



Health & Safety at Work Act

Understanding the implications for your NGO

Introduction

The Health and Safety Reform Bill has passed to create a new Health and Safety at Work Act (HSWA). The Act introduces new obligations for employers to identify workplace hazards and manage associated risk. The Act does not impose a one-size-fits-all approach to risk management. Each organisation is expected to undertake what is 'reasonably practicable' for it to do to manage the risk.

The legislation enters into force on **April 4, 2016**.

History

New Zealand workers are twice as likely to be killed or suffer serious harm compared to Australia and six times as likely as those in the UK. In 2013 an Independent Taskforce reported that New Zealand's work health and safety system was failing. In response, the government is undertaking significant workplace health and safety reforms, with an aim to reducing New Zealand's workplace injury and death toll by 25% by 2020. Reforms include the HSWA and WorkSafe New Zealand – New Zealand's new health and safety regulator.

What you need to know

Under the Act the obligations of Persons Conducting a Business or Undertaking (PCBU) to manage risk are limited to doing what is in their ability to control and manage, along with what is reasonably practicable for them to do to manage the risk.

In practice, this means PCBUs will need to identify the health and safety risks in their business that could seriously harm workers and others, and then consider and put in place the behaviours, practises, systems, processes and training needed to eliminate and where they can't be eliminated minimise those risks.

Each PCBU will have a different risk management approach. Each will be evaluated according to how well health and safety policies and practices measure up relative to organisations of similar size and capacity, managing similar risks.

The process of risk management is also an important consideration under the HSWA. Employees should be provided with ongoing opportunities for involvement in the development, implementation and monitoring of health and safety in the workplace.



Critical elements of the legislation include:

- Employer commitment to safety management practices
- Planning, review and evaluation
- Hazard identification, assessment and management
- Information, training and supervision
- Incident and injury reporting, recording and investigation
- Employee participation in health and safety management
- Emergency planning and readiness
- Protection of employees from on-site work undertaken by contractors and sub-contractors
- Workplace observation - confirmation of safe systems in action
- Focus group interview - confirmation of safe systems in action



Definitions

HSWA: Health & Safety at Work Act

PCBUs: Persons Conducting a Business or Undertaking. The PCBU is the business or business entity.

HSWA: What it means for CID members' activities abroad

While legal liability under the Act for overseas risks is **unclear**, development and humanitarian work creates its own unique set of hazards and risks, including:

- **Physical health risks** posed by local disease and limited access to care;
- **Personal security risks** due to crime, political instability and conflict in fragile situations;
- **Physical safety risks** arising from weak regulatory capacity or regulations (traffic accidents, building codes, sanitary standards);
- **Psychological risk** due to stressful working environments, long hours, post-traumatic stress, cultural dislocation or isolation;

These risks can apply equally to **home and in-country staff, as well as to volunteers.**

What is crucial under HSWA is that you identify the health and safety risks in your agency, and then consider and put in place the **behaviours, practises, systems, processes and training** needed to eliminate, and where they can't be eliminated, minimise those risks.

There are many humanitarian health and safety standards and associated good practice resources specific to development and humanitarian activities:

The **Sphere Project** (spherehandbook.org) provides standards (Core Standard 6) and Guidelines for aid worker performance, including through management and support.

The new guidance note for the **Core Humanitarian Standard** (corehumanitarianstandard.org) also provides indicators and references to additional resources (Standard 8).

The **Antares Foundation** (antaresfoundation.org) has developed its own guidelines for good practice for managing stress in humanitarian workers.

NZ NGO case study: responding to the HSWA

Health and Safety and Return-to-Work Policies

Travel policy check list to ensure risks are assessed before undertaking any travel (includes pre-departure and in-country briefing); registration on Safe Travel website and Red24 (or similar)

Terms of Reference provided 3 months prior to travel (preferable); **Go/No go decision tree** undertaken (CEO has the right to veto any travel)

Traveller **safety training** (eg. FearFree) for all staff who travel regularly

Free Travel Doctor visits and vaccinations; personalised up-to-date **first aid kits** for all staff who travel regularly

Two points of **emergency contact** in Terms of Reference (NZ and overseas contacts)

Agency **emergency process** & business continuity plan

Hazards register regularly reviewed

Accident register

Monthly health and safety **meetings**

Regular health and safety **briefings** by Consultants, including EMA consultant

Regular health and safety **training** (eg first aid courses)

Annual **flu vaccine** offered free to staff

Regular Ergonomics **training**

Employee Assistance Programme (EAP) for staff to seek **professional advice and counselling** on any issue, including post-visit counselling

Accident and life **Insurance** to staff

Regular attendance at health and safety **updates** (eg EMA)

Regular **subscription updates** from Work Safe NZ

Management and staff **focus groups monitor** health and safety (health and safety rep)

Clause on contract of employment on health & safety and staff induction on day one (employee signs on completion of induction)

Regular **fire drills**

Researched and written by Darren Brunk. NB – this Fact Sheet is for general information purposes only – it should not be interpreted as providing legal advice.

