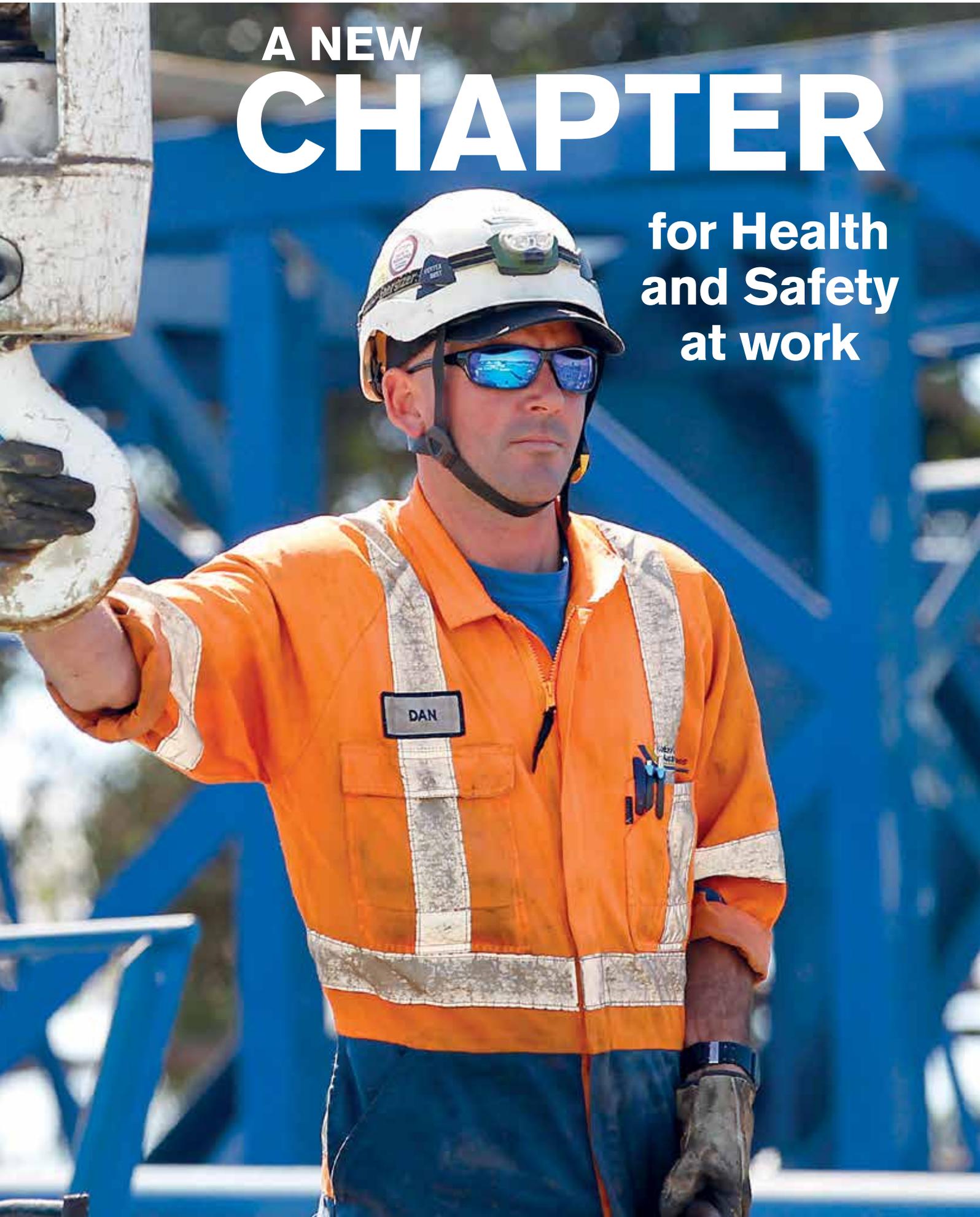


# A NEW CHAPTER

for Health  
and Safety  
at work





Next month, the Health and Safety at Work Act will come into force bringing new responsibilities for everyone in the workplace. WorkSafe New Zealand Sector Engagement Manager **Bryce Fleury** explains what this means in practice.

In international terms, New Zealand's work health and safety record is extremely poor; twice as bad as Australia's. Here, on average, 50 to 60 people per year die on the job, one in 10 is harmed and more than 600 die from work-related diseases – all coming at a cost of \$3.5 billion per year to the country's economy. And that doesn't take into account the social and psychological costs on the friends, family and co-workers of those people hurt or killed on the job.

The Government has set the target of reducing these deaths and serious injuries by at least 25 percent by 2020. The Health and Safety at Work Act is a significant part of helping achieve this goal. When it comes into force on April 4, it will introduce some important, positive concepts to help bring about a much needed health and safety culture change in this country.

The new law is a great opportunity for organisations to review their health and safety practices and culture and, if needed, revise how they manage critical risks that could cause illness, injury or even death.

### Who is responsible for health and safety?

The short answer is everyone – from the boardroom to the frontline – but with clear levels of responsibility.

The Act introduces some new concepts. The first is the PCBU (Person Conducting a Business or Undertaking). Despite its name, this term captures almost every type of business entity, from large companies to sole traders. It will have the primary duty of care – 'as far as is reasonably practicable' – to ensure the health and safety of its workers and anyone affected by its work. It is responsible for managing risks, either by eliminating them or, if that's not possible, minimising them. The Act recognises that each business is best placed to know what it should do to keep workers safe. 'Reasonably practicable' means the business is only responsible for what it can control.

Emphasising the need for strong health and safety leadership, the Act also brings new responsibilities for company 'officers' – directors, board members, chief executives and partners – who will be responsible for health and safety due diligence.

Practically speaking, this means ensuring their business has the right policies, procedures, equipment and resources to manage and monitor risks. This complements, but is not the same as, the PCBU's primary duty of care. Officers are not responsible for

ensuring the health and safety of workers but for ensuring the PCBU has the right processes in place to meet its health and safety duties.

'Workers' are all people carrying out work in any capacity for an organisation even if they aren't directly employed by it, for example, the employees of subcontractors. Workers themselves must also take reasonable care for their own and others' health and safety.

Finally, there are 'other people at a workplace'. These include visitors, customers and the public. They also have duties to ensure their own safety, that their actions do not cause harm to others and that they follow any health and safety instructions given by the PCBU.

### Working together

The new law has a significant focus on cooperation and collaboration. Where the work of two or more organisations overlaps, for example on a work site or through a contracting chain, they must work together to fulfil their duties of care. For example, in the construction of a large wastewater treatment plant the client, head contractor, subcontractors and consulting engineers are just some of the likely PCBUs whose duties will overlap for some health and safety matters. These businesses cannot pass on or outsource this responsibility to another business in the contracting chain. Under the new law these organisations must work together to keep people safe, making sure that everyone knows who is taking the lead on each matter.

The law focuses on *how* we work more than where we work. Involving workers in health and safety matters is a strong component of the Act. For example, for Water New Zealand members, common risks might include driving in variable terrain, handling hazardous (including organic) substances, working heavy machinery and, of course, working around stormwater catchments, oxidation ponds, drains etc.

The people doing the driving, handling, working etc are best placed to identify the risks in their work and the equipment, training or behaviours required to minimise them.

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Worker participation practices are not set in stone in the Act; they could range from toolkit talks to health and safety committees, depending on the size and nature of a business (compare the health and safety risks of a small resource management consultancy with those of a large geotechnical engineering company).

### Have you heard the one about...

As with any new legislation, the Health and Safety at Work Act has sparked plenty of conversation including speculation, myths and misinformation around supposed health and safety costs, responsibilities, enforcement and penalties.

One myth is that the Act will prompt masses of extra paperwork and compliance costs. This doesn't have to be the case. Paperwork does not equal managing risk and managing risk does not equal paperwork. You only need documentation if it's the best way to minimise critical risks. The most important thing is to talk to your employees about how to work safely. That said, putting things in writing is a useful tool for formalising health and safety management practices and to communicate these consistently, especially for large, widespread organisations.

People are also worried about the Courts handing out increased penalties and prison sentences if someone gets hurt. Hefty fines and imprisonment are only imposed by the Courts in extreme circumstances where health and safety obligations are recklessly or persistently not met.

WorkSafe is not trying to catch people out or pounce on small oversights with minimal consequences; it is tackling areas where significant numbers of workplace serious harms and deaths occur. Prosecution is seen as a last resort not a first step and is not a decision taken lightly. While WorkSafe has an enforcement function, it is committed to engaging and educating as well.

### Be prepared

What can businesses do now to get prepared?

**Leaders, step up and be accountable.** If you are an officer, you will be responsible for due diligence, ensuring your

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organisation meets its obligations. This involves:

- keeping up-to-date with work health and safety matters;
- knowing the nature of your organisation's operations and the associated risks; and
- assessing the resources and processes to manage these risks.

In the same way that you will always be assessing things like finances and resourcing, health and safety should be treated as a fundamental part of running a business. For this you need:

- Leadership – people know what you expect;
- Systems and processes – people know what to do;
- Capability – people know how to do it; and
- Practices – everyone sees safety as a priority and does what is expected.

**Identify and manage your risks.** Remember, it's not just safety, health is also at stake. It's about doing what is 'reasonably practicable' given the level of risk, the chance of an incident happening and how much control an organisation has in managing it.

**Culture change.** Make health and safety a part of your organisation's culture. The question is not "Do I have a liability?", but "How do I improve health and safety?" Get all staff thinking this way...and get them involved – not just because it's the law but because they can help you. Workers can see what's happening on the ground and can work with employers to improve health and safety. First and foremost, people need to think and talk about workplace health and safety.

There are those who still see health and safety as just another compliance chore, but a strong commitment to a healthy workplace can deliver you better staff retention and engagement, higher productivity, greater client commitment and a significant return on investment. Everyone who goes to work deserves to come home healthy and safe.

Keep informed by visiting [www.worksafe.govt.nz](http://www.worksafe.govt.nz) and sign up to the Health & Safety at Work Act subscriber updates. **WNZ**