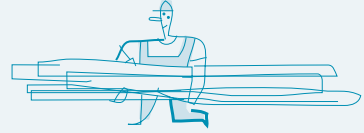
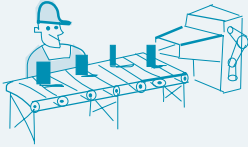


Changes to the Health and Safety in Employment



The aim of these changes is to reduce the number of workplace accidents and the incidence of employment-related illness in New Zealand. The Act recognises that workplace safety is the mutual obligation of everyone in every workplace, regardless of the particular employment relationships. It encourages a systematic approach to dealing with health and safety in the workplace.

Even if you have no one else working for you, you still have obligations under the HSE Act.

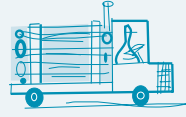
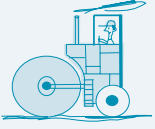
The main organisation responsible for administering the Act is the **Occupational Safety and Health Service (OSH)** of the Department of Labour. The Maritime Safety Authority (MSA) administers the Act for people working about commercial vessels.

The Act affects **self-employed people** in a number of ways:

- You are required to take **all practicable steps** not to harm yourself or harm other people while you are at work. This includes co-workers, visitors and passers-by.
- The Act has a broad definition of a **place of work**. It includes your physical premises, a worksite under your control, and equipment operated on your behalf. Vehicles and commercial vessels are defined as a place of work while they are being used for business purposes. Areas of your home used for business are also counted as places of work.

“All practicable steps” means doing everything that is reasonable in the circumstances, having regard to the harm that might occur, available knowledge about what can be done to eliminate or reduce the hazard and the cost of doing something relative to the harm that could occur if you do nothing. Cost alone is not an excuse for failing to take action. But the Act makes it clear that you are required only to manage hazards that you know about, or that it is reasonable to expect you to know about.

Employment Act 1992 take effect from 5 May 2003



In practice this means identifying how you can be harmed while carrying out your work, and following accepted guidelines to reduce the chance of injury occurring to yourself or others. Many guidelines relating to specific hazards or industries are available from OSH, MSA, industry organisations and ACC.

If you work on contract, the person you are contracting to may have set out safety requirements that you have to follow.

The **new duties** you will have from 5 May 2003 are:

- You have a **responsibility to record all work-related injuries, illnesses and near misses** that occur to yourself and others while you are working. This enables you to build up a history of all the small occurrences that could be a pointer to a possible serious problem in the future. You do not have to purchase a register to record this information. The necessary details can be recorded in a book that you keep with your first-aid kit, or on a form downloaded from the Workinfo or MSA website (below). Alternatively, you can purchase a pre-printed register from OSH or a stationery shop.
- Cases of **serious harm to yourself and others, arising from the work you carried out, must be reported** to OSH or MSA as soon as practicable after you are aware of them. "Serious harm" means work-related activity that causes significant injury or illness, whether permanent or temporary. Examples include broken bones, amputations, burns requiring specialist attention, loss of consciousness caused by exposure to any substance, damage to hearing or eyesight, and poisoning. It also includes any accident or illness that causes a person to be hospitalised for a period of 48 hours over the following week.

You can notify OSH (or in the case of commercial vessels the MSA) by telephone, fax or e-mail as soon as possible after you are aware of the event. If the serious harm is caused by an accident, don't interfere with the scene (except to prevent further injury or damage) until an Inspector has decided what to do.

Inspectors carry out a variety of functions including giving advice, checking on whether people are complying with the law, and taking steps to ensure that people are doing so.

The Act has penalties available when someone fails to meet their responsibilities. A variety of sanctions of increasing seriousness can be applied. Penalties range from \$100 to \$500,000. The level of penalty depends on factors like the amount and nature of risk or harm, your prior health and safety history, your culpability and your financial circumstances.

Third parties may prosecute under the Act if they believe an offence has taken place and there has been no prosecution by OSH.

If you want further information or advice, you can get this from your industry or sector organisation or other health and safety advisors.

OSH is available with information and assistance to help you understand the Act. OSH can also provide information to help you develop a health and safety plan. For more information or advice, contact the Department of Labour's Workinfo service (0800 20 90 20 or www.workinfo.govt.nz). You can contact MSA on 0800 22 55 22 or at msa.govt.nz.

ACC can also provide information on injury prevention and safety issues (0800 THINKSAFE 0800 844 657) or www.acc.co.nz/injury-prevention.

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legislation or for legal or other expert advice.

January 2003