

INFORMATION SHEET

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January 2004

Nga Whakarereketanga ki Te Ture moo Te Hauora me Te Aarai Aituaa I Te Waahi Mahi 1992

(Key Changes to the Health & Safety in Employment Act 1992)

He Uruhitanga o Enei Ture – Enforcement #3

'Ma te mataara anake araia nga aitua i te waahi mahi'

(A safe workplace is No ACCIDENT!)

Hazard Notices:

The intent of the Employee Participation provisions of the Act is to promote korero between you & your employees. The Hazard Notice provisions only apply when you & a trained health & safety representative cannot agree on a way to resolve a hazardous situation in the workplace. A hazard notice is a formal notification of a lack of agreement as to whether a situation is hazardous, or if it is, how best to manage the situation.

What is a Hazard Notice?

It is a Notice formatted in a prescribed way to describe an identified hazard in the workplace and allows the setting out of suggested steps to deal with the hazard.

Only a trained Health & Safety Representative can issue this Notice.

It is important for you, as the employer, to understand, that if:-

- A trained health & safety representative believes on reasonable grounds that a hazard exists, **and**,
- You & the trained health & safety representative have discussed the issue in good faith, **and**
- You both cannot agree on how to deal with the hazard, or a time-frame within which to deal with it,

.....then you could be issued with a Hazard Notice.

A Hazard Notice is **not** an enforcement notice, but it can be considered a 'prior warning' in relation to an 'Infringement Notice' which carries a fine of up to \$4,000.

Right To Refuse:

- Your workers can refuse to do work they believe is likely to cause serious harm.
- If you do nothing to 'right' the situation, they can continue to refuse to do the work.
- Korero with your workers at the first refusal and, together agree on an acceptable solution. If the solution is acceptable, but it may take more than a few days for you to follow-up and put in place, you may have to also agree to put in place, a remedial action plan. This is a plan which sets out how to lessen the chances of your workers getting seriously hurt in the meantime; otherwise, you may have to place your workers on other duties that still meet the terms of their employment agreement, until the situation is resolved.
- While the solution is being sought, you cannot get your workers, or even expect them, to do any other job/task that they haven't the required knowledge and skill/s to do in a safe and healthy way.
- Your workers cannot refuse to do work where you have taken steps to identify hazards with risks of serious harm; assessed them, and put in place the control measures to reduce the risk levels of the work to an acceptable & understood risk level. This means that you have given them this information and trained them to know and do their work in a safe & healthy way. However, they can refuse to do the work if the risk levels of the work, increase over and above the acceptable & understood risk level, and they believe they are likely to be seriously hurt.

**WORKERS HAVE A RIGHT TO HAVE, & TO EXPECT,
TO WORK IN A SAFE AND HEALTHY WORKPLACE/S**

'Me hoki pai mai koe a te po, a te po, te po nei!'

(Please Come Home Safe Tonight & Every Night)