

10

STEP CHECKLIST

For Safety Reforms April 4th 2016

Management : Are You Prepared?

Are you prepared for the Safety Reforms coming April 4th?
Here's a quick checklist to test your knowledge.

Make sure you attempt the questions before reading the answers below.
Feel free to take these questions and test your colleagues.



| 1. Have you set up a Risk Register?

The fact of the matter is, you can't manage what you don't know. Risk registers as part of a risk management plan enable your business to understand the nature of your risks and develop strategies for managing and mitigating risks.

Ignoring risk is no longer an option. The new Health & Safety Reform Act will introduce the concept of a Person Conducting a Business or Undertaking (PCBU). Under the new act PCBUs will be required to ensure as far as is reasonably practicable, the health & safety of workers employed or engaged so that they may not be at risk from work.

| 2. What is a PCBU?

A PCBU (Person Conducting a Business or Undertaking) is a broad concept which covers all existing duty holder categories under the Health and Safety in Employment Act 1992. A PCBU is a person conducting a business or undertaking:

- whether the person conducts a business or undertaking alone or with others; and
- whether or not the business or undertaking is conducted for profit or gain.

Despite the name, a PCBU will generally be in the form of a company rather than an actual person. If the company is a sole-trader or self-employed, then a person might be a PCBU. As laid out by [MBIE](#), the PCBU will owe a primary duty of care to its workers and those that it influences and directs in carrying out their work. PCBU's will have duties to engage with workers and to have effective worker participation practices regarding health & safety.

| 3. True or False: The majority of Risk Accountability now lies with management.

True!

Officers are charged with exercising due diligence to ensure PCBU's comply with health and safety duties. This is a major change from the HSE Act: Officers can now be held liable for not ensuring that PCBU's comply with their duties, even if the Officer was not directly involved in any activities leading to the company's failure. Officers may be convicted for a breach of due diligence regardless of whether or not the PCBU has been convicted for an offence.

| 4. How is the new definition of "Reasonably Practicable" different from "All Practicable Steps"?

Reasonably Practicable enforces stricter compliance to ensure safety before cost. The assessment of costs can now only be taken after both assessing the risk and available ways to eliminate it. Cost will only ever take precedence over safety when the cost of taking a safety step is "grossly disproportionate" to the risk.



5 . Have the definitions in the new Bill changed to become broader or more specific?

The new definitions have been broadened with the purpose of adding more weight to personal accountability. Officers and PCBU's will now be responsible for a much wider scope of health & safety regulations.

6 . Name two duties that PCBU's and Officers must adhere to.

PCBU's must adhere to a much higher level of safety management:

1. Ensured health and safety, so far as reasonably practicable, over any worker who is working in relation to the PCBU. The PCBU must also ensure the health and safety of other people is not put at risk in regards to any work carried out by the PCBU.

Specific duties regarding:

2. The supply, importation and installation of plant to be used in a workplace.
3. The management and control of fixtures, fittings and plant in the work place.
4. The design and manufacture of plant to be used in a workplace.

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The bill defines due diligence as taking reasonable steps to:

1. Acquire, and keep up-to-date, knowledge of work health and safety matters;
2. Gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations;
3. Ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety;
4. Ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information;
5. Ensure that the PCBU has, and implements, a process for complying with any duty or obligation of the PCBU under the Act; and
6. Verify the provision and use of resources and processes.

7 . What are the three offence tiers within the bill for breaching health & safety standards?

NZ HEALTH AND SAFETY AT WORK ACT		
RECKLESS CONDUCT	FAILURE TO COMPLY	FAILURE TO COMPLY
	EXPOSURE TO DEATH OR SERIOUS INJURY	NO EXPOSURE TO DEATH/SERIOUS INJURY
FINES UP TO \$3 MILLION OR UP TO FIVE YEARS IN JAIL	FINES UP TO \$1,5M	FINES UP TO \$500K

| 8 . What is the most expensive fine and longest jail sentence you can be given?

Look up, it's a big deal!

Fines of up to \$3 million (or \$600,000 and/or up to five years' imprisonment for individuals).

| 9 . Have you taken any action to assess your current Risk Management Structure?

We hope you have! Remember the above points on fines and imprisonment?

Be one of the businesses that leads the way and puts safety first.

| 10 . Have you investigated software solutions to streamline your Risk Management process?

Once again, we hope you have.

While you may have mitigated your risk to the nth degree, incidents do happen. When they occur, you'll want a system in place to quickly manage these events. CS-VUE's incident management tools provide a practical workflow system to

report on and manage incidents. The first step to reducing your risk is to develop and implement a risk management plan.

You've completed the checklist, well done.

Did you score 8 or above?

The reforms are coming in little over a month. If you haven't already implemented change, now is the time.



The areas that need to improve.

Prior to now it has been found that New Zealand suffered from a fundamental failure to adequately implement the health and safety model dictated by the previous act. The new Health and Safety Act provides an opportunity for businesses to turn a new leaf on health and safety. Key to this is improvements in the areas of:

1

Leadership



To successfully manage health and safety risk, management must lead from the top with clear company policies.

2

Managing Risks replace Identifying Hazards



In the old Act businesses were required to identify hazards. In the new Act businesses are required to identify and manage risks.

3

You can't manage what you don't know



Active risk registers are crucial for displaying identified risks and the methods taken to minimise them.

4

The more you know, the better you can prevent repeat events



The Independent Taskforce on Workplace Health and Safety found massive gaps in knowledge about major hazards and the risk landscape.

Better recording of and communication of risk events can help your business to work towards a risk free workplace environment.

5

Communication



New Zealand's national culture includes a high level of tolerance for risk and negative perceptions of health and safety. Workers must be included in workplace conversations of risk.

The more straightforward your systems are, the easier this task becomes.

Will CS-VUE Fulfil My Requirements?

Here are some ways our software can help:

1

CS-VUE's new Risk Management suite is designed specifically to meet the incoming Health And Safety At Work Act.

2

CS-VUE Risk Management provides businesses with easy to use risk registers that can be managed from identification through to elimination.

3

Customisable risk matrices enable workplaces to measure the likelihood of risk using industry recognised tools.

4

Risk and risk mitigation tasks can be assigned to workers. Workers may view risk dashboards at both an individual and organisational level.

5

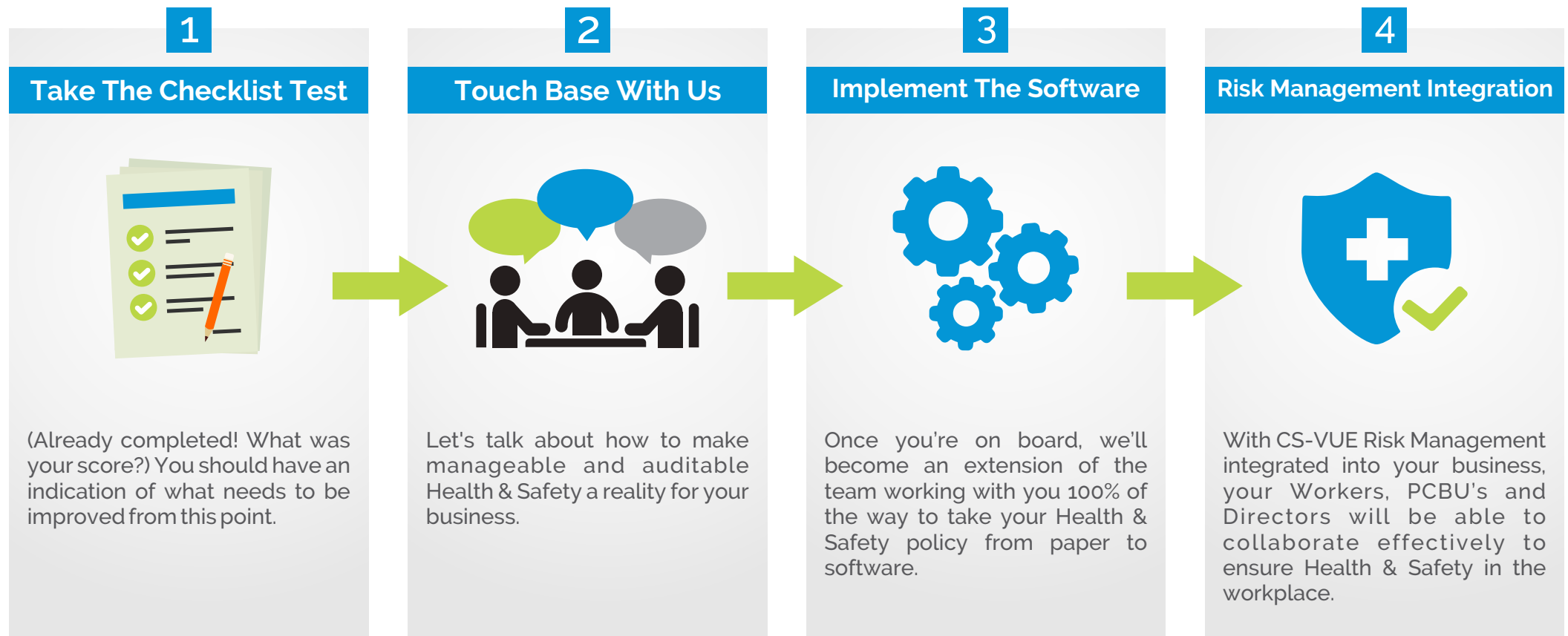
An Incident Register is linked to the Risk Register to monitor, manage and provide learning opportunities. This tool can help your business to prevent repeat events.

6

CS-VUE Risk Management provides your business with clearly auditable proof that you have taken all possible means to foster a safe working environment.

Our Process

Is your health and safety policy gathering dust on a bookshelf? CS-VUE provides businesses with easy to use online tools that make health and safety an everyday, easy process. Here's what you need to do to get started:





“Taking responsibility for health and safety can be easy. With over 10 years experience in online compliance, we're more than confident we can help you work towards your goal of creating a safer workplace.”



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