

Clearing the way for safer workplace practices

At Safetrac and MinterEllisonRuddWatts we're committed to helping New Zealand businesses big or small, keep their employees as safe as possible.

All businesses 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 impacts all New Zealand workplaces, organisations and individuals. While many aspects of the new regime are already in force, others will be introduced on a staged basis. The new Health and Safety at Work Act – and key associated regulations – came into force on 4 April 2016. Other regulations will be phased in as they are developed.

We have compiled this Short guide 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 upcoming changes. More importantly we hope it helps you to develop safer workplace practices.

First let's take a look at where you currently sit, through these simple ten questions that the team at MinterEllisonRuddWatts have prepared.



1

Answer these 10 key questions to help see if you comply with the 2015 Health and Safety at Work Act.



Are your **Board and Leadership team fully conversant** with the new Health and Safety legislation?



Do your Board and Leadership teams understand their **personal liabilities** under this new legislation?

Can you verify that **Directors and Officers** within your company have been **TRAINED ON THEIR DUTIES** under the new Health and Safety at Work Act?



Have your Directors **signed off** on the new Health and Safety strategy and targets for your organisation?



Does your **CEO/MD job description** have appropriate Health & Safety responsibilities and accountabilities?



Has your new Health and Safety management system recently been **audited** to ensure its fit for purpose?



Does your company have a robust process for identifying the significant risks and review this on a regular basis?



Are your organisations Board and Leadership teams receiving the **right new Health and Safety information**?



DOES THE BOARD AND LEADERSHIP TEAM RECEIVE INFORMATION ON

INCIDENT INVESTIGATIONS AND FOLLOW-UP ACTIONS?



Do your Board and Leadership team review your organisations new **Health and Safety performance on an annual basis**?



If you can't answer yes

to all of these questions, then your Directors and Officers may be exposed to personal liabilities under the Health and Safety at Work Act.

Next let's see who is affected by the new act laws and what they are responsible for?

2

With the introduction of the Health and Safety at Work Act, the New Zealand health and safety system has altered significantly. How might the changes affect you?



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.

- "Officers" include individuals who hold positions that allow them to exercise significant influence over the management of the business.
- Under the new legislation, directors and officers are required to exercise due diligence to ensure compliance.
- The new legislation and the 'Good Governance for Directors Guide', detail steps directors and officers should take, including:
 - > Acquire and maintain current knowledge of health and safety matters, the organisation's operations and the hazards and risks arising from those operations
 - > Verify that the organisation has sufficient resources available to manage health and safety risks, and that the organisation is utilising those resources.
 - > Ensure the organisation 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)

- 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.
 - > 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)

- The Health and Safety at Work Act 2015 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 previous 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 also contain further detail about worker participation.

\$3.5 billion

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.



Now you understand a little bit more about how the changes affect you, how can you make the wider organisation aware?

3

Training your staff on health and safety



Do you and your employees know your responsibilities regarding health and safety in the workplace? Breaching these requirements can be costly, with potential financial, commercial and reputational losses.

Safetrac's online course provides your employees with the training to understand how health and safety laws operate in the workplace, assisting your business in minimising potential risk. It is fully compliant with New Zealand law, and was authored by Gillian Service, Partner in the Health and Safety team at MinterEllisonRuddWatts.

Why use Safetrac and an online training program?



Trusted

Developed, written and updated by New Zealand law firm MinterEllisonRuddWatts, you can be sure that you are compliant with current legislation.



Saves time

Automatically scheduled, consistently delivered online training that employees can complete anytime, anywhere.



Award winning

Through partnerships with our customers, we are the only company in New Zealand to have won LearnX's Platinum Award for compliance training 6 years in a row.



Customised course options

Need something different? Our specialised instructional designers will work with you to design courses which reflect your business requirements.



User-focused design

Designed by learning specialists, courses use practical and interactive examples to ensure that your employees understand what they need to know and their individual responsibilities.



Innovative refresher training

Save time, engage your employees and increase compliance with ShortBurst™ training – the 5-minute refresher of Safetrac's compliance training courses.



Provides precision reporting

Automated dashboard with built-in Risk Alerts, easy-to-use reporting and analytics combine to provide real-time visibility over your business's compliance status.



Customer service

All the support you could ask for – implementation, training and technical – we've got it covered.

Just making your staff aware of their responsibilities isn't enough on it' own. You also need to record and report on incidents or near misses. Let's have a look at what your responsibilities are.

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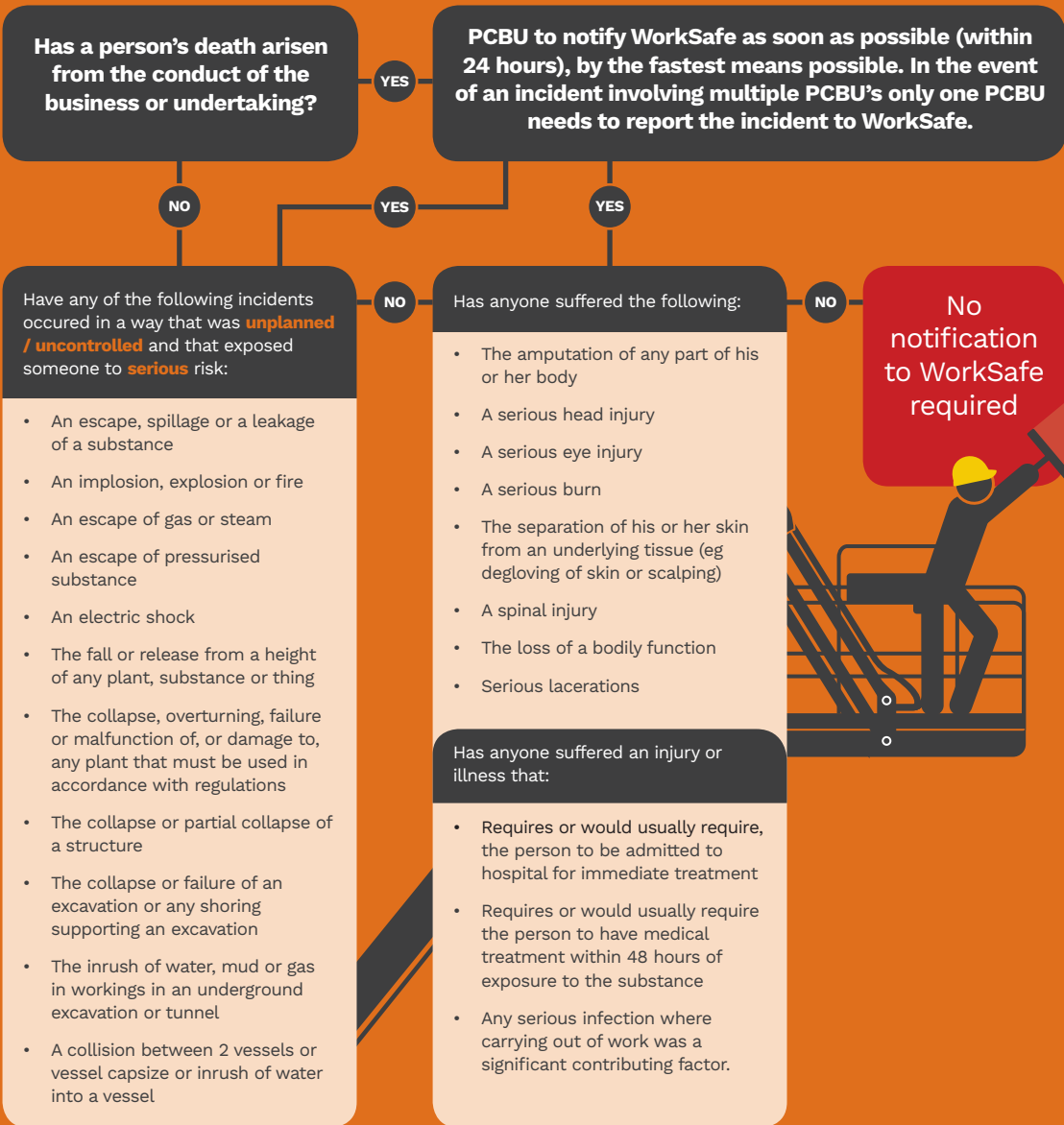
The changing approach to recording and notifying workplace accidents and serious harm

Among the changes contained in the Health and Safety at Work Act 2015 are changes to the recording and notifying of workplace accidents and serious harm. The new requirements, and steps to follow in deciding whether WorkSafe must be notified, are outlined here.

The new requirements

Under the Health and Safety at Work Act, 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 as soon as possible after you become aware of a notifiable event occurring at the business or undertaking.
- Notification can be by telephone or in writing (including by email). If you notify WorkSafe by telephone then you must, if required by WorkSafe, provide written notice of the notifiable incident within 48 hours of being requested to do so.



Keeping an accurate track of all this can be tricky, give us a call to discuss best-practice strategies to record and report on incidents

Want to learn more?

To find out more about Safetrac or Ristrac:

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