

HEALTH AND SAFETY AT WORK ACT

The Health and Safety at Work Act came into law on the 4th of April 2016

The following is a summary of information, for further and specific advice clubs should refer to Worksafe NZ

All clubs should become familiar with the changes within the new act and ensure that your clubs have appropriate health and safety policies and practices.

On 4 April 2016, the Health and Safety at Work Act (HSWA) came into force bringing new responsibilities for everyone in the workplace. The new law is part of a reform package aimed at reducing the number of serious work-related injuries and deaths in New Zealand by at least 25 percent by 2020.

Everyone who goes to work should come home healthy and safe.

Businesses now need to proactively identify and manage its health and safety risks, and make sure information about health and safety is shared with workers, and workers are engaged in matters that could affect their health and safety.

Application to Clubs

Clubs with strong health and safety practices may not need to make significant changes to their day to day operations however, all clubs should take this opportunity to review and improve their training, policies and practices.

The act has introduced the concept of PCBU which is a Person Conducting a Business or Undertaking. Clubs will either fall in to the category of a PCBU or they will be a Volunteer Organisation.

PBCU's have primary duty of care, and its Officers (such as presidents, committee members, key staff) have due diligence duty, to ensure the PBCU complies with its duty of care. PCBU's and its paid officers are liable under the new Act.

A Volunteer Association is a group of volunteers working together for one or more community purpose, where none of the volunteers, nor the association as a whole, employs anyone to carry out work for them. Community purposes could include the promotion of art, culture, science, religion, education, medicine, or for charity, sport or recreation purposes.

If a Volunteer Association (or any of its members) instead only 'engages' an individual to work for the association under a contract for service (i.e. a 'contractor'), then it would still be a Volunteer Association and not a PCBU. Contractors are PCBUs in their own right.

Health and safety needs to be a regular agenda item, actively and visibly managed by clubs.

All clubs should become familiar with the changes within the new act and ensure that your clubs have appropriate health and safety policies and practices. It is a good time to review processes and documentation - including policies, Risk Assessment and Management System (RAMS), Safe Operating Procedures (SOP), training requirements and implementation, reporting methods and monitoring periods.

Is your club a PCBU or a Volunteer Organisation?

All clubs should consider whether they come under the category of a PCBU or a volunteer organisation because it will help you understand your duties under the new Act.

To do this a simple test is that if your club has people working in paid employment then it is classified as a PCBU.

Further information

The following link helps you identify which category your club comes under:

<http://www.business.govt.nz/worksafe/hswa/mythbusting/business>

The following link contains a lot of useful information regarding updates on the bill, duty of care, due diligence, liabilities and enforcement for PCBUs.

<http://www.business.govt.nz/worksafe/hswa/mythbusting>

What should you be doing?

Whether you are a PCBU or a Volunteer Organisation your club should adopt strong health and safety management practices that would meet the requirements of the new Act. Every club should be providing a safe well managed environment for all involved in the club's activities.

Use these tips from Worksafe NZ to get your health and safety processes on the right track:

- Identify health and safety hazards and risks, and take steps to prevent these from happening.
- Make sure health and safety in your business is led from the top, has involved and is understood by your staff, and is reviewed regularly.
- Hold regular training on health and safety matters.
- Engage workers in health and safety matters that affect them.
- Support all officers to get up to date with health and safety issues and key risk factors.
- Report and monitor health and safety goals.
- Regularly review any incidents.
- Carry out frequent health and safety audits.