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| YOUR COMPANY NAME |
| Health and Safety Guide |
| Detailed instructions on how to develop your H&S Manual and a reference source for future learning |

## Introduction

This Health and Safety (H&S) Guide is designed to accompany the H&S training videos which, along with the H&S Manual, form the components of the complete H&S System. In particular, this guide will:

1. Instruct you on how to tailor the H&S Manual (template) to your business
2. Provide a future reference document. What this means is that the H&S Manual can be condensed and become a more readable and useful document, focusing only on what employees need to know. Within the Manual references can be made to this H&S Guide for a more thorough explanation e.g. the definition of and how to determine a Significant Hazard.

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## Commitment

This chapter will be the easiest to complete in terms of time. In fact, I’ve included a draft copy of a policy statement which you can quickly make your own. If you have employees then you could also quickly make some amendments to their Job Descriptions by assigning H&S roles and you will then pass most of the audit requirements for the ACC discount. But, and there is always a but, this area of commitment or leaderships is one of the most important areas to get right and can make the difference between passing an audit but having a safety manual sitting on the shelf OR passing an audit AND actually making the workplace safer.

Remember, this means having a system that will actually reduce injuries, damage to equipment and direct and indirect costs to the business. It is the difference between a good workplace or a great workplace for you and your staff.

From here on in then I am making the assumption that you want to improve the safety performance. In order to do that I need to talk to you about briefly leadership and how you, as the business owner or health and safety champion, can drive the behaviours of your employees. I want to give you some general background thinking on safety leadership and then towards the end of this chapter we’ll focus on the writing of your policy statement and other practical things you can do.

Commitment or Leadership

If you are looking for the secret ingredient in H&S, then without a doubt you will find it in the area of leadership. There are plenty of studies and books you can read but if you think about it, it makes common sense that the leadership is important. If you or your key managers always demonstrate that H&S is critical to the daily operation of your business, employees will too.

And here’s what I mean by leadership being the secret ingredient - You can have two companies that have the same SMS with hazard management in place, training programs, policies, performance management with respect to H&S but with vastly different safety results! What does that mean for you – it means to take some time out and think how H&S commitment and leadership applies to your business because you will make the difference.

Make It Personal

There’s a story I heard about a plant manager in America which to me really drives the point home. The story was told by a leader in H&S who had been brought in to improve the safety of a company and on interviewing the employees, supervisors and managers of a particular plant kept on hearing about this particular plant manager – the guy was a legend and appeared to genuinely care for people. So finally it was the plant managers turn to be interviewed and he was asked why he was perceived to be such a leader.

The plant manager said he’d always managed H&S and realised it was important for the business, but it wasn’t until a particular accident that things changed for him. On this occasion the phone rang at 2 a.m. and as an experienced plant manager he knew it probably was not good news. However, that week he’d just sent his twin daughters away to start university and while walking to the phone started dreading that the call was about his daughters. He was thinking the worse possible news and was almost relieved when it was the plant calling to tell them there was an accident and a major crushing injury had occurred with one of his workers. However, all this emotional energy then directly turned to the employee, and what his family was feeling, and of course felling guilty about his initial thoughts and the hope it was the plant calling – in that instant his approach to safety changed. Instead of listening to his lawyers about liability etc he went straight to the hospital and did everything he could to look after his employee – as if it was like his own daughters lying there. You can imagine the energy that went into investigating and ficing the problem and from then on safety management meant something to him, and therefore every plant he worked managed.

Now, that’s all well in good for him, but what about you and your company? What do you need to do to get the same affect (without having to go through such an incident)? What do you need to do?

What Do I Need To Do?

As the business owner and/or safety leader you need to understand your own personal safety values and beliefs. For example, do you regard all this safety crap as just another way to wrap people up in cotton-wool? Does safety get in the way of profits? If you believe this you need to go and revisit and understand the business benefits alone that will come from leading H&S in your business.[[1]](#footnote-1)

I have to admit personally this H&S was a bit of an eye-opener for me. I was a rubbish collector in Wellington and that was hard, dirty, and dangerous and smelly work. The closest we got to safety was being told to ‘be careful’. I then joined the Air Force as a pilot and remember my instructor saying to me when we’ve finished with you, you will think different. And I did! One of the things I thought differently about was in the area of risk and flight safety. So that’s what you need to do; think and make a decision on how you will regard H&S.

Why is this important? Because what you believe will define what practices are acceptable, or not, within your company. What you think will come out in what you say and what you do. It’s impossible for your mind to be saying safety is crap, and then believe your business will be a safe workplace.

Having decided upon making H&S a key value within your business, the following is a list of principles and practices you may wish to consider adopting.

Guiding principles for effective leadership in H&S include:

• Lead in a manner that is fair, consist and professional.

• Always strive for high H&S performance and improvement.

• Hold people accountable for improvement, learning, recovering quickly and incorporating lessons learnt

• Be highly visible in your commitment to H&S

• Maintain the physical and mental stamina required to commitment and sustain H&S improvement.

• Always consider both the short and longer term implications of decisions for personnel welfare, operational sustainability and organisational capability.

• Use sound judgment to balance operational and personnel needs.

• Take responsibility and ownership for H&S issues and their resolution and prevention.

• Be informed and highly competent in H&S management.

• Earn respect through valuing people and caring for their wellbeing.

• Accumulate information to anticipate dangerous or unhealthy situations and act decisively to prevent them.

• Create a healthy, safe and supportive environment based on a holistic understanding of personnel needs and preventative approaches

The practices of H&S Leadership include:

• Gain information

• Develop H&S vision and strategies

• Manage performance

• Evolve H&S culture

• Provide community leadership

• Demonstrate commitment

Practical Ideas

-Gain a full understanding of your Company’s H&S system and compare with what is actually occurring within your workplace.

-Post a H&S policy statement on your relevant web site etc.

-Conduct a H&S walk-around.

-Become more informed about H&S - go to a conference or undertake a learning module.

-Champion a H&S improvement project.

-Implement a leadership H&S checklist that you conduct and share regularly (what gets noticed gets done).

-Write an article about the importance of H&S.

- Support workplaces to take ‘time out’ to talk about H&S.

- Take 5 minutes to really listen to what is going on in the workplace and notice the pain points.

-Include H&S as a performance criterion.

-Seek professional H&S support to enable you to make better and more informed H&S decisions.

- Seek to understand the causes of your H&S incidents and demand that lessons learnt be implemented efficiently.

-Become familiar with the range and type of H&S information (performance measures) you have available and establish a routine of evaluating performance.

-Take a leadership role in establishing the requirements of service providers with reference to H&S standards (contract management).

-Provide recognition awards, commendations and the like for high performance.

-Develop your team’s ability to innovate by encouraging new ways of thinking about common H&S issues.

-Invest 10 minutes a day in H&S checks and conversations.

Policy Statement

Now we need to have a policy statement so that you can verbalise to your employees and show that you are committed to health and safety. An effective policy clearly states the specific health and safety responsibilities that create a safe workplace for employees. Your policy needs to specify the responsibilities of:

• Senior managers

• Supervisors

• The health and safety coordinator/manager

• Employees

• Employee representatives and health and safety committee members.

I have provided a draft template but make it your own. Re-write it in the language you use, or that your staff will understand. Write a policy from scratch even.

Establishing responsibilities

We then need to assign the responsibilities to individuals, and we do that by putting the requirement into the job descriptions of the individual. Doing this:

• Removes any doubt about accountability

• Clearly states your expectations of your employees

• Allows you to determine whether you have covered all health and safety responsibilities

• Provides a way for you to measure your health and safety performance.

Supervisors’ and managers’ job specifications and performance objectives should also include statements of accountability, which aim to:

• Avoid exposing to unnecessary risk employees and contractors in, and visitors to, your workplace

• Maintain safe work systems

And the benefit of putting H&S expectations into a job description is that in your performance reviews, you can include H&S measures as a reporting item.

Action Steps

1. Decide on the values and beliefs you expect and will display within your business

2. Articulate these in a policy statement

3. Assign responsibilities by assigning in Job Descriptions

4. For those individuals that have assigned H&S responsibilities, performance reviews include a review of the individual’s H&S effectiveness

**Health and Safety Policy**

The management of [YOUR BUSINESS NAME] is committed to a safe and healthy working environment for everyone using the premises as a place of work, or visiting on business.

**Management will:**

• Set health and safety objectives and performance criteria for all managers and work areas

• Annually review health and safety objectives and managers’ performance

• Encourage accurate and timely reporting and recording of all incidents and injuries

• Investigate all reported incidents and injuries to identify all contributing factors and, where appropriate, formulate plans for corrective action

• Actively encourage the early reporting of any pain or discomfort

• Provide treatment and rehabilitation plans that ensure a safe, early and durable return to work

• Identify all existing and new hazards and take all practicable steps to eliminate, isolate or minimise the exposure to any significant hazards

• Ensure that all employees are made aware of the hazards in their work areas and are adequately trained so they can carry out their duties in a safe manner

• Encourage employee consultation and participation in all health and safety matters

• Enable employees to elect health and safety representatives

• Ensure that all contractors and subcontractors are actively managing health and safety for themselves and their employees

• Promote a system of continuous improvement, including annual reviews of policies and procedures

• Meet our obligations under the Health and Safety in Employment Act 1992 (as amended by the Amendment Act 2002) (the HSE Act), the Health and Safety in Employment Regulations 1995, codes of practice and any relevant standards or guidelines.

**Every employee is expected to share in the commitment to health and safety.**

• Every manager, supervisor or foreperson is accountable to the employer for the health and safety of employees working under their direction.

• Each employee is expected to help maintain a safe and healthy workplace through:

– Following all safe work procedures, rules and instructions

– Properly using all safety equipment and clothing provided

– Reporting early any pain or discomfort

– Taking an active role in the company’s treatment and rehabilitation plan, for their ‘early and durable return to work’

– Reporting all incidents, injuries and hazards to the appropriate person.

The Health and Safety Committee includes representatives from senior management and union and elected health and safety representatives. The Committee is responsible for implementing, monitoring, reviewing and planning health and safety policies, systems and practices.

Signed by [CEO/General Manager]

Date [DATE]

## Emergency Planning and Readiness

You must have an emergency plan in place to manage all types of emergencies likely to happen in your workplace. For example, I was part of the initial team that deployed for the ANZAC Day 2010 Iroquois crash. There was a very quick response in terms of setting up and emergency team and then starting the investigation process – and I’ll talk about investigation in the next chapter. But the response was only able to happen because plans had already been written and practiced for such an emergency.

By the end of this chapter we will worth develop such a relevant emergency readiness plan for your business. We will identify what could affect your business, and then focus on these possibilities and write the plan.

However, the best plan is to focus all your energies on preventing an emergency. That is what hazard management is all about, which we will cover in some detail in the Hazard Management chapters. It is worth repeating this though because I see a lot of organisations focus on having first aid kits and evacuation plans and forget about preventing the accident. Remember, preventing an emergency is so much more effective than trying to deal with the fall-out of an emergency.

Having said that, you may have done the very best you can in looking at potential hazards in your workplace, and missed something. Or, a fire or some other natural disaster may occur. You then need to have a plan ready because if you don’t, it’s too late to decide who is responsible, what help is available and what you and your staff need to do.

I had this concept of preparation drilled into me during the pilot training course with the Air Force. The training was always highly regarded, and I think in part it was because we were continually drilled in emergencies that become more and more complicated, and could happen at any time. And then it happens for real.

On Wings Course a major goal is going on your first solo low level flight in a jet, the Macchi, which means to be flying by yourself at 250 feet and cruise around at a minimum of about 550km/hr.

I’m going to show you some actual footage from a little camera that is also plugged into the intercom and radio that sits in the front of the jet on the day, flying over a fisherman on Lake Taupo.... I was at a turning point just north of New Plymouth when the engine just wound back. Now it didn’t shut down, but it was idling below what it should have been, and was producing no power. This was not like anything I’d seen before – I had a noisy alarm going off, an engine idling at an RPM that should not be possible, and of course (Murphy’s Law) I found out when I landed the Air Traffic Controller was having his ATC practical exam, and was expecting some kind of staged scenario. The training kicked in and I knew automatically to convert all the forward speed into height, and set up for a glide and then try to get the engine going while flicking out a quick Mayday call. Fortunately I didn’t have to eject into the water, and got the engine going at 1000 feet and finished by gliding from 2500feet to land at New Plymouth runway. I’ve edited the footage from 15min to a few minutes I’ve overlaid little descriptions and had to make some ‘bleeps’ over certain commentary.

The only reason I was able to deal with the emergency was because of the prior preparation. Period. My training in the Air Force really did change the way I think about situations at home, with kids, at work and I love the philosophy of ‘Expect the best, plan for the worst’.

How does this apply to you and your business? By definition emergencies are any unplanned events that can have a significant effect on your business; they may involve physical or environmental damage, or injury, harm or death to employees, visitors or members of the public. The great bonus in taking the time to develop an emergency plan is that you will also be able to plan how your business will operate after an emergency – business continuity. Here are the steps we will work through.

Identify

Identify all potential emergencies that could affect your business

Plan

Implement

Maintain

Review

Develop a plan

Communicate, appoint, train, purchase equipment

Practice drills every 6 months (minimum)

Debrief drills – improve plan

Emergency Readiness

We are now going to work through the steps to developing your emergency plan.

Step 1. Identify all potential emergencies. Consider if the following are possible within your workplace:

* Earthquakes
* Fire
* Floods and storms
* Accidental release of hazardous materials
* Telecommunications failure
* Power failure
* Vehicle Accident
* Heavy snow fall
* Bomb threat
* Tsunami
* Working alone
* Contamination of ground or waterways
* Crowd violence or armed robbery
* Explosion or waterways
* Crowd violence or armed robbery
* Explosion.

What other emergencies are possible?

When you are working through the list, make sure you are annotating whether the emergency is relevant or not e.g. vehicle accident. If you don’t use vehicles in your business, then cross out and write ‘we don’t have vehicles’. This record keeping is important so that you can provide a record to any future audit and prove you have an active H&S system. If you just mentally tick of the above, there is no proof!

Step 2. Develop a plan to deal with each emergency.

Generally an emergency plan will need some kind of site evacuation. However, this is not an adequate emergency response plan. You must work through each designated potential emergency situation and work out what you want to happen. You need to consider:

* Who or what positions are responsible for certain actions
* What these procedures and actions are
* How a temporary safe refuge during an emergency event, which may lead to a site evacuation
* How the emergency services will obtain the necessary information e.g. where are the isolation points, equipment e.g. fire hydrant points

Fortunately the government have plans and even whole departments that specialise in a lot of these emergencies. The following notes have detailed instructions on what you need to do for each emergency. Having identified which emergencies are possible, please work through the action steps on how to deal with specific emergencies and tailor for your work situation.

For example let’s have a look at a Fire example. If you work in a building then answer these questions (see ‘Fire’ section below). If you answered ‘Yes’ to any of the questions, you need an evacuation scheme approved by the fire service. The link provides more details.

If you work from home then use the free Self-Employed Home Based Health and Safety Manual, which includes emergency and fire evacuation tools to get your family involved.

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**Fire – evacuation schemes and procedures**

Under the Fire Safety and Evacuation of Buildings Regulations 2006, New Zealand building owners are required to put in place either an ‘evacuation procedure’ or an ‘evacuation scheme’ to ensure the safety of all occupants when evacuating in a fire.

Procedures and schemes must cover:

• What to do if a fire is discovered

• What to do if the fire alarms sound or you are warned of a fire

• How to get out of the building in an emergency

• What the fire alarm signal is.

An evacuation scheme is more advanced than an evacuation procedure and must be approved by the New Zealand Fire Service.

Complete this quiz to determine whether you need an evacuation scheme or procedure.

**All buildings**

Are hazardous substances stored? No Yes

Are early childcare facilities provided? No Yes

Is specialised care for people with a disability provided? No Yes

Is specialised nursing, medical or geriatric care provided? No Yes

Are people in lawful detention? No Yes

Can 100 or more people gather in a common venue? No Yes

**Unsprinklered buildings**

Are there facilities for more than 10 employees? No Yes

Can 100 or more people gather for different purposes or activities? No Yes

Is accommodation provided for more than five people? No Yes

If you answered ‘Yes’ to any of the questions, you need an evacuation scheme. If you did not answer ‘Yes’ to any of the questions, you can use an evacuation procedure.

Contact www.fire.org.nz for more information.

**Hazardous substances**

Accidental spillage or release of hazardous substances may necessitate the evacuation of your workplace and, where the potential for harm is significant, even your neighbouring community. As well as identifying such emergencies in your workplace, you need to be aware of the potential for hazardous material emergencies off-site, for example if you are involved in the transportation of hazard substances or if you use hazardous substances as part of your work. The spilling of hazardous substances onto the roadside or into waterways may result in severe environmental damage.

When developing your emergency plan, think about:

* Identifying and labelling all the hazardous materials you use and store, making sure you follow any regulations and manufacturers’ requirements
* Obtaining SDS from your suppliers for all hazardous materials on your site, and making sure all users of hazardous substances read the SDS. These SDS must also be available to the Fire Service in the event of an emergency
* Training employees in the proper handling and storage of hazardous materials or assisting them to obtain the appropriate certification if required
* Developing a hazardous materials response procedure that covers not just on-site incidents but also a procedure for off-site incidents
* Identifying other organisations and places in your area that use or store hazardous material and assessing whether incidents at these places could affect your operation. Are you next door to a petrol station or paint retailer, for example?
* Store incompatible materials in different areas.

Contact www.ermanz.govt.nz for more information.

**Flooding**

Floods are a common natural disaster. While many floods develop over a couple of days, some floods can occur overnight as high-country streams drain into towns. Flooding is often worsened at high tide.

When developing your plan, think about:

• Finding out from your local council whether your workplace is located in an area prone to flooding. Is the drainage system able to cope with unexpected heavy falls of rain for example? Find out about the history of any flooding in your area, from your neighbours if you have just moved in, and determine whether any nearby streams or rivers pose a threat to your site. Probably they do!

• Establishing evacuation procedures for your site. Also develop a plan to clean up after the emergency. The Fire Service may be able to assist with draining the building but you will also have to lift carpet and dry the building. Where will you get dehumidifiers from?

• Seeking advice from your insurance company on flood insurance. Do you have cover to protect wages and income in the event that your business is shut down for a period of days?

Contact www.civildefence.govt.nz for more information.

**Earthquakes**

As New Zealand sits on a fault line, earthquakes pose a real threat. While most cause only minor damage, more serious shakes can:

• Damage buildings and their contents

• Break gas, electricity and telephone lines

• Trigger tsunamis. The most common danger for people in buildings is when things fall on them, like filing cabinets or items stacked on shelving.

When developing your plan, think about:

• Checking your site for any unsecured items that could fall, spill, break or move

• Determining how to manage these hazards:

– Secure shelves, filing cabinets, and tall furniture

– Secure fixed equipment and heavy machinery to the floor

– Install safety glass where breaking windows could injure employees or customers

• Training your drivers, if you have them, on what to do if they are travelling on the road and an earthquake strikes.

Contact www.civildefence.govt.nz for more information.

**Severe winter conditions**

Severe winter storms can mean ice, strong winds and snow which can result in power failures and road closures.

When developing your plan, think about:

• Monitoring the local radio station for updates on the weather

• Establishing procedures for shutting down your workplace and sending employees home.

Employees living in hill suburbs should leave early if there is a likelihood of roads being closed due to ice and snow. They should not return to work until the Police confirm the roads are usable

• Determining the whereabouts and safety of any employees who are travelling

• Having arrangements in place for any staff who may be stranded while on company business.

Contact www.metservice.com for the latest severe weather warnings.

**Electricity and communication emergencies**

These emergencies take the form of interruptions to, or loss of, support services such as electricity supplies, and telecommunications. Most disruptions will probably be of only a few hours duration.

When developing your plan, think about:

• Identifying all your workplace’s critical operations, including those that would be disrupted

by:

– Electricity failures

– lighting, heating, cash registers, automatic doors, cordless

phones, computers, etc

– Communication systems failures

– EFTPOS, phone, fax and data processing

• Assessing the impact on your business of the service disruption and developing strategies

to deal with the situation. For example, if your EFTPOS system goes down, can you manually process transactions?

• Whether or not there are operations that will become unsafe if the power is cut to the site. For example, is there machinery that, following a power interruption, will leave loads in an unsafe position? What procedures do you need to put in place for these situations?

**Armed robbery**

Longer working hours, and more and more people working on their own in situations where they handle cash, have made armed robbery a real threat.

To deter robbers you should seek advice from security specialists or the Police, but here are some simple steps to follow if confronted by a robber:

• Keep calm, and make no sudden movements

• Do what the offender says

• Try to memorise as many details about the offender as possible

• Note the direction and method of escape

• Notify police as soon as it is safe to do so. Leave the phone line open until the police arrive

• Provide first aid to victims, and lock outside doors.

Contact www.police.govt.nz for more information.

**Aggressive or threatening situations**

People can be abusive in person and on the phone. If you tolerate this abuse you are, in effect, accepting this behaviour towards you and your employees.

Establish an acceptable standard of behaviour for others in their dealings with your employees. Let your employees know that they do not have to tolerate:

• Unwelcome or offensive gestures

• Abusive or obscene language

• Racist or sexist comments

• Verbal or physical intimidation

• Verbal or written threats

• Sexual harassment

• Someone under the influence of drugs, alcohol or solvents

• Physical violence

• Defacing or destroying property

• Any behaviour of a similar type that makes them feel unsafe.

Let your employees know they are allowed to remove themselves immediately from any such situation (or to end phone calls) and seek help from their manager or supervisor. If someone becomes aggressive or threatening:

Advise your employees to:

• Remain professional

• Keep your language unemotional

• Avoid sarcasm and cynicism

• Do not use patronising and aggressive language.

Warn the person their behaviour is unacceptable (if you can do this without making the situation worse):

• Keep calm

• Advise them you will stop the meeting/conversation

• Ask them to leave – or end the call.

Keep safe on the telephone:

• Do not tolerate verbal threats

• Do not tolerate abusive or obscene language

• End the call

• Get support and organise a debrief of the call in a safe and confidential room.

Keep safe at the meeting:

• Do not try to approach or restrain them

• Leave the reception area or meeting area immediately

• If you are unable to leave, raise the alarm

• Get support

• If there is a risk to other employees or customers, remove them from the area.

Report:

• Tell your manager immediately.

Record:

• Make a written record of the incident

• Make sure you report the incident.

Step 3. Implement.

Ensure the plan is communicated to all staff, contractors and visitors. For example, lets say you have identified Fire and Earthquake as the only potential emergencies, then you must inform your staff by way of training briefs, posters, signage around the workplace, emails etc.

And don’t forget that contractors and visitors also require an appropriate brief. What that means is it is not reasonable to train a visitor and point out where the safety equipment and first aids kits are located, but it is reasonable to have some kind of sign in register which includes details of the evacuation procedure – what they should do, which door should they exit, what particular hazards should they be aware of? I’ll talk about this more under the training chapter.

There should also be a first aid kit in each place where people are working. There are some basic items that should be in every kit, which should take care of most minor injuries. But the kit should also take into account any specific hazards within your workplace. If you work in a low risk environment, then purchase a standard first aid kit or kits.

The ‘First Aid for Workplaces – A Good Practice Guide’[[2]](#footnote-2) should be downloaded and worked through.

Step 4. Practice drills every 6 months (minimum)

Now you need to work your emergency. Remember the story I told earlier about flying training. Obviously, you don’t need to practice daily (in most workplaces) but you should practice your emergency procedures at least twice per year. This helps build the ‘muscle memory’ and get the responses to become more automatic, and also helps ensure people who missed the last drill or new employees are also covered.

Step 5. Debrief drills – improve plan

Have someone or your team audit the drills. What went wrong? What went right? How well did the visitors or contractors respond. Is your plan working?

Remember, in all of these steps to document all your work, including the conclusions of the H&S team and any recommendations.

Action Steps

To summarise, we need to work through the following actions steps. Don’t forget to record all your decisions for future reference or proof for an audit or DoL investigation. So, right now go ahead and:

1. Identify potential and relevant emergencies – so we can focus on possible emergencies
2. Develop and plan
3. Tell people the plan
4. Practice and
5. Review and improve

Please, do this work right now, and be ready.

## Reporting and Investigation

Most businesses do not know that they have a legal responsibility to report Serious Harm[[3]](#footnote-3) accidents to the Department of Labour. Firstly, the employee may not have reported the injury to the Company, or secondly the Company may not know what a serious harm accident is, which I will go into more detail in later chapters. Thirdly, a business may not want to report out of fear of bringing attention to themselves. And finally, a business may not know they need to report such an accident verbally as soon as possible and then within 7 days in writing, using a required form. There is a lot to remember there so I’m going to break it down for you into these sections:

In this chapter we are going to cover why you need to report, how to report and finally why and how to carry out an investigation.

Why report?

A few years ago a young employee at a café in Wellington suffered burns when he tripped carrying a bucket full of hot oil, in a plastic bucket. The employers was fined $7000 (now the lowest level of culpability starts at $50 000) and ordered to pay reparations of $10 000 to the victim for not protecting him from the hazard of the hot oil. The employer though did not report the accident to the Department of Labour so an additional charge was laid under a section in the HSE Act. However, the Judge seemed to view the failure to report as minor and the employer was only fined an additional $750 for this particular charge. I don’t know about you, but $750 is probably not a huge motivator for large or even small companies.

And perhaps that is why when another company was also charged under the same sections of the act, the fine was increased to a massive $70 000 – just for not reporting.

What happened was an employee of The Supply Chain, which is part of the Progressive Enterprises Group, accidentally cut his thumb while working in the beef cutting room. He needed 4 days in hospital and 3 months off work, and when the Department of Labour heard about it they prosecuted the Company for 3 offences; inadequate training (which was a 15k fine and 1k in reparations to the employee) and then 35k each for failing to make a verbal notification and a written notification within 7 days. The judge deemed the non-reporting was ‘deliberate and cynical’ and the fines did start at 50k each, but were discounted for an early guilty plea and subsequent cooperation.

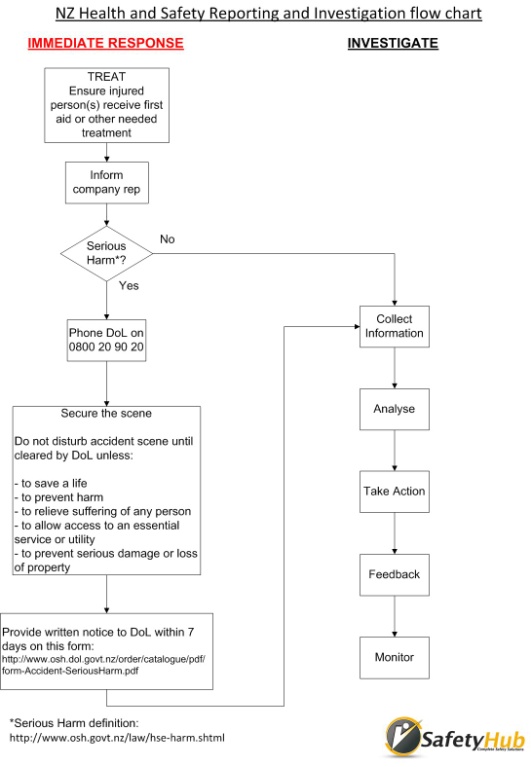
I hope I have your attention now. What would such a fine do to your business? I know some may think well, wouldn’t we just bring attention to ourselves if we report a serious harm and get prosecuted anyway. And you may right…but this thinking is quite risky, especially in smaller or provincial towns where news does travel informally.

So, here is the key message – when in doubt about an accident, report it. It is not worth the risk.

How to report?

Obviously if you are considering reporting on an incident or accident, some unplanned event must have occurred. Your initial response should have been guided by the emergency identification and plan you completed in the emergency preparedness chapter.

Even with all that preparedness though, somebody may have been injured. The first step then is to focus on getting treatment to the person or people. Related to that is to make sure you don’t harm people while trying to help. These are basic first aid and emergency response procedures. Now you’ve got control of the situation. People are now safe and being treated and now is the time to stop, take a breath and take care of your reporting requirements. Of course I’m focusing on the H&S Act, but there may be other organisations you need to contact such as the police, Maritime NZ, CAA and so on depending upon your business.



I have put together this flowchart to help you see the complete process – the big picture on the one image. But this process only works if the company are aware that an accident or incident has occurred. So after treating the injured, the employees then need to INFORM the company of the incident. The big scale events like a fire will be obvious, but more often than not accidents will occur and involve 1 or just a few people. As a company then, you need to set up an internal reporting system first.

There are many ways to do this, which depend upon your business. One way is to have a designated H&S rep that is in charge of the reporting. Once an employee has treated an injury or had a near miss, they can verbally tell the H&S rep about the incident. Another way is to have a little note pad which the employee fills in – they complete enough basic information so the H&S rep can follow up with them.

I think the best way is to have an employee verbally work through with the H&S rep and fill in a reporting form[[4]](#footnote-4) which is also the accident form. That way you don’t muck around and can deal with the reporting and investigation in one hit.

But the thing here is that you need to then train your employees so that they know to report and the benefit for reporting. As a company though you need to create a culture around reporting. What I mean by that is that if your employees are fearful that reporting will get them in trouble with management, then they won’t report. And you won’t hear about the near miss, and are not able to learn and prevent the accidents happening. Also, do the employees feel embarrassed? While it’s natural to joke and laugh at another person’s accident, it will also stop them reporting. So your companies policy must be clear to your employees that reporting incidents is a good thing – and that non-reporting will be frowned upon.

Continuing, we now need to determine if the incident was a ‘serious harm’ incident. I go into this in the hazard management chapters, and here is the current definition[[5]](#footnote-5) – in a nutshell what would you consider to be serious injury, using some common sense. If you are unsure or need clarification, assume it is serious and ring the DoL – which is the next step.



What you then need to do is secure the scene. The idea is to preserve the evidence so an investigation can be made and also prevent anyone else being harmed. For example, for the Air Force helicopter on ANZAC day 2010 a crash cordon was established and guarded 24/7 as reporters were trying to get onto the scene. In this case, the crashed aircraft still had fuel on board and other dangerous equipment and it was imperative nothing was disturbed as backwards analysis can reveal a lot about the aircraft at the time of impact. What you need to do is take a similar approach, and take on board the guidance of the DoL when you call them.

Finally, to wrap up the reporting aspects you need to provide a written notification on the prescribed form[[6]](#footnote-6). The form is simple to complete and I recommend getting it done almost immediately before you get into an investigation. It is fairly simple, and is worth taking the 30 minutes to complete rather than forget as you get into the investigation phase.



Why Investigate

The aim for any investigation is to make recommendations, to take action that will prevent the accident occurring again. This is important because if your mindset is simply to fulfil a legal obligation then investigation can turn into a ‘tick-the-box’ exercise; which is a waste of your time and effort. The main reason for the investigation should be to determine what went wrong, and stop a reoccurrence. If following your investigation you have not found any well thought through recommendations, then you have wasted your time doing an investigation. If your mindset is to learn from the accident, you will also meet your legal investigation obligations.

This is really important now as a Company or business. Do you really want to know what went wrong? Because you then need to set up a culture within your workplace that encourages the reporting on accidents.

What do we investigate? Most people focus on just investigating those accidents that cause a serious harm injury. Best practice is to actually investigate every incident that is reported to the company. Why do this?

When you think about it, it is actually a cost effective approach to managing safety in your business. When you have an incident, the difference between a close call and a fatality can come down to just bad luck. Or the difference between a serious injury and a death can be luck as well. A ½ second later or earlier, 5 meters or 5 mm closer or further. So if your business is having lots of close calls, then you need to find out why before the close call turns into a minor, major injury or even death.

Another way of looking at it is to picture an iceberg. The incidents underneath the water represent those events that did not result in damage or injury. Think of an incident as a wakeup call for you.

How to Investigate

I attended a 3 month training course which specialised in aircraft accident investigation. It was run by the US Air Force in New Mexico and even included what they called a crash lab. Actual wreckage from aircraft accidents were placed in the same scatter patter, often only to scale, and we had to use the wreckage to try and understand what actually happened. After that course I came away with the realisation that a thorough investigation is a very complex subject which covers everything from human factors to engineering, using different investigation models. Obviously, we are not going to go into this sort of detail.

But for you and the likely level of investigation required, there are a number of simple models to follow. And the best and simplest approach I found was the ‘five why’ model. The five whys is one of the simplest methods to uncover the factors that contributed and caused the incident - the ‘causal factors’. It is a question asking method used to explore the cause/effect relationships underlying a particular problem. The following example demonstrates the basic process:

My car will not start. (the problem)

*1) Why?* - The battery is dead. (first why)

*2) Why?* - The alternator is not functioning. (second why)

*3) Why?*  - The alternator belt has broken. (third why)

*4) Why?*  - The alternator belt was well beyond its useful service life and has never been replaced. (fourth why)

*5) Why?* - I have not been maintaining my car according to the recommended service schedule. (fifth why, root cause)

Note that the questioning for this example could be taken further to a sixth, seventh, or even greater level. This would be legitimate, as the *five* in *five whys* is not gospel; it is a guide as five iterations asking why is generally sufficient to get to a causal factor. 5 Whys offers some real benefits:

Simplicity - It is easy to use and requires no advanced mathematics or tools.

Effectiveness - It truly helps to quickly separate symptoms from causes.

Flexibility - It works well alone *and* when combined with other quality improvement and troubleshooting techniques.

Engaging - By its very nature, it fosters and produces teamwork and teaming within and without the organisation.

Inexpensive - It is a guided, (ideally) team focused exercise.  There are no additional costs.

Often the answer to the one why uncovers another reason and generates another why. It often takes five ‘whys’ to arrive at the cause of the problem. You will probably find that you ask more or less than 5 ‘whys’ in practice.

If you remember one thing from this chapter, remember this model. In fact, look at a previous accident report and see if this simple process helps you uncover new solutions.

Action Steps

Step 1. Develop a flow chart to guide your reporting and investigation response – use the template I provided.

Step 2. Teach staff about the response required from them, including the need to report any incidents to the company, and to secure a scene both to protect people and preserve the evidence.

Step 3. Assign the responsibility for managing the reporting and investigation requirements. Train this person(s).

Return to Work

Research findings suggest that an injury may cost you between 8% and 15% of your payroll, therefore you and your employees will benefit if you can quickly help injured employees back to work. Other benefits include:

• It improves the culture and cooperation in your workplace.

• It demonstrates that you are a supportive employer.

• It helps retain your employees.

• It reduces lost work time.

• It reduces the costs of recruitment and training.

• It reduces the costs associated with long-term disability.

• It provides a consistent approach to managing workplace absence (whether the injury happens at work or away from work, or is an illness).

To in this chapter we are going to discuss what you need to do to help return employees to work.

As you know, when your employee reports an injury, we must make sure they get appropriate medical treatment and management, e.g. first aid on-site and/or a visit to a treatment provider or the Accident and Emergency Department of a hospital. You also need to ensure you report and investigate the incident. Then we can develop a return to work plan for the injured employee.

What will happen is the employee will be receiving some kind of treatment for their injury. But the treatment providers are experts in diagnosis and treatment, but may not know anything about the workplace. Your employees do not need to be 100% fit before returning to work after an injury, but a doctor sitting in an office may not know what work they could do and simply issue a medical certificate for time off work. As an employer, you must get involved and work with the employee, the treatment provider and the ACC in designing a return to work plan.

If the injury is minor, the plan may simply be a case of other suitable duties for the short term. Suitable duties are provided on the understanding that they are not permanent and the employee will return to their full duties. Other terms commonly used include reduced, transitional and light duties.

Suitable duties include:

• **Alternative duties**, which are different in the same or another area of the business altogether

• **Modified duties**, which are duties that have had components removed or included to match the employee’s capacity e.g. increasing the number of different duties so that the injured employee changes position regularly, or having another person complete the lifting part of the employee’s task

• The same job but reduced hours

• An alternative job and reduced hours.

Suitable duties do not include work that is:

• Not useful for your trade or business

• Demeaning to the employee or has no employment prospects.

When determining suitable duties then consider the answer to these 5 questions:

1. Is there anything about this injury that prevents your employee travelling to their usual place of employment?

2. Is there anything about this injury that prevents your employee being at their usual place of employment for full normal hours?

3. Is there anything about this injury that prevents your employee performing their usual duties for some of the time?

Ideally here you should analyse the job and work out the demands e.g. is it physical work, what type, how much, how often. What is the working environment, the level of productivity required?

4. Is there anything about this injury that prevents your employee performing their usual duties for full normal hours?

5. Does the injury cause any safety problems?

With this information you can either meet with the treatment provider, or provide a written summary for the employee to give to the provider, and together work out a plan. I saw a very good example at a major steel works which have their own medical centre. Whenever an injury is being treated onsite, the supervisor must attend and receive and be involved in any return to work planning, so both the employee and supervisor know what they can and can’t do. It also motivates the supervisor to ensure the same incident does not happen again!

In summary then, there are four key tasks in helping employees return to work:

- Contact your employee (and keep in contact)

- Analyse the work they currently do, and other options in the workplace

- Inform the treatment provider of these options

- Communicate. Both while developing the plan with the employee, treatment provider and the ACC and in monitor the plan to make sure it is working. The thing about a return to work plan or process is that it must be tailored to the individual and situation – that’s why communication is key.

Action Steps:

Write a return to work plan or template which you can use to help inform and guide both managers and employees.

If your employee has had time off work, they will need medical clearance from their doctor before returning to work. Once they are back, make sure you monitor their situation to ensure they are not reinjured or their medical condition does not deteriorate.

## Hazard Management - Identification

Hazard Management Process

The next 3 chapters (Hazard ID, Hazard Assessment and Hazard Controls) form the core of your H&S system because these processes will identify what things could hurt your employees or damage your equipment and how to mitigate them. If you didn’t have anything could harm anyone, then you don’t need a H&S system; you don’t need to make your staff aware with an induction program, you don’t need to train them on how to safely use equipment, and so on.

At the end of the Hazard Management process, you will have developed:

* a list of hazards linked to a particular job, and
* worked out how to control these hazards.

For example, let’s say you determined noise was a hazard for an aircraft refueller, and decided that ear defender or plugs were the control. Then as people come in and out of that job, you know exactly what training they need, what PPE the must be issued, training on use of PPE. And you will find that the hazards and controls can often be linked to other jobs for example, an aircraft baggage handler. The same noise problem and the same controls.

It is critical, and legally required, that you follow the process I am going to take you through. If you really apply yourself to this area, everything else will flow in creating a working H&S system for your business. By the end of these next few chapters we are focusing on Hazard management.

At the end you will be able to answer the following questions:

* What hazards are present in the workplace?
* Are the hazards significant?
* If so, what control measures are in place, and are they adequate?
* What procedures are implemented to maintain control measures?
* What monitoring may be required?

However, this chapter will focus on the first question of how to identify a hazard.

In New Zealand we use the word hazard to define something that can hurt you; in other countries they use the word risk. For example, imagine me holding a cup of coffee. The coffee can potentially burn – so it is a hazard and we have to put it on a hazard register. But really that’s not very helpful right because me holding a coffee and drinking it is relatively safe. But if I held the coffee over someone’s heads now maybe it’s not so safe. If I put the coffee on this table here you could even safe hey, that’s the safest option. But what if I told you this table is located inside a kindergarten. My point is that really we should be looking at the hazard and the context, so we can determine a risk. But at the end of the day NZ law is written around hazards so that’s what we need to start with.[[7]](#footnote-7) In a nutshell, a hazard is something that can or could hurt you.

So we need to find all the hazards in your workplace. It is critical that this is done properly because you may miss obvious hazards which will later bite you, or you will put in place measures that are simply not needed.

I have seen companies have expensive controls in place when they were not justified – they were simply sold the idea and were trying to do the right thing. As an example, you may be issuing ear defenders and then having to pay for your staff to have annual hearing checks to make sure the ear defenders are working. But firstly you need to confirm noise is at levels that can cause ear damage, by measuring the noise level. The noise levels maybe below the level that can cause harm, but still be a nuisance to somebody. However, the H&S Act is all about preventing harm and not about preventing a nuisance. If the noise is not loud enough to harm someone you don’t need to issue ear defenders. However, from a nuisance point of view you may elect too – but then don’t need to provide a hearing test!

In doing this hazard identification you need to get as many of your employees involved because we all have different backgrounds and see, or don’t see, things that can hurt us. What I have found is that what I may see as an obvious hazard in your workplace, other people will not even see the danger. Or recognise the danger but come up with a plan which doesn’t lessen that danger. Or worse still, carry on and ignore the danger.

I remember an example when I saw a worker up on a high roof. He was a subcontractor to a painter preparing the corrugated iron roof to be painted with a machine that looked like a buffing machine. It also had water coming out of the machine and he wore gumboots. So I saw a guy working on a roof that was being effectively turned into a piece of ice with a big-heavy machine, and he didn’t see the danger. Now if that guy was employed by me then I’d be responsible for that dangerous work practice. Incidentally, the same applies for any contractors or sub-contractors, which is why we’re talking about how to manage contractors in another video...so in this case the guy on the roof went and got a harness which anchored to the other side of the roof he was working on. However, when I saw him next he was working on the same side as the anchor point. I parked my bike around the corner and 30 seconds later was back to get him down and all of a sudden the anchor point was on the correct side.

What does that mean to you – you have to identify and put in place controls for all work that could harm people. You can’t expect or rely on your employees or contractors to just ‘be safe and use common sense’.

So, let’s now work through the HAZARD ID process.

The first place to start when writing a list of hazards is to have someone look at past lessons. Do you have a formal reporting book where you put in details of any incidents? Or investigation reports that have details on what went wrong, what needs to improve. Are certain accidents always occurring? Are the same body parts being injured again and again? Grab the details and put into your hazard ID template.

Ask Employees

The next gold mine to tap into is the experience of your employees. There are several reasons to do this which include:

* Employees know they hazards they face
* They often have ideas on how they can be controlled
* The H&S Act does not want employers to make unilateral decisions on H&S
* A successful system requires the co-operation and a joint sense of ownership by both employers and employees

What have your employees learned the hard way around your workplace that has harmed them or someone else? Damaged equipment? So many times I’ve seen someone get hurt and the co-workers knowingly chuckle at the green-horn. When you ask them why they never told or taught the new person about a particular hazard, some will even reply they have never been asked their opinions. So they shut-up, and watch the same mistakes happen time and again. So, we are going to get your employees involved because possible the most important for improved workplace safety is a shared commitment to it.

Hazard Identification Template

Site…………………………………………………………………………………………………………………………………………

Occupation………………………………………………………………………………………………………..Date……………

Potential Hazard Where Type

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To help facilitate getting them involved there are two steps.

Step a. Next give everybody a Hazard ID template to complete.

Ask employees ‘what If’ questions about design and operation of equipment, a particular process or system. Do some brainstorming to throw that net wide. For those not comfortable speaking out or in a group, have an ideas box. And even offer some rewards for the best ideas e.g. a movie pass for 2 people. Are they carrying any injuries, pain or discomfort? Where and why?

It is crucial that all employees contribute to the Hazard ID, as they all have different backgrounds, jobs and attitudes to safety – we want to maximise the chance of uncovering a hidden hazard. One suggested way to complete the forms would be for each person to identify some hazards and then the whole team get together and remove duplicates and discuss what they have found. It’s also important to find ways to relate to your team i.e. the way you approach office workers is different from say guys working on a building site. So you need to use a designated leader like a supervisor to get the hazard ID done, or invite one of the unofficial leaders in the group, who is respected by the rest, to do this job. This can be especially important is crossing cultural or language barriers. At the end of the day, you are using the ID template as a way to ask for their input.

The hazard ID template has now done its job but you need to transfer all the confirmed hazards into this Hazard Register spreadsheet. Double-click the template below, and save to use (or obtain in the membership section of www.safetyhub.co.nz).



But you have not identified all hazards yet as you have relied on what people already recognise as a hazard or from accidents that have already happened. What I mean by that is there are still hazards buried within your workplace that you have yet stumbled across, and we need to uncover.

What some people suggest you do is take a walk around your work site with your eyes and ears open and note anything that is unsafe. However, I have found you need to break down your workplace into manageable blocks so you actually are able to ‘see’ everything.

Step b.

The system to use is to look at your work and break it down into subcategories in looking for hazards.

These categories are Physical, Chemical, Biological, Design/Ergonomic and Psychosocial. This step is more detailed and requires more effort on your part. However, it is more thorough and proactive in finding the hidden hazards, and once you get your head around how to do it, very simple.

So let’s look at these and then use an example;

Physical hazards

Usually we’re talking about transfer of energy like falling, being hit by moving objects, heat like in a foundry or a cold environment like working outdoors and freezing workers. Also included is radiation, electricity and high noise levels and vibrations e.g. using portable power tools and pressure effects like in diving (increased) or in aviation (decreased).

Chemical effects

I sure I don’t need to define what a chemical is, but just remember it is not just in the liquid form. You can be exposed to a chemical such as a fume in welding and cutting, lead dust as in battery manufacture, vapour as in mercury, mist as in chrome plating and then in gas form, like carbon monoxide. A good place to start is to look and see if you can see or smell anything, but remember you can’t always see and smell all chemicals!

Biological

Under this category are bacteria, viruses, fungi and so on. Examples include hep A in sewerage work, hep b in health care, skin infections from bacteria, farmers lung from moulds, and dust from agricultural work which has a lot of biological material like animal hair, urine etc. A recent example was legionaries from potting mix – talking about including a breathing mask and attaching it to the mix.

Design or Ergonomic

Ergonomics is about matching the job to the worker. A recent and classic example is the way Air New Zealand have changed their check-in procedures. It used to be the checking-in person would have to move the bags from the weighing scales onto the conveyor belt. The problems is these people were not the burly baggage handlers you see tossing your bags around when you look out and cringe from the plane’s window; they were less robust and the person was not matched to the job. A resign has seen an automatic conveyor belt move the bags to the conveyor belt and now the customer does the whole check in. That’s resigning the task! Now, the customer does the checking in.

The pacing of work, design of tools and workstations and forces applied to perform the work, needs to be assessed. Otherwise an imbalance will occur and you will create injuries.

Psychosocial

These include stress and fatigue. Fatigue is a classic in this category. (Very good guide included here[[8]](#footnote-8)) Does your workplace have shift workers, night workers or extended hours of work. Fatigue is a known to both lead to physical and mental impairment, which will increase mistakes, and can also have a longer term impact on a person’s health.

I have included a guide on Healthy Work in the hazard ID chapter (online), which includes stress and fatigue. As you can see in this template, these categories are already laid out for you.

OK, with these five hazard categories in mind, what we now do is go and look at the workplace using the Hazard Register. This spreadsheet is too detailed for the first step above, as you want to get employees involved and basically the Hazard ID form above is just a tool to help ask questions, and get answers.

When we do this ‘walk-through’ of the work place, we need ensure we do so when hazards are likely to be around. For example, a walk through at the lunch hour will miss hazards in action, or not taking into account cyclic activities like maintenance work that may occur monthly. So time your hazard ID or carry out multiple identification exercises to ensure all hazards are seen.

Now go to a pre-determined area and make sure you have a worker or supervisor as part of the team who knows what is going on in these areas.

We then can use the five categories above and look at the workplace in one or a combination of these ways:

1. The Area
2. The Machine or Technique: a particular or specialised piece of machinery or technique
3. The Task: the task could be loading and unloading of bags at an airline check-in
4. The Process: an extension of ‘task’: this could be the complete check-in process from checking in the bags to loading the bags onto the aircraft
5. The Job/Occupation[[9]](#footnote-9): e.g. baggage handler, which has other skill requirements like driving a baggage vehicle, using a tug to move the aircraft and so on.

Let’s have a look at this photo of these workers on a yacht in an attempt to identify hazards. It looks like we have a guy supervising or standing around, a few guys moving equipment here, a forklift in here providing s working platform for these two guys working on the keel.

Looking at the area then, we start cycling through the categories of Physical, Chemical, Biological, Ergonomic and Psychosocial. I’ve picked an example under each category. Note you may have many examples under each category, and in fact may only have one category with a potential hazard. Also notice how the rubbish in the back can be both a chemical and biological hazard – which is the advantage of working through this method. You are breaking everything down into blocks, and more likely to find all the hazards.

Remember at this stage you can put anything down; the goal is to cast the net wide and we will filter out in the next chapter. When using the form just put an abbreviation under the category. Put enough information in the form so that when we are doing the analysis of the hazard, you remember what it is you actually wanted to look into when you get back to the office.

The final category is the job or occupation. Personally, I find the easiest and most logical way to identify potential hazards is to use the task or process approach. If you follow a process from start to finish, and have someone on the team who knows what is going on, then there is a logical flow to the process and it should be complete hazard identification.

Action steps

So, remember we want to be able to answer this question: What hazards are present in YOUR workplace? And here’s what you need to do:

* Use the Hazard ID template
* Examine formal reporting books or past investigations. Add previously identified hazards to the template above
* Ask employees for input by
  + Step a. Give copies of Hazard ID form
  + Someone facilitate ‘What if’ questions, brainstorming, enter individual ideas and then have team discuss all ideas. Filter duplicated identified hazards.
  + Step b.
  + Break into smaller teams to review work tasks and processes etc under the categories of physical, chemical, biological, ergonomic or psychosocial.

When you have completed these steps you would have made a very thorough and systematic review of your business. This work will pay huge dividends in the short and long term but remember this process may have to be repeated as you get new equipment and/or change a task or process. We include this as part of your annual plan.

However, while you have identified all hazards, the law requires that you manage those hazards that may cause ‘Serious Harm’. In the next video then we are going to look at how we filter those hazards we identified above into those hazards that need to be managed.

Extras

Examples of hazards in some jobs (Canadian website resource) <http://www.ccohs.ca/oshanswers/occup_workplace/foodandbeverage.html>

Training tool to check your hazard id and assessment: <http://employment.alberta.ca/whs/learning/HazardID/ahre_interface.swf>

Practical Ideas

* Attend and support training in hazard identification and risk management.
* Leverage knowledge of hazard assessments between your various business units, or businesses within the same industry.
* Become educated on common hazards relevant to your worksite.
* Invite qualified hazards and risk assessors to review your worksite for unknown hazards.
* Communicate the ‘hierarchy of hazard control’ and emphasise how it is to be applied within your workplace.
* Review operational logs to ascertain nature of risk decision making and any changes that are required.
* Fine tune understanding of acceptable and unacceptable risk decisions.
* Support documentation of risk acceptance decisions to enable learning and future mitigation.
* Improve linkages between hazards processes and other areas that can support mitigation such as platforms, plant, infrastructure and equipment, contractors and suppliers, education, skilling and awareness.
* Draw a team together to find new innovations in risk treatment.
* Compare hazards identified with other areas of your industry to highlight any gaps or areas of common concern for further research.
* Monitor hazards and engage in research or international benchmarking to find new solutions.
* Integrate greater sensitivity to community expectations within risk decision-making.
* Encourage a culture of mindfulness and constant ‘alert’ to potential hazards.
* Reward the identification of deviation from stated safety standards and intent.
* Reward behaviour that is courageous in the integration of safety principles.
* Be a mentor for balance and integrity to safety and the businesses vision.

## Hazard Management – Assessment

This process of determining whether a hazard is significant and developing controls is called Hazard Assessment, and it should be carried out separately for a number of reasons.

* The time scales are different. Hazard ID make take several days but the development of controls may take months or even years.
* Hazard Assessment should be carried out in a small group. If left to an individual the controls may be inappropriate or simply will not work within that process or be unachievable with the resources available. The team could include members of the H&S team, supervisors, perhaps someone who identified the hazard and managers. This crack team will could also help you develop the hazard controls.
* The law requires that all hazards be identified, even if they are not significant. There is a danger that jumping to this step of looking at significant hazard will mean some hazards are not identified, and even significant hazards are missed.
* As assessment may take some time, it is important that there is a clear method of prioritising significant hazards to deal with the more important ones first. But in order to do that, we need the complete pool of hazards to be identified.

So, assuming we have completed the identification separately, the law requires us to determine whether or not the hazard is significant.

The next question we need to ask of all the identified hazards are:

* Are the hazards significant?

Here is the definition of Significant Hazard:

Significant Hazard means a hazard that is an actual or potential cause or source of:

* Serious Harm, or
* Harm (being harm that is more than trivial) the severity of whose effects on any person depend (entirely or amongst other things) on the extent or frequency of the person’s exposure to a hazard; or
* Harm that does not usually occur, or usually is not easily detectable, until a significant time after exposure to the hazard.

Then there is a definition of Serious Harm, which can be found here.

The Act indicates that Death is serious harm but also other conditions that result in a temporary or permanent loss of bodily function like amputation of a body part, vision impairment.

Serious Harm[[10]](#footnote-10):

1. Death.

2. 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.

3. Amputation of body part.

4. Burns requiring referral to a specialist registered medical practitioner or specialist outpatient clinic.

5. Loss of consciousness from lack of oxygen.

6. Loss of consciousness, or acute illness requiring treatment by a registered medical practitioner, from absorption, inhalation, or ingestion, of any substance.

7. 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.

Now that could be really confusing and there is always talk of a review to make it simpler - but I want to break it right down for you. Get your list of identified hazards and take one as an example. Now the key to determining if this is a significant hazard are the words *actual* or *potential*.

Actual obviously means has the hazard identified resulted in a serious harm. For example, let’s say you were a farmer and you’d written a 4-wheel ATV rollover as an identified physical hazard in your Hazard Register. Has an ATV rollover ever resulted in death? The answer is yes, so use of ATV on farms is a significant hazard. Note that this does not just have to have occurred on your farm – it could be reasonably well know with your trade or industry as an actual hazard. You would tick or annotate on your hazard form that ATV rollover is a significant hazard.

Now the words potential can cause a little confusion as sometimes you hear people use the word ‘risk’ for a significant hazard. But we’ve already discussed this concept in terms of a cup of coffee; the hot drink is a hazard, but its risk depends upon the situation i.e. the risk of the hazardous cup of coffee changes depending upon whether it is on an office table or a table at a kindergarten.

But you don’t need to worry about the amount of risk in determining if something is a significant hazard, because the law does not say to look at only those hazards that have a high potential, or probability of occurring. Or even an average probability. It says a hazard is significant if it has ANY potential to cause serious harm...what that means to you is whether something has a 1 in 10 chance of killing you, or 1 in a million, both hazards must be identified as significant hazards.

Back to the ATV example, it does not matter if you have the ATV locked away in your shed and only use it 1/year Vs a farmer using it 10hr/day for a year. Use of the ATV can kill you in a roll over, so yes tick or annotate that it is a significant hazard.

Here’s the key message then – Disregard the ***likelihood*** in determining whether a hazard is a significant. It is the ***consequence*** that matters. If the hazard can hurt you, it is a significant hazard.

How do we determine if something can hurt you?

You will remember I spoke about the difference between Safety and Health. In determining serious harm or harm then it’s pretty easy from a safety perspective because of the short term in-your-face nature of the injuries. Could a knife cut you? Can a forklift run you over? But what about a neurological disease, or noise induced hearing loss.

The first step is to look at the hazard information which is available for the agent of harm. Generally you will know if a hazard in the physical category is significant or not i.e. if you are cut, or hit by an object. But if you are unsure then Google for it! Look at the (Department of Labour) DoL or ACC for specific information on a hazard.

Let’s take the noise example. In your hazard id form, the team have written down noise as a hazard and you have transferred it to the hazard Register. Now we have to determine if it is a significant hazard. How do we do that? What noise level can actually harm a person and damage their hearing? Is the noise a long, continuous background noise like in a factory, or peak noise at an airport? By searching online you will find a NZ approved code of practice which says, during an 8hr shift, staff are not allowed to be exposed to more than 85db continuous or a peak noise above 140db.

Your team may be positive the noise levels are not above these limits, however, for it to be identified as a hazard then someone must have raised it as an issue. This is when the line between hazard management and good management practices of listening to your workers and encouraging input may in fact make it worthwhile for you to assume it’s too loud, and get someone to measure the noise level. If you don’t then you may have workers continue to grumble and allow an issue to fester.

Alternatively, you may decide to just go ahead and assume it’s significant and get onto working the controls. This may in fact prove more costly as:

1. Your judgement may be incorrect and in fact you are below the limit. There is no need to implement costly controls and those limited safety resources can be invested elsewhere.
2. You need to tailor the control measure e.g. grade 5 vs. grade 2 (less protection, allows people to still talk and hear warnings)

So, in this case the recommendation should be to get somebody in to measure and document the findings. Lets then assume the findings were that you did have a noise problem with the printing press – annotate this on the hazard register and reference the report.

What if you are dealing with a chemical hazard?

An employee noted that dyes could be a hazard. The team then started looking for information to assess if it was an issue and looked online[[11]](#footnote-11), and found a whole document from the DoL on hazards with a printing press. Dyes can contain solvents that can cause long term damage but the document you found also talked about cleaning chemicals as well...The great thing about this type of research is that you may find the bulk of the work has been done for you, and all you need to do is action the recommendations.

The next step is to then look at the actual chemicals you are using, and you find Iso-Propylalcohol as an example. Can it hurt? How much?

This information can be obtained directly from your supplier in the form of a Safety Data Sheet (SDS). In NZ, suppliers must provide information on the hazardous properties of the goods, and suppliers generally provide this information in the form of a SDS. These forms identify what the chemical is, and the health section gives details on how it can affect your body (i.e. is it a significant hazard), what to do in an emergency including first aid. In this case, and reading through the SDS, you see that yes, it is a significant hazard. At this stage it does not matter how much, just that it has the potential to cause serious harm.

<http://www.osh.govt.nz/order/catalogue/329.shtml> for WES

Publications with free information [www.osh.govt.nz/order/catalogue](http://www.osh.govt.nz/order/catalogue)

For any identified hazard you or your staff find, there is ample qualified information on the internet that you can use to justify a decision on whether a hazard is significant or not.

Action steps

So, remember we want to be able to answer this question: Are the hazards significant? And here’s what you need to do:

* Transfer all hazards from the Hazard ID form to the Hazard Register template
* Annotate if a hazard is significant by:
  + Within your task, job, process, trade or industry determine if this hazard has resulted in Serious Harm
  + Check the Department of Labour [www.osh.govt.nz/order/catalogue](http://www.osh.govt.nz/order/catalogue) and <http://www.acc.co.nz/index.htm>
  + Using MSDS
  + Call in external consultants e.g. Safety Hub

Please take the time to now work through your hazard list and identify which ones are significant. We can then move right on to working out how to control these significant hazards.

## Hazard Management - Controls

We are now required to take all practicable steps to control these significant hazards, to minimise any possibility of harm. We want to know:

* What control measures are in place, and are they adequate?
* What procedures are implemented to maintain control measures?

So what you need to now do is have your team determine the control measure. By law we have to consider the following three methods and apply them in this order:

* If practicable Eliminate otherwise
* If practicable Isolate or
* Else Minimise

I‘ll define these shortly, but notice that word, if practicable[[12]](#footnote-12). What they are trying to say there is that you need some kind of reasonable guide to know how far you need to go to eliminate something, or how much time and money you need to put into it. What is reasonable for you may be different for someone else – I can guarantee that. Of course there is a limit, and it’s based around the definition of this word reasonable, which is important to know, because that’s what the law is looking at – and we want you and your system to be legally compliant:

Whether a step is reasonable takes into account:

* how seriously someone could be harmed,
* how likely the harm is,
* how much is known about how to prevent it, and
* the availability and cost of safeguards.

To understand this we need to get into the process of Risk Management. This is really important to understand because it will help you decide what is practicable. Not only that, let’s say you have two hazards you need to control – which one should you do first? Risk Management is all about estimating the amount of risk and deciding what action to take. And we do it using this matrix:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Severity  ×  Likelihood | Minimal (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Rare (1) | 1  Low | 2  Low | 3  Low | 4  Low | 5  Low |
| Unlikely (2) | 2  Low | 4  Low | 6  Moderate | 8  Moderate | 10  High |
| Intermittent (3) | 3  Low | 6  Moderate | 9  Moderate | 12  High | 15  Very High |
| Likely (4) | 4  Low | 8  Moderate | 12  High | 16  Very High | 20  Extreme |
| Almost Certain (5) | 5  Low | 10  High | 15  Very High | 20  Extreme | 25  Extreme |

**Risk Matrix**

Using this matrix we look at any significant hazard and therefore can apply a more scientific method of showing how we determined the risk involved. Within your business you may wish to discuss the definitions of the terms, but the following are a starting point:

Severity

Minimal – Negligible injury or illness

Minor – First aid, < 1 week recovery, minor defect repair

Moderate – Harm requiring medical treatment, 1-6 weeks recovery, and temporary loss of system/equipment

Major – Single serious harm, > 6 weeks recovery, sever loss and financial impact

Catastrophic – Multiple deaths, multiple serious-harm, critical damage to equipment

Likelihood

Rare – never heard of this happening

Unlikely – seldom i.e. yearly

Intermittently – i.e. monthly

Likely – occur in most circumstances i.e. weekly

Almost certain – Event expected to occur in most circumstances i.e. daily

Risk

Low – Manage by routine procedures

Moderate – H&S team attention needed

High – Senior Management responsibility specified

Very High – Senior Management attention needed

Extreme – Immediate action required

By multiplying the two, we can come up with a number and assign words like ‘Extreme’ risk to these numbers. Now the key here is that the number is all relative, and is just meant to show you what hazards should be dealt with first...let’s look at the coffee example again.

Imagine me (the author) drinking a cup of coffee and burning myself while sitting at the computer. The hazard is the hot coffee (or could argue myself) and I would judge this as a rare likelihood. I have never done it, and have not heard of anyone else doing it, so am happy with rare. However, if I did spill coffee it would probably be only a small amount, and is not piping hot as has cooled down a little, so I would give the Severity or outcome rating as minor, and the overall risk as Low.

Now change the location and look at the same cup of coffee on a Kindergarten table (say as a teacher). With the age and curiosity of kids, I would say an unattended hot cup of coffee would have the chance of burning a kid somewhere between 1/year to 1/month. Be safe, call it Intermittent. And I would rate the consequence as higher for the kids as they will probably be exposed to more hot coffee, and perhaps cover more of their body % wise. This would be a serious outcome. The same hazard has now moved from a low risk to a moderate risk.

Step 1:

So, get out your list of significant hazards and with your team with through each hazard to determine the risk. Why do this – because you want to work out which significant hazards should be dealt with first. Otherwise, you may start working on the low priorities significant hazards and leave an Extreme until last. Using all the research you did before, it’s easy to then evaluate the risk of the hazard – and you can do it at the same time.

Working through our printing press example – high and low. So, now we need to control the hazards, starting with the noise hazard using the eliminate, isolate or minimise methods.

What do these mean?

**Elimination** – If a hazard is eliminated, then it no longer exists. For obvious reasons, this is the most effective control! How do we do that?

* Does the task need to be done, or can it be completed in a different way?
* Redesign, change or substitute equipment to remove the source of excessive temperature, noise or pressure
* Redesign a process so that you use less-toxic chemicals e.g. replace a known cancer causing chemical with something else
* Redesign a workstation to relieve physical stress and remove ergonomic hazards
* Redesign general ventilation to include enough fresh outdoor air to prevent ‘sick building syndrome’ and generally provide a safe, healthy atmosphere.

For example, if you had a roofing business, working at heights is clearly a significant hazard. You determine it is a moderate risk to your business…One way to eliminate the hazard is stop work, and close up business. No more roofs being put on. However, how practicable is this control measure? Clearly the cost of this measure i.e. going out of business is not practicable.

However, it must be understood that employers cannot simply say that because a product or service is a core business, that they don’t have to eliminate in any situation. If the significant hazard is a high risk, and it can’t be isolated and minimised, than elimination may be the only option i.e. if we could not find other means to protect workers, then no more roofing!

Another option is to build roofs at ground level, much like they now build motorway bridges by first building the bridge, and then digging the tunnel underneath the bridge. However, you determine that you can’t eliminate working at heights in your roofing business.

**Isolation** – The hazard still exists, but workers can’t come into contact with it. Two major methods are enclosure or using barriers (machine guarding is a classic).

Examples of enclosure include:

* Completely enclosing the moving parts of machinery
* Completely containing toxic liquids or gases from the process
* Using glove box operations to enclose work with dangerous microorganisms or toxic substances
* Completely containing noise, heat or pressure producing processes with materials especially designed for the purpose.

Examples of using barriers or local ventilation:

* Ventilation hoods (fume cupboards) in laboratories
* Machine guarding, including electronic barriers (unless they are virtually impossible to bypass)
* Isolating processes in areas away from workers, except for maintenance work
* Baffles used as noise-absorbing barriers
* Heat shields.

**Minimisation** – This control method is the least effective, because it relies on a lot of human interventions. Ironically, it is the most used control method and includes:

* Wearing of Personal Protective Equipment (PPE)
* Clear procedures or rules around the hazard
* Scheduling individual workers to reduce exposure e.g. limiting time on shift to reduce exposure to a noisy machine
* Scheduling hazardous work to times when most staff is off site e.g. in the evening for maintenance work.

Note these last two bullet points don’t resolve the problem but only reduce the risk to a smaller group. The risk to the individual doesn’t lesson because there are fewer of them but, it may be easier and more cost effective to then protect this smaller group.

All right, with these definitions behind us then let’s look at how you are required to manage and document the process.

Step 2: Research – Don’t reinvent the wheel

There is heaps of information already out there on the internet on how to control hazards. Have your team research individually or collectively, and then get together and discuss these ideas. Let’s have a look at some examples.

1. Regulations[[13]](#footnote-13) - These describe requirements applying to specific work situations. Like the HSE Act, regulations are enforceable and you could be prosecuted and fined if you breach them. You need to look at this list and see if your hazard or trade etc falls under one of these regulations.
2. Approved codes of practice[[14]](#footnote-14) – These are guidelines approved by the Minister of Labour under the Act. While they may be used in court as evidence of good practice, you are not legally required to adopt them. However, if you choose not to follow a code you must be able to prove that your practice is at least as effective and that you have taken all practicable steps in the circumstances.
3. Guidelines (developed by, or with the help of, the Department of Labour) may not have undergone a formal approval process, but are nevertheless trade literature and associations.
4. SDS and the like may have detailed control practices. Contact your supplier and get copies of the SDS.
5. Miscellaneous – Google

Regulations are enforceable so you need to check if the apply to you for example there are regulation on the use of Cranes, boilers, passenger ropeways.

There are literally hundreds of codes of practice on things like ‘the Kumera growing industry’, ‘Lead based paints’, ‘scaffolding in NZ’, ‘Armed robbery-advice for employees’ and so on.

Remember we are trying to find the best practicable solution, which means you need to consider ‘how much is known about how to prevent harm from a particular hazard’. If you have a scaffolding company you either need to follow the code of practice, or document why you are not, because you have a safer method to follow. Your industry has helped put together a guide for you, and ignorance of that guide is no defence. So, check to see if there is a guide already made for you and the hazard you are looking at.

Step 3: Decide if applicable

Let’s continue working the noisy printing machine example – and you found a Code of Practice on managing noise. Continuing the example, you found the code of practice on noise talks about elimination:

Can you change the printer for a quieter machine? Obviously this would be a huge cost and may not even be affordable for the business. But then again, perhaps the company was looking at replacing its old, costly and unreliable machine anyway and eliminating the noise issue could be another benefit to the upgrade. But your team decide this is not a viable option.

What kind of maintenance schedule is the machine on? Simply maintaining the equipment can eliminate the noise. You decide to try the control and while it reduces the noise, it is still too loud. But you decide to add the control to the register because it’s a good place to manage your equipment. In fact, such a maintenance schedule for your equipment should already being managed. Who maintains and keeps the company car maintained and warranted, and therefore insured…this is when the benefits of managing safety start to cross over to good business practice. How do you currently manage your expensive plant and equipment?

Your team then consider isolating the noise by moving the noisy machine to a more isolated part of the building. Putting sound proof material around but in the end decide these are not practicable for your business.

Minimisation then is the only option left. Some form of hearing protection must be worn within the room. You decide on a grade 2 hearing defender as it allows operators to talk to each other. If you are unsure which PPE to provide than a consultant[[15]](#footnote-15) or your equipment supplier can provide the answer. Document the control measure.

If you decide the procedures are not practicable and relevant, it is critical you document your reasons for not using any particular procedure, and the alternative control measure. Which leads us to:

Step 4: Develop own controls

Pretty self-explanatory, but you and the team may need to be creative if you have a new piece of equipment or process. Just remember the order of Eliminate, Isolate and Minimise. And perhaps share your solution with your industry.

Step 5: Determine monitoring requirements

Now we are onto the last step in your hazard management process, but often the step that is forgotten – Monitoring the controls. As rule of thumb for you, if you have issued PPE, then what sort of monitoring program are the employees on? The idea behind monitoring is that the controls may not actually be working. If you decided machine guarding was a method for isolation, and people were getting their fingers chopped off, then obviously the guards are not working.

It does get more complicated though when it comes to health affects due to chemicals and the like. If you put in a ventilation system to suck away the fumes from welding, is there any harmful residue in the air? How much?

Generally there are two different ways to monitor and that is to check the environment, or to check the body. When you’re monitoring the body you may choose to do biological monitoring to check the concentration level of a chemical e.g. like lead from lead based paint, or on the functioning of the body, like the noise levels making a person deaf. This monitoring can get quite specialised and you may need to call in outside help to measure-in fact, I would recommend you do. In the noise example, we decide annual hearing tests will be required and we program this requirement into the annual plan, and assign the responsibility to somebody. Then that person must ensure the review occurs and the results documented. If the control is not working then you need to find out why, and if proves to be a workplace issue, and then fix it.

A couple of points to note here: If you are going to test employees you need to take all practicable steps to get their consent. It is important staff understand why they are being tested and then told the results in a way they understand. As the monitoring is done to maintain workers health, anyone who refuses to take part must accept that this refusal will weaken their case if, in later years, they claim to suffer an occupational illness which monitoring could have prevented.

And implicit in the consent is that employers also have a right to this data. You may need to explain this to employees. For example, if everyone in the printing press workshop knew their individual results and knew their hearing was being affected, but the manager did not, then no one may realise the controls were not working.

And finally, having identified and determined the controls of the significant hazard, you may decide that pre-employment health screening is appropriate to ensure that the potential for work injury or work-related illness through exposure to those particular tasks is minimised. Using the noise example, it is important to have a measured baseline for a new employee so you can be sure that you are not inheriting a health problem. And if the person cannot hear, then maybe they cannot safely carry out the task. The most visible type of pre-employment screening at the moment is alcohol and drug testing.

Step 6. Finally, you have now thoroughly researched all the hazards and management options, which has included how much it will cost and how long it will take to control the hazards. Now in the area of cost some of my colleagues are, quite frankly, a little bit naive here. They will tell you can’t put a price on safety and that you must do everything possible to minimise risk. But all companies, no matter how big they are, do have a limit of resources they can put into a problem.

Now, I have already taken you through the legal perspective, which is to take ‘all practicable steps’, and does put a limit on how far you need to go.

But my biggest issue here is that companies do have a limited dollar to spend on safety. If you had 10 high risk hazards, it would be better to try and spread the money and bring the risk to moderate across all 10, then focus on 2-3 to bring to a low risk.

So, the final step here is to look at all significant hazards and weigh up the risk, the cost in terms of money and time, and work out a plan that will allow you to best tackle all of the significant hazards. This last step then is taking the big picture into account, the business cash flow, peaks in operational tempo, and working out when and what to do.

Action steps

* Working through the Hazard Register, determine the risk of the significant hazards
* Research controls
* Having researched, decide if the controls are applicable. Document reasons why not.
* Develop your own controls
* Determine monitoring requirements and add to annual plan
* Prioritise and schedule based upon ‘practicality’ of solutions

Please take the time to now work through your hazard list and identify which ones are significant. We can then move right on to working out how to control these significant hazards.

## Employee Participation

You must ensure your employees have the opportunity to be fully involved in developing safe workplace practices. There are two reasons to do this;

* Firstly, because employees encounter workplace hazards and problems every day, employees are well placed to suggest improvements. If you involve them in identifying and solving problems, as we did under the hazard management chapters, they are more likely to be committed to making the solutions work. Pretty obvious really.
* And secondly, because it’s such an obvious means to look after employees and ultimately the business, it is has been included as a legal requirement to involve employees.

People say the most successful health and safety management programmes encourage employees to be actively involved…which is true. Or put another way, if you do not involve your employees in a workplace safety system then you in effect you might as well leave your system on the shelf – because it is not working.

**Create a forum for building communication between employees (and H&S reps) and management about health and safety matters**[[16]](#footnote-16)

• Keep records of forum meetings (e.g. minutes of team briefings or Health and Safety Committee meetings)

• Hold forums at least quarterly

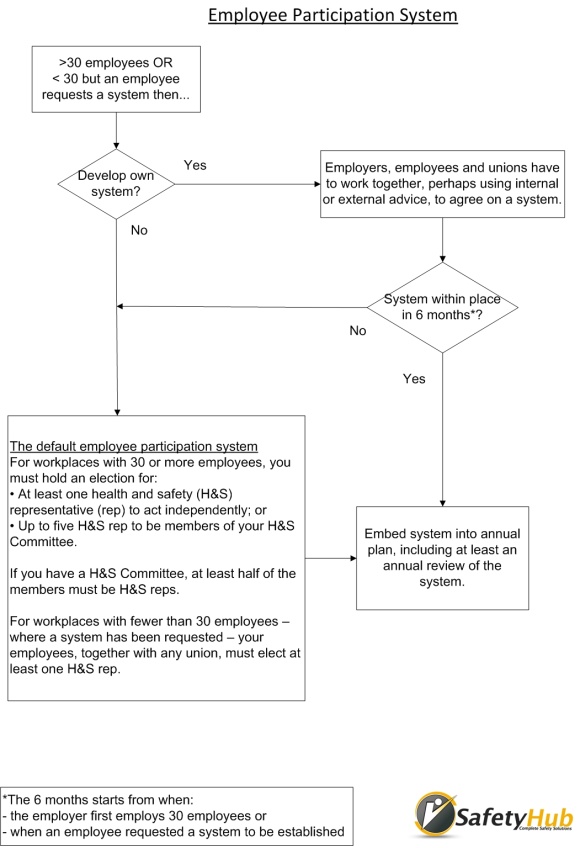
Legal Requirements

Under the HSE Act you are required to provide reasonable opportunities for your employees to be involved in a process that improves health and safety at work. This means you can develop your own processes for communication and cooperation on health and safety. What does that mean?

I have put the requirements from a section of the Act into a simple flow chart for you, and let’s quickly work through it. If you have more than 30 employees, or less than 30 but someone wants to have a system, then you by law need to have an employee participation system.

But what if you have less than 30 staff, and no one requests a system? If I were you I’d recommend you go ahead and get your staff involved anyway. To be frank, why rely on an employee to request a participation system so that you can help reduce injuries, cost to your business and reduce the risk to you, the owner or manager, of a legal prosecution? You should be demanding they get on board!

At this point then I’d recommend you develop your own system. The main reason to do this is that in designing a system, you need to be talking to your employee – which is the very thing you are trying to design. It seems crazy to me that a system to get employee participation should be forced onto employees without first talking to them! The other reason is that the default system can be quite restrictive, as we shall see.



**Electing H&S Reps**

In either case you will need to have a H&S rep within your workplace. Obviously if you are self-employed, that will be you! Work with your employees and, if applicable, their union(s) to decide how to elect H&S reps. If you are using the Act’s default employee participation system, your employees must either:

• Together with their union(s), hold the election themselves for the number of reps needed; or

• Ask you to hold the election.

If you are responsible for holding the election, you must do so within two months. The election must:

• Involve candidates who work regularly enough to perform the job effectively and who are willing to be health and safety representatives

• Be held by secret ballot

• Give all affected employees a reasonable opportunity to vote

• Be determined by majority vote (whoever has the most votes).

The only time you don’t need an election is when:

• there is only one candidate – they automatically fill the position

• there are no candidates – the position is vacant.

If you are following the default Act system, and trying to get a participation scheme in place and no one is nominated, then it’s time to take some leadership in your business. Appoint someone, and right the role of a rep into their Job Description.

**The health and safety representative’s role**

Health and safety representatives help their fellow employees by representing their views in their workplace with employers on health and safety matters.

If you are using the default employee participation system, the health and safety representative’s duties include:

• Fostering positive health and safety management practices in the workplace

• Identifying hazards and informing you about them

• Discussing with you ways to manage any hazards (covered how to do this in the hazard management chapters)

• Consulting inspectors on health and safety

• Promoting employees’ interests in health and safety

• Promoting the interests of employees who have been injured or harmed at work

• Carrying out other agreed functions.

If you have agreed on an employee participation system with your employees and the union(s) representing them, the health and safety representatives can carry out the functions above, or not, or any other safety type duties agreed upon.

This approach of developing a system goes right back to the basis of the Act which is to be performance based, not prescriptive. The Act is saying that we just want you to be safe – you can do it in any way you wish, as long as it works. If it does not, then we may investigate and require you to justify your decisions. Which then leads me to training for your H&S reps.

**Providing leave for health and safety training**

You are required to provide health and safety representatives with a certain number of days’ leave each year to train in health and safety. The number of days depends on how many employees you have on 1 April each year:

|  |  |
| --- | --- |
| **Employees[[17]](#footnote-17) as at specified date in year** | **Maximum total number of days’ paid leave that employer must allow for training** |
| 0-5 | 2 |
| 6-50 | 6 |
| 51-280 | One day for every eight employees, or part of that number |
| 281 + | 35 days plus five days for every 100 employees, or part of that number |

The HSE Act allows you to include in your employee participation system an increase in, or a limit to, the maximum number of days’ paid leave for health and safety training. But the key question for you is, where do you get this training from?

**H&S Rep Training**

HSE Act 19B(1) Every employer must provide reasonable opportunities for the employer's employees to participate effectively in ongoing processes for improvement of health and safety in the employees' places of work.

Obviously a H&S rep needs some form of training in order to contribute to making the workplace safer. Training can be gained in a number of ways which include formal tertiary qualifications form Universities, attendance at seminars and conferences, short-term courses, reading books, researching on the internet through reputable H&S government organisations, exposure and experience including being mentored by internal or external consultants.

In NZ the government set up a requirement that training for H&S reps be provided, to lay a foundation of skills, so that reps in the workplace knew how and what they should be doing. This was and still is a great objective and from this requirement many training organisations have been set up to fill this niche.

You may agree on the training provider as part of the employee participation system. If not, you can provide your employees with a list of approved providers[[18]](#footnote-18) for them to choose.

**Health and safety representatives.**

Who are appropriately trained[[19]](#footnote-19), have the power to issue hazard notices.

**A successful health and safety committee**

What is a health and safety committee?

A health and safety committee is made up of employer and employee representatives. Ideally it should have around five or six members, including a chairperson, so that everyone can contribute, and be an equal mix of employer and employee representatives. The committee should meet at least quarterly, but more frequently if it is new or has many significant hazards with which to deal.

The committee’s purpose is to improve health and safety conditions in the workplace by identifying potential health and safety problems and bringing them to your attention. For example, a committee could examine injury data for the previous six months and identify injury trends, then develop interventions to address them.

The committee could also look at innovations in other workplaces that may be suitable for yours, and promote health initiatives for your employees (such as an exercise programme for all staff).

There is no limit to what a health and safety committee can attempt or achieve.

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Why have a health and safety committee?

As a forum for considering health and safety issues, a health and safety committee works to reduce employee injuries and improve employee health. It also provides an opportunity for people in the business to pool their skills and experience in tackling health and safety issues.

What does the committee do?

The work of a health and safety committee can vary, but its key role is to help stimulate awareness of safety issues and identify and control workplace hazards. This involves meeting, and conducting workplace inspections regularly.

The committee has four main focus areas:

• To identify potential hazards

• To assess them for significance

• To implement controls

• To follow up on implemented controls to ensure they are working.

**Arranging health and safety committee meetings**

In arranging committee meetings:

• The meeting secretary should establish a date and circulate it at least a week before the meeting. It is a good idea to have a set date for meetings (e.g. the first Tuesday of the month)

• An agenda should be created for the meeting and circulated to everyone for input

• A person should be assigned to take minutes at the meeting. If there is no secretarial support available, committee members could share the responsibility.

**A typical meeting**

1. The chairperson welcomes people to the meeting, asks for apologies and checks that everyone has a copy of the agenda and any other required documents.

2. The committee reviews the minutes of the last meeting, going through each point and making sure all issues have been resolved. If there are outstanding issues, the reason is recorded and a new date set for completion.

3. The chairperson introduces any new agenda item(s) and invites the person(s) responsible to talk to it.

4. The committee reviews near miss, property damage and injury data for the previous period. Members discuss investigation results and any recommendations for the future.

5. The committee considers new issues raised through inspections or staff suggestions and decides on its response.

6. The committee reviews educational material on site and health and safety training. Are all certificates up to date? Are there new courses, seminars or expos to attend?

7. The committee discusses any new legislation, regulations or guidelines that need to be incorporated into policies or work practices.

8. The committee checks whether any exceptional health and safety achievements by staff members need formal recognition.

9. The chairperson closes the meeting, thanks everyone for their attendance and confirms the next meeting date.Information, Training and Supervision

This chapter is all about ensuring your employees are informed of their responsibilities for health and safety in your workplace. This includes how to manage the hazards to which they are exposed through workplace procedures, environment, equipment and materials.

S12 of the HSE Act requires every employee be given information on their workplace in a way they understand, which includes covering off on:

- What to do in an emergency

- Relevant hazard controls

- Location of safety clothing, devices, equipment and materials e.g. PPE, SDS

Section 13 of the HSE Act is quite specific about making sure that while an employee is doing their work, you must ensure they have the knowledge, experience and training to ensure they are not likely to cause harm to themselves or other people. That means the employer must take all steps practicable to ensure they are trained, and/or are supervised.

The aim of this chapter is to teach you how to develop your own information, training and induction program relevant to your workplace.

**Education Vs Training**

I think it’s important to understand the difference between providing information for educational purposes, and training. When you train somebody, you identify a skill that needs to be taught, you instruct in a manner that they understand, then you need to check for understanding and in some way test the person now has the particular skill. You have filled a gap.

Education though is more generic; it’s about informing the person about a particular topic. You don’t know what they will take in, you are not going to check for understanding, but by presenting the information in different means, with humour and regularly enough, the intent is that you are empowering the person to take the knowledge and apply to different situations.

For example, let’s say you have kids and the school they attend is going to run a campaign about alcohol. You will understand what I mean if I ask do you want your kids to receive alcohol training, or would you prefer they received alcohol education.

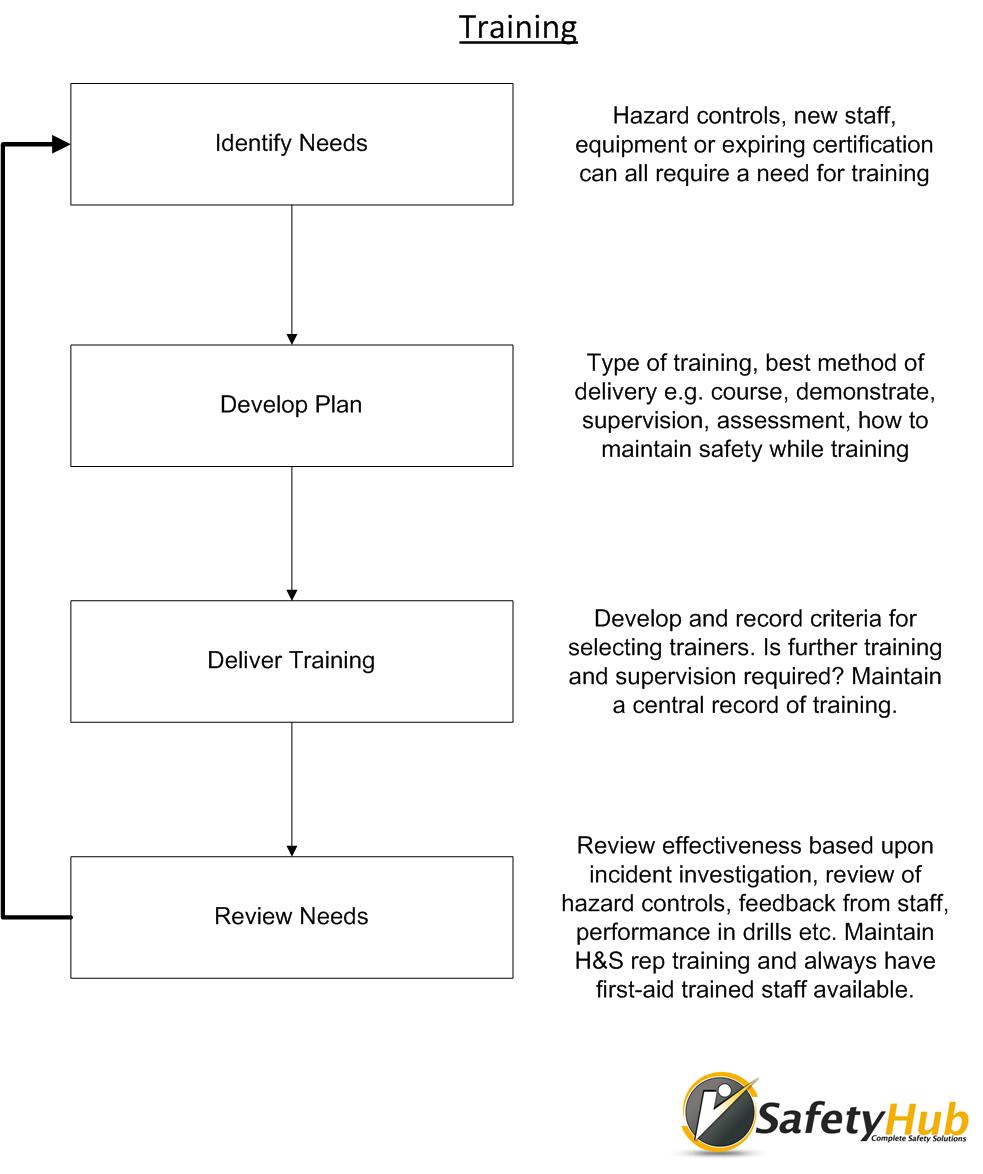
The Department of Labour have produced a free video[[20]](#footnote-20) by Pacific Islanders, for Pacific Islanders, explaining the importance of safety in their workplace. This is an excellent example of how you can provide information to educate people. Other methods include:

• Displaying safety information (e.g. signs, safety posters) in all work areas.

• Having a reference library (or equivalent) of H&S information that all staff can access.

Have some fun with your education program – try to get people involved.

What we will now do is concentrate on your H&S ***training*** needs.

****

**Training and Supervision program**

**Determine Need**

The first place to start is to compile a list of all your Job Descriptions and also grab the hazard register you completed earlier. Starting with a Job Description, read through the description to understand the type of work, jobs, tasks and locations this person will be exposed to. Now work through the hazard register and identify hazards relevant to a particular Job Description. Obviously you will also be able to then apply the control measure and you can determine what kind of training the person filling this job will therefore require.

We will then be able to compile a training schedule for each Job Description in a word document, like this one:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Job** | **Role/work** | **Hazard** | **Control** | **Training Requirement** |
| Printer A | Printing | Noisy printer | Ear Defender | Use of Ear Defenders |
|  | Computer work | GPI (Gradual Process Injury) | Correct set-up | How to set up correctly |
| Office Worker X | Computer work | GPI(previously known as ‘OSS’) | Correct set-up | How to set up correctly |

You will also be able to add more generic training requirements to this schedule for groups of workers exposed to similar hazards or training requirements e.g. all employees will need regular fire and evacuation training. This is the time to also include other training requirements which could include the training for your H&S rep and Continual Professional Development like specific H&S courses and seminars.

Of course, the training need will also relate to how to carry out a task safely. Often, good safety practices are just embedded into a procedure for operating a piece of equipment, and are not identified as a standalone ‘hazard’. For example, Safe or Standard operating procedures, manual handling, maintenance procedures.

**Develop Plan**

Now you need to find the best method to train the employee to ensure that they can operate safely at work. What we are going to build then is a training matrix. This matrix will serve as a record of training completed. Remember, document control is extremely important so please ensure you assign somebody to manage this training plan, and ensure it is completed and reviewed.

Record of Training

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Position (JD) | Person | Fork Lift | Manual Handling | Chemicals | Fire |
| Printer A | Allan | X | ✓ | S | ✓ |
| Printer B | Baker | X | ✓ | L | ✓ |
| Accountant | Carol | X | X | X | S |
| Store person Supervisor | Denise | S | S | S | ✓ |
| Store person | Eugene | L | ✓ | ✓ | ✓ |

Key:

X - Can’t do job

L - Can do job under supervision

✓ - Fully competent, no supervision required

S – Supervisor fully competent and able to train/supervise others in this task

The Record of Training provides an overview to help in your management, and specific details of the course, when a person completed the course etc will need to be annotated against a person’s personal record of training. That’s right; you will need to have a more detailed personal record of training.

Now we know what training each position requires to have; now we have to schedule the training and find the best type of training. There is no right or wrong, just remember the intent of empowering your employees with skills and knowledge to prevent harm to themselves or anyone else.

For example, is there a Fork Lift training course recognised within your industry as best practice? There is normally many means to achieve such training, however on-the-job training is usually also required to up skill and tailor the course to your actual workplace. Your plan must ensure only suitably skilled and experienced people are supervising employees receiving on-the-job training. This means you must:

• Have a supervision system that ensures an employee’s inexperience does not put them or others in danger e.g. the Record of Training

• Make sure your supervisors have the relevant skills and training.

• Determine who is responsible for supervising new employees.

**Deliver Training**

**On-the-job training**

• Make sure you plan your on-the-job training, even if it is for just one person.

• Be sure you can explain what they are doing.

• Demonstrate tasks at a slower pace so your employees have time to observe and ask questions.

• Make sure everyone can see what is happening during the demonstration.

• Present the training in a logical sequence.

• Check that the employees have learned what you have taught.

• Help employees to understand the ‘key points’ of tasks, otherwise they may give similar values to all the task steps.

**Demonstrating a task**

Follow these steps to demonstrate the steps of a task:

• Provide context, explaining the importance of the task

• Go over the checklist

• Demonstrate the task – from the employees’ perspective – with appropriate pace, pausing, exaggeration of movements and quiet

• Explain the key points

• Provide a control signal

• Demonstrate the task a second time

• Check the employees’ understanding, encouraging them before they attempt it.

Here are some other considerations when planning your OJT.

**Observing and correcting performance**

Get the employees to carry out the tasks so that you can decide whether they can do them competently.

**When observing them, you need to decide:**

• Whether the competence level they display meets the standard you noted in your checklist

• How problems can be corrected, either through further training (perhaps breaking up the task) or through practice.

**Competence decisions**

• How close is the employee’s performance to the standard?

**Correction decisions**

• How serious were the employee’s errors? What is the most important to fix? Where do you start?

• What problems can the employee fix themselves, given more practice? Should you break up the task further?

• Do you need to see the employee do the task again?

When correcting employees:

• Follow the feedback process (see below)

• Ensure they are clear about what you expect them to do next

• Confront defensiveness rather than get into debates over who is to blame for errors.

As well as giving your own feedback, try using questions that encourage employees to critique their own performance.

Giving feedback

Give feedback to help your employees know what they have done right and correct the things they have done wrong. Provide reinforcement: rewarding people for doing things right encourages them to change their behaviour.

Factors to consider:

• Test employees frequently for trainer feedback

• Ensure tested employees get feedback on their performance as soon as possible

• Expand testing so that it includes the trainer asking frequent questions of the group

Encourage positive and negative feedback: negative feedback is also productive

• Acknowledge when an employee does or says something right (in front of the group if possible)

• Build positive reinforcement into training presentations from the very beginning

• Look for someone doing it right as well as for someone doing it wrong.

Seeking feedback

Ask for feedback from employees during training to check they have understood key points and are keeping pace.

Factors to consider:

• Use open questions

• Answer questions and address concerns

• If challenged, think of how you can meet the employees’ needs rather than defend how you tried to teach the material the first time around

• Use feedback to improve the course for the next time.

Training follow-up

It is important to give your employees time to practise their new skills, and make mistakes, back on the job. A two or four hour training course does not make an employee proficient in the new skill; it takes time and practice.

When planning, you must also ensure your training deliverer is selected with the following considerations:

• Make sure the people who do H&S training in your workplace are competent to do so

• Develop criteria for selecting trainers (and record them).

• Keep records of your trainers’ skills, experience and qualifications.

**Preparing for training**

You can make training more effective by:

• Preparing checklists, which:

– Improve learning quality

– Reduce training variation by covering all important information

– Enable process improvements to be recorded for later training

• Organising the learning environment so that:

– There is minimal chance of employees being distracted, and learning can take place undisturbed

– Training costs can be minimised

• Reducing employees’ anxiety by:

– Informing them when the training will take place

– Letting them know they can expect to succeed

– Encouraging them to ask questions.

**Review Needs** -

In any management process you need to continually review your needs. Do a gap analysis, talk to your employees, review accident registers. Your hazard management process includes the need to constantly review and identify possible hazards, which will feed back into a training requirement.

PPE

By way of example I will talk about Personal Protective Equipment, or PPE. Using a previous example, you have identified noise as a hazard and determined that a control measure required your employees to use PPE. We have identified then a training requirement for correct use of ear defenders, and must now develop a plan.

You decide to use the 'four Es' model to encourage employees to use PPE**[[21]](#footnote-21)** - educate, enable, engage and enforce. The first three are about giving employees the opportunity to participate in health and safety decisions. This provides an opportunity to develop the workplace relationship and for staff to see that they are valued and invested in. The best position is where staff wants the desired option themselves.

* EDUCATE employees about the noise hazard and make it personal to them - how the hazard can affect their health or safety, their lifestyle. Inform them about how the ear defenders will protect them against the hazard, and when to use PPE.
* ENABLE employees, that is, provide ear defenders those areas suitable for the purpose and fits the person properly. Correct fit is important with all types of PPE. It's not a matter of 'one size fits all' and some styles have a more acceptable 'look'. Employees also need to be trained how to use the PPE correctly.

On the subject of PPE, it’s important you know that the employer MUST provide the PPE equipment. It is against actually specified[[22]](#footnote-22) in the HSE Act that the employer cannot pay an allowance for PPE or require the employee to provide their own PPE. The only flexibility is if the employee wants to provide their own PPE, but still the employer must ensure it is fit for purpose. I saw a really good example at a noisy factory where the company allowed workers to purchase ear defenders with a built in radio, and the company would subsidise the purchase by paying the normal cost of ear defenders. Everyone was a winner – the company was protecting the hearing of their employee AND the worker was going to be kept sane.

* ENGAGE with employees. Are there issues or perceptions that lead to a reluctance to use PPE? Is PPE regarded as uncomfortable, cumbersome or restricting? If so, what can be done about it? People are more likely to use PPE if they've chosen it personally. Have they had a choice in the selection of their PPE? Is it considered un-cool or not macho to use PPE? If so, where does this belief come from? Are management, supervisors and senior workers modelling good work practice to less experienced workers?

Finally, if all else fails, employers should ENFORCE. By law, employers must provide PPE to protect employees against hazards that can't be controlled in any other way, and they must ensure that employees use it. Similarly, employees are required to use the PPE they are given. In other words, PPE is not an optional extra, and if an employee persistently refuses to use it, they leave the employer no option but to resort to disciplinary procedures. To remove any doubt over this matter, the use of PPE can be made a condition of the worker's employment, and is written into the employment agreement.

**Health and Safety induction program**

The last component we are going to set up is an H&S induction program. A H&S Induction program can also serve as a generic introduction to your workplace. In the document you can include general HR information, the need to program meetings with Senior Management, or anything else that could be useful to the employee and the employer. That way, a new employee’s first impression is of a well managed and efficient business. And from a H&S point of view, having the safety information embedded with this other workplace information demonstrates that H&S is just part of how the company runs-not a bolt-on extra. An induction program can reduce training costs, make it easier for the new employee, reduce any anxiety and ultimately increase productivity.

We are going to make this induction compulsory to complete for all new employees and employees internally transferring within the company to different place, role or job. The ACC have put together a template you may want to consider (acc1106training[[23]](#footnote-23)), and I would recommend downloading it as an example, and then we’ll go ahead and create it in Microsoft word.

Your induction program needs to cover all of these elements:

* Employee and employer responsibilities
* Explain how employees are actively engaged in H&S
* Emergency Procedures
* Incident/injury reporting
* What to do if an employee is injured
* Employer and employee responsibilities for rehabilitation
* Hazard Management
* The use and maintenance of H&S equipment e.g. fire extinguishers, PPE.

Now that may seem like an awful lot of work…and it is an awful lot of work, but the good news is you have already completed this work! Each bullet point has been covered and completed by you in the previous chapters, so now all we need to do is collate the information and present it a means your employees can understand.

One way you can do this is to give your new employee all the work you’ve previously done, and get them to go and read it. The reality is though that they won’t read this information, or understand it and you would have wasted your time and effort. What we need to do is distil this information into a tailored ‘Induction’ program.

Working through the list then lets transfer the information required into the induction.

* Employee and employer responsibilities

Include in the front of you induction form the company policy statement. Also schedule an introductory meeting with an appropriate Senior Manager. This Senior Manager should reaffirm the content of the policy and the Companies commitment to the employee’s health and safety.

* Explain how employees are actively engaged in H&S

Include an abbreviated explanation of the Employee Participation System you have developed. Remember the general principle to make sure all your communication within the induction is made in a way your employee understand. Take into account their language, or culture, Gen X Vs Y etc.

* Emergency Procedures - as determined from previous chapters.
* Incident/injury reporting - as determined from previous chapters.
* What to do if an employee is injured – In addition to previous work, specify where the first aid kit is, who is trained in first aid, who the H&S rep is, how to report etc
* Employer and employee responsibilities for rehabilitation
* Hazard Management
* The use and maintenance of H&S equipment e.g. fire extinguishers, PPE.

Up until this point, the induction has been generic and can be applied to all employees. However, these last 2 points of Hazard Management and equipment are more specific to each employee, and the role, type of work, location of work etc. Depending upon the complexity of your workplace and the number of roles, it may become too cumbersome to include every job, the hazard controls, PPE etc in the induction form. If you are only a small company then go-ahead and include it all in the induction package. Or if you are a large company with limited hazards e.g. all office workers, you can also include it in the induction form.

Another alternative is to have the employee refer to the separate hazard register, and work through all the controls with this person.

Regardless of how you construct your induction program, it is critical that it is signed and dated by the employee and manager. This will provide proof that the induction occurred.

Action Steps then for this chapter:

1. Identify Training Needs
   1. Produce a training requirement table for each JD
   2. Add generic H&S training
   3. Add other CPD
2. Develop a specific training plan which includes:
   1. Record of Training
   2. Courses
   3. OJT management
3. Deliver Training
4. Plan a review
5. Now write an Induction program for new or transferring employees

## Contractor Management

Why do I need to manage contractors?

The object of the Health and Safety in Employment Act 1992 is the prevention of harm to people at work, or affected by work. To do this, the Act places on employers a range of duties and responsibilities for health and safety management and in previous chapters we have been designing your H&S system in order to look after your employees.

However, many companies now engage workers on a contract basis, or award contracts to other companies and try to delegate all health and safety responsibility to the head contractor. In turn, the head contractor may also engage subcontractors and delegate health and safety, who in turn employ sub-sub contractors until in the end, you could have a tangled web of everybody meant to be doing H&S, but no one being ultimately responsible. This approach or attempt to contract out of H&S obligations, or the 'easy option', does not work and has been guarded against in the Act itself - specifically in Section 18.

The H&S Employment Act – and the meaning

Section 18 of the Act creates a duty requiring principals of a contract to take 'all practicable steps 'to ensure contractors, subcontractors and their employees are not harmed while undertaking work under the contract.

Section 18 of the Health and Safety in Employment (HSE) Act 1992 – Duties of principals

(1) Every principal shall take all practicable steps to ensure that –

              (a) no employee of a contractor or subcontractor; and

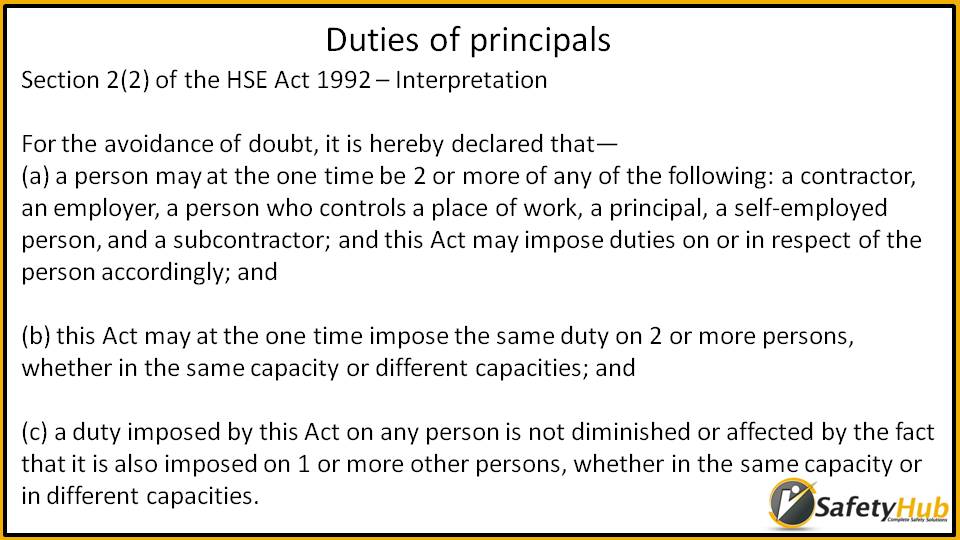
              (b) if an individual, no contractor or subcontractor, – is harmed while doing any work (other than residential work) that the contractor was engaged to do.

(2) Subsection (1) of this section shall be read subject to section 2(2) of this Act.

We’ve already defined under the hazard control chapter about what ‘all steps practicable is’ (see Hazard Management chapters) but there are some additional 'practicable steps' that need to be taken which I'll describe later. Broadly though, a ‘principal’ is any person who engages another (other than as an employee) to do any work for gain or reward. The exception is engaging someone to do work on your own home.

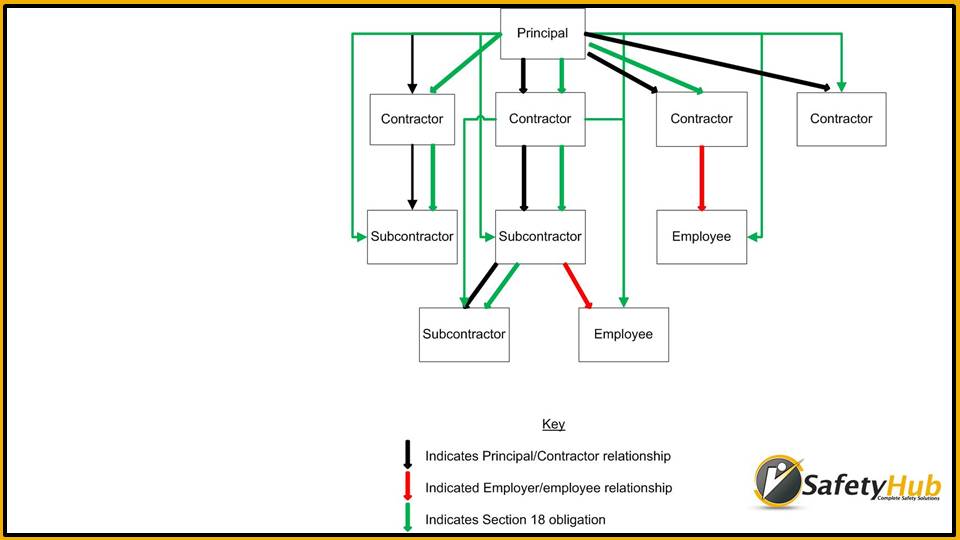
As an example, if you hire a plumber to fix a blocked drain in your home, you are not liable under the Act for the safety and health of the plumber while the work is carried out. If, on the other hand, you contract with a builder to do a major alteration to your home and they subcontract a plumber, the builder is considered a ‘principal’ in terms of section 18.

A contractor can also be considered a ‘principal’ with respect to subcontractors. Which is what the last sentence refers to…here is section 2(2) of the Act:



What this basically means several parties can be the ‘principal’ at any one time and all key people have a duty to provide for the health and safety needs for their own areas of operation.

Here is a basic example which you may be able to relate to. If you are the company or business sitting at the top of the tree as the Principal, you have obligations under section 18 to everybody completing the work, as indicated by the green arrows. If you are the contractor with employees you have certain responsibilities to them as depicted by the red arrow, and also section 18 responsibilities to the subcontractor – which means the contractor is acting as the principal as well, with respect to their subcontractor.



Let me summarise then. Some companies mistakenly believe they can contract out their H&S obligations. I've shown you the law and briefly taken you through some definitions to demonstrate that this is not the case. It does not matter where you sit in the employment tree - if people are doing work for you, you have H&S obligations to them as an employer **and/or** a Principal.

But let me give you one of many real examples to bring home this point to you. Hawkins Construction Ltd was fined $50,000 and ordered to pay reparations of $20,000 under s18 of the HSE Act after a labourer fractured his skull after falling onto a concrete floor. The man was the employee of a sub-contractor to Hawkins which was constructing a car park.

He fell 5.7m through an inadequately guarded void. A senior site manager had seen a shutter box half covering a penetration on the first level. He repositioned it so that it was fully covering the void, but did not fix the shutter into place nor direct anyone else to. The employee was not aware the box was covering the penetration and thought it was there accidentally, so moved it. While lifting it he stepped through the floor and fell. The DoL said Hawkins had failed to isolate the hazard by securely fixing the cover. Nor had it provided guard rails, a warning sign or any other method to ensure the hazard was drawn to the attention of those inducted onto the site. The hazard was also not recorded (October 15 2009).

The courts have recognised that while a principal can only discharge its obligations through employees or agents, a failure by an employee or agent may then be attributed to the principal. Being “let down” by an employee or agent will be no defence.

What do I need to do?

A Principal

The first thing you should do is determine if you *are a principal*. This may be obvious if you engage a company to do work for you, but may not be so clear if you hire an individual - are they an employee or a self-employed person? At the time this may not be important, basically you just want the work done and they want to get paid, but in the event of a dispute or investigation after an accident, the courts will apply a number of tests to determine your contract status and level of responsibility. The Government even went so far to change the law around this status in order to secure The Hobbit films. So learn from what big business deem important, and give yourself some clarity around your responsibilities.

**Indications of being an employee**

The key question courts ask is whether the person performing the work is in business on their own account. This involves a variety of legal tests and the courts look to the reality of the working relationship, as opposed to the contractual ‘label’ parties have attached to it.

A work relationship is likely to be an employment relationship between employer and employee if the:

* intention of the employer and the person performing the work is to form an employer/employee relationship, as shown in any written agreement or correspondence and/or by the behaviour of the parties to it
* employer or their agent controls the hours worked (how and when the job is done)
* payment is made by the hour, week, etc, as opposed to a lump sum
* employer or their agent has the power to hire and fire
* employer makes the profit or loss from the enterprise
* employer deducts ACC premiums and PAYE tax on behalf of the employee
* employer supplies materials for the work
* person performing the work cannot make a profit or loss from the way in which the work is carried out (for example, they are not paid on a “per job” basis)
* employer owns or leases the equipment needed
* person performing the work is bound to one employer at a time and is expected not to compete with or offer his or her skills to competitors of the employer.

**Self-employed contractor**

It is more likely to be a contract where the person performing the work is classified as independent contractors (with the duties of a self-employed person) if all or most of the following features are present in a work relationship:

* the intention of the parties to the contract is not to form an employer/employee relationship, and this is reflected in the contract and/or the behaviour of the parties
* payment is made in a lump sum at the end of the job, or in instalments as the job progresses and the contractor:
  + controls how and when the job is done
  + can choose who does the job and hire other people without specific approval from the other party
  + pays any tax, ACC or insurance themselves
  + can make a profit, or suffer a loss directly
  + supplies equipment and materials
  + is free to accept similar work and materials from a number of sources at the same time.

I think it’s also important to point out Section 16 of the Act at this stage, as it applies to both employers and Principals - if you control a place of work (i.e. own it, lease it, sublease it, occupy it, or are in possession of it) then you must also ensure no hazards harms people in the vicinity - which means bystanders, passerby, visitors, family and friends!

So, if you have determined you are a principal then I mentioned earlier you need to take additional ‘all practicable steps’. Now, the process I will take you though is best practice and you will need to determine how much detail you need to go through. This will depend upon the size of the contract, and complexity of the job. For example, there is a huge difference in risk and obligations with engaging a contractor to service a photocopier machine compared to engaging a contractor to build a new factory for you.

Here are the steps then:

1. Scope the work – where we look at what work needs to be contracted out and consider the broad H&S implications

2. Prequalify the contractor – assess the capability of potential contractors

3. Contractor selection and negotiation of terms – You need to now provide the H&S information to the pre-qualified contractors, so the contractor can determine if they can safely carry out the work, before they tender for the contract.

4. Awarding the contract – develop a H&S plan appropriate to you business size and complexity of the job

5. Monitoring the contract – check the contractors are performing to the agreed standard

6. Post contract review – Help you both learn from the contract.

Let’s have a look at these in more detail.

Step 1. Scope the work

Best practice is to think about H&S at the beginning of a project and build considerations into it.

Pretty obvious really and one of the most important steps. It is easier to consider H&S at the design or planning stage. What work will be covered by the contract and what hazards are the contractor likely to be exposed to? You may even have to work through the hazard identification chapter to help you ensure hazards have been identified for this work.

 Step 2. Prequalify the contractor

You don’t need to do this step in all cases but working through this step can save you a lot of work down track, especially with large projects. By having the contractors provide some basic information, you will know if they broadly will be able to carry out the work, before looking at the tenders in more detail. I have provided a Contractor’s Pre-employment H&S Survey (see Appendix F Health and Safety Manual (Template)) to help with prequalification.

The level of detail required though should be tailored for the work and size of the project, and the hazards and risks involved – which means you may not need to have contractor fill in every section. At the end of the day, you want some proof that you are not going to be engaging some cowboys that will ultimately affect you as the principal.

Such a questionnaire may also help you develop a shortlist for contract work that does not need to go through a tender process.

 Step 3. Contractor selection and negotiation of terms

Principals are required to give and receive information on hazards at the tendering stage, whether or not pre-qualification is used. Where pre-qualification has not been used, the principal will still need to gather information that allows assessment of the general competence of the contractor to manage health and safety. A decision to accept a tender cannot be based on price if it is at the expense of adequate provision for health and safety.

Now is the time to detail the particular work and what hazards are identified as part of that work. Such documentation is normally included with the information documents about the project, so that potential contractor’s can detail their response to how they will manage H&S.

How detailed this information is depends upon the project, and can be issued as a separate document, part of a package or as documented discussion points for smaller jobs. The key here is that as a Principal you are designing H&S into the job, and setting a benchmark and expectations from your contractors. I have provided another template called Information for Tenderer (see Appendix G Health and Safety Manual (Template)) as a guide for the type on information you may need to provide to the potential contractors.

Ultimately what you are aiming to achieve is selection of a contractor. The information you have provided, and the tenders received should help. As a principal you should now ensure:

* tenders are assessed by those with skills and knowledge relevant to the health and safety requirements of the project
* tender evaluation includes adequate consideration of health and safety requirements
* adequate time is allowed to assess the health and safety requirements of tenders
* the proposed schedule for the project would not adversely affect health and safety
* the health and safety performance of potential contractors and organisations tendering for the work has been adequately assessed, and
* all tenders are thoroughly reviewed, benchmarking the potential contractor's health and safety competence against tender requirements.

Step 4. Awarding the contract

Information-sharing between the principal and contractor should begin immediately. Health and safety requirements should be documented and become part of the written contract wherever practicable.

The contractor may need to also be inducted into the workplace. Remember in the Information, training and supervision chapter we talked about a need for an induction plan for employees. This same induction could also be used for contractors. You will also then need to ensure any specific hazard management plans for this project are communicated and also, make sure the contractor does brief you on any hazards they are bring into your workplace. The induction should cover your expectations to the same detail you would for employee’s e.g. emergency response, work-permit procedures, and restricted areas.

The following information should be shared between you as the Principal, and the contractor:

* Nominated contact persons for both the principal and contractor
* The planning and running of joint meetings. How often, what type of meetings will be required.
* Procedures for reporting hazards between the parties
* Responsibilities where work should be notified to the Department of Labour

In some cases you must report certain types of work at least 24hrs before it begins – check here to see if your work is included in this.

* Method for reporting accidents and incidents to the principal
* Involvement in employee participation – can you share a scheme which is beneficial to both parties?

Step 5. Monitoring the contract

There is a requirement for principals to monitor contractors’ and subcontractors’ performance. This is not a duty to constantly check for hazards, but at least monitor workplace conditions and practices and to bring any unsafe practices or conditions to the contractor’s attention and ensure they are dealt with.

Where subcontractors are engaged by the contractor, the practicable steps available to a principal will usually decrease the further the principal is removed from the subcontractor’s engagement. However, a principal is still required to do what could reasonably be expected in the circumstances, for example, providing an appropriate health and safety plan, a safe power supply, or access on a construction site.

The following will help you monitor the contract:

* Ensure all parties are aware of their roles and responsibilities through the contractual framework
* regular meetings to review health and safety performance (including site-wide meetings as appropriate)
* regular inspections as appropriate
* raising issues that require attention by the contractor for any unsafe work practices observed
* investigating and responding to accidents and incidents
* the principal and contractor are both meeting their obligations to report serious harm occurrences to the Department of Labour

Step 6. Post contract review

The progress of the contract will be reviewed as part of ongoing supervision. However, when the work is complete:

* the effectiveness of the original choice of contractor
* how well the contractor fulfilled the H&S plan and managed H&S while completing the contract
* any improvements that could be made to equipment, work methods etc, and
* whether the contractor is suitable for further contracts.

Summary

Along with Hazard Management, in my opinion Contract Management is probably one of the most important and neglected areas in managing H&S. I hope I’ve impressed upon you that you are not able to just manage your H&S obligations out.

What I have done is given you a process for managing H&S for a basic or even a complicated project – now it’s up to you to determine what is appropriate measures you need to put in place.

## Review and Planning

Like any business practice we must plan and review to ensure we are continuously improving our H&S performance. This involves review our performance and then making a plan to improve. But it’s a little bit like the chicken and egg, in order to have plan we must first conduct a review. And then having put the plan in place, plan a review to make sure the plan is working!

So first we are going to learn how to conduct a review. In reviewing your H&S performance, we are not interested in how flash your procedures or manuals look – we are going to focus on performance.

Having conducted a review of your current performance we will then be able to produce a tailored Annual Health and Safety Plan.

How often do we conduct a performance review?

Apart from the first time when you do benchmark, your plan will include the need for at least 1 review per year. You may need to conduct more reviews depending upon:

* When you have achieved planned goals

Did you meet the original deadline? What were the barriers e.g. people, budget? How can you improve your planning to make goals more achievable or realistic?

* How long it takes to implement hazard controls or recommendations from investigations

For example, if the control was to replace machine guarding, and your review found this wasn’t completed, you’d expect the guards to be fitted immediately. Or if the control was extra training, which your review found had not happened and would take some time, and then you may decide to increase staff supervision.

* Feedback controls may not be working

By allowing an open forum of hazard identification and staff communication, you should be able to pick up by near miss reports or comment from people that something may need to be reviewed.

* Controls are clearly not working

Your review may discover a trend in accident reports, indicating the problem has not been properly fixed. For example, you should not be having repeat injuries from the same type of incident.

How do we measure performance?

I’m going to take you through a process now which will provide you the measures to both benchmark your current performance and because you’ll use the same measures, carry over into your annual plan.

It is important though that your measures are aligned to the plan of your business. There is no point selecting a measure that is not relevant to your business. By that I mean, when you have picked a measure ask yourself ‘So What?’ What does the measure tell you? Because having selected the measure yourself, if you don’t like the result of the measure then you have to do something about it.

When measuring performance though I’ve seen so many people have measures, which don’t actually mean anything or worse still, drive a bad behaviour. For example, one of the most widely abused measures is called Lost Time Injuries or LTI. Basically, a company measures how many man-hours are worked and then whenever there is an injury they can say we have had 1 injury in say 1 million man hours of work. The theory is if the rate is going down, then the company is getting safer and performing better. Companies will even reward managers and teams with a financial bonus if the rate is trending down.

But what often happens is that this measure drives the reporting of injuries down. Someone will carry an injury rather than threaten the performance bonus of the team. Some managers even start playing around with the definition of an injury e.g. a head office of a large company may define (true story by the way) an injury as needing to go offsite to a doctor. The branch managers would then have a doctor visit the site to deal with the injury, which would keep the LTI rate low (because it wasn’t an injury) and ensure the performance bonus was kept. What that means is the act of measuring LTI could start to hide the near misses, which are opportunities for learning and preventing bigger accidents. There are many international disasters that have been traced back to this affect. I’m not saying you shouldn’t use LTI, but include them as part of a suite of measures – not THE measure.

An LTI is called a lag or outcome indicator, because they tell you how well you have performed. But what we are interested in is preventing accidents and so we also need indicators that could tell us if we are on track to prevent accidents

These are called PPI (Positive Performance Indicators). Now, accountants in your business love lag indicators because they can measure the cost of an accident. If an accident cost 1 million dollars, it is easy to justify the value of spending money on safety. But here is the hard thing about safety investment – your aim is to ensure nothing happens. So, if you invest money and time in H&S, and no one gets injured and no equipment is broken, it could be easy for your accountants to say, we can save money by cutting out a safety program. Of course, in time more accidents will then occur and the lag or result indicators will go up, and therefore a new accountant will say hey, a way to save some money is investing a little bit here in H&S! Leading to a vicious and expensive cycle of learning.

What we need to do then is come up with a mix of lead and lag indicators that are relevant to your business, something that you can understand and support wether you are having accidents, or not. Here are some ideas of indicators you may wish to consider:

Examples of Lag (Result Driven) Indicators

* Total injuries
* The number of claims
* Cost of claims
* Lost time injuries
* Lost Time Injury Frequency Rates
* Time Lost
* Severity Rates
* Investigations undertaken

Examples of Positive Performance ‘Lead’ Indicators (Or activity indicators)

When selecting indicators ensure they are relevant, and not just a measure of activity because you may select:

1. Too many PPIs - risk of collecting so many indicators that it becomes hard to focus on the true performance of the organisation

2. Unnecessary PPIs - risk of defining PPIs which detract from important performance issues

3. Irrelevant PPIs - risk of using indicators which are not relevant for the user

4. Obsolete PPIs - risk of not refining indicators over time.

Once again, here are some PPI for you to consider:

Risk management

* % of planned risk assessments completed
* % of planned workplace H&S inspections completed
* % of reported incidents investigated

Management of work processes

* Results of inspections - ratings
* % of risk assessment recommendations implemented
* % of H&S inspection recommendations implemented
* % of incident investigation recommendations implemented
* % of the H&S annual action plan achieved
* % of injured workers who have been offered support to return to work

Participation, communication

* Employee perception of management commitment – survey and skills
* % of staff with adequate H&S training
* % of attendance at H&S committee meetings
* % of H&S committee recommendations implemented
* % of health and safety representatives (HSR) positions filled
* % of issues raised by HSR actioned
* % of staff provided with training and/or information about how to access support to return to work following an injury
* % of managers and supervisors trained in their role and responsibility for managing staff with work-related injuries Planning, design and procurement
* % of services contracts with H&S clauses
* % of major purchases made with H&S risk assessment
* % of new design changes with H&S risk assessment

Monitoring and review

* % of planned H&S systems audits undertaken
* % of H&S systems audit recommendations implemented
* % of Return to Work management systems assessments undertaken
* % of RTW management systems assessment recommendations implemented
* % of recommendations from claims management systems audits implemented

If these measures don’t fit, then Google for more on the internet. Just be careful about what you select. So we’ll move onto the Annual Plan before summarising our actions steps.

Annual Plan

The plan we are going to develop aims to achieve a number of outcomes. Obviously, by benchmarking your performance you can now determine and plan activities in order to increase your performance. The plan also aims to make people accountable by assigning responsibilities to certain people. By assigning activities to people, and holding people accountable at all levels, you will build trust within your team.

The following sample plan is very basic, but is a starting point for your plan. We want to focus on actual actions or events that can be seen and not some waffly intangible. Can you prove you have achieved the action? Assign a date which is both realistic but provides a bit of a challenge. And make sure responsibility is assigned to a person or group who can actually carry out the task ie do they have the budget.

|  |  |  |
| --- | --- | --- |
| **Action – 20XX** | **Completion Date** | **Responsibility** |
|  |  |  |
| H&S Committee Meeting | mm/yyyy | H&S Committee |
| Fire/Evacuation drill (6th monthly) | mm/yyyy | H&S Committee |
| **1st** quarter H&S management report produced | mm/yyyy | H&S Committee |
|  |  |  |
| Review DoL/ACC for legislative or policy changes to regulation, guides or new control measures | mm/yyyy | H&S Committee |
| H&S Committee Meeting | mm/yyyy | H&S Committee |
| **2nd** quarter H&S management report produced | mm/yyyy | H&S Committee |
|  |  |  |
| H&S Committee Meeting | mm/yyyy | H&S Committee |
| Fire/Evacuation drill (6th monthly) | mm/yyyy | H&S Committee |
| **3rd** quarter H&S management report produced | mm/yyyy | H&S Committee |
|  |  |  |
| Annual inspection of workplace to identify potential hazards, and implement controls. Confirm controls have been reviewed and signed as such in the in Hazard Register. | mm/yyyy | H&S Committee |
| Inspect/restock First Aid etc | mm/yyyy | H&S Committee |
| Review H&S policy, guide and write next YYYY plan | mm/yyyy | H&S Committee |
| Conduct internal ACC366 assessment (requirement of WSMP program) | mm/yyyy | H&S Committee |
| H&S Committee Meeting | mm/yyyy |  |
| H&S Contractor Review | mm/yyyy |  |
|  |  |  |
| **4th** quarter H&S management report produced | mm/yyyy | H&S Committee |
| Reconfirm and signoff next YYYY plan, policy etc | mm/yyyy | Management |

Action Step

So what you need to do now is determine what measures you are going to use to benchmark your business. While I’ve given you a lot there, there are a bunch you can also find on goggle under H&S performance measures. The key is to take the time and select the few that are important to your business and what you are trying to achieve.

Then benchmark your performance to date, and devise an annual plan which aims to improve your performance in these areas.

## Applying for your ACC WSMP Discount

You have now finished building a tailored H&S system relevant to your business. If you have built it in the way I have taught you, then you will be streets ahead in terms of minimising harm to your employees, protecting equipment and stock, protecting your reputation, reducing legal prosecutions and also gaining a competitive advantage over your competition.

And of course the government recognises your efforts by allowing you to apply for a discount on your ACC fees. In this chapter I’m going to talk you through the two options, although I recommend only one of those, and then walk you through how to apply and what is involved.

The two options are to receive either a:

- Workplace Safety Discount (WSD) or a

- Workplace Safety Management Practices discount

The WSD offers a 10% discount on work levies however the program is limited in two ways. To be eligible you first need to be self-employed or a small employer with an annual payroll of less than $495 000 and less than 10 full-time employees. Secondly, you also need to be in one of the following industries:

* [Agriculture industry training courses](http://www.acc.co.nz/for-business/small-medium-and-large-business/how-to-pay-less/workplace-safety-discounts/BUS00024" \t "_top)
* [Construction industry training courses](http://www.acc.co.nz/for-business/small-medium-and-large-business/how-to-pay-less/workplace-safety-discounts/BUS00025" \t "_top)
* [Fishing industry training courses](http://www.acc.co.nz/for-business/small-medium-and-large-business/how-to-pay-less/workplace-safety-discounts/BUS00026" \t "_top)
* [Forestry industry training courses](http://www.acc.co.nz/for-business/small-medium-and-large-business/how-to-pay-less/workplace-safety-discounts/BUS00027" \t "_top)
* [Road transport and waste management industries training courses](http://www.acc.co.nz/for-business/small-medium-and-large-business/how-to-pay-less/workplace-safety-discounts/BUS00029" \t "_top)

The second option is to apply for the WSMP[[24]](#footnote-24). The WSMP is challenging to pass but the good news is that having worked through these chapters, you have done all the work needed to meet the audit standards. The benefit is that you are eligible for an even larger discount, starting with a pass (at 10% discount) to a 15% and finally a 20% discount. So, even if you are eligible for the WSD program, I recommend you apply for the WSMP program and aim for the larger discount. (Note: the Government is looking at reducing these rates however, a discount will still available)

How to apply

What you first need to do is complete the ACC442 WSMP Audit standards self-assessment[[25]](#footnote-25). If you purchased the premium package then this assessment is largely completed for you, with references to the relevant sections etc. Pay particular attention to sections 9 and 10 as this relates to what the auditor will see at your workplace and then focus group interviews with management and employees.

Once you have fully completed the ACC422 form (or the mostly-completed WSMP Audit verification template in the premium package) then you should submit the form with your application. If you have answered every audit requirement with a ‘yes’, and provided evidence, then it is up to the auditor to disprove your qualification for the higher discounts. Completing this form thoroughly will therefore increase your chances of qualifying for the tertiary level discount (although Safety Hub cannot guarantee this result, as each auditor measures according to their own experience, expertise and bias). To reiterate, proving the *completed* ACC442 or the WSMP Audit verification template to the auditor will demonstrate how thoroughly your company has prepared, and make the job of the auditor easier by providing all the evidence before the audit has even begun.

Only then should you complete the ACC4028 application form[[26]](#footnote-26). This begins your entry in to the program and the following audit process fact sheet[[27]](#footnote-27) details everything that happens next.

Finally, have confidence and be proud of your system. I am sure you will impress the auditor will the thoroughness of your system; be prepared to celebrate your entry into the WSMP program and more importantly, start on the path to growing a world class H&S System.

## Helpful links and references

Health and Safety Glossary – this link will take you to the H&S in Employment Act[[28]](#footnote-28)

Business owners – free online training Business Case for Health and Safety[[29]](#footnote-29)

Examples of hazards in some jobs (Canadian website resource) <http://www.ccohs.ca/oshanswers/occup_workplace/foodandbeverage.html>

Training tool to check your hazard id and assessment: <http://employment.alberta.ca/whs/learning/HazardID/ahre_interface.swf>

1. <http://www.dol.govt.nz/publications/research/good-sense/good-sense_02.asp> [↑](#footnote-ref-1)
2. www.osh.govt.nz/publications/booklets/first-aid-2009/ [↑](#footnote-ref-2)
3. http://www.osh.govt.nz/law/hse-harm.shtml [↑](#footnote-ref-3)
4. <http://www.osh.dol.govt.nz/order/catalogue/pdf/form-accinv.pdf> [↑](#footnote-ref-4)
5. <http://www.osh.dol.govt.nz/law/hse-harm.shtml> [↑](#footnote-ref-5)
6. http://www.osh.dol.govt.nz/order/catalogue/pdf/form-Accident-SeriousHarm.pdf [↑](#footnote-ref-6)
7. Legal Definition of Hazard etc: <http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278835.html?search=ts_act_health_resel&p=1> [↑](#footnote-ref-7)
8. http://www.osh.govt.nz/order/catalogue/shiftwork-fatigue-guide2007.shtml [↑](#footnote-ref-8)
9. Google search NZ Standard Classification of Occupations 1999 called ‘nzscofoc.pdf’ [↑](#footnote-ref-9)
10. http://www.osh.govt.nz/law/hse-harm.shtml [↑](#footnote-ref-10)
11. DoL free information to review [www.osh.govt.nz/order/catalogue](http://www.osh.govt.nz/order/catalogue) [↑](#footnote-ref-11)
12. http://www.dol.govt.nz/workplace/knowledgebase/item/1399 [↑](#footnote-ref-12)
13. <http://www.osh.govt.nz/law/hse-regulations.shtml> [↑](#footnote-ref-13)
14. <http://www.osh.govt.nz/order/catalogue/#ap> [↑](#footnote-ref-14)
15. www.safetyhub.co.nz [↑](#footnote-ref-15)
16. http://www.osh.dol.govt.nz/order/catalogue/pdfs/employeeparticipationsystems.pdf [↑](#footnote-ref-16)
17. ‘Employee’ means a person who has worked for their employer for at least 180 hours over the previous 12-month period. [↑](#footnote-ref-17)
18. http://www.ers.dol.govt.nz/ere/hse\_courses.html [↑](#footnote-ref-18)
19. http://www.ers.dol.govt.nz/ere/hse\_courses.html [↑](#footnote-ref-19)
20. <http://dol.govt.nz/publications/video/come-home-safely/> [↑](#footnote-ref-20)
21. http://www.dol.govt.nz/workplace/knowledgebase/item/1422 [↑](#footnote-ref-21)
22. http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM279218.html?search=ts\_act\_safety\_resel&p=1 [↑](#footnote-ref-22)
23. http://www.osh.dol.govt.nz/order/catalogue/pdf/acc1106training.pdf [↑](#footnote-ref-23)
24. www.acc.co.nz/wsmp [↑](#footnote-ref-24)
25. <http://www.acc.co.nz/PRD_EXT_CSMP/groups/external_communications/documents/guide/wcm000512.pdf> [↑](#footnote-ref-25)
26. <http://www.acc.co.nz/PRD_EXT_CSMP/groups/external_levies/documents/form/prd_ctrb089554.pdf> [↑](#footnote-ref-26)
27. <http://www.acc.co.nz/PRD_EXT_CSMP/groups/external_levies/documents/publications_promotion/wcm001516.pdf> [↑](#footnote-ref-27)
28. <http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278835.html?search=ts_act_health_resel&p=1> [↑](#footnote-ref-28)
29. http://www.ccohs.ca/catalog/product\_info\_ccohs.php?products\_id=368 [↑](#footnote-ref-29)