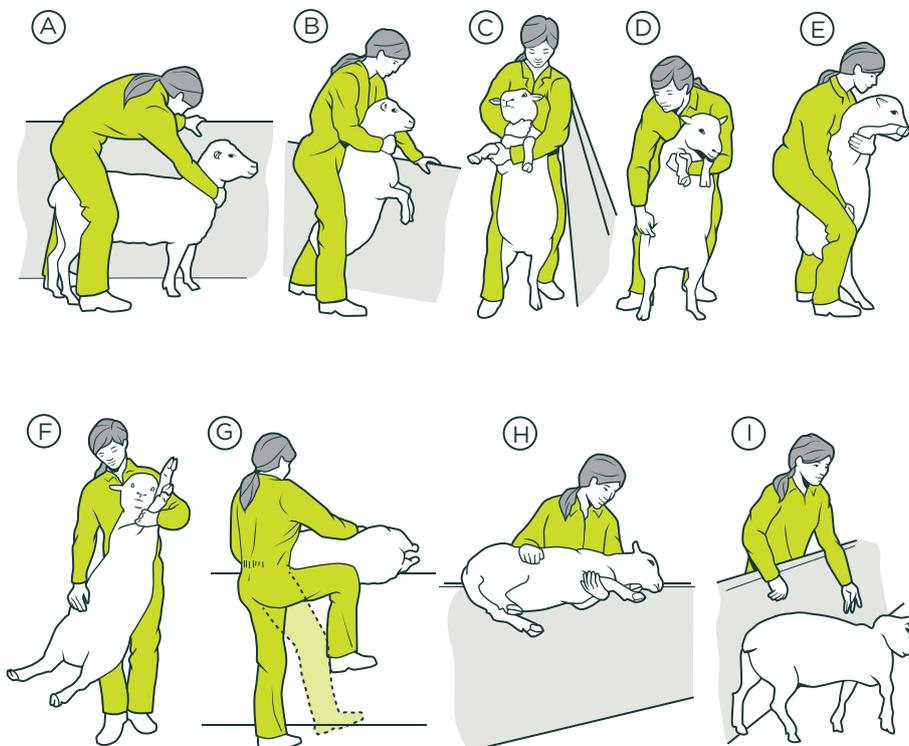


Figure 2: Correct sheep-lifting technique

### 5.4 LIFTING CALVES

Often it is necessary to lift a new-born calf; this causes many back injuries.

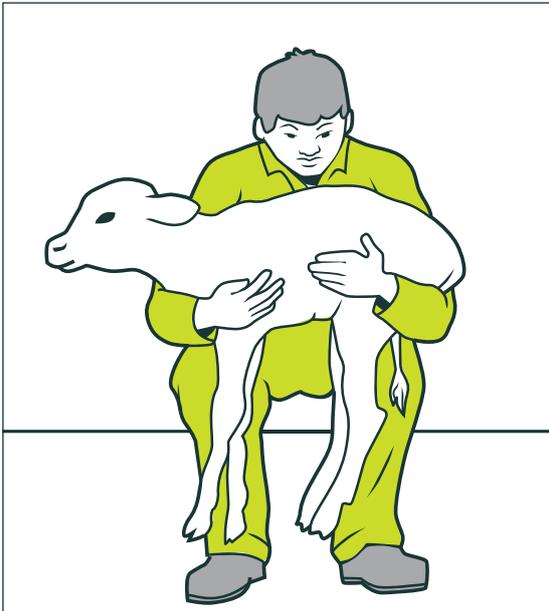


Figure 3: Correct calf-lifting technique

#### MANAGING THE HAZARD:

Lift using your legs and keep your back as straight as possible.

To lift, squat down beside the calf, pull it in close with one arm around the front and the other around the hind legs. Straighten your knees to lift it. Hold it firmly and don't let it struggle loose.

Calves quickly grow and become very heavy. No one should lift a calf if it is too heavy for them.

### 5.5 SHEARING AND CRUTCHING

Shearing and crutching are high-risk jobs that need a lot of manual effort. Back strains are likely because the work is repetitive and done in an awkward, bent-over position.

Contractors who shear or crutch thousands of sheep each year can be at high risk of injury. However, the less practised farmer – who is likely to have a poorer technique and less suitable gear – is also at risk of injury.

#### MANAGING THE HAZARD:

Use the correct techniques when shearing and crutching. Thoroughly train people who do this work.

#### TIPS FOR LIFTING OBJECTS

- > Balance your body's weight equally over both feet.
- > Step close to the load.
- > Think about the best place to grip the load and the best type of grip to use.
- > Apply force gradually, after testing the weight.
- > Lift smoothly, rather than using sudden exertion.
- > Hold the load close to your body.
- > To change direction while moving, take a step in the new direction rather than twisting your body.
- > Pace the work if it goes on for a long time, take small breaks often.

Sheep can be crutched standing (with their head in a bail or crutching plant, or held with your knees against a rail) or sitting up across the shearing board.

Use the correct techniques to catch and drag sheep across the board:

1. Hold the sheep against your braced knees with one hand under the chin and one on the rump.
2. Turn the sheep's head to the rear while forcing the rump down against your leg with your other hand.
3. When the sheep is no longer standing on its feet, lift the front leg and sit the sheep securely on its rump.

To save effort and avoid back strain when pulling the sheep across the shearing board, get the animal to walk backwards and then sit it on its rump.

Take special care of your back when shearing or crutching. Using a good technique avoids unnecessary pressure on your back and keeps your spine straight while under load.

- > Keep your lower back warm, particularly in draughty woolsheds. Use a back-warmer and wear more layers during breaks.
- > Take every chance to straighten and extend your back beyond straight when standing or lying down.
- > Use a lumber support while sitting at break times.
- > A back support (bungy) supports the upper body and is recommended for back problems. When using a back support ensure it is attached securely and doesn't touch electrical wiring.

Crutching sheep standing in the race lessens back strain and increases output, although it is usually only suitable when doing light dagging or crutching.

To learn more about shearing safety, see WorkSafe NZ's *Best Practice Guideline for Shearing*.

## 5.6 SHEARING HANDPIECES

A worn out, poorly adjusted or maintained handpiece will vibrate, heat up, cut poorly and put more physical strain on the crutcher or shearer's hands and arms. It can also cause a mechanical lock-up, which can break bones and seriously wound the user and people nearby.

### MANAGING THE HAZARD:

Handpieces must be kept in good working order.

Keep the handpiece in the best possible condition and replace worn parts. Where crutchers and shearers are required to supply and maintain their own handpiece, they are also responsible for keeping it in good order.

Regular safety checks should include:

- > Correct comb and cutter set-up on the handpiece: check screws are tight, fork pins are secure in the cutter holes and tension is on.
- > The tension pin should work, stopping the tension from releasing.
- > The spline drive, connecting the handpiece to the downtube, should release easily.
- > The leather guard protecting the cogs must be effective.

Use worm (spline) drives. They reduce the risk of serious injury from lock-up.

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## **TRAINING REQUIREMENTS**

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### **IN THIS SECTION:**

- 6.1 General requirements
- 6.2 Training for health and safety representatives

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## Employers must give employees information and training about each hazardous manual handling task that hasn't been eliminated from the farm.

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### 6.1 GENERAL REQUIREMENTS

Employees must have the knowledge and experience to work safely. If they don't, they must be supervised by someone with that knowledge and experience so they don't harm themselves or others. Train employees how to use plant, objects, substances, equipment, and relevant PPE safely.

Record when training occurred and who was trained.

Competent employees should know:

- > how to do the task properly and safely
- > what the hazards of the job are
- > how to control the hazards
- > how to use equipment and lifting aids properly and safely
- > effects of contributing factors on manual handling: load, environment, people, task and management
- > how to carry out a basic task assessment to identify hazardous manual handling tasks
- > safe handling principles (such as being close to the load)
- > when and how to use PPE.

Training cannot fix problems like:

- > poor work area layout
- > lack of mechanical aids or using inappropriate ones
- > unsuitable loads
- > poor working conditions.

### 6.2 TRAINING FOR HEALTH AND SAFETY REPRESENTATIVES

The Health and Safety in Employment Act 1992 gives employees the right to be involved in workplace health and safety matters. One way to do this is by electing a health and safety representative. This is someone who employees can go to when they have any concerns or suggestions regarding health and safety in the workplace. The representative will work with the employer in good faith to find a solution.

This representative can take two days paid leave each year to undergo approved health and safety training.

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## REFERENCES

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### IN THIS SECTION:

- 8.1 Glossary
- 8.2 Bibliography

## 8.1 GLOSSARY

Term	Definition
Acute Injuries	An injury caused by a recent traumatic event (usually within a day or so of the event). Injuries include bruises, cuts, broken bones.
All Practicable Steps	<p><i>Section 2A Health and Safety in Employment Act 1992:</i></p> <p>'The steps taken to achieve the result that it is reasonably practicable to take in the circumstances, having regard to:</p> <ol style="list-style-type: none"> <li>1. the nature and severity of harm that may be suffered if the result is not achieved; and</li> <li>2. the current state of knowledge about the likelihood and severity of harm that will be suffered if the result is not achieved; and</li> <li>3. the current state of knowledge about harm of that nature; and</li> <li>4. the current state of knowledge about the means available to achieve the results and about the likely effectiveness of each of those means; and</li> <li>5. the availability and cost of each of those means.</li> </ol> <p>'To avoid doubt, a person required by the Health and Safety in Employment Act 1992 to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about.'</p>
Asymmetrical Posture	A posture that requires the body to twist or bend to one side or to bear the weight unevenly on the feet.
Auger	A mechanism that uses a rotating screw blade, called a 'flighting', usually within a tube, to move liquid or other materials, like animal feed.
Confined Space	<p><i>AS 2865 Confined Spaces:</i></p> <p>'An enclosed or partially enclosed space that is not intended or designed primarily for human occupancy, within which there is a risk of one or more of the following:</p> <ol style="list-style-type: none"> <li>a. An oxygen concentration outside the safe oxygen range.</li> <li>b. A concentration of airborne contaminant that may cause impairment, loss of consciousness or asphyxiation.</li> <li>c. A concentration of flammable airborne contaminant that may cause injury from fire or explosion.</li> <li>d. Engulfment in a stored free-flowing solid or a rising level of liquid that may cause suffocation or drowning.' </li></ol>
Contributing Factors (Manual Handling)	The things that make manual handling hazards more serious and more frequent, such as load, environment, people, task and management.
Control or Control Measure	A way of eliminating, isolating or minimising the risk of harm in any task.
Hazard	<p><i>Section 2(1) of the Health and Safety in Employment Act 1992:</i></p> <p>"An activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation or substance...that is an actual or potential cause or source of harm".</p>

## BEST PRACTICE GUIDELINES // PREVENTING MANUAL HANDLING INJURIES ON FARMS

Term	Definition
<b>Hazardous Manual Handling</b>	Any manual handling task with one or more of the following: <ul style="list-style-type: none"> <li>&gt; twisted, stooped, awkward, asymmetrical postures</li> <li>&gt; fixed, sustained, rigid, prolonged postures</li> <li>&gt; unvaried, repetitive movements</li> <li>&gt; sudden, uncontrolled or jerky movements</li> <li>&gt; handling or reaching away from the body</li> <li>&gt; using high or sustained force</li> <li>&gt; handling heavy or awkward loads</li> <li>&gt; whole body vibration or upper limb vibration</li> <li>&gt; handling that goes on for too long without a break.</li> </ul>
<b>Load</b>	The object being handled or the forces being applied.
<b>Manual Handling</b>	Any activity requiring a person to interact with their environment and use any part of their muscles or skeletal system to lift, lower, push, pull, carry, throw, move, restrain or hold any object, whether animate or not.
<b>Manual Handling Task</b>	Specific manual handling action or activity. It may be one part of a job.
<b>Musculoskeletal Disorders (Work-Related)</b>	A collective name for a range of conditions that affect the muscles, tendons, bones and joints. This term includes occupational overuse syndromes, back injuries and acute low back pain.
<b>Occupational Overuse Syndrome (OOS)</b>	An umbrella term for a range of disorders characterised by pain and/or other sensations in muscles, tendons, nerves, soft tissues and joints with evidence of clinical signs. Overuse syndromes are musculoskeletal disorders.
<b>Personal Protective Equipment (PPE)</b>	Items of personal equipment worn for protection of some sort; ear muffs, gloves and boots are examples.
<b>Plant</b>	Any appliance, equipment, fitting, furniture, implement, machine, machinery, tool or vehicle (and any part of, controls for or anything connected to that plant).
<b>Safe</b>	"Not exposed to any hazards or free from hazards."  Section 2(1) Health and Safety in Employment Act 1992

Term	Definition
<b>Serious Harm</b>	<p>“Any of the following conditions that amounts to or results in permanent loss of bodily function, or temporary severe loss of bodily function:</p> <ul style="list-style-type: none"> <li>&gt; respiratory disease</li> <li>&gt; noise-induced hearing loss</li> <li>&gt; neurological disease</li> <li>&gt; cancer</li> <li>&gt; dermatological disease</li> <li>&gt; communicable disease</li> <li>&gt; musculoskeletal disease</li> <li>&gt; illness caused by exposure to infected material</li> <li>&gt; decompression sickness</li> <li>&gt; poisoning</li> <li>&gt; vision impairment</li> <li>&gt; chemical or hot-metal burn of eye</li> <li>&gt; penetrating wound of eye</li> <li>&gt; bone fracture, laceration, crushing</li> <li>&gt; amputation of body part</li> <li>&gt; burns requiring referral to a specialist medical practitioner or specialist outpatient clinic</li> <li>&gt; loss of consciousness from lack of oxygen</li> <li>&gt; loss of consciousness, or acute illness requiring treatment by a medical practitioner, from absorption, inhalation, or ingestion, of any substance</li> <li>&gt; any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm’s occurrence.”</li> </ul> <p><i>First Schedule to the Health and Safety in Employment Act 1992</i></p>
<b>Significant Hazard</b>	<p><i>Section 2(1) of the Health and Safety in Employment Act 1992:</i></p> <p>‘Significant hazard means a hazard that is an actual or potential cause or source of—</p> <ol style="list-style-type: none"> <li>a. serious harm; or</li> <li>b. harm (being harm that is more than trivial) the severity of whose effects on any person depend (entirely or among other things) on the extent or frequency of the person’s exposure to the hazard; or</li> <li>c. harm that does not usually occur, or usually is not easily detectable, until a significant time after exposure to the hazard.’ (For example, deafness from prolonged exposure to noise in the workplace.)</li> </ol>
<b>Strains and Sprains</b>	<p>These terms are used in the sense of their normal meanings in a medical diagnosis.</p>
<b>Workplace Design</b>	<p>The design of the workplace – in relation to the characteristics of the people who will use the workplace and the work that will be done in it.</p>

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### NEW ZEALAND GUIDANCE

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**GUIDANCE FROM OTHER COUNTRIES**

**Agricultural Workbook (AU)** *Department of Commerce, Western Australia (Section 8 Manual handling)*  
[www.commerce.wa.gov.au/worksafe/content/industries/Agriculture\\_forestry\\_and\\_fish/Further\\_information\\_/Agriculture\\_workbook/Manual\\_handling.html](http://www.commerce.wa.gov.au/worksafe/content/industries/Agriculture_forestry_and_fish/Further_information_/Agriculture_workbook/Manual_handling.html)

**E-Facts 14: Hazards and Risks Associated with Manual Handling in the Workplace**

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