

Health and Safety in Employment Act 1992 vs Health and Safety at Work Act 2015

Health and Safety in Employment Act 1992	Health and Safety At Work Act 2015			
Applies to employers, employees and contractors.	Terminology changed to the below to ensure everyone fits into a category: PCBU - Person Conducting Business or Undertaking, Including Non- Profit organisations, Sole Traders and Self-employed personnel Officer - a person who can exercise significant influence over the management of the business or undertaking. Worker - includes trainees, volunteers, sub-contractors, outworkers, and students on work experience. <i>Volunteers are only covered if working for a PCBU on an ongoing and regular basis.</i>			
Few inspectors. Approx. 30 nationally.	Very structured inspection system. 350 plus inspectors nationally. Proactive rather than reactive.			
Fines depending upon culpability.	Maximum Tiered Penalties	Individual	Officer	Body Corporate
High level – up to \$175,000	Reckless Conduct	\$300,000 - 5 years	\$600,000 - 5 years	\$3,000,000
Medium level – up to \$100,000	Exposing to death, serious injury or illness	\$150,000	\$300,000	\$1,500,000
Lower level – up to \$50,000	Failure in H&S Duty	\$50,000	\$100,000	\$500,000
Reparation also possible.	Insurance against fines is not possible. Insurance can cover reparation and legal fees only.			
Employers and employees must be able to demonstrate that they have taken “Reasonable Care”.	Must pass ALL six “Due Diligence” tests: <ul style="list-style-type: none"> • Must have up to date knowledge. • Must have an in-depth understanding of the nature of the hazards and risks in the organisation. • Must provide appropriate resources – not just lip-service. • Must monitor incidents, hazards and risks AND take appropriate action. • Must have Health & Safety compliance. • Must check that resources and processes are being followed. 			
Contractor’s induction required.	Contractors and sub-contractors must be solicited as if “workers” to ensure that they have the opportunity to improve the principal’s system.			
Board of Directors can rely on the reports of Senior Managers.	Directors must now be personally sure that Health & Safety is well managed – visiting the workplace, observing and interviewing staff.			
PCBU responsibilities under the new Health & Safety at Work Act 2015:				
Health & Safety System	All PCBU’s must demonstrate that they have a robust Health & Safety System in place.			
Inductions	Workers, Visitors, Contractors and Sub Contractors must be inducted onto any commercial site.			
Hazard/Risk ID and Register	Hazards/Risks must be identified and a Hazard/Risk Register created and available to all Workers.			
Health & Safety Representatives	Required to have a minimum 2 days paid training per year for Health & Safety – including “initial” training.			
Training – Prove Competency	“Workers” must be trained, experienced and qualified to perform tasks associated with their work.			
Worker Participation and Engagement	“Workers” must be engaged in Health and Safety matters that affect them and their work. Where possible regular Health & Safety meetings need to be conducted. Minutes taken and made available to all Workers.			
Audits	PCBU’s are expected to conduct regular internal Health & Safety Audits. These need to be documented.			
Notifiable Events	Certain Accidents, Illness and Incidents must be reported to Worksafe NZ ASAP.			