

Health and Safety at Work Act 2015

Duty holders under the Act

PCBU:

- Person conducting or undertaking. Includes: Not-for-profit, Sole Traders and Self-Employed.

Officer:

- A person who can exercise significant influence over the management of the business or undertaking.

Worker:

- Includes employees, trainees, volunteers, sub-contractors, outworkers and students on work experience. Volunteers are only covered if working for the PCBU on an ongoing and regular basis.

Maximum penalties under the Act

Maximum Tired Penalties	Individual	An individual who is PCBU or Officer	PCBU/ Body Corporation
Reckless Conduct – risk of death, serious injury or illness	\$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 specific health and safety duty	\$50,000	\$100,000	\$5,000,000

Other breaches under the Act: fines up to \$2,500. Insurance against fines is not possible. Insurance can cover reparation costs and legal fees.

* Maximum imprisonment time.

PCBU responsibilities under the Health and Safety at Work Act 2015

Health and Safety System	All PCBUs 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 and Risk ID and Register	Hazards and Risks must be identified, and a Hazard/Risk Register created and available to all Workers.
Health and 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.

Due Diligence topics

Officers must pass ALL six "Due Diligence" tests and be personally sure that Health and Safety is well managed in their workplace.

THEY MUST:

- Have up to date knowledge of Health and Safety and in the related industry.
- Have in-depth understanding of the nature of hazards and risks in the organisation.
- Have appropriate resources provided – not just lip-service.
- Monitor incidents, hazards and risks AND take appropriate action.
- Have Health and Safety Compliance.
- Check that resources and processes are being followed.