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Health and Safety at Work Act:

Manage Company can bridge the gap between what you are doing now and when the new Act is enacted by delivering scoping reviews and design and implementation of an effective WHS program.

Martin Wouters, the founder of Manage Company is passionate about supporting companies work within the confines of ACC and ensure they are achieving the highest possible savings. Martin regularly shares the Manage Company message through seminars, expos, editorials or their partnership with industry associations.

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Welcome.

New Zealand is about to embark on a radical change to its work health and safety laws.

New Zealand's new laws will more closely reflect contemporary working arrangements and represent a common set of standards, expectations, regulations and codes of practice with the objective of reducing fatalities and injuries.

The new Act, entitled the Health and Safety at Work Act, is part of the 'Working Safer: A Blueprint for health and safety at work', will be enacted on 4 April 2016.

Whilst the Regulatory Bodies are yet to release the guidelines as part of the new Act, this e-book outlines key elements of the new Act and provides some practical resources and tools to help businesses develop plans and systems in preparation for 2016.

It is important to note that this e-book does not touch on Major Hazard Facilities or Asbestos Regulatory changes.

We trust that you find this a useful resource and invite you to share it with your networks.



Tania Evans
WorkPro Co-Founder

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Introduction

Strong, consistent and clearly understood work health and safety rules and expectations, broadly adopted nationally will assist in creating positive safety behaviours. The change in behaviour and attitude will, in turn be reflected in the reduction of injuries and fatalities.

Significant work related disasters, and changes to working arrangements led to the establishment of a Taskforce in 2012 by the NZ Minister of Labour to review NZ's work safety laws. Following the Taskforce Report and Parliamentary Review, the revised Health and Safety Reform Bill was passed by NZ Parliament in August 2015.

The new Act, entitled the Health and Safety at Work Act, is part of 'Working Safer: A Blueprint for health and safety at work' and will be enacted on 4 April 2016. A range of Regulations will be developed as part of the new Act.



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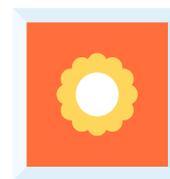
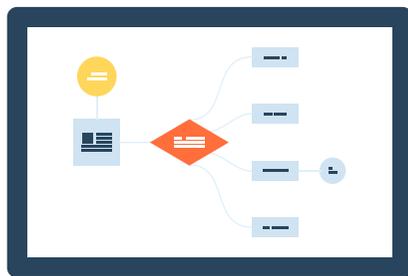
Leading up to the enactment, WorkSafe NZ will issue formal guidance to support the Act and Regulation. This will enable businesses to:

- Review their health and safety practices
- Identify health and safety risks in their business and take steps to prevent these from causing harm to their workers
- Make health and safety a permanent part of workplace culture

The Regulator's will share a range of information and guidance about the new regime, but as a work health and safety specialist we wanted to provide you with a concise, easy-to-read publication that includes practical tools that will assist businesses to "get their house in order" well in time for the new laws.

This e-book:

- Provides a brief history of WHS Laws and Key Objectives of the new laws
- Defines Duty Holders and Duties
- Clarifies 'Reasonably Practicable'
- Defines Worker Engagement and Participation
- Outlines Safety in On-Hire arrangements
- Outlines Regulator Expectation
- Highlights Non-Compliance Information
- Provides details of how ACC and Injury Management will feature in the new Act and Legislation
- Provides some Practical Steps to implement a safe system of work
- Provides an overview of how WorkPro can help businesses to meet their obligations



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Background & Key Objectives

'We call for urgent, sustainable step-change prevention activity and a dramatic improvement in outcomes to the point where this country's workplace health and safety performance is recognised as among the best in the world in 10 years' time.'

Source: Independent Taskforce

It was commonly accepted that the existing NZ health and safety framework was no longer suitable to address modern working arrangements and the number of individuals being injured at the workplace was unacceptable.

Today, workforces are a complex weave of arrangements made up of employees, independent contractors, temporary workers, labour hire workers and permanent staff.

For businesses, the complexity of the new working arrangements meant that the term 'employer' was no longer applicable, but it was accepted that there needed to be responsibility for a person's safety whilst they were working regardless of the work arrangement.

The new Act and corresponding Bill and Regulations will ensure that NZ's safety system is 'fit for purpose', in line with the new way of working, and provide transparency in safety obligations and responsibilities, with a clear aim to reduce work related injury and fatality.



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The New Laws



The revised Act will largely be an adoption of the Australian Harmonisation framework. Originally based on the UK'S Roben's Law, the benefits of adopting and adapting the Australian Model Law include the following:

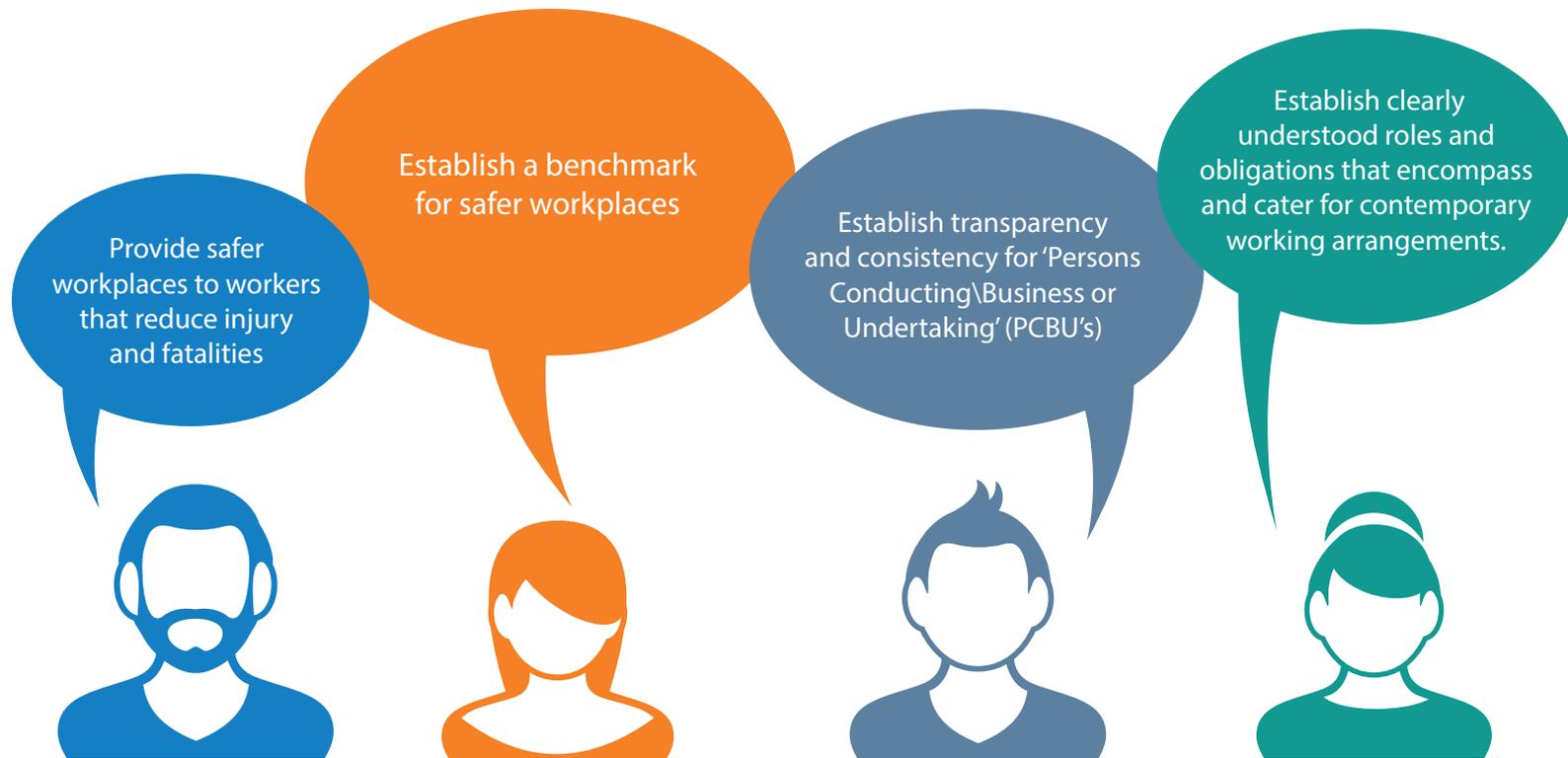
- It is based on performance-based legislation, a sound approach to workplace health and safety legislation.
- The performance-based approach allocates duties to the people who are best placed to manage them.
- Enacted in 2013, Australia has seen a 16% reduction in workplace fatalities, and in 2014, reported the lowest number of work related deaths in 11 years. Source: WorkSafe NZ
- It is a cost-effective way of establishing a revised and extensive body of regulations and guidance needed for New Zealand business and Regulators.
- New Zealand can draw upon the significant resources, knowledge and experience developed in Australia.
- It will simplify workplace health and safety for trans-Tasman businesses.

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Objectives of Change

The key objectives for the change are to:



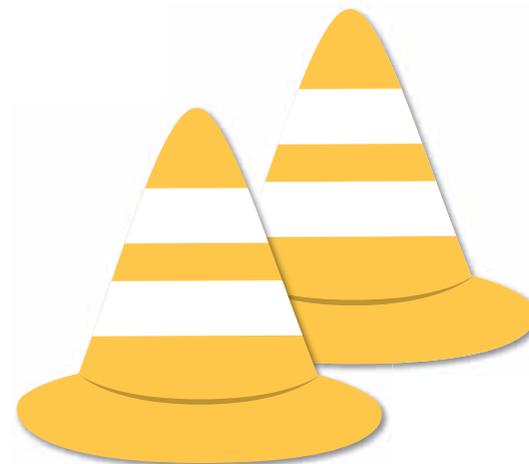
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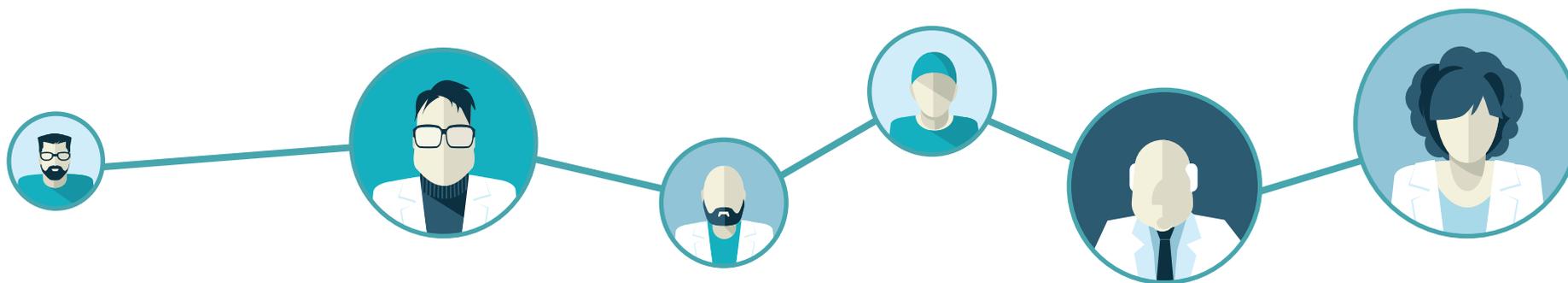
What is work health and safety?

Work Health and Safety (WHS) involves, amongst other things:

- Persons Conducting a Business or Undertaking (PCBU), and other persons running businesses and the like, ensuring that they are providing and maintaining a workplace that is safe and without risk to health; and
- Workers caring for themselves and other people in the workplace as well as observing and respecting all safety rules, directions and requirements relating to health and safety.



Safe workplaces require involvement from everyone, not just business operators.



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Duty Holders and Duties

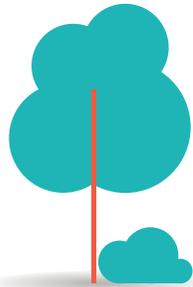
Worker

The term 'worker' will be introduced to replace the term 'employee'. This term more broadly represents modern working arrangements and covers:

- Permanent Employee
- Contractor
- Temporary Worker
- Sub-Contractors
- Labour Hire Worker
- Students gaining Work-Experience
- Apprentice

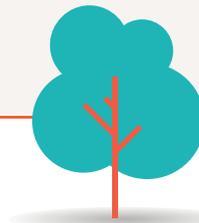


Whilst the Person Conducting Business or Undertaking (PCBU) is responsible for a worker's health and safety as it relates to the workplace, every person has a responsibility for work safety.



Worker Responsibilities

- Take reasonable steps to protect their own health and safety and others potentially affected by their actions at work.
- Comply with all work safety laws, policies, procedures and safety instructions. This includes instructions from the PCBU and other organisations who are responsible for the way the worker completes work.
- Equipment, including personal protective equipment (PPE) must be used as directed and kept in good working condition.
- All hazards, incidents and injuries must be reported to the PCBU or those in charge of the working environment to protect the worker and others in the workplace.



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Person Conducting a Business or Undertaking (PCBU)

In recognition of the fact that the traditional 'employer – employee' relationship is only one working arrangement, a 'Person Conducting a Business or Undertaking', a PCBU, will replace the term 'employer'.

PCBU Responsibilities

When a PCBU engages a worker to perform work for their business, they have a 'primary duty of care' to that worker.

A PCBU is, so far as is reasonably practicable, responsible for ensuring work carried out does not carry risk to the health and safety of others. This means the PCBU must:

- Provide and maintain a safe work environment
- Provide and maintain safe plant and structures
- Provide and maintain safe systems of work
- Ensure the safe use, handling and storage of plant, structures and substances
- Provide adequate facilities (and ensure access is maintained)
- Provide instruction, training, information and supervision
- Monitor the health of workers and conditions at the workplace.

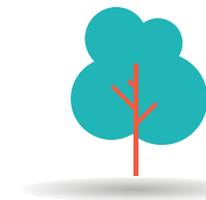
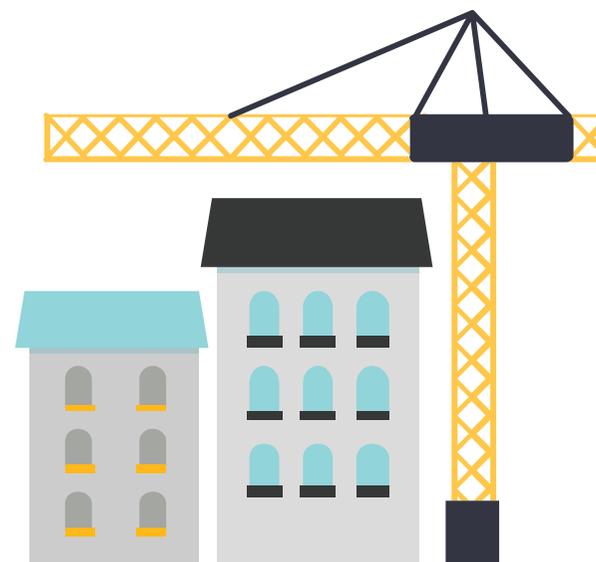
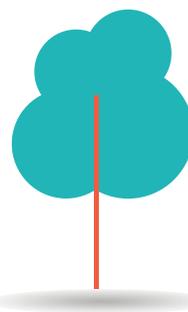


When is a PCBU not a PCBU?

An entity will not be classified as a PCBU if they are:

- 1 A Volunteer organisation**
- 2 Employed or engaged solely as a worker or an Officer (for example a company director) of the business or undertaking**
- 3 Employed or engaged solely as a worker or an Officer (for example a company director) of the business or undertaking**

These factors will be addressed and explained throughout the e-book and will include examples and case studies to assist PCBU's understand their obligations and how to comply with the new Model Laws.



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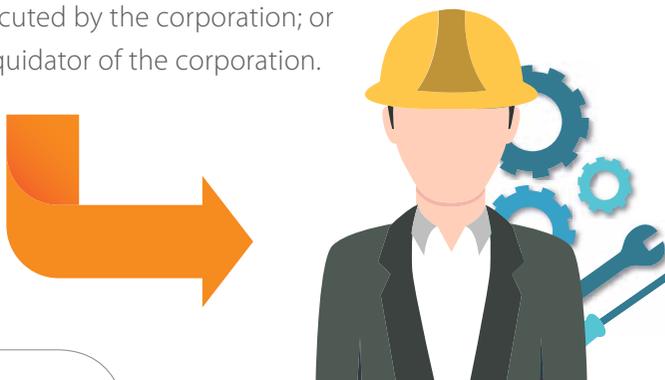


'Officer' Duties

Under the new framework, 'Officers' will have specific and extended obligations. This places a positive duty of care on those who have a governance duty inside an organisation to ensure that the PCBU is meeting its obligations.

An Officer is defined as a person:

- who makes, or participates in making decisions that affect the whole or a substantial part of the business of the corporation; or
- who has the capacity to significantly affect the corporation's financial standing;
- in accordance with whose instructions or wishes the Directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the persons professional capacity or their business relationship with the directors or the corporation); or
- a receiver, or receiver and manager, of the property of the corporation; or
- an administrator of the corporation; or
- an administrator of a deed of company arrangement executed by the corporation; or
- a liquidator of the corporation.



A person may be deemed an Officer even if they are not the person making the decision; but contributed to the decision being made. An example of persons other than a Director that may be deemed an Officer include; Chief Financial Officers and Legal Counsel, if their position is an avenue for a decision being made and where those decisions affect the business.

In order to abide by "Due Diligence", an "Officer" of a company/organisation must:

Acquire and keep up to date knowledge of work, health and safety matters

Gain an understanding of the nature of the operations and of the hazards and risks associated with those operations

Ensure that the company has appropriate resources and processes to enable hazards to be identified and risks associated with those hazards to be eliminated or minimised

Ensure that the company has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information

Ensure that the company has, and implements, processes for complying with any duty or obligation of the company under the Legislation

Verify the provision and use of the resources and processes referred to above.

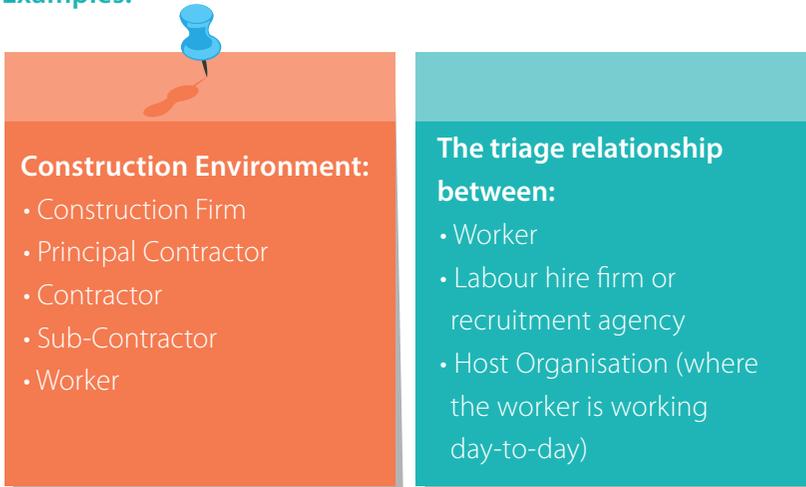
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Multiple Duty Holders

From time to time there may be more than one PCBU that is responsible for a worker.

Examples:



Where there is more than one person that has the same duty concurrently, each person with the duty must also, so far as is reasonably practicable, **consult, co-operate** and **co-ordinate** with all others who have a duty in relation to the same matter to ensure that everyone remains safe at work.

It is absolutely fundamental to understand that a PCBU cannot 'contract out' of their duties. It is a core part of the modern Act to collaborate and work together to maintain safety standards for workers.

In practice this means that a PCBU cannot use a contract to limit or modify their statutory obligations. An attempt made by a PCBU to transfer the PCBU's duty via a contract will render the contract null and void.



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Worker Participation & Reasonably Practicable

Worker Engagement & Participation

The new Act also focuses on existing requirements for worker engagement and participation in work health and safety.

The changes will improve the flexibility of worker participation provision so that innovation is not stifled. Under the new laws PCBU's are required to engage with their workers on matters of work safety that affect them and provide opportunities for workers to participate in improving work health and safety.



'All Practicable Steps' vs 'Reasonably Practicable'

This term means what could reasonably be done at a particular time to ensure that health and safety measures were in place, taking into account and weighing up all relevant matters including:

- the likelihood of the hazard or the risk concerned occurring;
- the degree of harm that might result from the hazard or the risk;
- what the person concerned knows, or ought reasonably to know about the hazard or risk, and ways of eliminating or minimising the risk;
- the availability and suitability of ways to eliminate or minimise the risk, and
- after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.



A Duty-holder must meet the standard of behaviour expected of a reasonable person in the duty-holder's position and who is required to comply with the same duty.

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Other Common Terms, Definitions & Obligations

Independent Contractor

- This person operates their own business and submits their own invoices for services provided. They are neither employees of the company for which the work is performed nor employees of a staffing firm (if the Contractor uses a recruitment company who on-hires their services). This person is responsible for managing their own WHS in collaboration with the company that hire their services. If the person is being 'on-hired' by a staffing firm, the three parties (Contractor, Recruiter and Company) are responsible for the persons WHS, as each are deemed a 'PCBU' under model WHS law.
- The Independent Contractor may also be a PCBU and also have responsibility for their employees Work Health & Safety.

Temporary Contractor, Temp, Labour Hire or On-Hired Worker

- This person is generally employed directly by a recruitment or staffing firm, and on-hired to a 'host organisation'.
- For legal purposes, they are an 'On-Hired or Labour Hire Employee'.
- The staffing firm and the host organisation are deemed a PCBU under model WHS law and have a primary duty of care to the individual to work collaboratively to manage WHS risks.
- This person is paid by the staffing firm.

Employment Agency, Labour Hire Firm & Principals

In on-hired work, the Employment Agency or Labour Hire Firm is the PCBU. If a person is engaged as an Independent Contractor, the contracting firm is called the Principal or Hirer.

Responsibilities and obligations for work health and safety includes induction and training in the role or industry the worker is about to commence work, a client site assessment, and, in conjunction with the host organisation, a site specific induction.

Additionally, should the worker's role change, the Host must seek approval from the labour hire firm, and ensure that the person has the appropriate skills to undertake the change in task.

Host Organisation

A host organisation is a PCBU and is defined as where a worker is assigned to work and where they receive day-to-day instruction.

The host organisation has the same obligation as a PCBU to ensure a worker's safety. Because the worker is not under the immediate and direct control of a PCBU or hirer on a day-to-day basis, co-operation is incredibly important.

The host organisation or representative is responsible for providing instruction, supervision and training in conjunction with the Employment Agency/Labour Hire Firm or Principal. This includes the completion of a site/company specific induction with the worker prior to commencing work at their workplace as well as job specific training and instruction.

Importantly, there is also an obligation upon other organisations, and their workers, working within a host organisation's workplace, to co-operate and co-ordinate with one another to ensure the safety of workers.

Safety at Host Sites for On-Hire workers

On-Hire PCBU's generally do not control the physical workplace in which their workers will be working, but their legal obligation is to place workers into safe workplaces. This means that the on-hire PCBU has a legal obligation to ensure that the host PCBU adequately controls the risk of injury.

To ensure that the primary duty of care is fulfilled, on-hire firms should document and implement processes for the following:

Host work health and safety assessment, incorporating:

- Host work health and safety assessment
- Job description
- Assignment safety information
- Safe Work Method Statement
- Host site and task monitoring

Induction and training, incorporating:

- On-hire firm work health and safety induction
- Host organisation work health and safety induction
- Other training requirements

Consultation and issue resolution

- Consultation mechanisms
- Agreed issue resolution procedures

Incident management

- Hazard and incident reporting
- Notifiable incidents
- Emergency response
- Conducting emergency evacuation drills

These processes are not exhaustive. The intention is to assist the on-hire PCBU meet their work health and safety obligations.

Additionally, on-hire PCBU's should ensure that their work health and safety processes are developed in line with Authority industry guidance and implemented effectively to ensure ongoing monitoring and review.

Consideration should be given to seeking further information on specific industries and peak industry bodies.

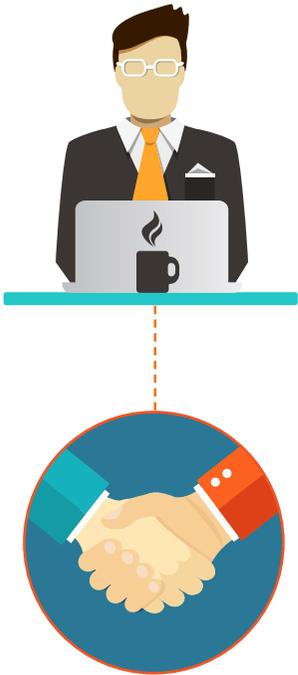


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Practical Elements for PCBU's to keep Workers Safe at Host Sites

EXAMPLE



- An on-hire PCBU receives a request to provide short term labour (2 weeks) to a client site.
- Total travel to the site is 4 hours including 2 hour flight.
- The worker will be undertaking administrative tasks within an office at a high risk site. The worker will not be required to access any part of the high risk site, other than the office which is completely separate to the operations of the site.
- The on-hire PCBU is given two days notice by the client to place a worker at this site. Due to the urgency of the placement, there is limited time to conduct a client site assessment and this is the only site which they provide labour to in the region.
- From a practical, logistical and financial perspective the on-hire PCBU believes it is not be feasible to conduct a client site assessment, however the on-hire PCBU has a primary duty of care to the worker and needs to ensure that the workplace in which they are placing their worker is safe.
- The on-hire PCBU conducts an online client induction with the worker prior to commencement.
- In addition, the on-hire PCBU also ensures the worker undertakes an online training module which includes workstation set up and ergonomics.
- A copy of the on-hire PCBU's site assessment template is forwarded to the worker and the worker is given some instruction as to how the form is to be completed and what types of hazards they are likely to encounter. The worker completes the assessment with the assistance of the host PCBU representative.
- After consultation with the worker and the client, the worker conducts their own site assessment when they arrive at the site.
- The worker sends the completed report back to the on-hire PCBU contact immediately and discusses any identified concerns via telephone prior to the worker commencing work at the site
- There are a range of other ways the on-hire PCBU can complete the assessment and the more common ones have been listed below:
 - Video link
 - Teleconference
 - Skype

The WHS Act makes it clear that the on-hire PCBU cannot avoid responsibility by giving control to someone else, in the circumstances and taking into account the relevant matters including the severity of harm and likelihood of it occurring, this method of site assessment would minimise the identified risks so far as is reasonably practicable.

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WHS in On-Hire



An on-hire worker is not the sole responsibility of an on-hire firm, nor are they the sole responsibility of a host organisation. Where the on-hire worker is a sole-trader, they are not the only person responsible for their own health and safety.



The nature of today's on-hire industry means that direct placement involving only 3 parties (on-hire firm, host organisation and on-hire worker) does not always occur.



More complex arrangements for placing on-hire workers are becoming increasingly common.



A placement of an on-hire worker can see multiple persons and organisations party to an arrangement. These types of arrangements may involve more than one on-hire firm, a contract management company, a pay rolling company and an on-hire worker as a sole trader, as well as the host organisation. In this scenario, all are PCBU's with a primary duty of care.



People often assume that someone else is going to take action for health and safety, perhaps because that other person is more directly involved in the activity. This may be more likely where there are numerous people involved in the work; such as an on-hire arrangement. This can mean that nobody takes the necessary action.



Work health and safety laws recognise the complexity of on-hire arrangements. The WHS Act requires that where more than one person has a duty for the same matter i.e. the placement of an on-hire worker, each person retains responsibility for their duty in relation to the matter and must discharge the duty to the extent to which the person can influence and control the matter.



In these situations, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a work health or safety duty in relation to the same matter.



Each PCBU involved in the on-hire arrangement must ensure these requirements are met even if others (PCBU's) may also have the duty to do so. A PCBU may ensure the outcomes by not necessarily taking the required action themselves, but making sure that another person (PCBU) is doing so.



The key to WHS compliance and ensuring the health and safety of an on-hire worker, is to consult, co-operate and co-ordinate activities with other duty holders involved in the placement of the on-hire worker, this includes consulting with the on-hire worker.



What is reasonably practicable in relation to consulting, co-operating and co-ordinating activities with other duty holders will depend on the circumstances, including the nature of the work and the extent of interaction.

Regulator's Expectations vs PCBU Obligations

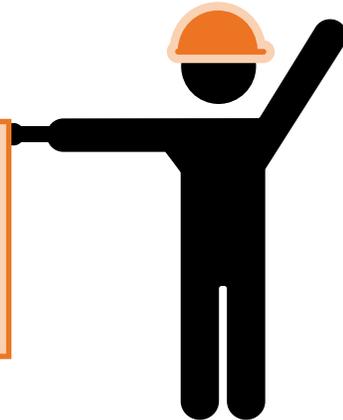
Broadly, the responsibilities of the Regulator include:

- Helping avoid workplace injuries occurring
- Enforcing WHS health and safety laws

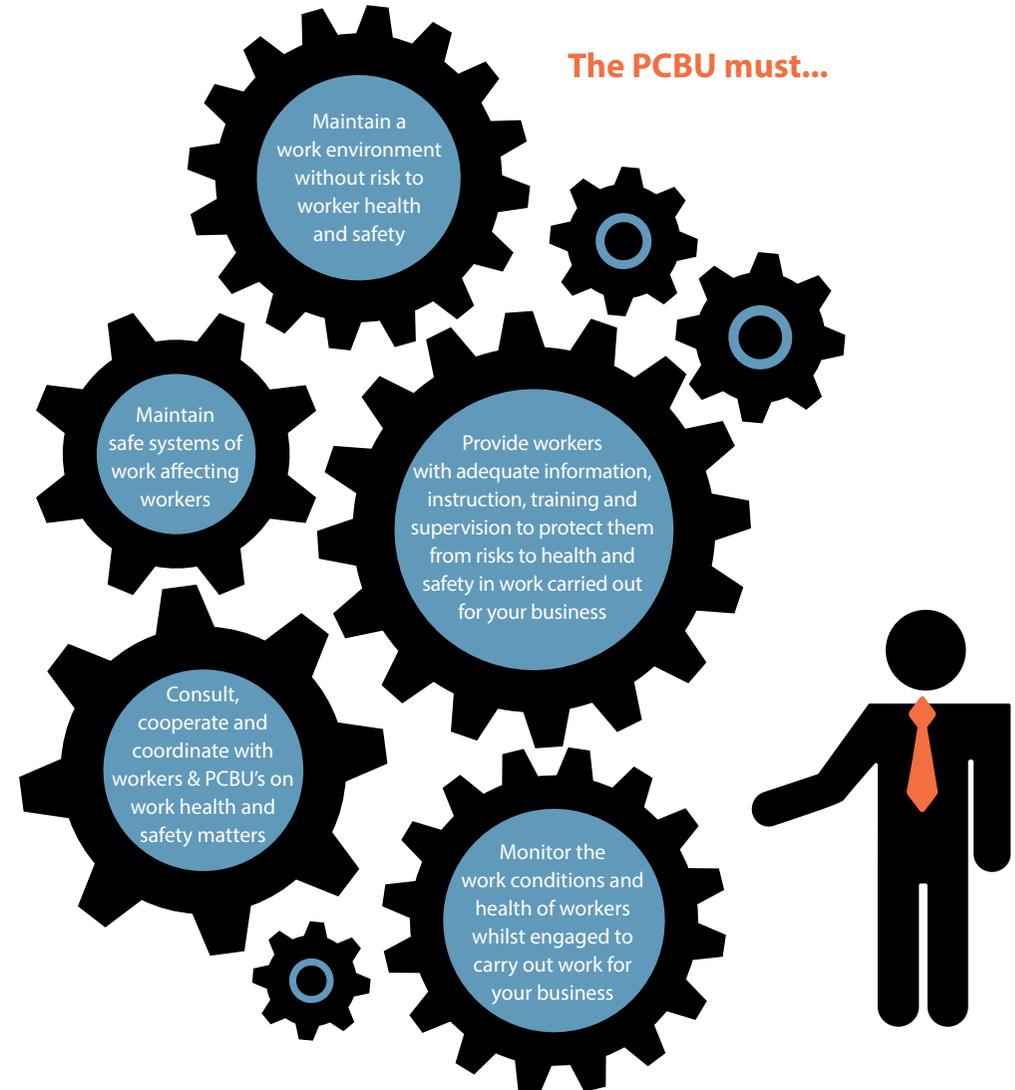
Each regulatory body has a team of Field Officers (Inspectors) whose role it is to educate, inform and partner with industry and enforce WHS law. Inspectors will work with PCBU's to understand their processes and systems of work and help to ensure risk is mitigated for all workers.

PRIMARY DUTY OF CARE

All workers engaged to carry out work activities are protected to exposure of risk to their health and safety



The PCBU must...



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Compliance & Enforcement

The Independent Taskforce on Workplace Health and Safety considered that the current penalties under the Health and Safety Act were too low and the range of compliance and enforcement tools available to Inspectors was too limited.

In addition to prosecution, compliance and enforcement tools likely to be introduced as part of the new Regulations, include:

- Improvement Notices
- Prohibition Notices
- Non-Disturbance Notices
- Infringement Notices
- Enforceable Undertakings
- The courts will also have the power to make certain orders

Penalties for offending organisations have also been reviewed with the new Act, and include financial penalties for individuals of up to \$300,000 and up to \$3M for a company.



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ACC and WorkSafe NZ

ACC

Part of the new laws meant that ACC, like any other Regulatory Agency will be required to share information with WorkSafe NZ on notifiable events which in ACC's case involve injuries 'notifiable incident'. The definition of a notifiable event has been widened significantly and now includes:

- the death of a person; or
- a notifiable injury or illness; or
- a notifiable incident

A notifiable incident means any 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. There does not need to be any harm or physical injury.

When ACC receives a claim that is linked to a business as a workplace claim (through the standard process via the doctor, physio, A&E, etc) and if this falls under the definition of a notifiable event, ACC is required to pass this information to WorkSafe NZ.

On receipt of this information WorkSafe NZ can quickly see whether there is a corresponding notification from the employer. Failure by the employer to notify WorkSafe NZ can result in penalties of \$10,000 for an individual or \$50,000 for a PCBU.

WorkSafe NZ is also required to share information with ACC in return and it is worth noting that this information cannot be used in decision making on cover or entitlement.

WorkSafe

WorkSafe NZ works closely with employers, employees and others to:

- educate them about their workplace health and safety responsibilities
- engage them in making changes that reduce the chances of harm
- enforce workplace health and safety legislation

WorkSafe NZ also actively enforces the law, including through the prosecution of alleged offenders in appropriate cases.



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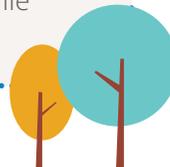
ACC Injury Management

As part of the health and safety legislative changes the Accident Compensation Act is also amended and will include changes to how ACC can apply incentive programmes i.e. provide incentives for employers to take ownership for preventing injuries and when injuries do happen, take control over rehabilitation and return-to-work.

Currently employers have two incentive schemes:

The Experience Rating scheme gives discounts to employers who have nil or minimal workplace accidents involving ACC input (ACC compensation and / or medical costs) and penalises those that do have claims. For employers who pay \$10,000 or more in ACC workplace cover the discounts can be as high as 50% and the penalties as high as 75%. Please note that any workplace claim will impact the business for a three year period (ACC Experience Rating Period) so a penalty will sit with a business for these three years.

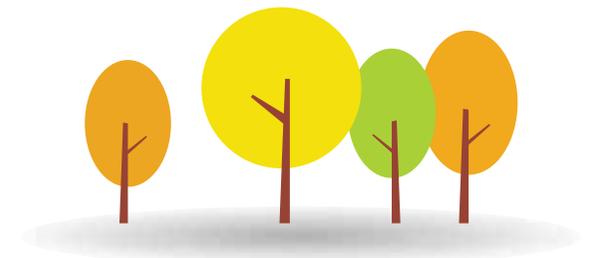
This scheme will most likely not be changed a great deal under the new legislation if at all. Rather, ACC and WorkSafe NZ (supported by Ministry of Business, Innovation and Employment (MBIE)) will introduce the Safety Star Rating Scheme that will incorporate a business' Experience Rating profile as detailed.



Health & Safety Incentive Schemes includes the Workplace Safety Discounts (WSD) and the Workplace Safety Management Practices (WSMP) scheme. Both schemes provide a discount on the ACC levies (Work Account) when a business can show they have met the criteria for that programme. Discounts range from 10% - 20% per annum. These incentives will need to go through some change to reflect the changes in health and safety terminology (i.e. risk versus hazard; removal of isolation as part of the hierarchy of controls) and will also go through a change to support the Safety Star Rating Scheme.

The Safety Star Rating change will focus on being able to track a risk area in the business from source to completion in order to drive an outcome based model. At the time of print Government is yet to provide the necessary details on what this change will look like.

Please note the WSMP in particular is already based on the AS/NZS4801 standard which is relatively aligned to the new health and safety legislation.



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Safety Star Rating Scheme will be introduced after 4 April 2016.

It is a voluntary incentive scheme to recognise, reward and support businesses with robust health and safety performance. It will be driven by ACC and WorkSafe NZ and will be supported by MBIE. All businesses will receive a Safety Star Rating and only those that volunteer will have their Safety Star Rating visible in the public domain.

Benefits are likely to include ACC levy discounts, improved reputation and procurement advantages. Although it will be a volunteer scheme if businesses contract to local or national government the Safety Star Rating will become part of tender evaluation criteria. In addition it is anticipated that other funding entities will adopt the Safety Star Rating scheme as the common benchmark which will mean most businesses will need to “volunteer” to the scheme.

Managing Workplace Claims

There will continue to be a significant shift by ACC to encourage PCBU's to take more responsibility over the rehabilitation of workers, including both work claims and non-work claims.

This will require PCBU's to implement a Rehabilitation Policy and a framework that supports returning workers to work early including identifying alternative duties, progressive hours, support structures, etc.

There are a range of initiatives a business can use to manage their accident risk covering everything from recruitment through to the actual return-to-work programme itself. As an example, business are experienced rated on their claim activity however 30% of recorded workplace claims actually relate to injuries that either did not happen at work or are a pre-existing injury. In both situations the PCBU should not be paying a penalty for that claim.

To cover this risk, business can actually obtain from ACC the claim history of the employee at the recruitment phase which will detail the last 10 years of claim activity for that person. When used alongside other recruitment processes this becomes an excellent tool to understand who you are engaging.



Fulfilling an Officer's Due Diligence Obligations

As the duty allocated to Officers' is a positive duty; officers' should carefully plan compliance with due diligence obligations.
Consider the nine steps to fulfill due diligence obligations:

1

Formally identify 'Officers'

Determine who the Officers' of the business are by engaging your senior management group, understanding accountabilities and responsibilities of each position within the business and measure against the legal definition of an officer.

2

Educate Officers & Prepare a Due Diligence Plan

Engage a suitably qualified advisor to provide an officer due diligence briefing to the officers' within the company/organisation.

3

Determine the company/organisations' position on health & safety – Initial review

To understand the status of your existing health and safety management system, engage a suitably qualified person to conduct an audit. Use the recommendations as the blueprint for improvement.

4

Establish & implement objectives and targets

Knowing your gaps [from the initial review/audit], establish measurable objectives and targets to improve your business's health and safety management system.

5

Establish measurable health and safety performance indicators

Select the processes to be monitored and establish the indicators. The indicators will provide you with an understanding of how successful your health and safety management system is.

6

Develop health and safety management plan

A plan should be established to set out health and safety objectives and targets will be implemented.

7

Implement a risk management program

A risk management program should be carefully planned for and implemented to ensure that it is a sustainable program.

8

Review the system & continuously improve

Regular internal and external audits for health and safety management system should be scheduled and undertaken.

9

Management review - management reviews the system

Officers' need to keep abreast company's/ organisation's health and safety management system. They should continuously improve the system to ensure that it is effective.

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Checklists for Labour hire/recruitment firms when engaging on-hired workers

Preparing for placement

- Provide the on-hire firm and other involved PCBU's (where applicable) with detailed information about the nature of the work to be carried out including details of:
 - any skills, knowledge, training and experience required to safely undertake the work required;
 - the tasks to be carried out;
 - the work environment;
 - any plant or equipment to be used;
 - any manual tasks to be carried out;
 - any hazardous substances used;
 - any other health and safety risks associated with the work;
 - any control measures to minimise the risk of injury
 - supervisory arrangements; and
 - organisational and WHS management arrangements
- Verify that the selected worker/s have any necessary qualifications, licences, skills and training to carry out the work safely;
- Consult, co-operate and co-ordinate health and safety activities with the on-hire firm and other PCBU's on any WHS matters;
- Discuss with the on-hire firm and other PCBU's the details of site specific WHS induction and required, information, instruction and training outlining duties, policies, procedures and safe work practices, including consultation methods;
- Discuss with the on-hire firm and other PCBU's any required equipment, including personal protective clothing and equipment (PPE), the standards PPE must meet and who provides the PPE.
- Eliminate or, if that is not reasonably practicable, minimise risk to on-hire workers in the workplace in consultation with the on-hire firm and other PCBU's involved;
- Establish open communication and consultation methods with the on-hire firm, other PCBU's and the on-hire worker in relation to WHS matters, including changes to the position; and
- Establish persons for contact for WHS matters between the host PCBU and other PCBU's involved in the placement of the on-hire worker. This includes agreed means and frequency of communication.

During placement

- Provide the on-hire worker with site specific WHS induction and information, instruction and training outlining duties, policies, procedures and safe work practices, including consultation methods;
- On-hire workers are treated the same as 'employees', with respect to the provision of a safe working environment and the provision of PPE;
- Provide adequate supervision of on-hire workers to ensure that work is being performed safely;
- Consult with the PCBU's involved in the placement and the on-hire worker regarding any changes which may affect WHS. A host should not transfer an on-hire worker to a new task or a new location until consultation with the on-hire worker about the change and have obtained approval from PCBU's to the proposed change(s);
- Provide any further instruction, information and training necessary prior to transferring an on-hire worker to a new task or a new locations; Encourage on-hire workers to participate in hazard identification and risk management programs;
- Encourage on-hire workers to participate in workplace consultative arrangements;
- Allow the on-hire firm access to the workplace and to relevant documents for the purpose of workplace health and safety assessments and to fulfil their WHS duties as a PCBU; and
- Encourage on-hire workers to maintain contact with the on-hire firm and other PCBU's involved in their placement, throughout the workers placement.

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How can WorkPro Help?

This e-book has carefully outlined the mandated responsibility and obligation that a PCBU will need to adhere to under the new laws.

WorkPro can help you meet these obligations through the provision of a web-based platform that centralises a range of key employment related compliance.

By using WorkPro, you can expect access to a fast, simple method of being able to get your job-seekers 'work-ready' in accordance with the new laws. All in one Place.

Benefits:

- Subscription-based licencing
- Centralised services
- Instantly reportable and auditable information
- Practical induction content that is job and industry-based
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INDUCTIONS & eLEARNING



BACKGROUND SCREENING

- Police Check
- Work Rights Check
- Credit Check
- Employment History Check
- International Police Check
- Qualification Check



LICENCE MANGEMENT

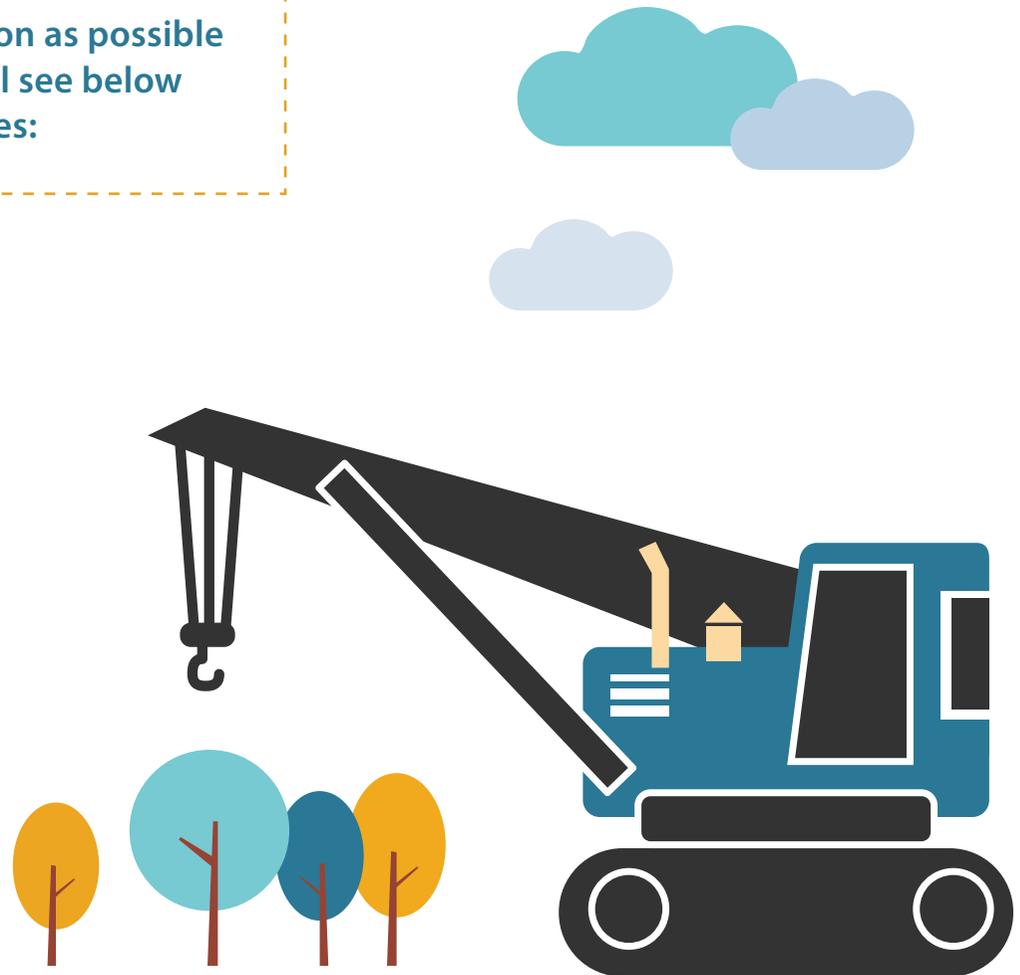
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Want more?

It's important to be armed with as much information as possible to help you get prepared for the new laws, so you'll see below where we have provided further tools and resources:

- [Work Health and Safety Fact Sheet](#)
- [Officer Due Diligence](#)
- [Guidance Note for Managing On-Hire Staff](#)
- [Telework Resource Centre](#)
- [Other WHS e-books by WorkPro](#)
- [Labour Hire Checklist](#)
- [WorkSafe NZ](#)
- [ACC](#)
- [MBIE](#)



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About the Author

WorkPro has partnered with legal experts to provide this comprehensive e-book. WorkPro is a specialist online employee screening and compliance solution that centralises work health and safety inductions, background screening licence/course management and monitoring function.

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