

# 2015 SEMINAR

How to effectively comply with  
Health and Safety legislation

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# Workshop agenda

- ▣ Look back to 2014 seminar- exercise
- ▣ The legislative changes
- ▣ Its both health and safety !- exercise
- ▣ PCBU or not ?- exercise
- ▣ Officer or not ?
- ▣ Duty of care- exercise
- ▣ The various contexts
  - Church, Diocese, School, Care organisation
- ▣ Hazard/Risk groupings
  - Worker, Building/Property, Activity



# Agenda (cont'd)

- ▣ Due diligence- 6 key checks- exercise
- ▣ Registers and records
  - SMO demonstration
- ▣ Worker engagement duties
- ▣ Getting started on compliance
  - Policy update
  - Defined roles
  - Training of Officers
  - H & S first on all agendas
  - Risk analysis
- ▣ Look at liability insurance



# Your 2014 risk management plan- *from last seminar*

- ▣ Each entity needs its own risk management policy statement
- ▣ Each entity needs an active risk register
- ▣ Each entity needs a safety/ risk management system to manage its major risks
- ▣ Each entity needs a person on its Board/Trust/Parish Committee that has responsibility for risk management
- ▣ Insurance is for those residual risks that cannot be effectively managed or is an economic way of doing so



# Your 2016 risk management plan- *discuss*

- ▣ What is in your risk management policy statement ?
- ▣ Do you ever have any structured risk conversations?
- ▣ What format is your risk register in ?
- ▣ What safety/risk management system do you use?
- ▣ Who is your risk manager?
- ▣ What risks are acceptable to you ?
- ▣ Why do you buy insurance ?



# The main legislative changes

- 1992 Act has been the basis for NZ H&S in E activity
- Failure of corporate accountability has been main driver for change (esp Pike River)
- HSW Act is risk based not purely hazard/activity based
- PCBU definition extends responsibilities for H&S
- Worker involvement expectation
- Worker definition wider
- Officer definition tighter
- “Reasonably practicable” test includes economics
- Shared responsibility for contracted activities
- More powers to Inspectorate
- Heavier penalties for Officers
  
- Ref: [Health and Safety At Work Act](#)



# Its both health and safety at work

- ▣ 2006 OHS report
- ▣ It is estimated that more than 80 percent of work-related deaths (most due to disease rather than injury) are not documented or reported and are not investigated.
- ▣ New Zealand does not have an adequate system for the surveillance of occupational disease and injury.
- ▣ New Zealand does not have a system for the surveillance of workplace exposures.
- ▣ The direct financial costs of occupational disease and injury are estimated to be \$4.9 billion per annum.







# What is Occupational Health?

- ▣ “The health of the workers has several determinants, including risk factors at the workplace leading to cancers, accidents, musculoskeletal diseases, respiratory diseases, hearing loss, circulatory diseases, stress related disorders and communicable diseases and others.” (WHO)
- ▣ *What are the health risk factors in your workplace?* (Discuss)
- ▣ Ref: [Wikipedia definition](#)





# PCBU or not?

- ❖ Person Conducting a Business or Undertaking
- ❖ PCBU will usually be a business entity, such as a company, rather than an individual person. A person might be a PCBU if they are a sole trader or a self-employed person.
- ❖ *Exercise- work out how many PCBUs are involved in the operation of your entity at present*



# Is this a PCBU?

Monica, a nurse at the local hospital, has set up a group of keen knitters to knit clothing for babies, Knitting for Babes. At first the knitting was only donated to the hospital where it is used for premature babies. Recently the group has grown substantially and they have also taken up knitting jumpers and other clothes for older babies. The jumpers are given to Plunket and the Salvation Army to distribute more widely in the community to those in need.

*Discuss with a colleague*



# Officer or not ?

- The Act has been clarified so that other than those named persons holding specific roles in an organisation (such as directors or partners) the officer duty will apply only to other persons who have a very senior governance role in the organisation. The role must exercise significant influence over the management of the business or undertaking (for example a Chief Executive).
- To avoid doubt the Act expressly recognises that this does not include a person who merely advises or makes recommendations to an officer of the organisation.
- Certain officers are exempt from prosecution if they fail in their due diligence duty:
  - volunteers
  - elected members of local authorities (councillors) under the Local Electoral Act 2001
  - members of local or community boards elected or appointed under the Local Electoral Act 2001.
  - members of school boards of trustees appointed or elected under the Education Act 1989.



# Duty of Care

- ▣ All PCBUs have a primary duty of care in relation to the health and safety of workers and others affected by the work carried out by the PCBU.
- ▣ The primary duty of care requires all PCBUs to ensure, so far as is reasonably practicable:
  - the health and safety of its workers or those workers who are influenced or directed by the PCBU (for example its workers and contractors)
  - that the health and safety of other people is not put at risk from work carried out as part of the conduct of the business or undertaking (for example its visitors and customers).



# What does duty of care mean?

- ▣ The PCBU's specific obligations, so far as is reasonably practicable:
  - providing and maintaining a work environment, plant and systems of work that are without risks to health and safety
  - ensuring the safe use, handling and storage of plant, structures and substances
  - providing adequate facilities at work for the welfare of workers, including ensuring access to those facilities
  - providing information, training, instruction or supervision necessary to protect workers and others from risks to their health and safety
  - monitoring the health of workers and the conditions at the workplace for the purpose of preventing illness or injury.



# Duty of care exercise

- ▣ *Discuss- should the Church have a higher duty of care beyond legal compliance?*
- ▣ *State what health monitoring you would provide for workers in the following contexts*
  - *A. A parish priest*
  - *B. A diocesan finance worker*
  - *C. A school cleaner (contractor)*
  - *D. A care home nurse*
- ▣ *State where you would keep the records of the monitoring and how you would review the risk level from the monitoring records*



# Specific contexts

- ▣ In risk management terms each context gives rise to differing risk categories, risk analyses and risk treatments
- ▣ For health and safety risks the same applies so the first step is to define one's context
- ▣ *What differing contexts do we have present today ?*
- ▣ *Parish- what should be its H&S risk context ?*
  - *Geographical*
  - *Staffing*
  - *Activities*
  - *Properties incl housing*
  - *Governance structure*





# Hazard groupings

- ▣ In H&S risks there are many common hazard types we can apply risk analysis to, some overlapping
- ▣ Worker
  - Travel, mode
  - Place of work – environment
  - Hours of work- shifts
  - Type of work , use of machinery and tools
  - Personal health characteristics
  - Psychosocial behaviours
  - Relationships



# Hazard groupings (2)

## ▣ Building/Property

- Environment- light, noise, chemicals, dust
- Occupancy type- rented, owned, shared use
- Latent hazards eg fire, electricity, natural hazard exposure
- Use of machinery and tools
- Construction and maintenance
- Use by other groups (introduced hazards)



# Hazard groupings (3)

## ▣ Activity

- Sedentary tasks
- Lifting, carrying
- Physical exercise
- EOTC- camps, hikes, sports
- Childcare
- Computers/electronics
- Specialised tools and equipment
- Working from heights



# Due diligence

- Due diligence means that officers must make sure they perform certain functions to ensure your PCBU complies with its duties. These include taking reasonable steps to:
  - know about work health and safety matters and keep up-to-date
  - gain an understanding of the operations of the organisation and the hazards and risks generally associated with those operations
  - ensure the PCBU has appropriate resources and processes to eliminate or minimise those risks
  - ensure the PCBU has appropriate processes for receiving information about incidents, hazards and risks, and for responding to that information
  - ensure there are processes for complying with any duty, and that these are implemented
  - verify that these resources and processes are in place and being used.
- *Exercise- take one of these and say how you would meet your obligations as an Officer*



# Records

- ▣ The HSW Act requires a PCBU to keep records on its due diligence for 5 years
- ▣ Records required will include, inert alia
  - Policies and their amendments
  - Processes and procedures
  - Risk analyses
  - Hazard registers
  - Minutes of Board meetings
  - Health and Safety meeting minutes
  - Personnel health records
  - Health monitoring records
  - Incident reports
  - Incident investigations





# The SafeHere system

- ▣ [www.safehere.org](http://www.safehere.org)
- ▣ Safe People, Safe Places, Safe Programs
- ▣ Customised to NZ environment
- ▣ Anglican StraNdZ is large scale user for 5 years
- ▣ Lowest cost SMS in Aus/NZ
- ▣ Cloud based recording system
- ▣ Adaptable to your entities' needs
- ▣ Can hold all your relevant risk management records



# SMO Structure ?

StraNdZ  
Children/Youth  
(existing)

Anglican Schools  
either singly or  
as a group

Dioceses  
separately

Social Services  
separately

Other Trusts  
Separately (or  
under Dioceses)





**Safety Management Online – 1 diocese/subsite**

**subsite + The Administrator (only person who has contact with webmaster) + another administrator with access/oversight**

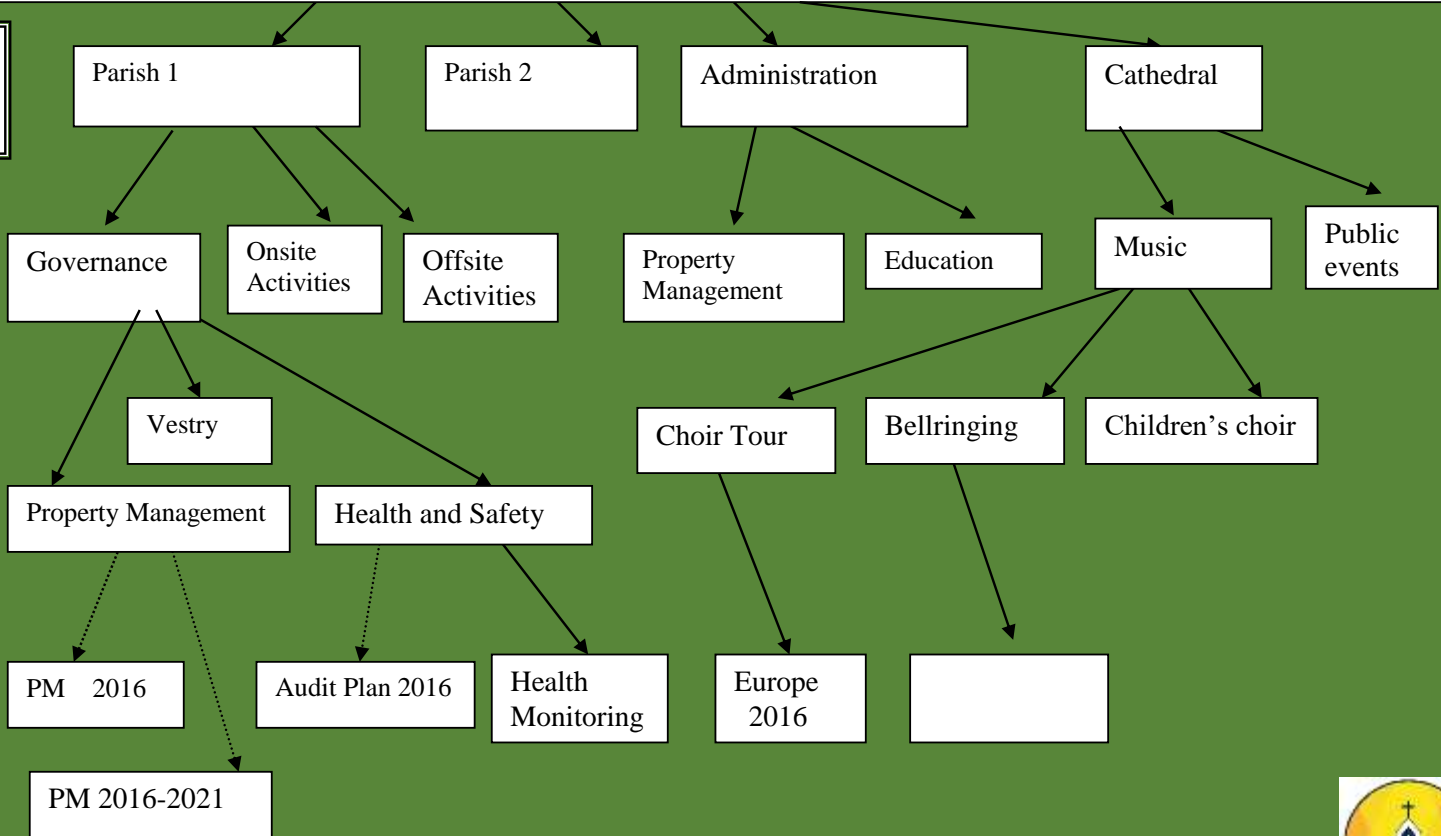
**Divisions – as many as you desire, each overseen by RMO or 2 RMOs**

**Groups – as many as you desire, overseen by Coordinators**

**Teams – as many as you desire, overseen by Team Leaders.**

*Teams Leaders / Members run the actual programmes. They can each belong to several teams.*

**Programmes - these will each be for a certain period of time**



# SMO demo

- ▣ Enquiries to [childsafenz@gmail.com](mailto:childsafenz@gmail.com)
- ▣ See [www.safehere.org](http://www.safehere.org)



# Worker engagement

- ▣ *engage*, so far as is reasonably practicable, with workers who
  - work for its business or undertaking *and*
  - are directly affected, or likely to be directly affected, by a health and safety matter of the PCBU, and
- ▣ *have effective practices* that allow workers who work for its business or undertaking to have an opportunity to participate in improving work health and safety on an ongoing basis. These are known as **worker participation practices**.



# Getting started on compliance

- ▣ Only 20 working weeks to go until HSW Act starts !!!
- ▣ Key activities
  - Policy update - use MBIE templates for H&S
  - Publish policy to workers
  - Defined roles and responsibilities- who is an Officer, who is Risk Manager, who is HSW rep(s)
  - Training of Officers and reps in their responsibilities
  - H & S first on all agendas of Boards/Management
  - Risk analysis, risk record keeping, risk acceptance, and risk transfer/insurance activities



# How AIB can assist

- ▣ We can refer you to risk management specialists to assist you establishing relevant risk management practices and levels of insurance , and training on H&S matters
- ▣ We can answer queries on our various insurance products.

