

March 2016

## Health and Safety changes 4 April – Are you ready?

We held two seminars on the new legislation coming into effect on 4 April 2016.

Health and Safety is essential in the workplace. When a health and safety issue arises having the correct Human Resources (HR) procedures in place will be beneficial for your workplace. The Health and Safety at Work Act 2015 was passed through Government in October 2015. This act comes into effect on 4 April 2016. The driver behind this Act is to reduce workplace accidents and deaths in NZ.

No longer will the responsibility for Safety in the workplace just fall on the 'Employer'. The new legislation shares various duties on Persons Conducting a Business or Undertaking (PCBU), Officers and Workers.

In essence, this means no one can 'opt out' of Health and Safety, put their hands in the air and say "it's not my problem." Safety is everyone's responsibility.

The primary duty of a PCBU –the person in charge of the business or undertaking – is to manage hazards by elimination or minimisation; these duties are non-transferable and cannot be insured against.

The Officers are directors, partners, board members or chief executive, in essence the people who make decisions and have legal accountability for the health and safety in the workplace. These individuals are now deemed to be 'Officers' under the new legislation, and because of the role they play, now have to exercise due diligence to ensure that the PCBU complies with its duties.

The Workers include employees, contractors or sub-contractors etc. The new legislation takes into consideration Workers and the responsibilities they have to themselves and others in the workplace – this includes taking reasonable care of their own safety, ensuring their acts or omissions don't harm others, complying and cooperating with the policies and procedures of the PCBU.

Having a framework in place for your health and safety is important and if you are having issues with your staff not adhering to your policies, having effective HR policies will be essential to you. If your company has the correct policies in place and there is a good employment agreement then this will be highly beneficial to you. The key component of everything is that your health and safety policy is a live document, discussed and reviewed regularly. Under the new act if a worker injures themselves or damages equipment and your policies have been clear, it is the worker's responsibility for the damage. HR is a two way street – the employees and employers need to be respectful of each other and what they are asking of one another.

Please note home owners are specifically excluded as PCBU's under the Act.