

Overview of the Health and Safety at Work Act 2015

Duty Holders under the Act:

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.

Volunteers are only covered if working for a PCBU on an ongoing and regular basis.

WorkSafe New Zealand (The Regulator): Very structured inspection system. 350 plus inspectors nationally. Proactive rather than reactive.

Maximum Tiered Penalties	Individual	An individual who is a PCBU or Officer	PCBU / Body Corporation
Reckless Conduct -risk of death, serious illness or injury	\$300,000 - 5 years	\$600,000 - 5 years	\$3,000,000
Failure to comply with duty which exposes individuals to death, serious injury or illness	\$150,000	\$300,000	\$1,500,000
Failure to comply with a specific H&S duty	\$50,000	\$100,000	\$500,000

Other breaches under the Act: various fines up to \$25,000. Insurance against fines is not possible. Insurance can cover reparation costs and legal fees.

Officers must pass ALL six “Due Diligence” tests and be personally sure that Health & Safety is well managed in their workplace:

- Must have up to date knowledge of Health & Safety and in their related industry.
- 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.

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 and 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.
Contractor Management	Contractors and sub-contractors must be inducted as if workers and have opportunities to improve the principal’s system.
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.