

WHAT YOU NEED TO KNOW ABOUT HEALTH AND SAFETY



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Department of Labour
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WHAT YOU NEED TO KNOW ABOUT HEALTH AND SAFETY

RECRUITING

PAY

HOLIDAYS AND LEAVE

PERFORMANCE MANAGEMENT

ENDING EMPLOYMENT RELATIONSHIPS



➤ ABOUT THE BIG 6

The Big 6 covers six areas employers have told us they would like further assistance with: health and safety, hiring new employees, pay, holidays and leave, performance management and ending employment relationships. *The Big 6* contains checklists of the main things employers need to know and links to further information.

WHAT YOU NEED TO KNOW ABOUT HEALTH AND SAFETY

WHO SHOULD READ THIS?

- Employers who employ adults, young workers and young people under 15 years of age
- Employers who engage the services of contractors, sub-contractors, volunteers, and persons receiving on-the-job training

WHY IS IT IMPORTANT?

- To ensure a safe and healthy work environment, and avoid tragic and costly accidents.
- All employers have duties under the Health and Safety in Employment Act 1992 to take all practicable steps to ensure the safety of employees at work, and other people in the workplace.
- Good health and safety management practices encourage higher staff retention and increased productivity and efficiency

WHAT YOU NEED TO DO

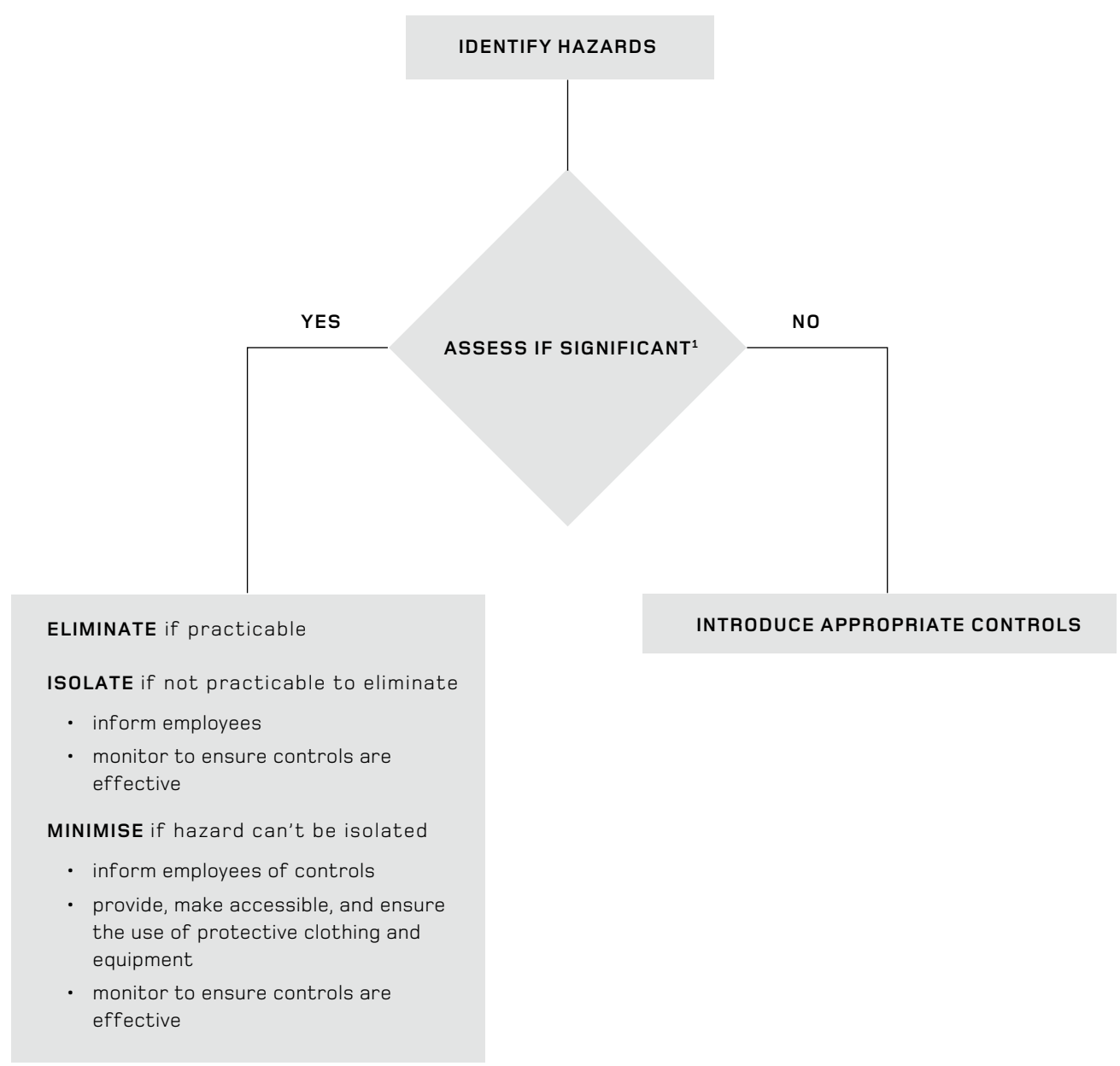
The key steps associated with health and safety management are outlined below:

- know your legal responsibilities
- make a commitment to health and safety in the workplace
- plan how you will implement a safe working environment
- identify, assess and manage hazards
- provide information, training and supervision for employees
- report, record and investigate incidents, injuries and illnesses
- involve employees in the process to improve health and safety
- plan and be ready for emergencies
- include contractors and subcontractors in your hazard management processes
- help employees return to normal work after injury

→ This brochure provides a checklist of the key tasks involved with each step. It provides a description of your key legal duties as an employer, together with other good practices for managing health and safety in smaller workplaces. Further information is available on: www.osh.dol.govt.nz or by contacting us on 0800 20 90 20.

More detailed health and safety information is available from the Accident Compensation Corporation (ACC) and references are included in this brochure.

HAZARD MANAGEMENT PROCESS



1. A 'significant hazard' is one that is an actual or potential source of serious harm or other harms arising from the exposure to the hazard.



HEALTH AND SAFETY CHECKLIST

If you answer no to any of the questions you may need more information


LEGAL REQUIREMENTS	Y	N	n/a	EMPLOYER COMMITMENT	Y	N	n/a
Do you know that creating a safe and healthy workplace is a legal requirement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you able to demonstrate an active, consultative commitment to all areas of health and safety management in the workplace?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you know what your responsibilities are under the Health and Safety in Employment Act 1992?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you have a documented and up-to-date health and safety policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you know that your employees have responsibilities for health and safety too?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you consider injury prevention issues at senior management meetings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you know that you can't insure against a fine or infringement fee that is imposed if the Act is breached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	→ FURTHER INFORMATION www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace	<input checked="" type="checkbox"/> COMPLETE		
Do you know there are specific restrictions on hiring young people under 15 years for hazardous work?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Do you know there are specific restrictions on hiring young people under 16 years to work between 10pm and 6am?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Do you know that in most cases, if you have someone doing ongoing and regular voluntary work as an integral part of your business, you have a duty to ensure their health and safety?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Do you know that for any volunteer doing work activity for you, you must take account of hazards in planning their work?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Do you know that you must ensure the health and safety of people on work experience?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Do you know there are specific legal requirements if you engage contractors and subcontractors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Do you know that all employers must belong to ACC's workplace insurance scheme?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
→ FURTHER INFORMATION www.business.govt.nz www.osh.dol.govt.nz www.acc.co.nz/for-business	<input checked="" type="checkbox"/> COMPLETE						
				PLANNING	Y	N	n/a
				Have you reviewed existing practices in:			
				» premises			
				» plant and substances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				» procedures			
				» people			
				Have you determined the milestones you need to complete to successfully implement injury prevention plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Do you link injury prevention to other forms of business planning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				→ FURTHER INFORMATION www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace	<input checked="" type="checkbox"/> COMPLETE		

HAZARD IDENTIFICATION, ASSESSMENT AND CONTROL	Y	N	n/a
Do you know that you must ensure you have effective processes for systematically identifying and assessing hazards?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you identified specific injury hazards in your workplace?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you record and investigate all accidents and near misses to determine if they were caused by a 'significant' hazard?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you developed and implemented action plans for significant hazards to eliminate/reduce likelihood of harm?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you know your responsibilities regarding the provision of protective clothing and equipment?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are you aware of requirements relating to specific hazards that may exist in your business?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
→ FURTHER INFORMATION www.osh.dol.govt.nz	 COMPLETE		


INFORMATION, TRAINING AND SUPERVISION	Y	N	n/a
Do you know you have a legal obligation to train your employees on hazards to which they are exposed; the use of safety equipment and clothing; emergency procedures; and Health and Safety systems and issues?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you know that you must provide employees with ready access to clear information about emergencies, identifiable hazards, and where to find all necessary safety clothing, devices and equipment?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you ensured your employees are informed of their own and your responsibilities for health and safety in the workplace?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you developed induction and ongoing education packages in the ACC WorkSafe Cycle, the ACC WorkSafe Injury Model and the actions required to manage injury factors?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are you educating staff in injury prevention issues at least six monthly?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are your staff trained and supervised by a knowledgeable and experienced person?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
→ FURTHER INFORMATION www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace	 COMPLETE		




INCIDENT AND INJURY REPORTING, RECORDING AND INVESTIGATION

	Y	N	n/a
Do you know the difference between an incident and an injury?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you know that you must have a system that ensures incidents and injuries are reported, recorded and investigated and that the appropriate corrective action is taken?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you implemented a system to analyse incident and injury data (and report results to management and staff)?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you know what 'serious harm' is and that you need to notify the Department of Labour if it occurs and manage the hazards that caused it?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
→ FURTHER INFORMATION www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace www.osh.dol.govt.nz	 COMPLETE		

EMERGENCY READINESS

	Y	N	n/a
Do you know that you must have an emergency plan to manage all types of emergency likely to happen in any part of your workplace?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have emergency procedures been implemented and communicated to staff?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have designated wardens for each work area to take control in an emergency?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you test your emergency procedures periodically?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you review and update emergency plans?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
→ FURTHER INFORMATION www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace	 COMPLETE		


EMPLOYEE PARTICIPATION

	Y	N	n/a
Do you know that your employees must have the opportunity to be involved in developing safe workplace practices?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are you aware that a business with fewer than 30 employees requires the development of an employee participation system when one or more employees request it?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you know that employees may elect health and safety representatives, and they are entitled to paid health and safety representative training?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you ensured that injury prevention is part of all weekly staff meetings?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
→ FURTHER INFORMATION www.osh.dol.govt.nz	 COMPLETE		

CONTRACTOR MANAGEMENT

	Y	N	n/a
Do you have a system to ensure that contractors, subcontractors and their employees are not harmed on-site?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you developed a health and safety clause to be written into all contracts?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you ensured that induction to on-site health and safety procedures is coordinated by a designated person(s) for all contracted staff?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
→ FURTHER INFORMATION www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace	 COMPLETE		

RETURN TO WORK

	Y	N	n/a
Do you have a system in place to help injured employees make the transition back to work?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
FURTHER INFORMATION www.acc.co.nz/backonthejob	 COMPLETE		

HOW TO RESOLVE ISSUES RELATING TO HEALTH AND SAFETY

The employee participation provisions in the Health and Safety in Employment Act are intended to promote communication between employers and their employees. Most workplace health and safety issues will be resolved by employers and employees working together in good faith. Employers can also get help from guides like approved codes of practice, and from advisors like industry associations and health and safety professionals. When an employer and a trained health and safety representative cannot agree on a way to resolve a potentially hazardous situation in a workplace, a hazard notice may be used.

HAZARD NOTICE

- a hazard notice is a formal notification that may be issued by a trained health and safety representative where there is a lack of agreement as to whether a situation is hazardous or if it is, how best to manage the hazard, or if the employer refused to discuss the hazard.
- there is no penalty for receiving a hazard notice, however, it may count as prior warning for an infringement offence.
- a Department of Labour health and safety inspector can help to resolve the matter if good faith discussions have previously failed to do so.

For more information: www.osh.dol.govt.nz

OTHER WAYS OF ENFORCEMENT

IMPROVEMENT NOTICE

Sometimes if discussion with an employer or another person does not give an inspector assurance that defects will be rectified the inspector can issue a formal document to require compliance. This document is called an improvement notice and it means what it says – the recipient is required to take some action to comply with the Act. The notice will specify:

- that the inspector believes there is, or will be a breach of the Act.
- what part of the Act is involved
- why the inspector thinks there is a breach
- what is the nature of the breach, and
- how long the person has to rectify the breach.

For more information, see: www.osh.dol.govt.nz

PROHIBITION NOTICE

Sometimes an inspector will find a workplace situation so dangerous that it just has to be stopped. To do that the inspector can issue a prohibition notice. The inspector has to feel that unless the hazardous activity is stopped serious harm is likely to occur to somebody. The notice requires the employer or recipient to immediately stop the activity, machine, process etc. The notice will specify:

- the hazard that is the problem
- why the inspector believes the hazard will cause serious harm.

For more information, see: www.osh.dol.govt.nz

INFRINGEMENT NOTICE

A health and safety inspector may issue an infringement notice if:

- the inspector has reasonable grounds to believe that a person has failed to comply with their duties under the Act, and
- that person has had prior warning of their offence.

An infringement notice informs you that you have breached the Act and that you are required to pay an infringement fee. There are two categories of infringement fee:

1. \$800–\$4,000 (in \$100 increments) for breaches of the requirement to have a system for systematic hazard identification, and
2. \$100–\$3,000 (in \$100 increments) for all other breaches of the Act.

For more information, see: www.osh.dol.govt.nz

PROSECUTION AND FINES

The Department of Labour’s overall approach to enforcement, notices and prosecutions is set out in our enforcement policy, *Keeping Work Safe* (published April 2009). This sets out how and why the Department of Labour responds to non-compliance with the Health and Safety in Employment Act 1992. Prosecutions are taken in the most serious situations, such as wilful non-compliance or where the harm or potential for harm is severe, taking account of the public interest and the realistic prospect of conviction. For most offences, the maximum fine following conviction is \$250,000, although in cases where the person’s action or failure to act occurs, and they know it is likely to cause serious harm; the maximum fine is \$500,000 and/or a maximum term of imprisonment of 2 years. For more information, see www.osh.dol.govt.nz



▼ FOR MORE INFORMATION

If you need more information about the topics covered in this brochure:

Call us free on 0800 20 90 20

**Or visit our website at
www.dol.govt.nz**

The Department of Labour's website contains detailed information relating to health and safety, recruiting, pay, holidays and leave, performance management, and ending employment relationships. Our website also has answers to frequently asked questions and case studies.

▼ OUR FREE ONLINE TOOLS – TO IMPROVE YOUR BUSINESS:

In addition to *The Big 6*, we also provide tools and services that are designed to make management simpler, and free up time for small business owners to concentrate on the bigger picture. These tools help you implement good health and safety, and employment relations practice.

The tools are:

- Employment Agreement Builder
- Holidays and Leave Tool
- Parental Leave Calculator

**You can find these online tools at
www.dol.govt.nz/onlinetools/**

→ The content in this document is generic only. It will not answer every question and should not be used as a substitute for legislation or legal advice. The Department of Labour takes no responsibility for the results of any actions taken on the basis of information in this document, nor for any errors or omissions.

HOW DO I...?

	www.business.govt.nz	NZ Trade and Enterprise	Pacific Business Trust	Companies Office	Inland Revenue	Statistics New Zealand	IPONZ	Foundation for research, science and technology	Department of Labour	Work and Income	ACC	Sustainable Business Network	Māori Business Facilitation Service
Start a business?	✓	✓	✓	✓	✓								✓
Learn how to do business?	✓	✓	✓										✓
Learn about tax?	✓				✓								
Know what rules apply to my business?	✓			✓	✓				✓		✓	✓	
Get information about markets, population trends, customers, suppliers?	✓					✓			✓				
Find out about my competitors?	✓			✓		✓	✓						
Grow my business?	✓	✓							✓				✓
Find special expert or technical assistance and funds to help pay for it?	✓	✓											
Get help with patents and trademarks?	✓						✓	✓					
Import and/or export?	✓	✓											
Employ and manage staff?	✓				✓				✓				✓
Minimise recruitment time and cost?	✓									✓			
Make my workplace safe and save money?	✓								✓		✓		
Make my business sustainable?	✓											✓	

BUSINESS.GOV.T.NZ

www.business.govt.nz | 0800 424 946

NEW ZEALAND TRADE AND ENTERPRISE

www.nzte.govt.nz | 0800 555 888

PACIFIC BUSINESS TRUST

www.pacificbusiness.co.nz | 0800 287 7526

COMPANIES OFFICE

www.companies.govt.nz | 0508 COMPANIES (266 726)

INLAND REVENUE

www.ird.govt.nz | 0800 377 774

STATISTICS NEW ZEALAND

www.stats.govt.nz | 0508 525 525

INTELLECTUAL PROPERTY OFFICE OF NEW ZEALAND

0508 447 669

FOUNDATION FOR RESEARCH, SCIENCE AND TECHNOLOGY

www.frst.govt.nz | Auckland 09 912 6730

Wellington 04 917 7800 | Christchurch 03 963 2070

DEPARTMENT OF LABOUR

www.dol.govt.nz | 0800 20 90 20

WORK AND INCOME

www.workandincome.govt.nz | 0800 559 009

ACC

www.acc.co.nz | Publications 0800 844 657

Levies 0800 222 776 | Concerns 0800 650 222

SUSTAINABLE BUSINESS NETWORK

www.sustainable.org.nz | 09 826 0394

MĀORI BUSINESS FACILITATION SERVICE*

www.tpk.org.nz | 04 819 6000

* The Māori Business Facilitation Service is a Te Puni Kōkiri programme for Māori entrepreneurs.

