HARM V22E

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Hazard & Risk Management Manual

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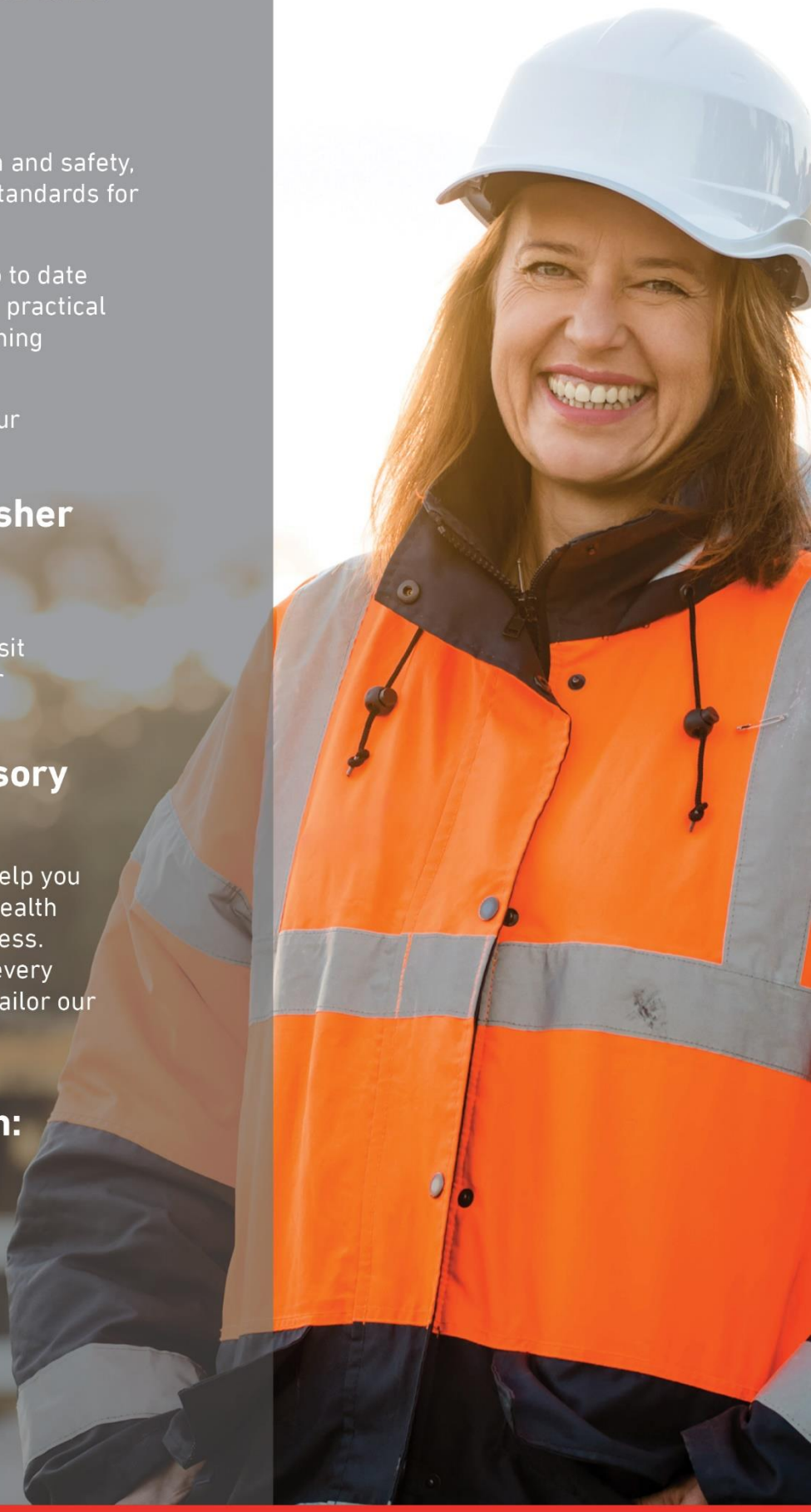

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ABBREVIATIONS

GRWM Regulations:	Health and Safety at Work (General Risk and Workplace Management) Regulations 2016
H&S:	Health and Safety
PCBU:	Persons Conducting a Business or Undertaking
The Act:	The Health and Safety at Work Act 2015
WEPR Regulations:	Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016
WorkSafe:	WorkSafe New Zealand

Assessment indicator

THE PURPOSE OF THE COURSE

The purpose of this course is to provide you with an overview of safe work practices and Risk Management in the workplace.

It sets out basic principles of workplace safety and explains how these principles might be applied in the workplace. Recommended safe working practices for the identification, assessment, control, monitoring and review of workplace hazards are also covered.

Note: If you identify a safety issue in your workplace which you are unsure about, you must seek the advice of your manager, site supervisor or Health and Safety Representative (HSR).

COURSE OBJECTIVES

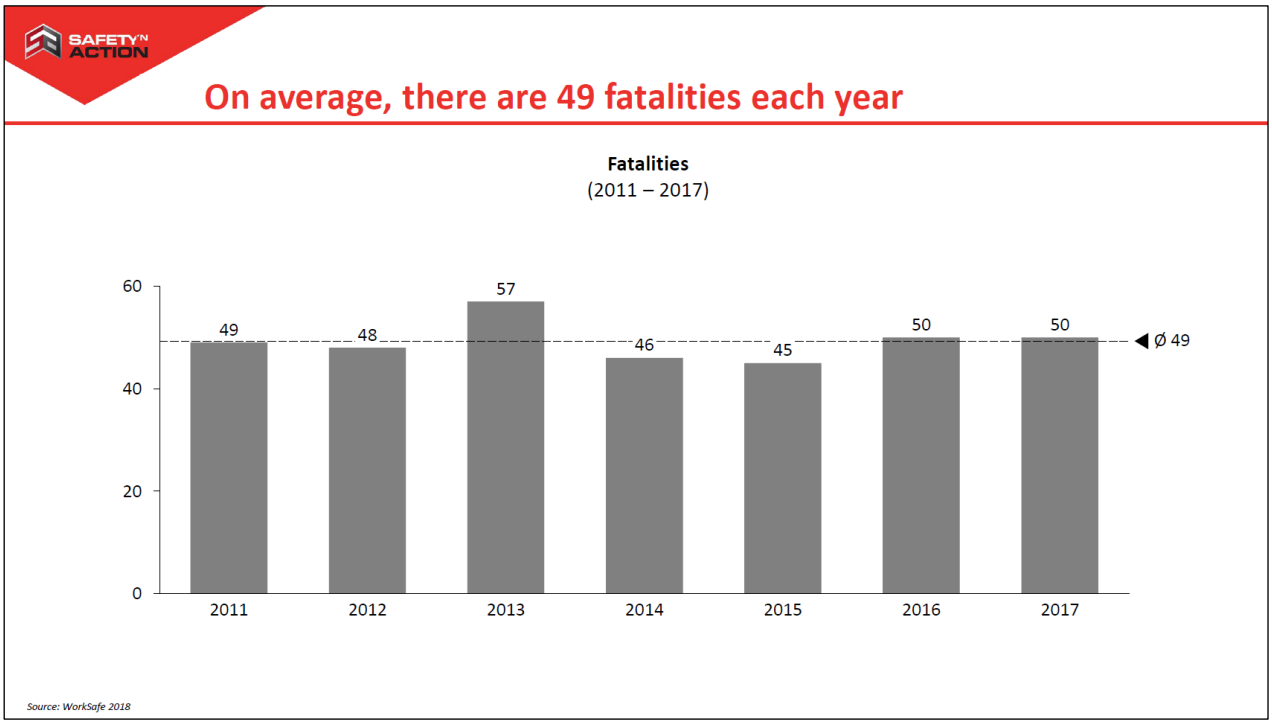
On completion of the course, candidates should be able to:

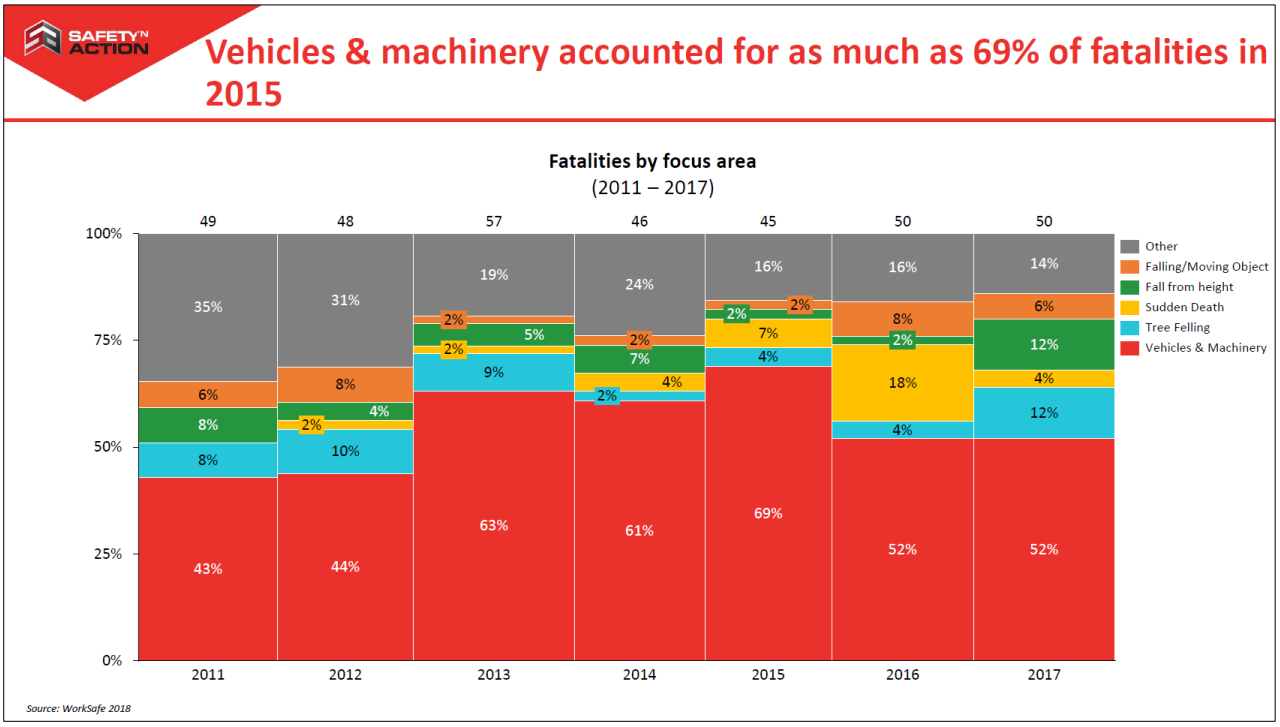
- Understand the rights and responsibilities for workplace health and safety according to the Health and Safety at Work Act 2015
- Identify relevant Acts, Regulations, Codes of Practice, Standards and Good Practice Guidelines
- Describe the systems approach to workplace health and safety
- Identify safe work practices in the workplace
- Explain the importance of clear and effective communication
- Explain the legislative requirements for Risk Management in a workplace in terms of objectives and compliance duties
- Identify hazards using task, process, work and behavior analysis
- Apply risk assessment procedures
- Select hazard control methods which include:
  Elimination, or
  Minimisation.
- Complete any necessary documentation and explain the findings
- Describe methods used to determine the effectiveness of controls such as: audits, statistical analysis, accident/incident registers
- Review controls as necessary.

INTRODUCTION

New Zealand's workplace health and safety record is poor compared to other countries such as the United Kingdom and Australia. In an average year approximately:

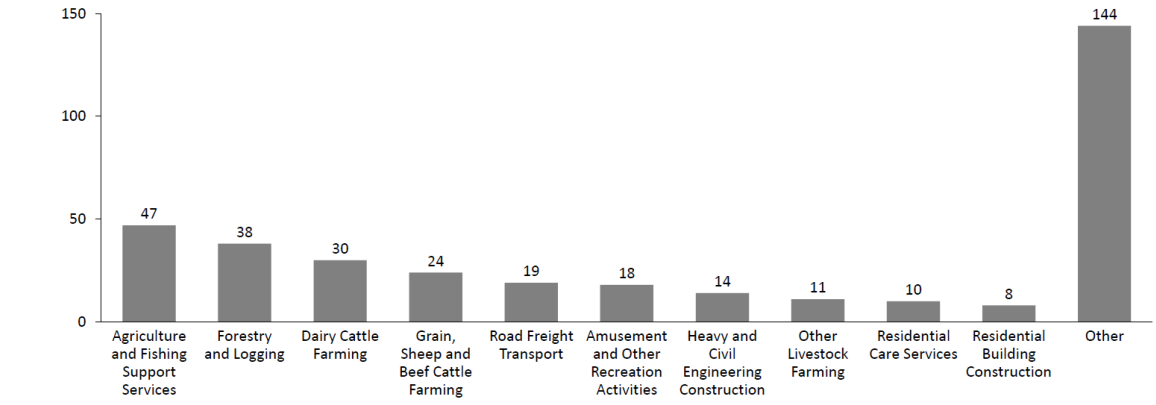
- 49 people die on the job
- Hundreds more are seriously injured
- 600 – 900 die from work-related diseases.





Agriculture, fishing, forestry and logging are the most dangerous industries

Fatalities by industry
(2011 – 2017)

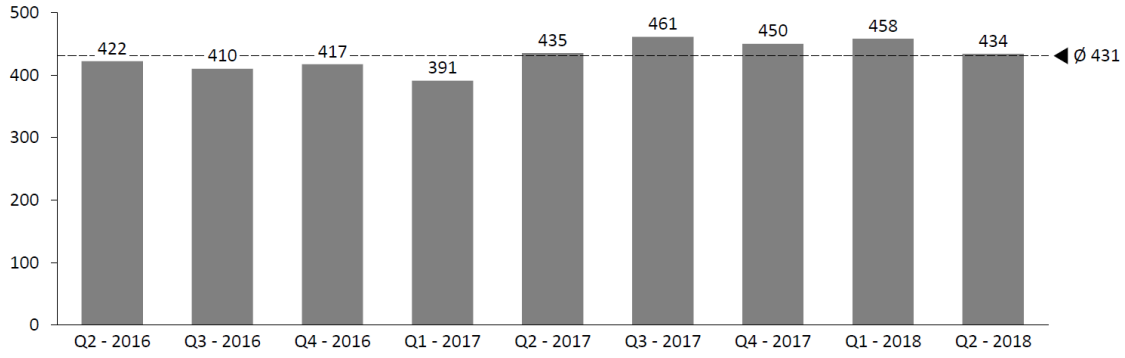


% of total	13%	10%	8%	7%	5%	5%	4%	3%	3%	2%	40%

Source: WorkSafe 2018

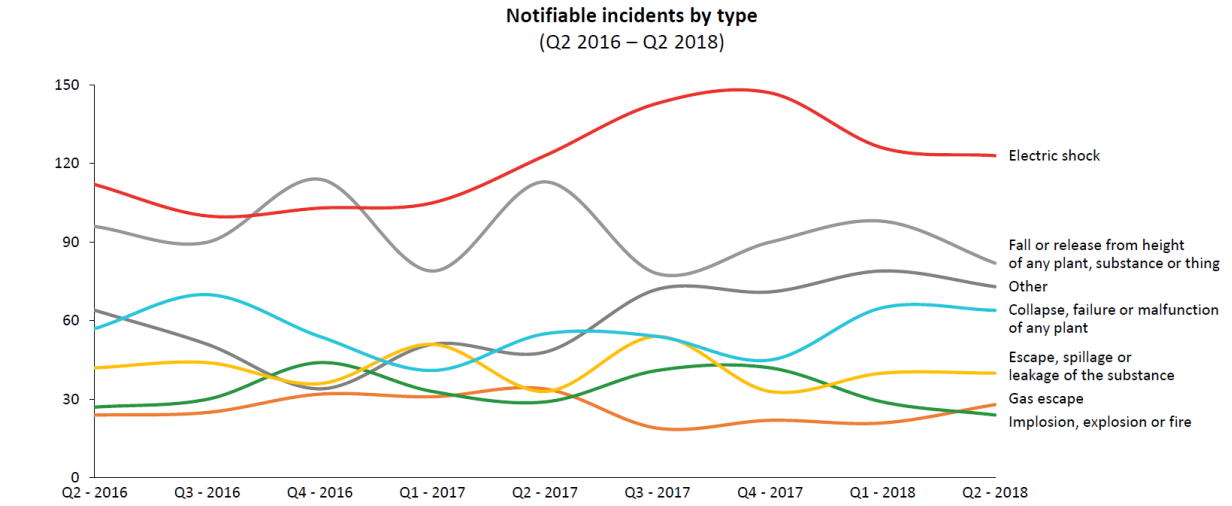
On average, there are 431 notifiable incidents each quarter

Notifiable incidents
(Q2 2016 – Q2 2018)



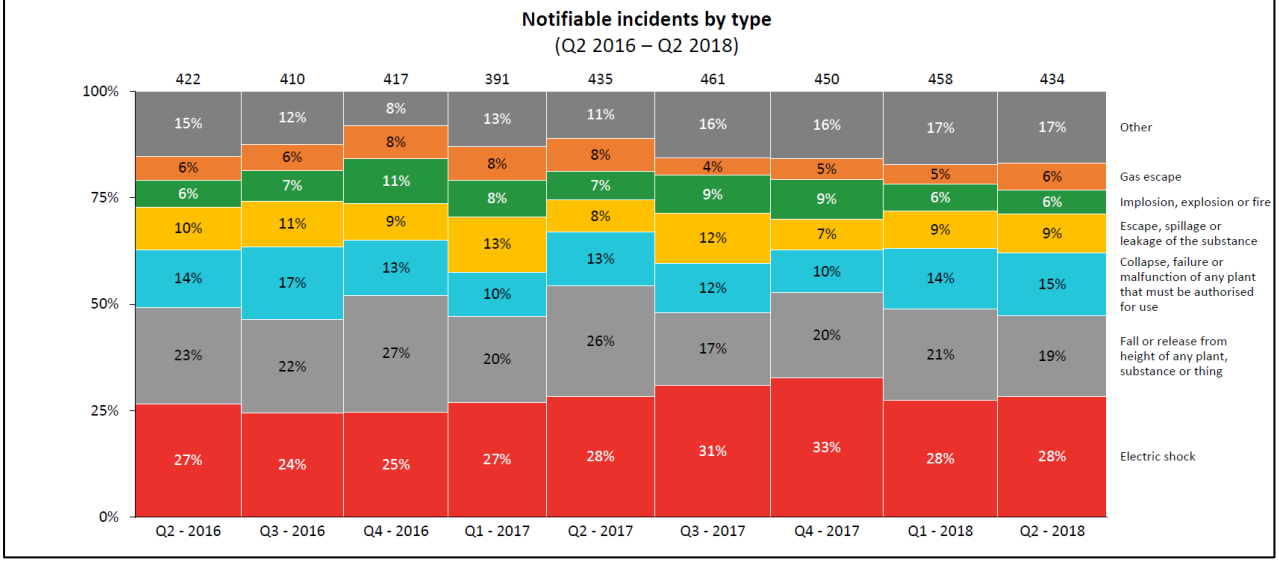
Source: WorkSafe 2018

Electric shock is the most common form of notifiable incident and incidents have increased in recent years

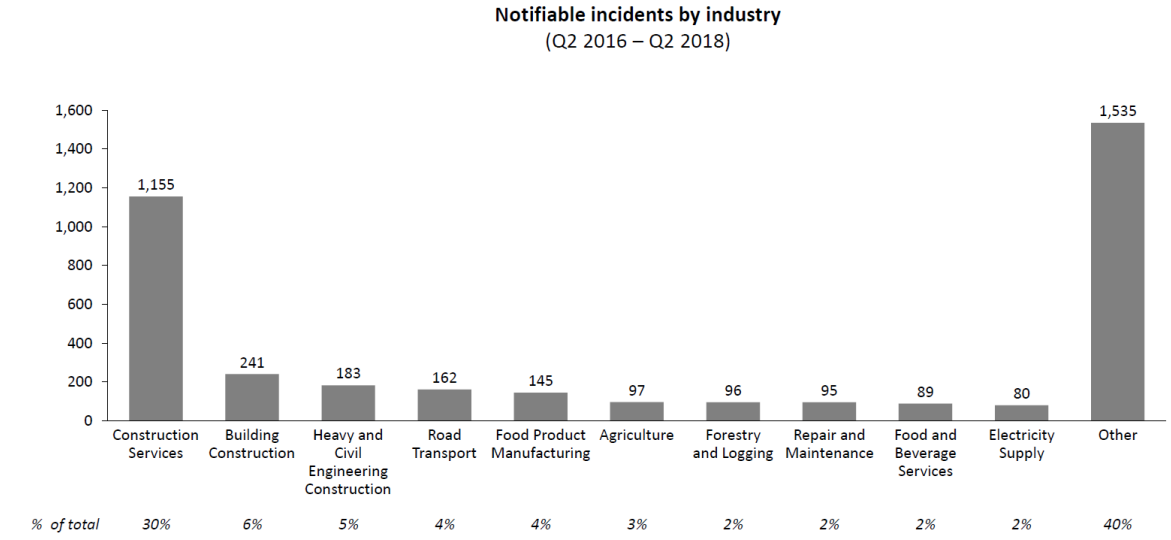


Source: WorkSafe 2018

Electric shock and height related incidents represent 45-50% of notifiable incidents



Most incidents occur in the construction services industry



In order to improve our health and safety culture and our poor statistics, the Health and Safety at Work Act (the Act) came into force on April 4th, 2016. The new law, along with other associated documentation and reforms, aims to reduce the number of serious work-related injuries and deaths in New Zealand by at least 25 percent by 2020.

A major emphasis of the Act and its regulations is on Risk Management.

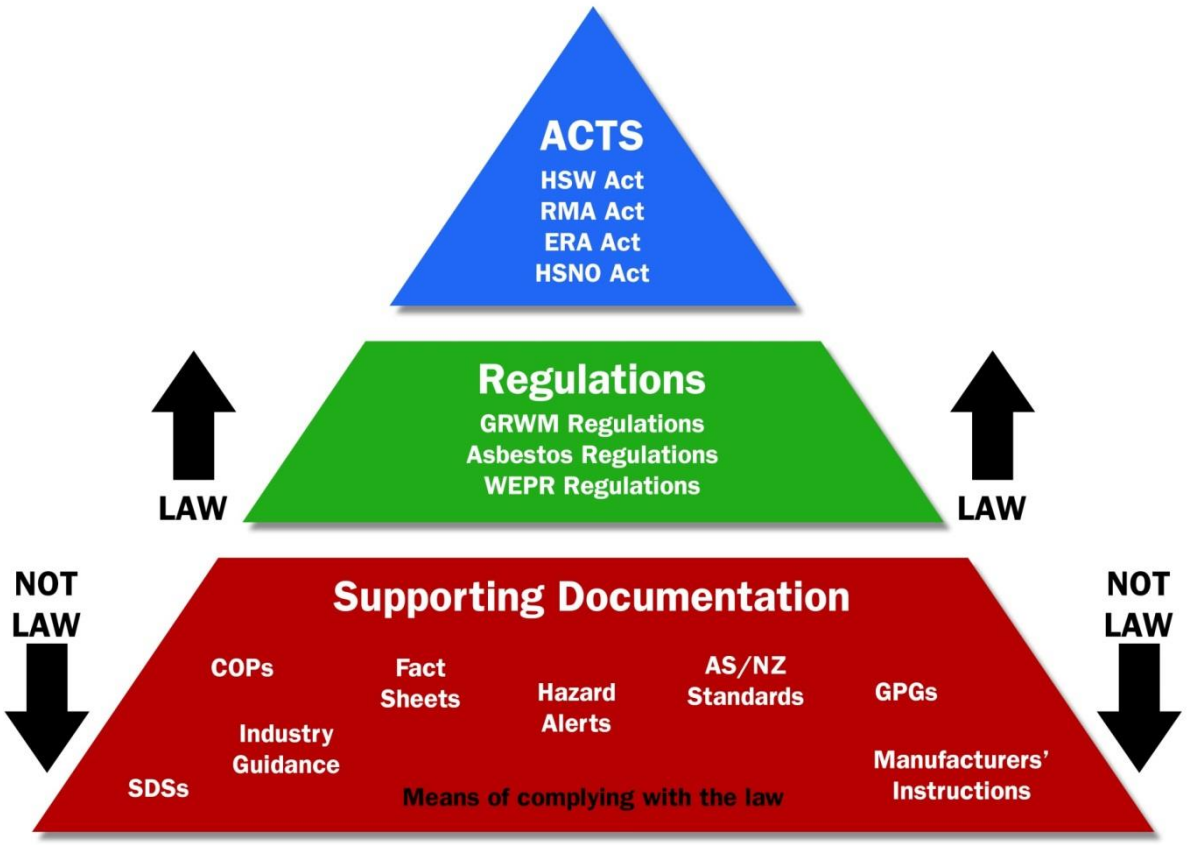
LEGISLATION AND SUPPORTING DOCUMENTATION

Introduction

Legislative Acts, Regulations, Codes of Practice, Standards and Good Practice Guidelines which are relevant to risk management in the workplace include:

- Health and Safety at Work Act 2015
- Health and Safety in Employment Regulations 1995 (until revoked)
- Health and Safety at Work (General Risk and Workplace Management) Regulations 2016
- Hazardous Substances and New Organisms Act 1996
- Resource Management Act 1991
- Approved Codes of Practice
- Good Practice Guidelines
- Guides and Fact Sheets
- Australian/New Zealand Standards.

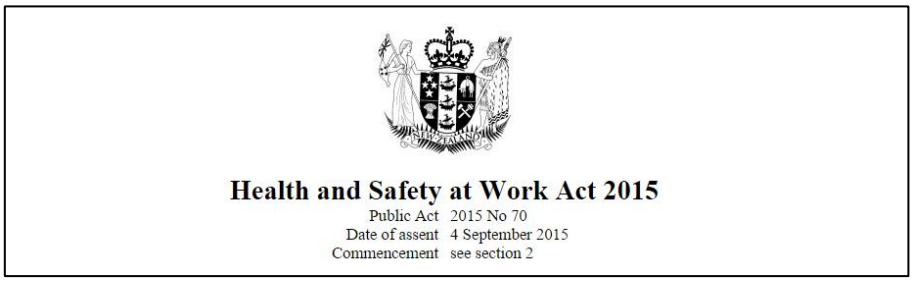
The relationship between legislation and supporting documentation is shown in the chart below:



Health and Safety at Work Act 2015 (The Act)

The Act came into force on 4 April 2016, following the Independent Taskforce on Workplace Health and Safety and the Royal Commission on the Pike River Coal Mine tragedy.

The Act is part of a legislative initiative to reduce the number of serious work-related injuries and deaths in New Zealand by 25% by 2020. It provides for a balanced framework to secure the health and safety of workers and workplaces. It also provides a structure for the development of other documents designed to give guidance on safe practice such as regulations, codes of practice and standards.



Health and Safety at Work Act 2015

Public Act 2015 No 70
Date of assent 4 September 2015
Commencement see section 2

Part 1, Section 3, of the Act lists its purpose:

3 Purpose

(1) The main purpose of this Act is to provide for a balanced framework to secure the health and safety of workers and workplaces by -

(a) protecting workers and other persons against harm to their health, safety and welfare by eliminating or minimising risks arising from work or from prescribed high-risk plant; and

(b) providing for fair and effective workplace representation, consultation, co-operation, and resolution of issues relating to workplace health and safety; and

(c) encouraging unions and employer organisations to take a constructive role in promoting improvements in work health and safety practices, and assisting PCBUs and workers to achieve a healthier and safer working environment; and

(d) promoting the provision of advice, information, education, and training in relation to work health and safety; and

(e) securing compliance with this Act through effective and appropriate compliance and enforcement measures; and

(f) ensuring appropriate scrutiny and review of actions taken by persons performing functions or exercising powers under this Act; and

(g) providing a framework for continuous improvement and progressively higher standards of work health and safety.

The Act is all about working together to improve the health and safety culture in New Zealand and reduce work-related injury and illness.

Regulations

The Act (Section 211) allows for the publication of regulations which Regulations impose further duties and obligations related to workplace health and safety on PCBUs, workers, and other persons at workplaces.

They also provide detailed, or additional, information and guidelines on how to meet the requirements of the Act.

Examples of Regulations include:

- Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (The GRWM Regulations)
- Health and Safety at Work (Major Hazard Facilities) Regulations 2016
- Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016
- Health and Safety at Work (Worker Participation, Engagement and Representation) Regulations 2016 (The WPER Regulations).

Note:

The Health and Safety in Employment Regulations 1995 have not been fully revoked or replaced. This means that some parts of the Health and Safety in Employment Regulations 1995 are still current legislation until such time as they are replaced.
Section 5, Part 2, of the Act describes amendments to the Health and Safety in Employment Regulations 1995. For example, it states which wording in the Health and Safety in Employment Regulations 1995 is to be replaced with wording from the Act. It also states which parts of the Health and Safety in Employment Regulations 1995 have been revoked.

Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

The GRWM Regulations refer to duties associated with the following:

- Risk management
- Supervision, training and instruction of workers
- General workplace facilities
- First aid
- Emergency plans
- PPE
- Young persons at the workplace
- Monitoring
- Health monitoring.

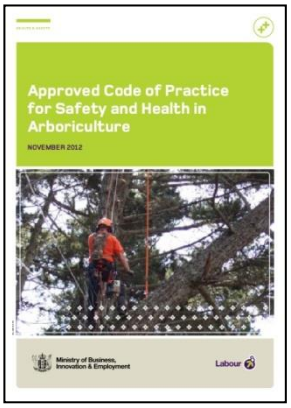
Codes of Practice (COP)

Approved COPs are provided for in the Act (Section 222). Developed after consultation with industry experts, they contain statements of preferred work practice and recommend ways of complying with the requirements of the Act. Free, internet copies are available on the WorkSafe website.

A COP is not a legally binding document like an act or regulation. It is not an offence to fail to comply with a COP. However, a COP is admissible in any civil or criminal proceedings as evidence of good practice. The courts may rely on the COP to determine what is reasonably practicable in the circumstances to which the COP relates.

A COP details acceptable ways of complying with legislative standards. Examples of current COPs include:

- Arboriculture
- Cranes
- Forklifts
- Hazardous Substances – Management of substances hazardous to health in the place or work (MOSHH)
- Management of Noise in the Workplace



Safe Work Instruments (SWIs)

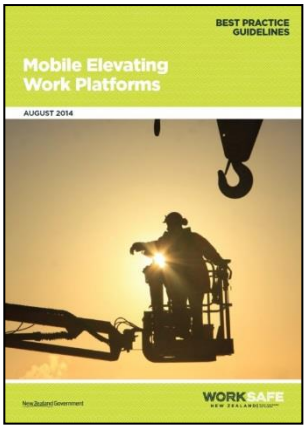
A safe work instrument (Section 227 of the Act) is any document that may be developed, or endorsed, by WorkSafe NZ to enable further guidance in certain types of work and workplaces. Free, internet copies are available on the WorkSafe website.

Examples of safe work instruments include:

- *Good Practice Guidelines:* Developed by WorkSafe NZ in consultation with industry subject matter experts. They are intended to provide what is considered current good practice within the subject industry.

Examples of current *Good Practice Guidelines* include:

- Working at height
- Working on roofs
- Safe use of machinery
- Manual handling
- Preventing slips, trips and falls
- Industrial rope access
- Preventing noise induced hearing loss.



Guides/Fact Sheets/Bulletins/Alerts: These are designed to provide practical guidance, and should be used in conjunction with good practice guidelines. They provide important information relating to observed practices or alerting us to hazards that have been identified as a result of workplace accidents and incidents.

They are produced by WorkSafe to provide brief guidance as to what is expected in relation to that type of work and what type of training is suitable to provide the necessary knowledge and skills to workers.

Examples of current guides and fact sheets include:

- Edge protection
- Total restraint systems
- Working on roofs
- Workplace Exposure Standards and Biological Exposure Indices.

Standards

Standards are documents that set out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to. Standards define quality and safety criteria.

A standard is not, of itself, mandatory or legally required. It must be mentioned by reference in an Act or delegated legislation in order to be mandatory. Once referenced, it becomes part of the technical regulation framework.

By referencing standards in legislation, regulators draw on existing best practice developed by expert committees using a consensus-based and transparent process. Incorporating standards also allows regulators to provide detailed requirements without overcomplicating the regulation or guidance with technical detail.

This means that New Zealand Standards (NZS) or Australian Standards (AS) can be:

- Referenced in Acts or regulations as legally mandatory, or
- Referenced in Acts or regulations as acceptable solutions or means of compliance.

This will ensure compliance with legislation but does not prevent the use of an alternative method, provided it meets the specified legislative criteria.

Examples of some common standards include the following:

- AS/NZS ISO 4360 - 2009 Risk Management
- AS/NZS 1891 - 2009 Industrial Fall Arrest Systems and Devices
- AS 2865 - 2009 Confined Spaces.

LEGISLATIVE DUTIES

Introduction

In order to achieve its aims, the Act imposes duties on people associated with the workplace who are categorised as follows:

- Persons Conducting a Business or Undertaking (PCBUs)
- Officers
- Workers
- Other persons.

Important terms used in the act are defined in Subpart 3, Sections 16 – 25.

Reasonably Practicable

Section 22 defines the term ***reasonably practicable*** which refers to something that is reasonably able to be done in order to ensure health and safety. A fuller definition will be given in the Risk Management Section.

Persons Conducting a Business or Undertaking (PCBUs)

Section 17 of the Act defines PCBU as follows:

> **17 Meaning of PCBU**
> (1) ...a person conducting a business or undertaking or PCBU –
> (a) means a person conducting a business or undertaking -
> (i) whether the person conducts a business or undertaking alone or with others; and
> (ii) whether or not the business or undertaking is conducted for profit or gain.

A *business* is considered to be any activity carried out in order to make a profit or gain. An *undertaking* is non-commercial or non-profit in nature.

Despite its name, a PCBU will usually be a business entity such as a company, rather than an individual person. However, a person might be a PCBU if they are a sole trader or a self-employed person.

Examples of PCBUs include:

- A retail business
- A wholesale, manufacturing or import business
- An owner-driver of their own courier business
- A self-employed person.

Primary Duty of Care

A PCBU is the person in the best position to control risks to work health and safety. This is why the PCBU has the ***primary duty of care*** under the new law. Section 36 states that:

> **36 Primary duty of care**
>
> (1) A PCBU must ensure, so far as is *reasonably practicable*, the health and safety of-
>
> (a) workers who work for the PCBU, while the workers are at work in the business or undertaking; and
>
> (b) workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are carrying out the work.
>
> (2) A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

Other PCBU responsibilities

Other PCBU responsibilities are mentioned in Section 36 and include:

- Taking reasonably practicable steps to ensure the safety of workers
- Providing PPE and equipment
- Providing and maintaining a safe and risk-free work environment that is without risks to health and safety; and
- Providing and maintaining safe plant, structures and safe work systems; and
- Safe use, handling, and storage of plant, substances, and structures; and
- Providing workers supervision and training and access to adequate facilities for their welfare; and
- Managing risks and monitoring the health of workers and workplace conditions in order to prevent injury or illness of workers.

Information, Training, Instruction, Supervision

Section 36 (3) (f) gives an important requirement for a PCBU:

> **36 Primary duty of care**
> (3) (f) the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking…

Providing PPE

The GRWM Regulations discuss the general duty to provide PPE in Section 15.

> **15 General duty of PCBU to provide personal protective equipment**
> (2) A PCBU who directs the carrying out of work at a workplace must provide personal protective equipment to workers carrying out the work unless the personal protective equipment has been provided by another PCBU.

Section 17 gives more requirements around PPE. PPE must be:

- Selected to minimise risks to health and safety
- Suitable for the nature of the work and associated hazards
- The correct size and fit for the worker wearing or using it
- Comfortable for the worker wearing it
- Maintained, repaired or replaced so it continues to work effectively
- Clean and hygienic
- In good working order
- Compatible with any other PPE also used or work by the worker.

As well, the PCBU must provide the worker with adequate information about the proper wearing of the PPE; and training and instruction in its use, storage and maintenance.

Entering and Exiting the Workplace

Section 37 details the PCBU duty to make sure that the following are without risk:

- The means of entering a workplace
- The means of exiting a workplace
- Anything arising from a workplace.

The PCBU's duties apply to other persons such as visitors, courier drivers or meter readers who may come onto a company site, not simply workers. Other people may be at risk from the work carried out as part of the conduct of the business or undertaking.

So, a PCBU must think broadly about who is working in their business or undertaking, including contractors; and who may be affected by the work being conducted.

Officers

An Officer is a person who holds a very senior leadership position with an ability to influence the management of a PCBU and make governance decisions that have a substantial effect on how the business is run. This includes company directors, business partners, a Chief Executive.

An Officer **does not** have to ensure the health and safety of the PCBU's workers.

Rather, the Officer must exercise ***due diligence*** to ensure that the PCBU is meeting its health and safety obligations. This means they must make sure the PCBU is complying with legislative requirements.

An Officer's duties are covered in Section 44 of the Act.

Workers

A worker is anyone who carries out work in any capacity for a PCBU. Examples of workers include:

- Employees
- Contractors and subcontractors
- Outworkers
- Volunteer workers
- Trainees and people gaining work experience.

Section 45 of the Act states that:

> **45 Duties of workers**
>
> While at work, a worker must -
>
> (a) take reasonable care for his or her own health and safety; and
>
> (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of others persons; and
>
> (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or supporting Regulations; and
>
> (d) co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.

In order to achieve this, the worker can, among other things, wear and use safety clothing and equipment; follow policies, procedures, and safe work practice, including PTW, SOPs; and identify and report hazards as and when they arise.
Workers also have the right to be adequately trained and supervised.

Duty to wear PPE

Section 17 (1) (c) details the requirement for a worker to wear or use PPE that is provided by the PCBU. The GRWM Regulations expand on this requirement in Section 18:

18 Duty of worker to wear or use personal protective equipment

(1) This regulation applies to a worker –
  (a) who has been provided with personal protective equipment by a PCBU…
  (b) who has chosen to provide his or her personal protective equipment…

(2) The worker must wear or use the personal protective equipment in accordance with any information, training, or reasonable instruction by the PCBU.

(3) The worker must not intentionally misuse or damage the equipment.

(4) The worker must inform the PCBU of any damage to, defect in, or need to clean or decontaminate any of the equipment that the worker becomes aware of.

Section 27 (HSWA 2015)
PCBU must not levy workers

(1) A PCBU must not impose a levy or charge on a worker (or permit a levy or charge to be imposed on a worker) for anything done, or provided, in relation to health and safety.

(2) For the purposes of subsection (1), a PCBU will be treated as having levied or charged a worker who is an employee of the PCBU if the PCBU requires the employee to provide his or her own personal protective equipment —
  (a) as a pre-condition of employment; or
  (b) as a term or condition in an employment agreement.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction,—
  (a) for an individual, to a fine not exceeding $5,000:
  (b) for any other person, to a fine not exceeding $25,000.

The Right to Cease Unsafe Work

Section 83 of the Act describes how a worker has the right to stop work, or refuse to carry out work, if they believe that doing the work would be a serious risk to their health and safety.

83	Right of worker to cease or refuse to carry out unsafe work
(1)	A worker may cease, or refuse to carry out, work if the worker believes that carrying out the work would expose the worker, or any other person, to a serious risk to the worker's or other person's health and safety arising from an immediate or imminent exposure to a hazard.

The worker must notify the PCBU that they have stopped working and they are encouraged to attempt to resolve the issue with the PCBU.

However, if resolution is not forthcoming, and the hazard still exists, the worker has the right to continue to refuse to carry out unsafe work.

Health and Safety Systems

Under the legislation, PCBUs are required to established robust health and safety systems and safe work practices. This is mentioned in the Act, Part 2, Subpart 2:

> **36 Primary duty of care**
> (3) …a PCBU must ensure, so far as is reasonably practicable, -
> (c) the provision and maintenance of safe systems of work…

Workplace safety systems and safe work practices include (but are not limited to):

- Clear and effective communications systems
- Robust Risk Management systems which include:
  - Use of Personal Protective Equipment (PPE)
  - Use of Standard Operating Procedures (SOPs) and manuals
  - Safety guarding
  - Signage
  - Work permits
- Reporting of near misses, accidents and events
- Emergency procedures or plans (See Risk Management Section)
- Training
- Worker participation and engagement
- Safe means of entering and exiting the workplace.
- Risk identification, hazard reporting and risk management
- Wearing harnesses during height work
- Setting up a debris drop area on a demolition site
- Conducting pre-start checks on MEWP
- Using gas detectors during confined space work
- Isolating machinery (LOTO)
- Using a wetting agent when working on asbestos containing materials (ACMs)
- Cooling oil in a commercial deep fryer before removing it to clean the deep fryer
- Using hand signals during crane work
- Using mechanical lifting equipment for manual handling tasks.

Worker Participation

Under HSWA, all businesses must have worker engagement and participation practices, regardless of size, level of risk or the type of work carried out.
PCBUs must set up Worker Participation Systems in the workplace. PCBU responsibilities with regards to worker participation are detailed in Part 3, Subpart 1 of the Act. Section 61 describes the overall requirement of a PCBU:

> **61 Duty to have worker participation practices**
> (1) A PCBU must have practices that provide reasonable opportunities for workers who carry out work for the business or undertaking to participate effectively in improving work health and safety in the business or undertaking on an ongoing basis.

Worker participation can be in the form of:

- **Health and Safety Representatives (HSRs):**
  A worker can request the PCBU to elect one or more HSRs. Alternatively, a PCBU may choose to hold an election of one or more HSRs.
- **Work Groups:**
  One or more work groups must be established following the election of an HSR.
- **Health and Safety Committees (HSCs):**
  These have to be established if requested by an HSR or five or more workers at a workplace. The PCBU must set them up within two months of receiving a request to do so.
  If a PCBU doesn't wish to establish a committee, it must give written notice regarding its decision.

A PCBU is not required to decide whether to establish a health and safety committee if the work of the business or undertaking—
(a), is carried out by fewer than 20 workers; and
(b), is not within the scope of any high-risk sector or industry prescribed by regulations for the purposes of this section.

The fines for not complying with requirements for HSCs and HSRs are:

- Up to $5 000 for an individual
- Up to $25 000 for any other person.

Training

PCBU's must provide training and supervision. All workers have the right to be trained appropriately in the work they are undertaking and be given supervision where required.

Emergency Procedures

Emergency procedures should be tailored to the type of work and workplace. If the work is low risk, emergency procedures may not need to be long or complicated. In higher risk situations, more comprehensive procedures will be required.
All workers should know who is responsible for activating and coordinating emergency procedures and what they must do to keep themselves and others safe in an emergency.

Risk identification and hazard reporting

Responsibility has been allocated for risk and hazard management and the briefing of everyone who comes on to the workplace.
The site is inspected frequently.
Identified risks and hazards are controlled and monitored.
The hazard and risk register is kept up to date and reviewed on a regular basis.

Risk Management

PCBU's must manage risks within the organisation.

Communication

Effective methods of communication must be established to support health and safety systems and allow for the circulation of information and procedures that workers need to understand in order to perform their work safely. This requirement is detailed in Section 36 (3) (f) of the Act.

Clear and effective communication is important because it:

- Ensures workers do their work safely
- Ensures management and workers are fully aware of risks in the workplace
- Ensures SOPs and other procedures are fully understood and implemented
- Ensures best practice in the workplace
- Enables management to deal quickly with health and safety issues
- Provides clarity.

RISK MANAGEMENT

Introduction

As stated earlier, the aim of the Act is to improve health and safety in the workplace.

In order to achieve this aim, the PCBU must ensure, **so far as is reasonably practicable**, the health and safety of workers. As well, the workers must take **reasonable care** for their own safety and make sure that what they do, or don't do, doesn't put others at risk.

To further health and safety in the workplace, the PCBU must set up a robust Risk Management system in the workplace. The Act describes key principals relating to *Risk Management* (formerly *Hazard Management*) in Section 30:

> **30 Management of risks**
> (1) A duty imposed on a person by or under this Act requires the person –
> (a) to eliminate risks to health and safety, so far as is reasonably practicable; and
> (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

Effective risk management should form the foundation around which all health and safety systems in the organisation revolve.

Terminology

In order to understand the risk management process, it is important to understand some of the key terms used – reasonably practicable, hazard, human factors and harm.

Reasonably Practicable

The meaning of reasonably practicable is further defined in Section 22 of the Act in relation to the duties of a PCBU with regards to risk management. It explains that it is something that is reasonably able to be done considering:

- The likelihood of the hazard or risk occurring
- The degree of harm that might result from the hazard or risk
- What those involved know, or should know, about the hazard or risk and how to eliminate it
- The availability and suitability of ways to deal with the risk (eliminate or minimise)
- The cost of dealing with the risk and whether it is proportionate to the risk.

There is a lot of misinformation and confusion about what reasonably practicable means. It **does** mean the PCBU needs to:

- ✓ Determine what kinds of risks are caused by the work
- ✓ Consider how likely those risks are
- ✓ Take appropriate action that is proportionate to the injury or illness that could occur
- ✓ Implement well-known and effective industry practices
- ✓ Involve staff in identifying and controlling risks.

It **doesn't** mean the PCBU has to:

- ✗ Do everything humanly possible to prevent accidents
- ✗ Buy the most expensive equipment on the market
- ✗ Spend the bulk of the week on health and safety training, compliance and documentation.

It's about taking responsibility for what can be controlled.

Hazard

A hazard is defined in the Act as anything that may cause injury or incident. So, it is anything that could harm a person. This includes:

- The work activity, task or process for example lifting a crate; entering a confined space
- The work machinery or equipment, for example a welder, a forklift
- The environment, for example harsh sunlight, windy weather
- The work environment or area, for example wet floors, noise, other work being done in the area
- The behaviour or state of the worker/s, for example a worker may be fatigued or worried and unable to concentrate on work.

Hazards can be classified into broad categories or types which can include:

- **Atmospheric:** Examples include flammable or toxic gases and dust
- **Chemical:** Examples include corrosive or ecotoxic chemicals
- **Biological:** Examples include parasites, fungi and bacteria viruses
- **Radiological**: Examples include sunlight and x-rays
- **Mechanical**: Examples include moving or rotating parts, pressurised fluids or gases, friction or abrasion
- **Physical:** Examples include trips and slips, electricity, noise, weather
- **Personnel/ Human Factors**: Examples include drugs and alcohol; fatigue, stress and other human factors; fitness levels; training levels.

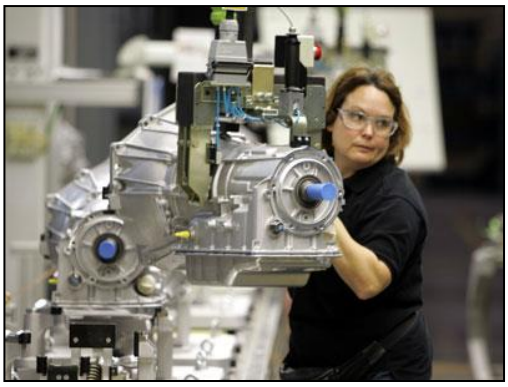
Human Factors

Hazards associated with personnel are often overlooked when considering hazards in a workplace. The Act states quite clearly that a person's behaviour can be a hazard.

> **Hazard** includes a person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour.

How people act or behave is referred to as **human factors** and the study of it is sometimes called **behaviour analysis**.

When looking for hazards in the workplace, it is important to consider these human factors. This can be done by looking at deviations (conscious or unconscious) from what is expected or usual behaviour.



In practical terms, this is all about knowing your co-workers and knowing when they are acting differently and asking yourself could this behaviour be hazardous. Some examples:

- Savannah comes into work looking very tired. Her baby son has colic and kept her awake all night. Savannah's fatigue may be a hazard if she is doing work that requires a high-level of alertness
- Jordan went to a party last night and left from the party to go to work. He is joking today about all the alcohol he drank. He still seems drunk to you. Jordan is a Forklift Operator. Would you feel safe working with him?
- Martie works on the production line in the factory. He says he could do his job with his eyes closed. He is so arrogant about his ability that sometimes he doesn't pay enough attention to what he is doing. He has become complacent.

So, in the context of risk management, behavioural analysis is all about examining why workers do what they do (the choices they make and what influences them) in regard to the task/s they are doing. This highlights which behaviours are risky and may be hazardous. Further investigation into why the person chooses risky behaviour will determine where changes to behaviour are needed.

Behaviour can be influenced by many things, including:

- **Complacency**: This occurs when a person becomes skilled at what they do and they reach a level of comfort in which they feel they don't have to try much; or improve at their job. They become overconfident. Performance often drops.

- **Distraction**: Psychologists say that distractions are responsible for 15% of all work errors. People often think about other things while working, especially if the job is routine. Stress (see below) can often be a distraction.
  If a worker is distracted, errors can occur.

- **Boredom**: This can lead to distraction or be a part of complacency. It can be caused by a lack of challenge or mental stimulation.

- **Poor communication skills:** This can be caused by a language barrier. People who don't communicate well often don't listen and can make mistakes.

- **Fatigue**: Fatigue is caused primarily by a lack of sleep. It may be acute and remedied by a good night's sleep. It can also be chronic whereby lack of sleep occurs regularly and over a long period of time. Chronic fatigue takes more than one night's sleep to recover from.
  Fatigue can also be caused by stress over a long period of time; physically demanding tasks; large temperature fluctuations; sustained periods of loud noise; vibration; strong lighting; boredom; jet lag.

- **Stress/ pressure**: Under stress, a person's heart rate and blood pressure rises, their breathing rate increases, their muscles tense and glands secrete adrenaline into the blood stream. In the workplace, stress can be caused by impending deadlines, a feeling of not knowing how to complete the job or the pressure of being watched by bosses.
  Stress can also be caused by a personal situation. Examples include a sick child, a rocky marriage, a chronic illness.
  Both types of stress will affect how you do your job. You may become distracted and be unable to complete tasks or keep your mind on the task.

- **Not a team member:** Some workers prefer working alone and don't value others' input. They can be stubborn or pig-headed.

- **Lack of time**: This includes impossible deadlines which lead to stress.

- **Lack of training, knowledge or experience**: This might lead to mistakes being made in the workplace.

- **Lack of confidence/ assertiveness**: A person who is shy or lacks assertiveness might not ask for help when required, leading to mistakes on the job.

Human Factors are important to look at when doing a hazard identification or when accidents occur. It is important to look at what caused the change in behaviour and find a solution.

Harm

Hazards have the potential to cause **harm**. Harm is defined as any form of physical or mental injury.

A hazard can cause harm immediately, for example a sprained ankle or a metal shard in the eye. This harm is termed **acute**.

Hazards also have the potential to cause harm over time. An example is inhalation of asbestos which leads to asbestosis over time, although the symptoms may not be evident for a while. This sort of harm is termed **chronic**.

Acute Injury	Chronic Injury
	
	

Hazards may cause harm to:

- People
- The environment
- The organisation.

Harm to People

Hazards can harm people in various ways from musculoskeletal and eye injuries to hearing loss and skin issues. These are **physical effects.**

Mental and emotional harm or trauma must also be noted. This sort of harm is often not as obvious as physical harm and may occur as a result of a physical injury or one-off accident. It can also be the result of ongoing, relentless stress or pressure associated with a job or workplace, so the **mental effects** of an injury may not be evident immediately.

Harm to the Environment

In this context, the environment refers both to the workplace environment (buildings, grounds etc) as well as the external or wider environment (anything outside the workplace environment).

Sources of harm to the environment (workplace as well as external) include:

- **Physical Damage**: This is any physical harm that negatively affects the normal function of something, reducing its efficiency; or reducing the ability to do a job or task effectively. Examples include fire and flooding which may affect both the wider environment as well as the workplace. It also includes damage to the workplace, for example potholes in driveways or broken windows.
  Effects: Physical damage can be widespread but depends on the actual damage. A fire, for example, might destroy wildlife and flora, leading to an imbalance in the ecosystem.

- **Pollution** (sea, land, air): Pollution is the presence of a substance into the environment that has harmful or poisonous effects.
  Examples include stock discharges, chemical leaks into the atmosphere as well as onto land or into rivers.
  The Resource Management Act (RMA) enforces requirements on both companies and individuals regarding emissions into the air, sea, land and water courses.
  Companies are required to get permission for discharges which must be monitored for compliance. Accidental and unplanned discharges must be controlled.
  Effects: Pollution of the environment can have a short term impact but can also have a serious long term impact on survival of interdependent species. With pollution, wildlife can be killed or become diseased. The local habitat might be destroyed or become degraded or toxic.

- **Noise pollution**: This is a situation in which there are harmful or annoying levels of noise (sound). Examples include: Use of sirens and gunshots in vineyards to scare birds; or loud machinery like earth-moving vehicles.
  Effects: It affects local birdlife or small animals in the surrounding environment and can cause their death through stress generated by the noise. It might also lead to migration of species, upsetting the ecological balance.

- **Overuse of resources:** This refers to overuse of natural resources, for example quarrying of minerals or felling of trees in forestry.
  Effects: Overuse can lead to depletion of natural resources which will upset the ecological balance.

Harm to the Organisation

Hazards, and the harm they create, can have wide-ranging effects on an organisation and its viability. Some of the sources of harm to an organisation are given below.

- **Asset Loss**: This might occur as a result of physical damage to equipment, buildings, plant or resources. Alternatively, assets may be lost following a disaster like a fire or flood. Asset loss could result in staff redundancies; the ability to employ contractors for maintenance and development projects; lost production. This also has a financial effect on the local community and dependent businesses.

- **Loss of Resources**: This may happen when a company is unable to access raw materials or the raw materials are lost as a result of fire or contamination. This may result in inability to produce product and meet orders. This, in turn, would lead to a loss of market share which would affect profitability and viability and the company's reputation.

- **Lost Production**: This might occur as a result of machinery or equipment breakdown; unavailability of staff or product. Lost production may result in an ability to produce product and meet orders. This, in turn, would lead to a loss of market share which would affect profitability and viability and the company's reputation.

- **Loss of Market Share**: This occurs when customers/ clients are no longer buying your product or service, perhaps because they can find better or cheaper products and services elsewhere. Loss of market share may lead to redundancies or even closure.

- **Increased Insurance Costs**: Insurance costs may increase as a result of higher than average claims or claims resulting from inadequate management. This may affect profit margins, which would require an increase in sales prices to offset the impact. If the increases are too high, there may be staff redundancies and an inability to invest in future development.

- **Not Meeting Legal Requirements**: Not complying with legislation relevant to the company's industry can lead to extensive fines and legal costs. If a company fails to comply with health and safety legislation, it may be forced to stop production, or work generally, until it is compliant. This could affect ability to meet deadlines / orders and reduce profits which could lead to a loss of reputation, redundancies or even plant closure.

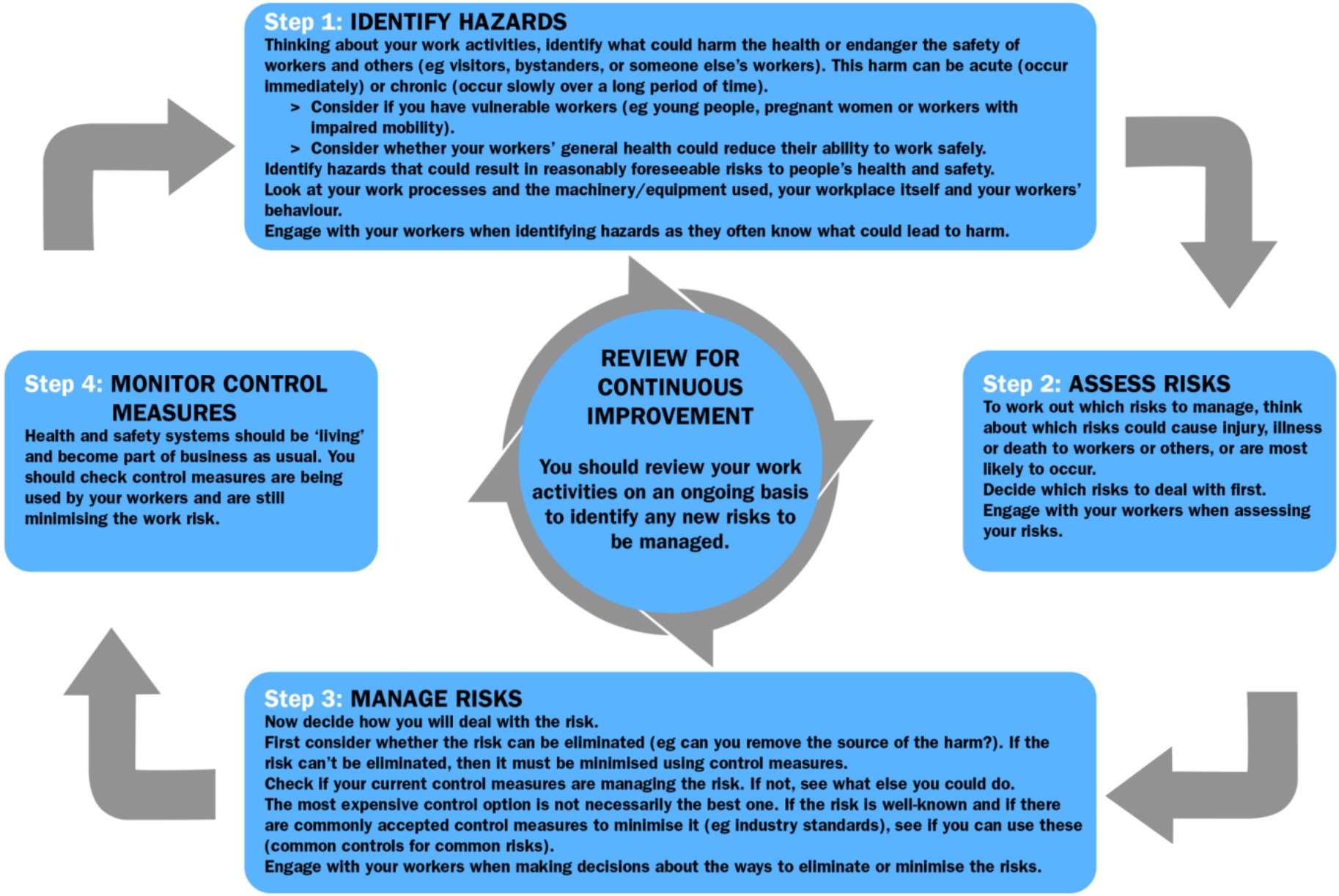
The Risk Management Cycle

The process of *risk management* is a **continuous cycle** that never ends.

To remain effective, it requires continual monitoring and reassessment of hazards in the workplace using a simple, effective, systematic method.

It requires resources and training, employee participation (those who conduct the work activities), and a strong management commitment.

WorkSafe have developed a *Risk Management Framework* (see next page) which details method for managing risk in a workplace by following four steps.



Step 1: Identify Hazards

The first step of the cycle is to identify hazards that may have the potential to cause harm to people, place or the environment.

The GRWM Regulations is concerned with the duty of a PCBU to identify hazards:

> **5 Duty to identify hazards**
> A PCBU, in managing risks to health and safety, must identify hazards that could give rise to reasonably foreseeable risks to health and safety.

This includes locating:

- Hazards within the workplace generally; and
- Hazards associated with tasks and processes which are being completed in or out of the workplace.

Find the hazards before they find you.

All hazards must be entered into a risk register. This is a written record of all hazards identified in all areas of the workplace, from the office to the factory to the warehouse to the yard.

For each hazard, the register may contain the following information:

- Where it is
- The date it was first identified
- The type of hazard
- The potential harm it could cause
- Risk assessment and controls
- First aid requirements
- Date when the hazard controls were reviewed.

A template of a risk register can be found on the WorkSafe website.
https://worksafe.govt.nz/dmsdocument/53-risk-register-template

There are many **methods for identifying workplace hazards**, including:

- **Task (or Process) Analysis**: Examining the work being carried out, step by step to identify hazardous working methods.
- **Environmental (or Area) Analysis**: Examining the environment in and around the workplace to identify hazards.
- '**What if' Analysis**: Determining outcomes (potential hazards) that might arise in certain circumstances when completing a task.
- **Mapping the Workplace**: Dividing the workplace into individual sections or departments and identifying hazards within these areas. This includes studying access, egress, storage, positioning of plant and equipment, lighting, ventilation, movement of people in the work area and floor surfaces.
- **Hazard and Operability Analysis (HAZOP)**: A comprehensive study of a planned or existing work task or operation to identify hazards and risks to staff or equipment; or hazards that might interfere with efficient operation.
- **Hazard (or Risk) Registers:** A written record of all hazards (and associated risks) within an organisation, as well as controls.
- **Hazard Reports**: These are forms on which hazards, or potential hazards, and their risks are reported for further investigation.
- **Behaviour Analysis**: An analysis of human behaviours that might result in risky behaviour.

- **Inspections**: Conducting planned audits and site inspections which include housekeeping checks and observations of work activities. Inspections allow working teams to recognise opportunities to identify hazards in the workplace that may have been overlooked initially or that may not have been present at certain stages of the task.
- **Toolbox Talks**: These give both management and staff opportunities to discuss potential hazards and how to deal with them, thereby creating greater awareness at the beginning of any task.
- **Health and Safety Meetings**: Hazards are also often discussed at Health and Safety Meetings. As well, they can also be brought to our attention after a workplace accident or by workers who self-report discomfort and pain. In these situations, an immediate review of the work area, task and tools being used will ensure changes can be made without delay

Workers and PCBU's HSWA requirements for general risks and hazards

Risks and Hazards	PCBU requirements	Worker requirements
Lifting and carrying	Eliminate the risk where possible, or minimise the risk. Use mechanical aids and train workers in safe handling procedures	Apply safe handling procedures, provide input into health and safety manual handling risks
Slips, trips and falls	Eliminate the risk where possible, or minimise the risk. Provide appropriate footwear with a good grip and ensure good housekeeping	Wear appropriate footwear with a good grip, provide input into health and safety around slips, trips and falls
Germs and infections	Provide facilities for workers to enable them to be able to wash up. Encourage workers to stay home when ill.	Follow procedures around hygiene. Stay away from work when unwell.
Chemical hazards	Prepare and keep an up to date list (an inventory) of all the hazardous substances used, handled, manufactured or stored at your workplace, including hazardous waste. Keep the inventory up-to-date. Make sure the inventory is available to emergency services attending the workplace.	Follow procedures for handling hazardous substances. Report all spills and near misses.

- **Job Safety Analysis (JSA) or Job Task Analysis (JTA)**: Identifying hazards and potential controls which are then applied prior to authorising the work team to conduct the work.

A sample JSA follows along with a flow chart detailing how to fill out a JSA.

Job Safety Analysis

Date:	Work Scope / Description of Work:	Completed By:
04/04/18	ENTER WASTE WATER TANK TO INSPECT PUMP.	Joe Bloggs

JSA Nº:	001	Work Permit Nº:	WP001	Highest Residual Risk Rating:	16

Hazard Categories and Examples (circle each hazard number as appropriate)

Apply to: Process — Task — Area

Atmospheric:		6	Drugs/Alcohol	13	Other people	**Biological:**		24	X-Rays	30	Hot-Cold Metal	36	Falls from Height
1	Oxygen +/-	7	Training	**Chemical:**		19	Viral	25	Welding	31	Friction/Abrasion	37	Falling Items
2	Flammable	8	Stress	14	Corrosive	20	Bacterial	**Mechanical:**		32	Cutting	38	Electricity
3	Toxic	9	Fatigue	15	Reactive	21	Fungal	26	Moving Parts	33	Crushing	39	Noise
4	Dust/Powder	10	Fitness	16	Toxic	22	Parasitic	27	Rotating Parts	34	Entanglement	40	Visibility
Personnel:		11	Lone Worker	17	Ecotoxic	**Radiological:**		28	Pressurised Fluids	**Physical:**		41	Weather
5	Physical	12	Workers	18	Flammable	23	Sunlight	29	Pressurised Gas	35	Trips & Slips	42	Traffic/Plant
Other Hazards (list by name):				43		44		45		46		47	

Basic Steps		Hazards and Risks			Control Measures		
STEP Nº	List the basic steps required to complete the job.	HZD Nº	List the risk associated with each hazard number.	RR	List the Control Measures required to ELIMINATE (E) or MINIMISE (M) the hazard/risk.	E / M	RRR
1	Establish work area	42	Traffic	20	Barriers, cones, signage, Hi-vis	M	11
		13	People	20	No Unauthorised entry, barriers and signage	M	16
		7	Training	20	All personnel must be trained and competent	M	11
2	Pre-entry phase	23	Sunlight	9	Eye wear, sunblock, weather check	M	2
		19-22	Biological infection	20	Appropriate PPE. RPE and decontamination as per SOP	M	11
		36	Falling from height	12	Technique and lifting aids	M	7
		1-3	Atmospheric gases	25	Pre-entry gas test / ventilation	M	16
		5	Physical (cover removal)	15	SRL for safety observer on tripod	M	6
3	Enter tank and inspect pump	1-3	Atmospheric gases	20	Continuous monitoring / ventilation	M	16
		14-18	Chemical contamination	17	Appropriate PPE, spill and decontamination plan, area hazards?	M	7
		35	Trips and slips	12	Good housekeeping, correct footwear	M	7
		36	Falls from height	12	Winch / FAD and tripod	M	7
		37	Falling objects	12	Housekeeping, tool lanyards, no go zones	M	7
		34	Entanglement	12	Monitor cable transit throughout job, choose route	M	7

Basic Steps		Hazards and Risks			Control Measures		
STEP Nº	List the basic steps required to complete the job.	HZD Nº	List the risk associated with each hazard number.	RR	List the Control Measures required to ELIMINATE (E) or MINIMISE (M) the hazard/risk.	E / M	RRR
4	Exit tank	36	Falls from height	12	SRL, lanyard restraint and winch/FAD with tripod	M	7
5	Recommission site	13	People	20	No authorised entry	M	11
		42	Traffic	20	Barriers, cones, signage, Hi-vis	M	11

Emergency Plan:

Note: Only to be completed when the JSA is **not** part of a Work Permit. **All** Work Permits will require a task-specific Emergency Plan.

See attached plan and permit system for details.

Job Safety Analysis Sign On: (To be completed by all persons working under this JSA)

I have been advised and briefed of work task, hazards/risks, precautions/control measures and the emergency plan. I agree to abide by all JSA requirements.

Name of Team Members:	Role (e.g. Permit Receiver / Delegate / Safety Watch)	Date	Signature
Muzza Smith	Team Leader	04/04/18	*Muzza Smith*
Dan Carter	Standby Person	04/04/18	**Dan Carter**
Joe Bloggs	Entrant	04/04/18	*Joe Bloggs*

Basic Job Steps: Break the task down into a number of steps. Each Job Step must advance the task in some way i.e. Establish Worksite, Enter Confined Space, Recommission Worksite. The exact number of Job Steps will depend on the complexity of the task.

Hazards: Identify the hazards associated with the task. Align them to the relevant Job Step i.e. Traffic movement may present a hazard when setting up the worksite. Number the hazards.

Initial Risk Score: Assess the level of risk associated with each hazard (consequence and likelihood) and record the score in the Risk Score column.

Risk Control Measures: Identify the most appropriate control measures to Eliminate or Minimise the risk.

New Risk Score: Once the control measures have been implemented, reassess the level of risk remaining for each hazard and enter this score in the New Risk Score column. If the hazard/risk has been eliminated then the New Risk Score will be zero (0).

Emergency Plan: The next step, and a very important one, is to prepare an emergency plan. The plan should take into account all the things that could possibly go wrong and ensure that you have a contingency for each event – simply writing "Dial 111" is not, by itself, an emergency plan, but it may well be part of one. Add in the contact details for relevant emergency services.

JSA Sign-on: The last step is to ensure that all persons working under the JSA sign onto it at the commencement of work.

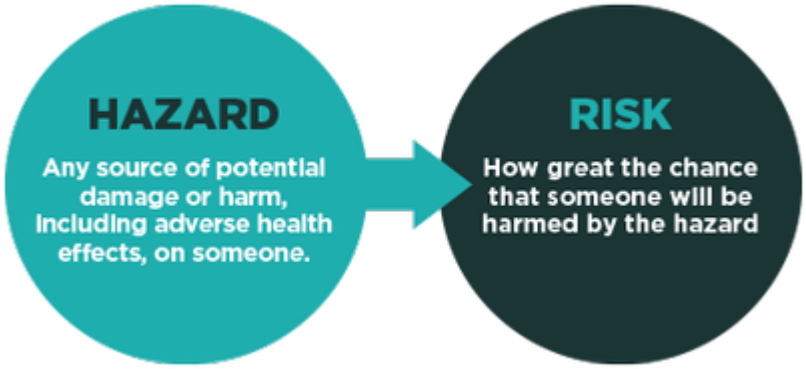
Step 2: Assess Risks

Once a hazard is identified it must be assessed in terms of the **risk** it presents to people, the environment and the organisation. **Risk** is the probability or threat of harm. It is all about how great the chance is that someone or something will be harmed.

It involves thinking about:

- What could be the worst thing that could happen should a person, without any protection, come into contact with the hazard (**consequences**)? and
- How likely it would be for that harm to occur (**likelihood**)?

The following diagram shows the relationship between Hazard and Risk (http://www.business.govt.nz/worksafe/hswa/working-smarter/risks-by-industry/portlets-and-images/images/HSWA-hazard-v-risk.png/image_preview):



To explain, look at the pictures below:

Both are hazards and present a risk to people but which presents the greatest risk?

Both sharks and people kill people which means the **consequence** can be death. However, falling coconuts kill 150 people worldwide each year, whilst sharks kill 40 people. So, the **likelihood** of being killed by a coconut is four times higher than being killed by a shark. Yet we might think the shark poses a greater risk when, in fact the coconut tree presents the greater risk.

This is why: RISK = LIKELIHOOD +CONSEQUENCE.

It involves thinking about:

- What could be the worst thing that could happen should a person, without any protection, come into contact with the hazard (**consequences**)? and
- How likely it would be for that harm to occur (**likelihood**).

Useful questions to consider when conducting risk assessment include:

- Is the hazard an actual source of serious harm? Does it have the potential to cause serious harm? This will also alert you to whether the hazard needs reporting (see later sections)
- Could the harm be more than trivial?
- What is the extent of frequency of exposure?
- Is the hazard caused by the harm immediately detectable or does it become apparent a significant time after the exposure?

Risk Assessment Tools

Most risk assessment tools allocate a score, or rating, to each hazard which enables them to be ranked in order of risk with the most *significant hazards* having the larger scores. This helps when deciding the type of control needed and the order of dealing with each hazard.

A risk assessment calculator is one tool that can be used to determine the level of risk of a hazard. It is used as a guide only and should be used in conjunction with other evidence, as well as input from those who have identified the hazard and/or might be exposed to the hazard.

Two different risk assessment calculators are on the following two pages.

Risk Assessment Calculator

To be used when assessing the level of risk presented by a hazard.
Initial and Residual Risk Ratings are to be recorded on the Job Safety Analysis (JSA) in accordance with Safety 'n Action's Permit to Work (PTW) System.

Step 1: Choose the Potential Consequence (based on the work activity, circumstances and the work environment – refer to Page 2 for further guidance).
Step 2: Decide on the Potential Likelihood (how likely is it that the consequence will happen).
Step 3: The (initial) Risk Rating will be identified where the two intersect.
Step 4: Apply control measures to reduce the level of risk (so far as is reasonably practicable).
Step 5: Repeat Steps 1 to 3 above to calculate the Residual Risk Rating (RRR).

		Potential Likelihood				
		Rare *May occur in exceptional circumstances*	**Unlikely** *Could occur at some time*	***Possible*** *Is expected to occur at some time*	**Likely** *Will probably occur in most circumstances*	**Almost Certain** *Is expected to occur in most circumstances*
Potential Consequence	**Catastrophic**	11	16	20	23	25
	Major	7	12	17	21	24
	Significant	4	8	13	18	22
	Minor	2	5	9	14	19
	Insignificant	1	3	6	10	15

RISK RATINGS		PARAMETERS
EXTREME	20 – 25	STOP work! Consider alternative options for completing the work activity. Work may **only** proceed following Management "Sign-off", in accordance with SnA's PTW System.
HIGH	14 – 19	The Work Activity may proceed under a Work Permit (or similar written Work Authority), in accordance with SnA's PTW System.
MEDIUM	7 – 13	The Work Activity may proceed under a Job Safety Analysis (JSA) (or similar safe work method).
LOW	1 – 6	Work activity may proceed with normal supervision after implementing control measures

Yellow	Medium
Amber	High

Step 3: Manage Risks

During this step, the measures to be taken to control, or deal with, each hazard and its associated risk are decided. As stated earlier, Section 30 of the Act describes the duty to manage risk in the workplace:

> **30 Management of risks**
> (1) A duty imposed on a person by or under this Act requires the person –
> (a) to eliminate risks to health and safety, so far as is reasonably practicable; and
> (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

The order of managing the risks – **eliminate**, or, if not possible, **minimise**, are the primary controls in Risk Management. They are often referred to as the **Hierarchy of Controls**. The focus should be on managing the most significant risks (critical risks) before managing the less serious risks.

This step is often the most difficult for many companies to apply. To ensure smooth implementation of controls, the following steps should be taken:

- Putting a plan in place that states how the control/s will be implemented
- Assigning a person who is in charge of the whole process and responsible for making it happen
- Providing an adequate budget for purchasing necessary services, plant, equipment or PPE
- Setting a realistic timeframe for completion
- Selecting appropriate staff to help with implementation and assigning specific roles to each
- Ensuring there is effective coordination and communication between all the parties involved in implementing the controls.

Elimination

Elimination means to get rid of the hazard, and its associated risk altogether. This is the most effective primary control method for risk management. PCBUs must always consider first whether they can reasonably eliminate risks.

Methods for elimination include:

- ***Engineering the hazard out***: Example: Using long-handled tools for height work; constructing an automatic cleaning system in a vessel so people no longer need to enter the vessel to clean it.
- ***Redesign***: Redesign the process or system so the hazard is no longer present. Example: Use robotics instead of human workers; move a valve to ground level to eliminate the hazard of height.
- ***Removal***: Removing the hazard altogether. Example: No longer use a hazardous substance in the cleaning process; remove trip hazards.

Where it is not reasonably practical to eliminate the hazard, then the risks posed by it must be minimised.

Minimisation

If a hazard can't be eliminated, it must be minimised. This is the second primary control for managing risk.

Minimisation means reducing the severity or impact of the hazard (on people, places or environment). This control method attempts to protect those people and things affected by the hazard, rather than treating the hazard directly.

Minimisation is achieved by:

- Substituting the hazard
- Isolating the hazard
- Implementing engineering controls
- Implementing administrative controls
- Provision and use of PPE.

Each of these controls must be considered in turn, from top to bottom; and, only when upper controls are considered not to be reasonably practical, must lower controls be considered. This is because the further down the list the controls is, the less effective it is. Regardless, all of the control measures will be effective in their own way.

Section 6 (3), of the GRWM Regulations mentions the first three minimisation controls. These measures can be applied singularly or several may be applied at once.

6 Hierarchy of control measures

(3) The PCBU must minimise risks to health and safety, so far as is reasonably practicable, by taking 1 or more of the following actions that is the most appropriate and effective taking into account the nature of the risk:

(a) substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk:

(b) isolating the hazard giving rise to the risk to prevent any person coming into contact with it:

(c) implementing engineering controls.

These measures are explained below:

- ***Substitution***: This means replacing something hazardous with something that has fewer hazards (and risks) associated with it, for example using a battery-operated drill instead of an electric drill; or using smaller packages to reduce the risk of manual handling injuries; or replacing a low grade citric acid instead of a hydrochloric acid
- ***Isolation***: This means physically preventing the hazard coming into contact with anything, for example putting up cones and barriers around the hazard; putting safety guards on equipment; de-energising and locking-out electrical supply (LOTO); closing valves or gates; screening welding to stop sparks and light

- ***Implementing engineering controls***: This refers to implementing something that has been engineered to reduce the hazard, and its associated risk, for example interlocked machine guarding; two-handed controls; process automation; electronic beam protection systems.

Risk may still remain even after application of the above minimisation methods. In these case, Section 6 states:

6 Hierarchy of control measures...

(4) If a risk remains, the PCBU must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.

(5) If a risk remains, the PCBU must minimise the remaining risk by ensuring the provision and use of suitable personal protective equipment.

These measures are explained below:

- **Administrative controls** include: Standard operating procedures (SOPs); Safe work practices; Permit to Work, JSA, Emergency plans; Training and supervision; Signage.
- **PPE** includes respiratory protection; head, eye protection; fall protection; gas monitors.

Training

The PCBU must provide sufficient information, training and /or supervision to those who will be working with these controls so they understand how to implement them.

The duties of a PCBU to provide information, supervision, training, and instruction to workers are stated in Section 9 or the GRWM Regulations.

Training includes giving both information and instruction to workers. This means the PCBU must be sure that workers:

- Have the necessary knowledge or experience related to the task they are doing so they work safely; or
- Are adequately trained in the safe use of plant, equipment and the use and wear of the required PPE for the job.

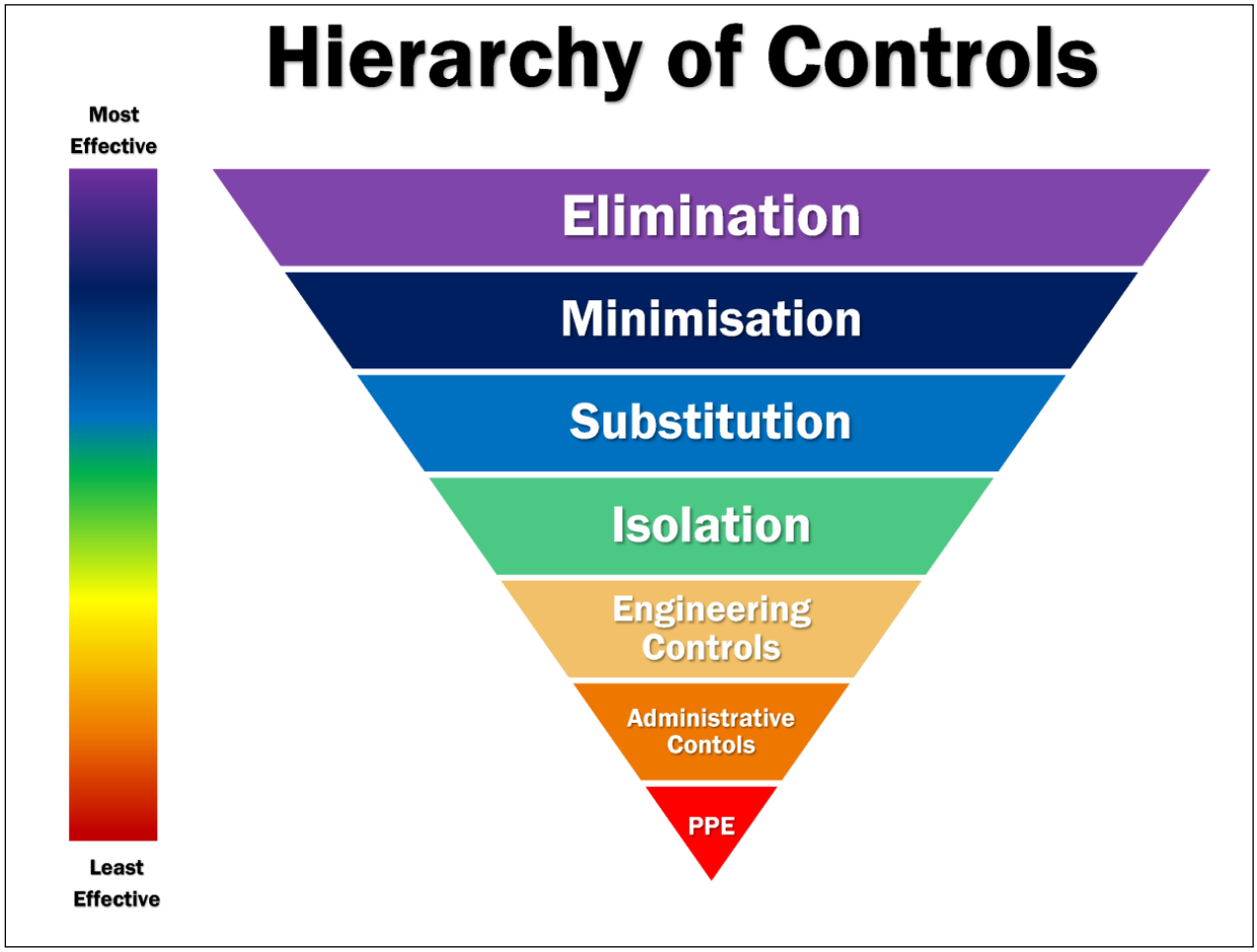
The training must be adequate and suitable according to the nature of the work, its associated risks and the set controls. The training must be given in a way that is easily understood by the worker.

PPE

PPE is the last and least effective of the controls because it relies entirely on the person using the PPE to use or wear it correctly. If the PPE is incorrectly fitted or adjusted, worn or damaged, or not suitable for the purpose, then it means the person is still exposed to the risks from the hazard.

Unfortunately, this control is the first one many people think of when controlling a hazard, but it is the least effective. However, if used in conjunction with other minimisation controls, it can increase safety and be an effective minimisation control.

The full version of the Hierarchy of Controls is illustrated in the diagram below:



Emergency Procedures or Plans

When implementing controls to manage risk, those involved must also complete an emergency plan or procedure. The requirements for emergency plans are given in Section 14 of the GRWM Regulations:

14	**Duty to prepare, maintain, and implement emergency plan**
(1)	A PCBU at a workplace must ensure that an emergency plan is prepared for the workplace.
(3)	A PCBU at a workplace must maintain the emergency plan for the workplace so that it remains effective.
(5)	A PCBU at a workplace must implement the emergency plan for the workplace in the event of an emergency.

The **requirements for emergency plans** in a workplace are summarised as follows:

- Prepare, maintain and implement an emergency plan
- Allow for regular testing of procedures, specifying how often this will happen. Testing will indicate any flaws in the procedures and allow the PCBU to make necessary changes so the procedure is always effective.
- Provided information, training and instruction about the emergency procedures to all workers.

Fire Safety Evacuation Procedures and Evacuation Schemes- Reg 2018

The HSNO Act and the Fire Service Act also specify requirements of emergency procedures and plans. As well, the Ministry of Civil Defence (www.civildefence.govt.nz) provides guidance about emergency planning.

The GRWM Regulations (Section 14) are quite specific about the requirements for emergency plans which include documenting:

- An effective response to an emergency
- Evacuation procedures
- Procedures for contacting or notifying emergency services
- Procedures for medical treatment and assistance
- Procedures around communicating effectively between the emergency coordinator and everyone else in the workplace.

When developing an emergency plan, the PCBU must take into account:

- The nature of the work and hazards at the workplace
- The size and location of the workplace
- The number and make-up of the workforce.

Although the PCBU is responsible for ensuring the development of a Company's or Site Emergency Evacuation Procedure, the role may be delegated to another person such as the Site or Plant Manager or Health and Safety Officer or Representative.

A PCBU who doesn't comply with these requirements is liable, on conviction, to a fine of up to $10 000 (for an individual); or a fine for any other person of up to $50 000.

The three stages of rescue –

When writing a procedure or plan for a specific job, particularly a high-risk job, consider the three stages of rescue:

- **Self-rescue**: The person at the centre of the emergency, rescues him/herself
  Examples: Person working at height feels ill → stops working and descends to ground level. Or gas detector alarm goes off → exit confined space

- **Assisted rescue**: Team members, for example standby or safety watch, rescue the person
  Examples: Standby person calls 111. Standby person administers first aid.

- **Rescue by trained rescuers**: Trained rescuers might come from within the organisation, for example an Emergency Response Team (ERT); or from outside the organisation. External rescuers include the fire service, ambulance, police.
  Examples: ERT conduct rescue.

Depending on the specific situation for which the plan is written, it might be necessary to include details related to all three stages.

Step 4: Monitor Control Measures

This step involves checking the controls are being implemented correctly, are working effectively and continue to be appropriate for the specific task/s they were applied to. Section 7 of the GRWM Regulations details this duty:

> **7 Duty to maintain effective control measures**
> A PCBU who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is effective, and is maintained so that it remains effective, including by ensuring that the control measure is and continues to be –
> (a) fit for purpose; and
> (b) suitable for the nature and duration of the work; and
> (c) installed, set up, and used correctly.

There is a responsibility to check the controls are being implemented correctly, are working effectively and continue to be appropriate for the specific task/s they were applied to.

Ways to **monitor the effectiveness** of controls include:

- Regular surveys, audits and inspections of the workplace
- Passports to Work which record a worker's competency. In risk management, it means the person doing the job is trained to implement, manage and monitor controls. An example of a Passport to Work is Safety 'n Action's Go Safe Card
- Recording the occurrence of accidents, incidents and near misses in an incident register
- Rehearsals, practices and drills
- Health monitoring of workers to check changes in hearing, lung function etc.

Engaging with workers about control measures will give good feedback since they are the ones who are doing the work.

Review for Continuous Improvement

The final part of the process is an analysis of how effective the previous steps have been overall. Section 8 of the GRWM Regulations states:

> **8 Duty to review control measures**
> (1) A PCBU must review and, as necessary, revise control measures implemented under regulations so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health and safety.

It lists situations in which review and revision are necessary which include:

- The control measure not working. In other words, it doesn't control the risk it was designed to control. This would become evident if a notifiable incident occurred.
- A proposed change in the workplace/ task which leads to a new/ different risk which might not be controlled by the assigned control
- Identification of a new hazard or risk
- Health monitoring reports indicate the control is not effective.

All policies, processes and systems should have a regular review date and a review/audit process to check that they're being followed and are still fit-for-purpose.
Investigate incidents and near misses to identify their causes and what you need to change to prevent them from happening again.
Talk to workers on an ongoing basis to check if the control measures are effectively eliminating/minimising work risks.
Use the results of your ongoing worker conversations, reviews/audits, investigations and workplace/worker health monitoring to help you to continually improve the effectiveness of the control measures.

As stated above, the review includes identifying any new hazards that have been identified in the review. As well, if there have been changes to a task or workplace, new hazards need to be identified. So we are back to Step One in the Risk Management Framework and so the cycle continues.

Every step in the process must be checked and evaluated continuously. This enables you to see if your processes work; or if there is a better way of doing something.

Management of risk is an ongoing process that should form an integral part of any business. Risk Management is never finished. It is be part of a continuous process.

WorkSafe New Zealand (WorkSafe)

Introduction to WorkSafe

WorkSafe was set up in December 2013 with a single-minded vision: *Everyone who goes to work comes home healthy and safe*. It is the primary workplace health and safety **regulator** and administers the Act, its amendments and regulations.

It works closely with other workplace health and safety regulatory agencies such as NZ Police, Maritime NZ, CAA and NZTA to coordinate efforts.

WorkSafe NZ carries out the health and safety functions previously carried out by the Ministry of Business, Innovation and Employment (MBIE) and, prior to that, the Department of Labour and its health and safety function (Occupational Safety and Health or OSH). WorkSafe also carries out new functions as described in the WorkSafe New Zealand Act 2013.

Role of WorkSafe

In Section 189 of the Act, WorkSafe is assigned the role of regulator of the Act. It does this by providing leadership, support and information and enforcement activities to improve health and safety in New Zealand. Its approach is to:

- Educate stakeholders (industry bodies, operators, duty holders and their representatives) on their statutory duties by providing relevant information, advice and guidance

- Engage with stakeholders to achieve positive health and safety outcomes, which includes encouraging the development of proactive management systems

- Enforce compliance with the legislation through the use of regulatory tools.

Functions of WorkSafe

Providing Guidance and Information

WorkSafe provides a wide range of information and guidance about health and safety in the workplace, including Standards, Good Practice Guidelines, Codes of Practice and fact sheets.

National Programmes

National programmes focus on reducing the number of workplace deaths and injuries in high-risk sectors. The Workplace Health and Safety Strategy for New Zealand to 2015 aims to lift our workplace health and safety performance and reduce the work toll to achieve healthy people in safe and productive workplaces.

Assessments

Each year health and safety inspectors carry out 12,500 workplace assessments. At least 80% of workplace assessments are targeted at industries identified in the *Health and Safety National Action Agenda 2010 – 2013* as high risk, which include, Forestry and Construction.

WorkSafe will carry out 3,500 HSNO workplace assessments each year; deliver at least 60 High Hazard assessments, inspections, audits and safety cases; audit at least 40 products and complete regulatory visits to at least 150 electrical suppliers.

Investigations

WorkSafe undertakes at least 1,000 Health and Safety and HSNO onsite investigations each year.

Notifications and Reported Risk or Harm

WorkSafe's Response Centre is available 24 hours to receive notifications or reports of risk or harm. All notifications can be found on the WorkSafe NZ website: www.business.govt.nz

HSNO Functions

From 1 September 2014, WorkSafe undertook, on behalf of the Environmental Protection Authority (EPA), certain hazardous substance functions under the Hazardous Substance and New Organisms (HSNO) Act. This included:

- Issuing test certifier approvals, renewals and extensions
- Issuing approvals for workplace plant and equipment
- Oversight of the test certification regime
- Issuing controlled substance licences
- Approval of HSNO codes of practice
- Development of guidance material and other information resources.

WorkSafe already has an obligation under the HSNO Act to ensure that the Act is complied with in places of work. This obligation remains unchanged.

Energy Safety

On behalf of Energy Safety, WorkSafe works with the public and industry to create an environment in which:

- People and property are safeguarded from the dangers of electricity and gas.
- Electrical and gas appliances, installations, electricity and gas supply and generating systems are safe.

The Proposed Safety Star Rating Scheme (SSRS)

The proposed SSRS is part of the government's wider strategy to reduce workplace deaths, injury and work related illness in New Zealand workplaces.

Prosecutions

WorkSafe uses prosecution as a tool to enforce the law, the objective being to deter non-compliance with the laws it is responsible for enforcing.

Engaging with WorkSafe

There may be a range of reasons why a PCBU or worker may need to engage the services of WorkSafe. These may include, but are not limited to:

- Simple clarification of health and safety issues at the workplace
- Seeking guidance in determining the appropriate Approved Codes of Practice, industry guides and preferred practices for specific types of hazardous work
- Notification of a work activity that is listed as a notifiable event; or of a serious harm accident about which direction is needed; or of a Provisional Improvement Notice that has been issued in a place of work; or of cessation of unsafe practices or work; or of an unsafe situation that could expose people to harm in the vicinity of the place of work.

Powers of Entry and Inspection

To be effective, WorkSafe inspectors need to be able to freely go into any workplace and look at what is, or what has been, happening there. Therefore the Act (Section 168) authorises them to:

- Enter workplaces at any reasonable time
- Conduct examinations, tests, inquiries, and inspections or ask someone in charge of the workplace to do this for them
- Bring with them other people with relevant expertise
- Take photographs and measurements; make sketches or recordings
- Require the workplace to be left undisturbed
- Ask the PCBU for necessary documentation and information; and take copies of it
- Take statements from the PCBU or person in charge; and samples.

Contacting WorkSafe

WorkSafe has a network of 20 locations around the country. You can report a workplace accident or serious harm on this number, 0800 030 040, at any time. Other enquiries can be made from 8.30am – 5pm, Monday to Friday.

Street Address	Postal Address
National Office Level 6, 86 Customhouse Quay Wellington 6011	PO Box 165 Wellington New Zealand 6140.

The map below shows the locations of WorkSafe offices around New Zealand.

Reporting of Notifiable Events

Members of the workforce have a legal obligation to report **all notifiable events** to WorkSafe.

The definition of *notifiable event* is given in Section 25 of the Act:

> **25 Meaning of notifiable event**
> …**a notifiable event** means any of the following events that arise from work:
> (a) the death of a person; or
> (b) a notifiable injury or illness; or
> (c) a notifiable incident.

Section 23 of the Act defines a *notifiable injury or illness* as follows:

> **23 Meaning of notifiable injury or illness**
> (1) In this Act, unless the context otherwise requires, **a notifiable injury or illness**, in relation to a person, means –
> (a) any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):
> (i) the amputation of any part of his/her body:
> (ii) a serious head injury:
> (iii) a serious eye injury:
> (iv) a serious burn:
> (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping):
> (vi) a spinal injury:
> (vii) the loss of bodily function:
> (viii) serious lacerations:
> (b) an injury or illness that requires, or would usually require, the person to be admitted to hospital for immediate treatment:
> (c) an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:
> (d) any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work –
> (i) with micro-organisms; or
> (ii) that involves providing treatment or care to a person; or
> (iii) that involves contact with human blood or bodily substances; or
> (iv) that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or
> (v) that involves handling or contact with fish or marine mammals:
> (e) any other injury or illness declared by regulations to be a notifiable injury or illness...

The meaning of a *notifiable incident* is given in Section 24 of the Act:

24 Meaning of notifiable incident

(1) …**a notifiable incident** means an unplanned or uncontrolled incident in relation to a workplace that exposes a worker or any other person to a serious risk to that person's health or safety arising from an immediate or imminent exposure to –

(a) an escape, a spillage, or a leakage of a substance; or
(b) an implosion, explosion, or fire; or
(c) an escape of gas or steam; or
(d) an escape of a pressurised substance; or
(e) an electric shock; or
(f) the fall or release from height of any plant, substance, or thing; or
(g) the collapse, overturning, failure, or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations; or
(h) the collapse or partial collapse of a structure; or
(i) the collapse or failure of an excavation or any shoring supporting an excavation; or
(j) the inrush of water, mud, or gas in workings in an underground excavation or tunnel; or
(k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
(l) a collision between 2 vessels, a vessel capsize, or the inrush of water into a vessel; or
(m) any other incident declared by regulations to be a notifiable incident…

As soon as a PCBU is aware a notifiable event has occurred they must notify WorkSafe using the fastest possible method. As well, details must be entered into the company's incident/ accident register.

Section 56 of the Act details the duty to notify a notifiable event and gives strict instructions on how to go about this. Notifications can be given by telephone or via the website:

Note: If someone has died as a result of work, you must call WorkSafe immediately on 0800 030 040 (24/7).

- Give details of the incident as requested
- If requested by WorkSafe, follow-up the call with a written notice of the incident within 48 hours of WorkSafe making this request.

Section 56 Duty to notify notifiable event

(1) A PCBU must, as soon as possible after becoming aware that a notifiable event arising out of the conduct of the business or undertaking has occurred, ensure that the regulator is notified of the event.

(2) A notification under subsection (1)—

(a) may be given by telephone or in writing (including by email, or other electronic means); and

(b) must be given by the fastest possible means in the circumstances.

(3) For the purposes of subsection (2), a person giving notice by telephone must—

(a) give the details of the incident requested by the regulator; and

(b) if required by the regulator, give a written notice of the incident within 48 hours of being informed of the requirement.

(4) Notice given in writing under subsection (2) or (3) must be in a form, or contain the details, approved by the regulator.

(5) If the regulator receives notice by telephone and a written notice is not required, the regulator must give the PCBU—

(a) details of the information received; or

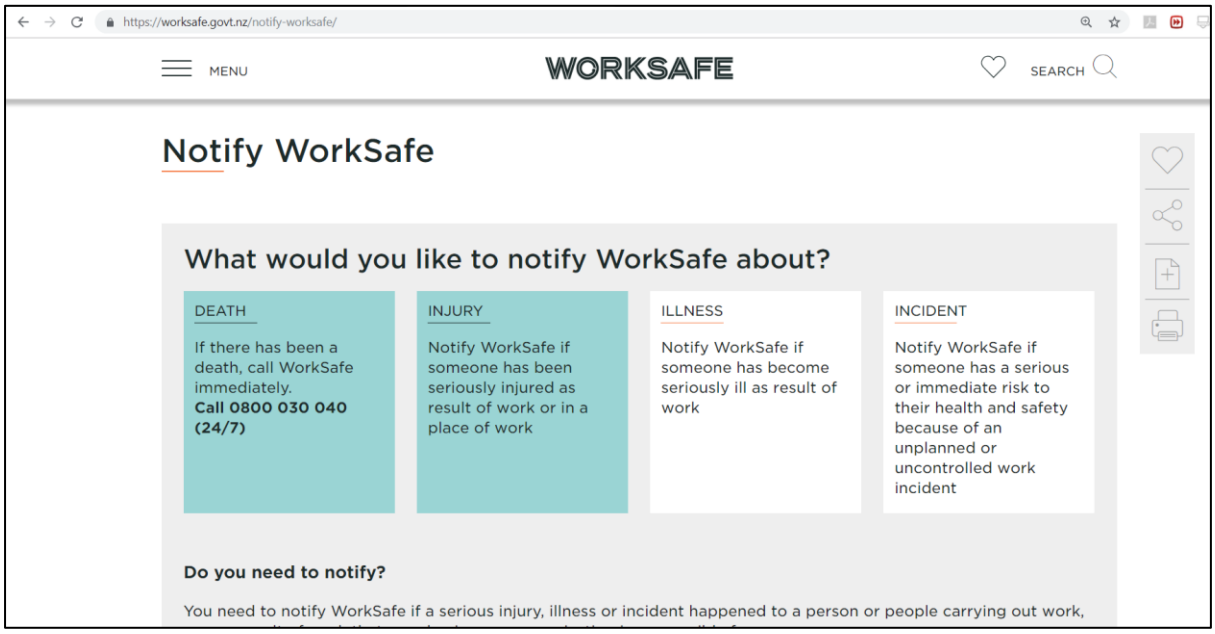
(b) an acknowledgement of having received notice.

(6) A person who contravenes subsection (1) commits an offence and is liable on conviction,—

(a) for an individual, to a fine not exceeding $10,000:

(b) for any other person, to a fine not exceeding $50,000.

Notifications are completed through the call centre and primarily the website.



The WorkSafe Notifiable Event tool is found on the WorkSafe website: https://worksafe.govt.nz/

WorkSafe's Response Centre is available 24 hours to receive notifications.

There are also legal requirements around keeping records of notifiable events (Section 57, the Act). The PCBU must keep full records of notifiable events for at least five years from the date on which notification was sent to WorkSafe.

Enforcement of Health and Safety Legislation

Introduction

Part 4 of the Act covers legislative requirements around enforcement of legislation.

WorkSafe is responsible for ensuring health and safety legislation is complied with. It will investigate cases of harm in the workplace and take enforcement action, including prosecution, if necessary.

Enforcement notices include:

- Improvement notices
- Prohibition notices
- Non-disturbances notices
- Suspension Notices.

Improvement Notices

Sections 101 – 104 of the Act discuss improvement notices. This type of notice is given by a WorkSafe Inspector to a person that they believe is not complying with the Act. The person maybe a PCBU, or anyone who may owe a duty of care under the Act, and may:

- Be currently breaching a provision of the Act or associated regulations; or
- Potentially breaching a provision of the Act or associated regulations.

An Improvement Notice must state:

- The person is breaching, or likely to breach the Act or its regulations
- What parts or provisions of legislation are being breached, or potentially breached
- How the provisions are being breached, , or potentially breached
- The period of time during which the breach must be remedied.

An improvement notice may also include recommended measures for remedying the breach, as well as suggestions as to what might have caused the breach. Improvement Notices may also refer to relevant Approved Codes of Practice or Industry Standards.

A person to whom an Improvement Notice has been issued must comply within the specified time frame. However, an inspector may extend the compliance period by written notice.

A person who contravenes these requirements commits an offence and, if convicted, is liable to:

- A fine not exceeding $50, 000 for an individual; or
- A fine not exceeding $250, 000, for any other person.

Prohibition Notices

A Prohibition Notice is issued by a WorkSafe Inspector in situations in which a exposure or potential exposure to a hazard arising from a workplace activity may lead to serious risk. Section 105 of the Act explains that the inspector has the power to issue a prohibition notice if:

105 Power to issue prohibition notice

(a) an inspector reasonably believes that -

(i) an activity is occurring at a workplace that involves or will involve a serious risk to the health or safety of a person arising from an immediate or imminent exposure to a hazard; or

(ii) an activity may occur at a workplace that, if it occur, will involve a serious risk to the health and safety of a person arising from an immediate or imminent exposure to a hazard

The inspector may order the work to cease **entirely**, or request it be carried out, but with modifications so it no longer has the potential to cause serious risk.

A Prohibition Notice must:

- State that the inspector believes there to be a breach
- Give the reasons for this belief
- Describe the risky activity
- Specify which part of the Act is being breached.

The notice may include recommendations on the measures that could be taken to remedy the risk.

It may be given orally but must be confirmed in writing as soon as practicable, in the form of a Prohibition Notice.

Section 106 of the Act gives more requirements of Prohibition Notices that ban the continuation of work in a specified way.

If a person to whom a Prohibition Notice is issued doesn't comply with it, they will be liable, if convicted, to:

- A fine of up to $100,000 (individuals), or
- A fine of up to $500,000 (for any other person.

Non-disturbance Notices

Non-disturbance notices are issued by WorkSafe Inspectors to a PCBU in situations in which they believe it necessary to carry out their role. An example would be if there has been an accident in the workplace and the Inspector does not want the scene to be disturbed.

A non-disturbance notice may require a site at which a notifiable event occurred to be left undisturbed (preserved) for a particular period of time. It may also ask for this to occur in other circumstances.

The notice must state clearly the period of time over which the site must be preserved which must not be more than seven days. The notice must set out:

- The duties of the person receiving the notice; and
- What they should do to preserve the sit or prevent anyone from disturbing it
- The penalty applied if the notice is breached.

If a person to whom a Non-disturbance Notice is issued doesn't comply with it, they will be liable, if convicted, to:

- A fine of up to $50,000 (individuals), or
- A fine of up to $250,000 (for any other person.

Infringement Notices (Section 150 of the HS Act)

Infringement offences are discussed in Subpart 6 of the Act. Section 138 gives the requirements of Infringement Notices. They are issued by WorkSafe and apply to anyone who is committing, or has committed, an infringement offence against the Act.

An infringement notice may be delivered in person to the alleged offender or by post. It must be delivered within 14 days following the date that WorkSafe become aware of the offence. The contents of the notice include:

- Details of the alleged offence time, place, nature); and
- The amount of the associated fee; and
- Payment details (address, time-frame).

Fees vary according to the nature of the infringement.

Penalties under the Act

Under the Act, PCBU's, Officers of the PCBU, Workers of the PCBU, and any other person can be prosecuted for an offence. The following sections of the Act detail the offences relating to primary duties:

- Section 47: Offence of reckless conduct in respect of duty
- Section 48: Offence of failing to comply with duty that exposes individual to risk of death or serious injury or serious illness
- Section 49: Offence of failing to comply with duty.

The chart on the following page details fines associated with these sections.
Other fines levels have been established and set within the Act, and associated regulations, for other offences not necessarily relating to primary duties, for example Section 34 of the Act. This section is about PCBUs having to consult with other PCBUs with same duty.

If they fail to consult with, co-operate with, and co-ordinate activities with other PCBUs who have a duty in relation to the same matter, they may commit an offence and be liable on conviction as follows:

(a) for an individual, to a fine not exceeding $20,000
(b) for any other person, to a fine not exceeding $100,000.

Section 47: Offence of reckless conduct in respect of duty			
	Liable person	Term of imprisonment	Fine
A person who has a health and safety duty…without reasonable excuse, engages in conduct that exposes a person to a risk of death or serious injury or illness; and the person is reckless as to the risk	**Individual** (e.g. a worker or a self-employed PCBU)	Up to 5 years and/or	Up to $300,000
	Officer of a PCBU; or individual who is a **PCBU**	Up to 5 years and/or	Up to $600,000
	Any other person		Up to $3 million
Section 48: Offence of failing to comply with duty that exposes individual to risk of death or serious injury or serious illness			
A person who has a health and safety duty and fails to comply with the duty; and that failure exposes a person to risk of death or serious injury or illness	**Individual** (e.g. a worker or a self-employed PCBU)		Up to $150,000
	Officer of a PCBU; or individual who is a **PCBU**		Up to $300,000
	Any other person		Up to $1.5 million
Section 49: Offence of failing to comply with duty.			
A person that has a health and safety duty fails to comply with that duty	**Individual** (e.g. a worker or a self-employed PCBU)		Up to $50,000
	Officer of a PCBU; or individual who is a **PCBU**		Up to $100,000
	Any other person		Up to $500,000

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