

HEALTH AND SAFETY

REPRESENTATIVE GUIDE

BY SAFETY HUB LTD



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ABOUT THIS BOOK

This book is a study guide to the online health and safety representative course. You can use the content and recommended links in this book to improve health and safety in your workplace.

The Health and Safety at Work Regulations* say that a health and safety representative (H&S rep) must complete initial training to be considered a trained H&S rep. Only training that leads to the achievement of NZQA unit standard 29315 meets the requirements for initial training. Only training providers with approval from NZQA can teach this unit standard.

*Google 'Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016 legislation'.

Important: Working through and applying the content in this guide does not lead to unit standard 29315. To achieve US29315, you must complete the online health and safety representative course and the built in assessment.

This course is available from www.safetyhub.co.nz. Safety Hub is an approved Private Training Establishment and is the only specialist online H&S PTE.



INTRODUCTION

HOW THIS COURSE WORKS

Welcome to the online health and safety representatives course. This course is made up of five sections, with another section on definitions and meanings. All of the reading and content like videos etc is included in the course material. Recommended readings or activities at the end of each section will provide more understanding, but are not required to pass this course.

Your understanding will be tested as you move through the sections. The assignments will include activities that will benefit your workplace. The aim is to take the theory and start applying it straight away to benefit you, your workers and the company who employs you.

When you have completed this course you will:

- **Be Legally Trained**

This course is one of the few safety courses that (depending upon the number of employees and type of work) required legally to be completed. You will be legally recognised as a trained health and safety representative and be able to speak about safety issues on behalf of yourself and your colleagues, workmates, and friends. And have the power to issue a provisional improvement notice (PIN).



- **Be awarded a Unit Standard (US29315) ¹, which will be recorded by the NZQA.**

This means if you leave your current workplace, you will forever have a record held by the New Zealand government that you are trained as a representative. This is another handy qualification you can put on your CV. Businesses want people who can do the job, without being a risk to their business. That you are trained means you understand the importance of safety and are an asset to any workplace.



- **You will be able to champion safety in your workplace**

This course material is straightforward and can be easily applied in your business.



¹ - <https://www.nzqa.govt.nz/nqfdocs/units/pdf/29315.pdf>

Remember, as a student on this course you also have a 1-year membership to Safety Hub. While a member you have access to:



Any other training or material



Ideas from other members



Private coaching from me. You can ask any questions in a private thread that only you and I will see.



I look forward to hearing from you inside the <https://safetyhub.co.nz> membership.

Cheers,

TONY TIKIKU

SECTION 1

▶ WORKSAFE NEW ZEALAND

Background to Worksafe

In November 2010, an underground explosion at Pike River coal mine killed 29 men. The Chief Executive Peter Whittall of Pike River had just co-signed a July 2010 agreement, establishing the Business Leaders' Health and Safety Forum.² The forum was opened by the Prime Minister at the time and the leaders of large businesses committed to making safety non-negotiable in their businesses. The Pike River coal mine business was seen as a leader in health and safety.

The results and subsequent investigations proved otherwise.

The Government reacted to the disaster by establishing a Royal Commission in December 2010, to work out what happened at Pike River. Nearly two years later (Oct 2012) the report was delivered - the learnings from the investigation are detailed on the website.³ While the focus of this Royal Commission was on improving the health and safety system in the mining industry, a lot of the problems were identified that applied to all New Zealand workplaces.

Given these broader issues being identified while the Commission was still underway, an Independent Taskforce on Workplace Health and Safety was established (June 2012).⁴ In April 2013 the report from the taskforce recommended a range of once-in-a-generation sweeping changes. Practical changes to improve safety.

The first recommendation was to establish a new crown agent, primarily responsible for 'workplace harm prevention, including strategy and implementation'. There were many other important changes but the Government agreed that if New Zealand was to tackle and improve H&S, we needed to have a Government agency focused on health and safety.

Worksafe New Zealand (or 'Worksafe') started operating on 16 December 2013.

What does Worksafe Do (what is their role and functions?)

Worksafe's aim is that every Kiwi who goes to work comes home healthy and safe.

Roles: To do that, Worksafe have three key roles. These roles are to provide for:

2 - <http://www.zeroharm.org.nz/about-us>

3 - <https://pikeriver.royalcommission.govt.nz/Volume-One---Proposals-for-Reform#Major-change>

4 - <http://hstaskforce.govt.nz>

5 - <https://worksafe.govt.nz/about-us/who-we-are/role-and-responsibilities>

1 Regulatory confidence

- Undertaking regulatory activity to provide confidence that New Zealand workplaces are appropriately managing health and safety.
- Enabling New Zealand to have confidence in WorkSafe as the primary health and safety regulator.
- Supporting confidence in the effectiveness of the health and safety regulatory regime.



2 Harm prevention

- Targeting critical risks at all levels (sector and system-wide) using intelligence.
- Delivering targeted interventions to address harm drivers (including workforce capability, worker engagement and effective governance).
- Influencing attitudes and behaviour to improve health and safety risk management.



3 System leadership

- Leading, influencing and leveraging the health and safety system (including other regulators) to improve health and safety outcomes.
- Promoting and supporting industry, organisation and worker leadership of health and safety.
- Leading by example through WorkSafe's own good practices.



“We work collaboratively with businesses, undertakings, workers and their representatives to embed and promote good work health and safety practices.”

Functions

Some of WorkSafe's functions include:

- Engaging with duty holders (eg businesses, undertakings and workers)
- Educating duty holders about their work health and safety responsibilities (eg through guidance)
- enforcing health and safety law.



These responsibilities are defined in legislation, specifically by the Health and Safety at Work Act 2015.

Worksafe break these functions down into smaller chunks or '**functions**'.⁶ Worksafe functions are to 'Educate, Engage and Enforce'

6 - <https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/worksafes-role-as-a-regulator/>

EDUCATE

WorkSafe Inspectors:

- Inform people about their responsibilities and rights, as set out in the law.
- Talk people through guidance materials.



The wider WorkSafe team:

- Develop guidance materials.
- Run workshops, seminars and other educational events.
- Provide a Contact Centre to answer general questions about workplace health and safety issues.

ENGAGE

WorkSafe Inspectors:

- Assess health and safety practices.
- Investigate events (eg if there is a fatality or a serious injury in a workplace).
- Review and resolve health and safety issues (eg issues that arise when unsafe work stops).



The wider WorkSafe team:

- Engage with industry bodies, unions, employer organisations and so on – to promote improvements in health and safety practice.

ENFORCE

WorkSafe Inspectors:

- Take steps to remedy unsafe situations – if the Inspector reasonably believes laws have been breached, or people face an immediate risk to their health and safety.

Other government agencies are also designated to carry out health and safety regulatory functions for certain work. They are:

[Maritime New Zealand](#) for ships as workplaces and work aboard ships
[Civil Aviation Authority \(CAA\)](#) for work preparing aircraft for imminent flight and aircraft in operation

What does Worksafe Do (what is their role and functions?)

Worksafe's aim is that every Kiwi who goes to work comes home healthy and safe.

Roles: To do that, Worksafe have three key roles. These roles are to provide for:

How Does Worksafe Support You?

So what does all this mean for you, as the H&S rep?

EDUCATION (WITH GUIDANCE)

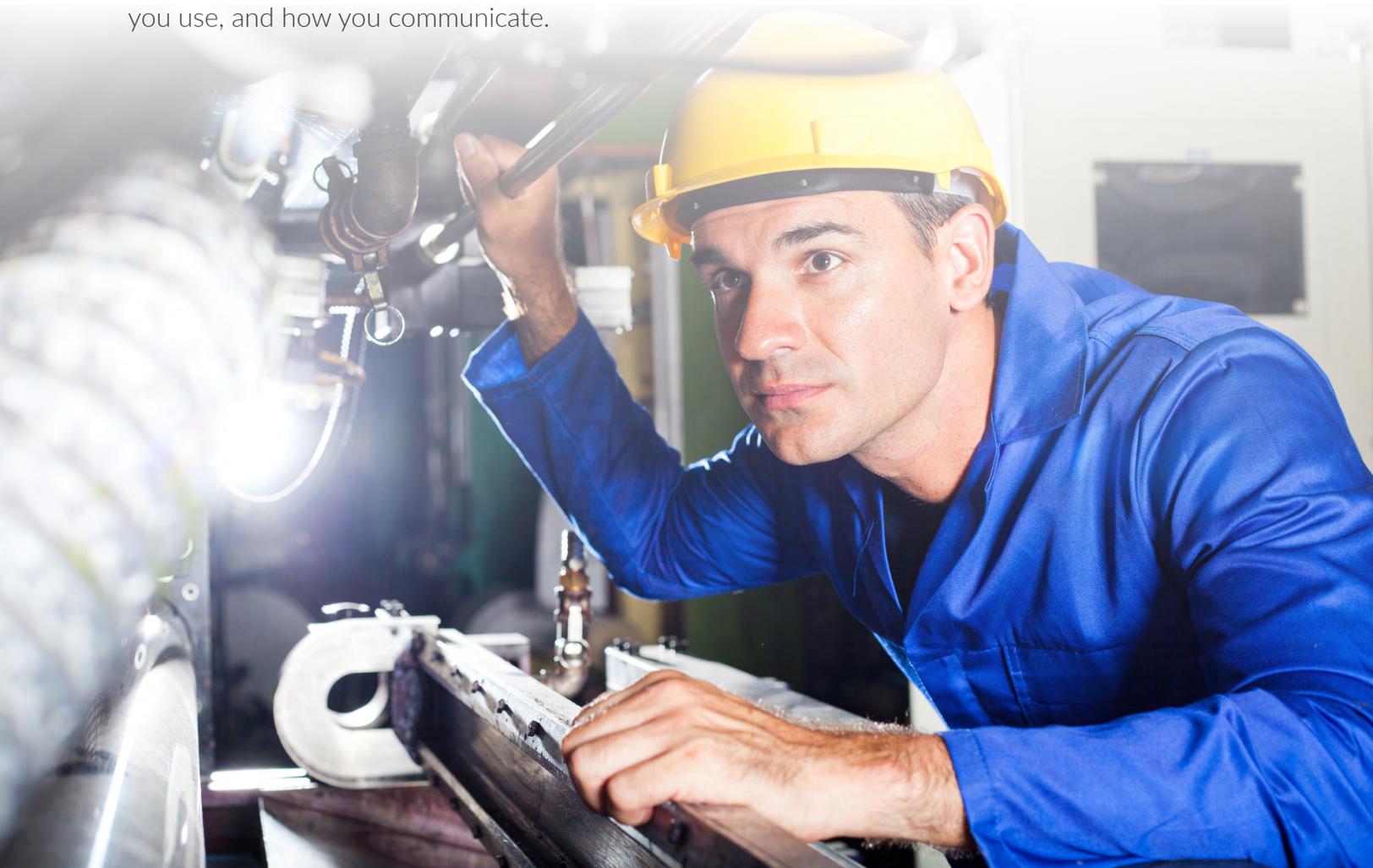
Worksafe has invested a lot in providing you with some guidance. This guidance includes videos and interactive tools to get your job done. And because the guidance is on the Worksafe website - you don't need to convince anyone whether it's good or not.

As you will learn under risk management, you don't have to follow the guidance though. If you or your team have a safer way of doing the task, then do it the safer way!

Side note - the old way of producing guidance was to call the documents 'Best Practice Guides'. The first Worksafe Board (2015) decided to instead call the guides 'Good Practice Guides'. 'Good' implies there could be better ways of making the workplace safe. 'Best' practice implied this was the way to do the work - regardless of what you thought.

The thinking going forward is that workers like yourself and your fellow workers have to be involved in working out how to do work, safely. A Good Practice Guide is just a starting point.

It's interesting to think how words can subconsciously work to influence people. As a H&S rep, when you communicate to workers and management, you will need to be aware of the words you use, and how you communicate.





ENGAGEMENT

Worksafe knows they do not have enough inspectors to visit the hundreds of thousands of businesses in New Zealand. So their focus is getting businesses to take care of their people. As a business should.

In addition to the guidance, Worksafe has helped set up an umbrella organisation called HASANZ, which is a bit like what 'Master Builders' does for construction - but does for health and safety professionals. HASANZ, in turn, recognises the graded members from organisations like the NZISM.⁷ This means you can get competent support from contractors or H&S professions if needed. Note as your facilitator on this course, I'm a graded member of the NZISM and you will receive private support in the safetyhub membership. Just log in and ask a question.

Getting workers involved in solving health and safety is so important, a new piece of legislation was set up. See Work Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016.⁸ This piece of legislation even defines the need for this particular training course you are completing.

ENFORCEMENT

The new legislation allows you, as a trained health and safety rep, to use a legal tool to stop work. Use of this tool (called a PIN) will be covered in section 4 and 5. One of the outcomes of using a PIN is to trigger involvement and support from Worksafe.

Worksafe may then take enforcement action. This may range from a written warning to prosecution. See the types of enforcement activities Worksafe have completed on their website <https://worksafe.govt.nz/>.

As a H&S rep, you are not expected to solve everything in isolation. You are part of a system to improve safety. This system includes Worksafe, workers and the business you work for - the PCBU.

7 - <https://www.nzism.org/nzism-grading-list>

8 - <http://www.legislation.govt.nz/regulation/public/2016/0016/latest/DLM6314005.html>

▶ PCBU

A PCBU means a Person Conducting a Business or Undertaking. It's a broad concept used to describe all types of modern working arrangements which we commonly refer to as businesses. Most New Zealand businesses, whether large corporates, sole traders, or self-employed, are classed as PCBUs. See link to more about a PCBU.

PCBU Duty of Care

A PCBU has requirements to the workplace, workers and the work. There is excellent detailed guidance on all of these aspects on the Worksafe website.⁹

But basically, the primary duty of care means as much as it can, the business must look after the health and safety of its workers, workers influenced by the business, customers, visitors, children and young people. The term 'must look after' is actually defined as being reasonably practicable.

PCBU Duties to H&S Reps

Under the Health and Safety at Work Act 2015 (HSWA), a business must support its workers in their role as Health and Safety Representatives (H&S reps or HSR). HSWA requires businesses to support HSR by broadly:



The duties are legally specified in Schedule 2 of the HSWA. Read schedule 2, taking particular note of the following clauses:

Clause 3	Clause 10	Clause 12
The PCBU must allow you as the H&S rep to enter and inspect a workplace.	The detailed list of PCBU obligations to the H&S rep	The right to receive H&S training.

09 - <https://worksafe.govt.nz/managing-health-and-safety/businesses/general-requirements-for-workplaces>

10 - <https://worksafe.govt.nz/managing-health-and-safety/health-and-safety-representatives/employer-obligations>

11 - <http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM6544242.html>

▶ SECTION 1 RECOMMENDED READING OR ACTIVITIES

This recommendations below have been carefully selected to help you understand and pass the course. You will also improve your knowledge and understanding of health and safety, which will help you in your role as a health and safety representative at work.

The book is not required to understand and pass this course, but is highly recommended.

Bookmark this Worksafe website page

This Worksafe guidance will help you understand what your business should be doing

<https://worksafe.govt.nz/managing-health-and-safety/businesses/general-requirements-for-workplaces/>



See what guidance Worksafe have available for you

The guidance sets out what your business should be doing to look after workers. All the thinking has been done - just follow the relevant guidance.

<https://worksafe.govt.nz/topic-and-industry/>



Sign up for regular updates

You can sign up and choose what type of updates (which industry etc) that you want to get from Worksafe. These updates are really helpful to then forward on to your fellow workers and management because they may be about a relevant court case (when Worksafe are 'enforcing') or when new guidance is released.

<https://worksafe.govt.nz/home/subscriptions/>



Complete a Worksafe Survey

SafePlus¹² is a safety program from Worksafe. There are two versions of the tool, which are designed to help identify areas for improvement. As a H&S rep, this is an excellent starting point or evaluation tool, to help you work out what you need to focus on in the business.

The first version is expensive and involves paying for an auditor to come and assess your business.

The second is a free online and tool that allows you to do the assessment. Have a look at this free tool (SafePlus Online Tool) to work out how to improve safety in your business.

<https://worksafe.govt.nz/managing-health-and-safety/businesses/safeplus/online-self-assessment-tool/>



Read the book **Tragedy at Pike River Mine: How and Why 29 Men Died** by Rebecca Macfie.

This book shows how Pike River coal mine mismanagement, mistakes and wilful blindness cost men their lives. As a new representative, the book will take you inside the pressures of operating a business, and may help you understand that safety is not a tick-box exercise.



¹² - <https://worksafe.govt.nz/managing-health-and-safety/businesses/safeplus/about-safeplus/>

▶ SECTION 1 ASSESSMENT

The online quiz will test your knowledge of the following topics.

Worksafe Role and Functions

You need to explain the role and functions of Worksafe as they apply to you, as a H&S Rep. These roles and functions are described on pages 5-9 of this guide.

PCBU Duties towards a H&S Representative (3)

You need to explain the duties of a PCBU towards a H&S rep. There are many duties required by the PCBU in supporting H&S reps, as defined under the heading 'PCBU Duties to H&S Reps' on page 9.

In addition, you can use the 'Range' section under paragraph 3.1 of the Unit Standard you are completing, US29315, for further guidance of examples of duties.

<https://www.nzqa.govt.nz/nqfdocs/units/pdf/29315.pdf>



SECTION 2

▶ RISK MANAGEMENT - THE CORE OF H&S

Hazard and Risk

Although the words hazard and risk are often used interchangeably, they have different (but related) meanings.

A hazard is anything with the potential to cause harm. A risk is a harmful effect that may be caused by a hazard.

A more detailed description as defined¹³ by Worksafe would be:

Hazard:

(a) An activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm; and (b) includes (i) A situation where a person's behaviour may be an actual or potential cause or source of harm to the person or another person; and (ii) Without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock or another temporary condition that affects a person's behaviour. Hazardous has a corresponding meaning [HSE Act].

Risk:

The probability and magnitude of harmful consequences arising from a hazard. The likelihood of a specified undesired event occurring within a specified period or in specified circumstances. The probability of harmful consequences arising from a hazard. In quantitative terms, risk can be expressed in values from zero (no possible harm) to one (certainty that harm will occur). In relation to human health effects, the risk is usually expressed as the probability (or likelihood) of dying or developing a disease or injury as a result of exposure to a hazard. For example, an acceptable health risk may be regarded as a one in a million-lifetime risk of developing cancer.

Let's look at a practical example. A hot cup of coffee is a hazard, as it can burn you. But adults have learned this through their own experience or have been taught about the dangers of hot drinks. They are coordinated and more aware of their situation. So the risk of being burnt at home or even at the office is very low.

But if the same adults are now visiting a kindergarten to attend an event, they may be offered a hot drink. And sit down at kid-sized tables and chairs. The hazard has not changed but the context has. Now there are kids running around who may not have learned they could be burnt, may not see the hot cup of coffee on the table or are still learning to be coordinated. The risk of the adult being burnt (or the child as well) has now increased.

¹³ - <https://worksafe.govt.nz/the-toolshed/definitions-and-acronyms/>

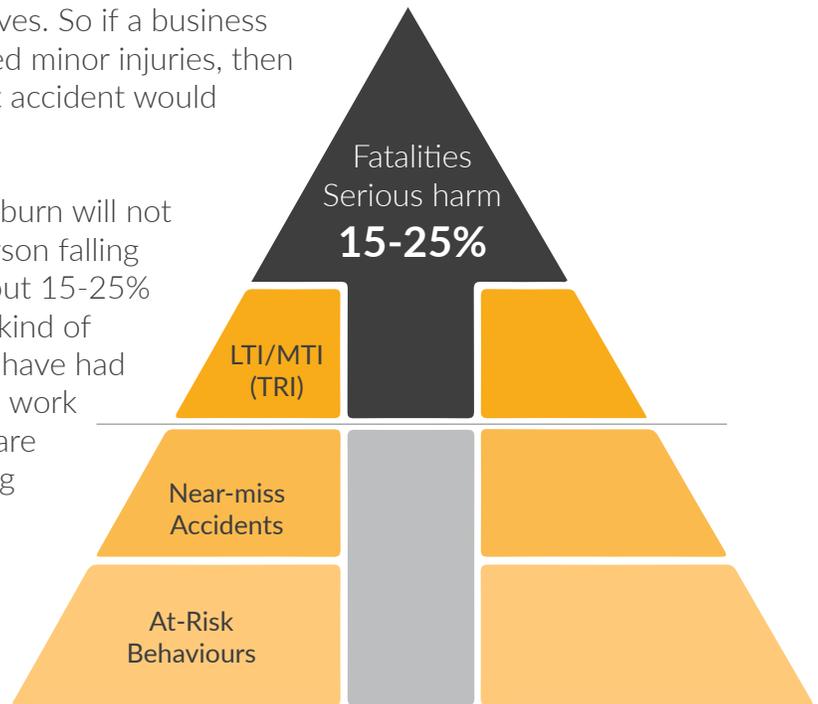
RISK MANAGEMENT

We now have to work out what are the hazards and risks in your workplace, and put a plan in place to minimise the risks. This is called risk management¹⁴ and involves 4 steps: Plan, Do, Check and Act.

In the past, people were told if they focused on the small things, the big things would take care of themselves. So if a business was taking care of all accidents that caused minor injuries, then it follows the chance of a more significant accident would reduce.

But, preventing a person getting a coffee burn will not stop something more significant like a person falling from heights. Worksafe estimate only about 15-25% of reported accidents that result in some kind of medical treatment or time off work could have had a more serious outcome. So your job is to work out what these 15-25%, or 'critical risks', are in your workplace and focus on preventing these accidents.

Hear from Worksafe and watch these videos on critical risks. The 5 short videos talks about the categories and controls.



¹⁴ - <https://worksafe.govt.nz/managing-health-and-safety/managing-risks/how-to-manage-work-risks/>

Let's Build a Picture of Your Workplace Risks: Step One

PLAN: Identify and assess the risks

The first step then is to identify and assess the hazards and risks are in your workplace. This requires you to gather, assess information and identify hazards.

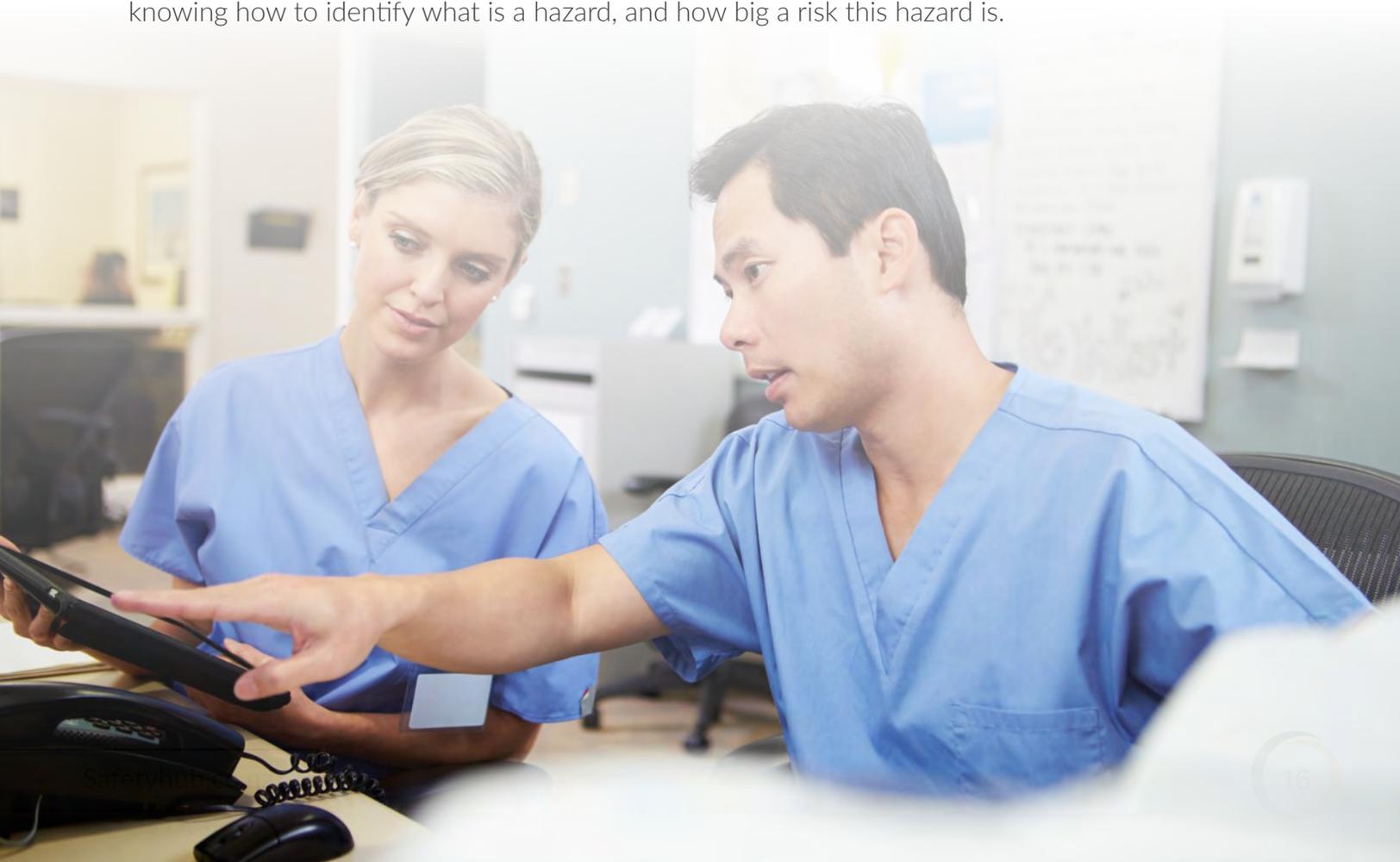


If you only get one takeaway concept from this whole course, then this is it. This is the heart of health and safety. If there is no hazard or risk, then there is no health and safety to manage.

But, there are always hazards and risks. The key then is to identify and work out the risk, so you then know what you need to focus on. Anything that lies outside of managing the risks is not health and safety.

I'll give you an example. I was brought in to look at a company and they had a noise problem (so they said). But when they showed me the data, the noise levels were below the level that would cause hearing loss. What was actually going on was a dispute between workers and the type of music playing on the radio! So the workers called this a health and safety problem.

Now there is definitely a problem, which may lead to other issues like conflict, frustration and so on. As a health and safety rep, you need to know when there is definite health and safety problem that you may need to help resolve. And when you need to step away. This means knowing how to identify what is a hazard, and how big a risk this hazard is.



Find the Hazards:

So we now need to build a picture of what can hurt people. This means building some kind of list or database that maps out what the problems are and how they are going to be managed. This is called a hazard or risk register. If you don't have a register, you can use this template.

[Link to Risk Assessment Template:](#)

Now build your workplace register by:



Asking to see a register of hazards and risks

Someone may have already done the work!



Speaking to Worksafe or your union representatives

They may have industry level information that can help you.



Request information and documents from the PCBU

There may be investigations, audits etc that can help you check everything is listed in your register.



Walking around and just using your senses.

Is something loud? Is there a smell of a chemical? Could you be hit by a vehicle or object? Add these to the hazard column.



Ask the workers

Often, they will know what is dangerous!



Look at any reported accidents

Is there a trend in your workplace with a piece of equipment, or a certain job which tends to result in a lot of accidents?

What is common in your type of workplace?

This is a big one, especially if you work in a small business. If the risk of an event occurring is the same between small or large business, then the large business will have more actual events. So, just because a small business has not had an accident, does not always mean they are safe - they may be lucky. So rather than waiting to find out and react to an accident, find out what are the common types of risks that happen in your type of work. Then add these hazards and risks to your register. Where do you find this information? Worksafe, ACC and any industry groups relevant to your business.



Using the template or your own register, check that all hazards from above are added to your database or the 'register'.

Once you have the hazards listed, then describe the risk eg the hazard is a hungry shark, but the risk is being eaten by a shark. While this may seem obvious, taking the time now to identify the risk will allow you to focus on the right solutions. And you will find risks can be grouped into themes, meaning a solution will deal with more than one hazard.

Work out the Risk:

So now you need to do some thinking about all the things you found that could harm you. This is an important step because it helps you work out what needs to be focused on.

We do a risk assessment by working out the chances of something happening (likelihood), and what the result could be (consequence), and using a matrix to assign a risk score or category.

CONSEQUENCE

Consequences are separated into categories ranging from insignificant to disastrous.

Select the most credible consequence - not the worse case scenario. Nearly everything could result in a fatality. Using the shark senario, most shark attacks do not result in a fatality. The consequence would be either moderate or major (medical treatment, or a major injury). If you are unsure - err on the side of the higher of a major injury.

If you work in a well known high risk area, the probabilities of these events may already be well known with facts and data.

Again, you can use the following defenitiation s if you do not already have risk defined.

Consequence - The severity or / impact associated with exposure to the hazard				
Consequence Category				
Insignificant	Minor	Moderate	Major	Disastrous
<ul style="list-style-type: none"> • First aid treatment Temporary • Symptoms of pain 	<ul style="list-style-type: none"> • Medical treatment (Single) • Recovery period of less than 1 week 	<ul style="list-style-type: none"> • Medical treatment (Multiple) • Recovery period of less than 1 week 	<ul style="list-style-type: none"> • Permanent injury or illness (egg. Loss of body part of function). 	<ul style="list-style-type: none"> • Fatality

LIKELIHOOD

As well as a consequence level, we must also assign a probability of the event happening. If you are a regular beach swimmer in NZ, the chances are extremely unlikely that you will be attacked by a shark.

Likelihood - Likelihood is the probability that an event will result in the potential consequences.	
Likelihood Category	Likelihood
Almost Certain	The event IS expected to occur in most circumstances.
Likely	The event WILL probably occur in most circumstances.
Possible	The event SHOULD occur at some time.
Unlikely	The event COULD occur at some time.
Extremely Unlikely	The event MAY occur but only in exceptional circumstances.

CALCULATE RISK

Having determined the consequence and likelihood of the risk, we can now assign a risk score or level. We can use the risk matrix.

In the shark example, the combination of Extremely Unlikely and Major would result in a 'High' risk. Or with a moderate consequence, result in a 'Medium' risk.

Don't get caught up in arguing what the consequence or likelihood with other people. In the big picture, the aim is to find out the risks you should focus on first. That is, working at the extreme level first.

If you get stuck, then err on the side of caution and rate the risk higher.

	Insignificant	Minor	Moderate	Major	Disastrous
Almost Certain	HIGH		EXTREME		
Likely	MEDIUM	HIGH		EXTREME	
Possible	HIGH		EXTREME		
Unlikely	LOW		HIGH		EXTREME
Extremely Unlikely	LOW		HIGH		HIGH

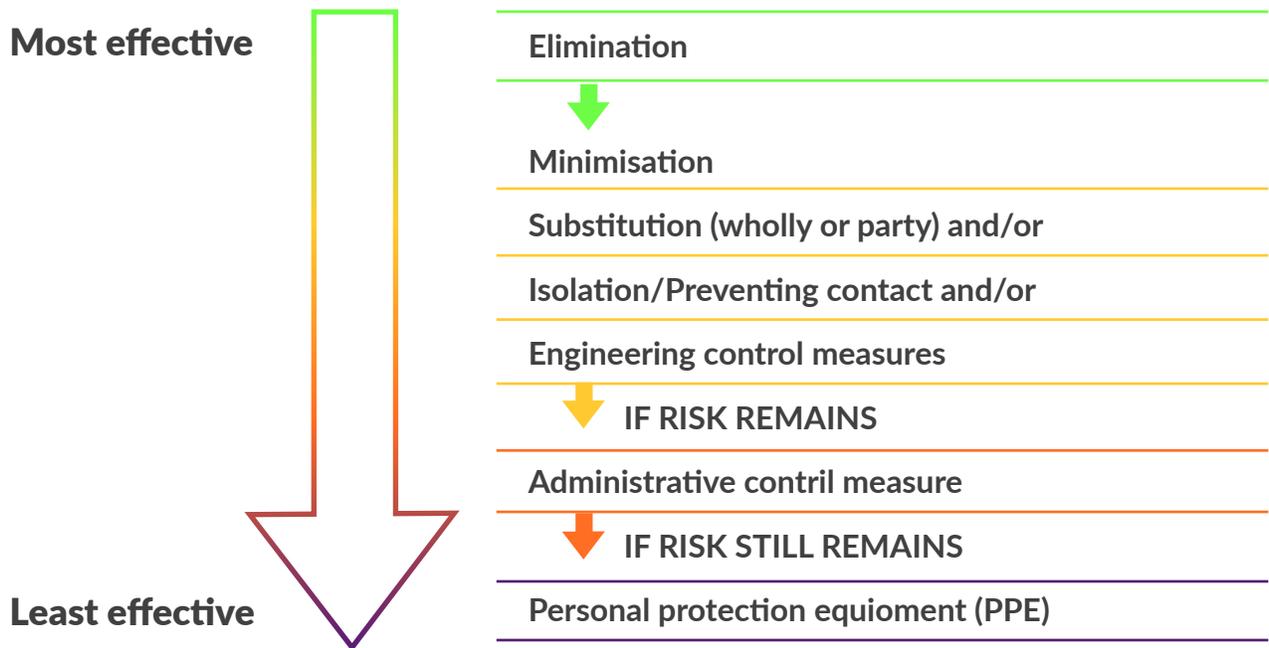
You should now have a database with a whole lot of hazards, with risks categorised. So what now? Well, we need to do something about these risks!

Step 2

DO: Eliminate or minimise the risks¹⁵

So now you have identified the problems you need to deal with. In step 2, we need to put in place actions to control the risk - these are termed 'controls'.

There is an order to these controls, from most effective to least effective.



ELIMINATE

Remove the shark from where you swim. Or don;t swim in this area.



SUBSTITUTE

[can't think of an option - can you? This is why you need to ask other people at work how to control the risk]



ISOLATE

build a shark fence around the beaches like they do in Australia

¹⁵ - <https://worksafe.govt.nz/topic-and-industry/hazardous-substances/managing/risk-management/>



ENGINEERING

Swim in a shark cage



ADMINISTRATIVE CONTROLS

feed the shark before swimming (does this create another risk??)



WEARING PPE

like using hi-vis 'shark repelling' clothes and dyes in the water.

Note how as we move down from elimination, the controls are not as good. You may still be bitten by a shark.

Developing controls can be difficult but for high risk activities, you must do all you can (within reason) to reduce the risk. Fortunately though, a lot of people have already done the work for you. Your industry or business sector may already have developed recommended controls like relevant training for your staff, new methods or ways to do the work etc.



Step 3

CHECK : Monitor the control measure

Once you've put in place these controls for the risks, you now need to keep checking that these are working. For example, if you have good reporting and find people are still being bitten by sharks, you know whatever you have in place is not working.

Monitoring mechanisms might include:



Step 4

ACT : Review for continuous improvement

You should continue to review your work activities to identify any new risks that might need to be managed.

Reviewing also means thinking about the way you identify, assess and control risks – do your processes work, or is there a better way to do these activities. For example, could you involve workers more, do you need to have a different method to assess consequences and the likelihood of the risk happening, and could you improve the way that you monitor your risk control effectiveness?

▶ WHY IS COMMUNICATION IMPORTANT?

An effective business needs to be able to communicate internally, and externally with suppliers and customers. If a business can do these functions well, then the same culture and skills will carry over into communicating health and safety issues. The opposite is true as well. Any improvements you make to improving health and safety communications will also be able to apply to making the business run better.

The best plans in the world can fail because of poor communication. This includes the total lack of communication, or just plain misunderstanding of the issues. This can result in a lack of worker engagement (“no one listens to me around here”) and ultimately can lead to a dangerous workplace where people can and do suffer illnesses and injuries.

On the other hand, a workplace that knows the best way to get the message across, and encourage feedback from all workers, is more likely to reduce illnesses and injuries. As a H&S rep it is critical you can talk and communicate any problems and solutions to the management team, supervisors and your fellow workers.

Worker Engagement

One of the key legal requirements from a PCBU is to engage with its workers on health and safety issues.¹⁶ A PCBU engages by:

- Sharing information about health and safety matters so that workers are well-informed, know what is going on and can have a real say in decision-making
- Giving workers reasonable opportunities to have a say about health and safety matters
- Giving workers opportunities to contribute to the decision-making process relating to a health and safety matter
- Considering workers' views when decisions are being made
- Updating workers about what decisions have been made
- Involving any Health and Safety Representatives (HSRs).

Have a look at these bullet points - worker engagement comes down to effective communication. H&S communication is important because it is legally required, and more importantly (moving beyond compliance), is going to help make the workplace safer.

First Who - Not How (Know Your Audience)

Should you send an email, do a mini-presentation or put up a poster to communicate a H&S message?

Before you work out how to communicate, the first question you should be asking yourself is ‘who is my audience?’ If you jump straight to your standard ways of communicating, your message may not reach your target group.

¹⁶ - Clauses 58-60 of HSW Act <http://www.legislation.govt.nz/act/public/2015/0070/55.0/DLM5976660.html>

So describe your audience. When do they work, where and what type of work. Do you just want one small group of the workers. Or everyone in the business? What is their reading level? How much time will they have during the work day to take a break to think and digest your message? Do they need someone to explain and demonstrate?

If you are in a small business, you probably know everyone and already know how to best communicate. If you are part of a larger business, you may need to do some research and go find out.

What is working at the moment in the business? How are staff trained or told of other things going on?

- Does the CEO have an open door or prefer to be sent an email or formal pack of papers, to be talked about at a later meeting?
- Do workers have natural leaders they already listen to?
- Are family or community groups of more influence?
- Do workers largely operate by themselves. Or work as part of a team?
- Are there differences of work already in place that use different ways to communicate?

Once you understand your audience and how best to communicate with them, then you can select the how.

How to Communicate

Any course on communication will tell you that when talking to someone, the words, tone and body language all help to convey the message. So from your audience research above, you will now know:



The language to use
What literacy level?
Relaxed language
(swearing?)



The one
Should it be informal
and chatty or more
structured and formal



Images
Including video, photos,
cartoons, posters

Modes of delivery include:

Email

Printed text

Newsletters/articles

Work intranet

Noticeboard

Training course

Quiet talks *(including texts, social apps, phone calls, face to face)*

This is a big one. As a rep, this is where you will get to hear and be able to feedback to people, discreetly. Sometimes people won't say anything in a big meetings, or something formal.

• Meetings

Formal and informal team meetings, H&S committees, workshops etc

There is no one communication method that will work. And even what works one time may not the next. The methods and approaches above are some of the tools that you can choose to select and apply to the task of communicating with the target audience - be that your peers, managers, visitors and so on.

'Talking' to Management

With management it is important to clearly define what the actual risk is to you and your team, or other people who may be put at risk eg visitors to your workplace. This requires an analytical approach to looking at the problem. Management will trust you and your judgement if you can articulate the problem.

Once the problem is clearly defined and understood, then it is easier to present the various solutions. The conversation moves from 'what is the big deal' to 'what are we going to do about this problem'.

'Talking' to Workers

Staff will often identify the problem, and know the solution. They need to be involved in the process of risk management. Those workers not directly involved need to be told about the problems identified and what is being done about it.

What to Communicate?

In a nutshell, you need to help communicate the risks and the control measures to your workers in a way that is appropriate to their needs (ie appropriate to the way they work, their work environment and their literacy and language).

Remember to keep a record of your communications. This will help you track and manage any actions or follow up. And provide an evidence trail proving there are communications methods in place, and risks are being managed.

▶ SECTION 2 RECOMMENDED READING OR ACTIVITIES

This recommendations below have been carefully selected to help you understand and pass the course. You will also improve your knowledge and understanding of health and safety, which will help you in your role as a health and safety representative at work.

● EXERCISE

Worksafe and ACC have created a tool that explains common hazards, risks and things that you can do to prevent people from getting hurt. Have a look at this tool to help cement the idea of hazards and risks. See this link: <http://aroundtheblock.worksafe.govt.nz/>

● READING

A Worksafe guide on managing risks.

<https://worksafe.govt.nz/dmsdocument/839-identifying-assessing-and-managing-work-risks>

● READING

A Worksafe guide on how to get better engagement and participation at work.

<https://worksafe.govt.nz/dmsdocument/569-worker-engagement-participation-and-representation>

▶ SECTION 2 ASSESSMENT

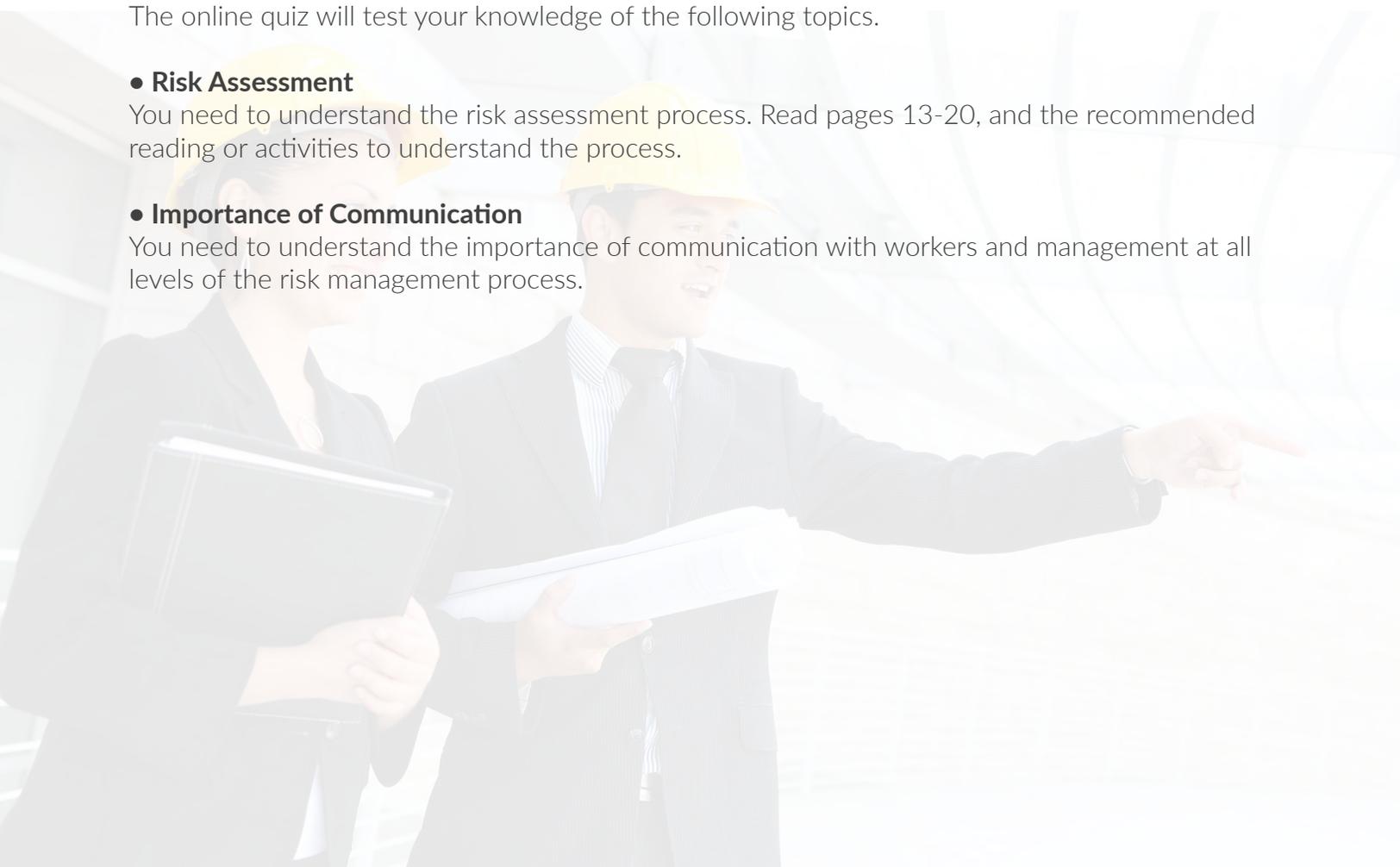
The online quiz will test your knowledge of the following topics.

● Risk Assessment

You need to understand the risk assessment process. Read pages 13-20, and the recommended reading or activities to understand the process.

● Importance of Communication

You need to understand the importance of communication with workers and management at all levels of the risk management process.



SECTION 3

Earlier in the course we learned the roles and functions of Worksafe. In this section, we will understand how a Health and Safety representative is selected and learn the roles and functions of a rep.

We will also discuss how you, as a health and safety representative, will carry out these roles and functions.

▶ HOW IS A H&S REP SELECTED?

As a H&S rep under training, you are already familiar with the process of selection - you have been through it yourself. But it is worth understanding this process in more detail, to ensure your business is following the legally defined steps.

Under HSWA and the Regulations, a Health and Safety rep is a worker who has been formally elected by the members of their work group to represent them on health and safety matters.

Work groups are formed to enable workers to elect HSRs to represent them on health and safety matters. The default is the whole business is a work group. Then by default, there must be 1 H&S rep for every 19 workers. For example, a business with 150 workers will need to have $150/19$ (rounded up) equals 8 health and safety reps.

But the business may decide to create more than one work group. It may be more logical in your business to group workers into the type of work they do. Or the locations where they work. Then the rep can represent the workers in that group. This may reduce or increase the number of reps compared to the default of counting the whole of the business as a workgroup. Section 4.1 on page 23 of this document explains all the steps.¹⁷

One key tip - an election for a rep can be carried out in whatever way best suits the PCBU and workers (unless a secret ballot was requested). The Regulations allow for an election to use any form of voting (eg an electronic vote, a show of hands, a ballot box, a secret ballot).

¹⁷ - <https://worksafe.govt.nz/dmsdocument/878-worker-representation-through-health-and-safety-representatives-and-health-and-safety-committees>

▶ WHAT DOES A H&S REP DO?

The role of a H&S rep is to provide workers with a formal, visible way to have a say. The rep is the voice for workers who might not otherwise speak up about health and safety matters.

The eight functions of a H&S rep are defined in law.¹⁸

The functions of a health and safety representative for a work group are:

- a. To represent the workers in the work group in matters relating to health and safety
- b. To investigate complaints from workers in the work group regarding health and safety
- c. If requested by a worker in the work group, to represent the worker in relation to a matter relating to health and safety (including a complaint)
- d. To monitor the measures taken by the PCBU that are relevant to health and safety
- e. To inquire into anything that appears to be a risk to the health or safety of workers in the work group arising from the conduct of the business or undertaking
- f. To make recommendations relating to work health and safety
- g. To provide feedback to the PCBU about whether the requirements of this Act or regulations are being complied with
- h. To promote the interests of workers in the work group who have been harmed at work, including in relation to arrangements for rehabilitation and return to work.

Whether an HSR exercises their functions or carries out their powers is up to them.

¹⁸ - <http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM6544242.html>

¹⁹ - See 5.1 Functions of an HSR in this document: <https://worksafe.govt.nz/dmsdocument/878-worker-representation-through-health-and-safety-representatives-and-health-and-safety-committees>





▶ HOW DOES A H&S REP DO THEIR JOB?

Your job is to be an 'advocate' - you speak up for, support or act on behalf of your fellow workers on issues of workplace health and safety.

You are supported by the law and the PCBU must work with you, as we learned earlier. Once you have passed this course and been awarded unit standard 29315, you will have some legal powers. These powers include:

- Requesting relevant information from the PCBU
- Entering and inspecting a workplace
- Attending interviews
- Issuing Provisional Improvement Notices (PINs) to address a health or safety problem
- You will learn what this is later in the course. Basically, if the PCBU is not addressing the risk you can issue this notice, legally forcing the risk to be addressed.
- Directing a worker to stop work if continuing to work would be dangerous.

▶ GATHERING INFORMATION

Health and safety is an emotive topic. People are rightly worried about their health and safety. But as an advocate, how do you know as the health and safety rep if something really is a risk, or there is an issue that needs to be resolved? And what should be done next?

You need to gather information that, with involvement of your workers, you can then turn into intelligence.

Places to get information:

Worksafe and the ACC provide guidance that can be used to help you find risks in your workplace, and then they even provided recommended good practices you might be able to use. Your workplace may also have an industry group that has guidance to solve problems common in the work you do. You can find information from these places:

- Government Agencies
- Worksafe data and research <https://worksafe.govt.nz/data-and-research/>
- Worksafe Guidance <https://worksafe.govt.nz/publications-and-resources/>
- ACC <https://www.acc.co.nz/>
- The Health and Safety at Work Act
- Google! (Using information from other countries health and safety agencies)
 - Safe Work Australia <https://www.safeworkaustralia.gov.au/>
 - Health and Safety Executive UK <https://www.hse.gov.uk/>
 - National Safety Council USA <https://www.nsc.org/>
 - Canadian Centre for OHS <https://www.ccohs.ca/>

● Suppliers of equipment or substances

Suppliers must provide information about the equipment or substance supplied including how to safely operate or manage any chemicals supplied.

It is mandatory to have a current safety data sheet (SDS) for each of the hazardous substances in your workplace regardless of the quantity you hold.²⁰

What You See or Hear

● As an advocate, people will talk to you, show you things that are dangerous, and tell you what should be done to fix things.

They may approach you with verbal or written reports from other workers, photos and videos all of which you can use to then start a risk assessment on.

²⁰ - <https://worksafe.govt.nz/topic-and-industry/hazardous-substances/managing/safety-data-sheets/>

Your workplace

There will be exiting documents, reports or risk registers, as we learned earlier. Information sources include:

- Minutes from committee meetings
- Reports from investigations
- Audits
- Risk registers, controls, procedural or policy documents

A PCBU - your workplace - is required legally to give information so you can perform your role. The only exception is to personal information, without a workers consent, unless the information does not identify the worker. All common sense stuff. See clauses 10-11 of the HSW Act.

When requesting information, remember the communication section earlier. People generally want to help each other and few business would knowingly try to withhold information. So seek to engage and avoid a confrontational approach.

But, if you are not getting a response then it will pay to make sure your requests are in writing, so you have evidence of what was a reasonable request.



▶ HELPING AN INJURED WORKER RETURN TO WORK

Returning back to work after an injury is a process mapped out between the person returning, medical treatment providers and management at the workplace. ACC also provide return to work support.²¹

As a trained H&S rep, you can help the process by using the functions and powers to support the person. How you do this is up to you.

Examples of such support include ensuring the cause of the accident was determined and a fix put in place, so it doesn't happen again. That any new work has been assessed for a risk to the worker, and that the agreed return to work plan is followed.

▶ PROTECTIONS FOR H&S REPS

A H&S rep is immune from criminal or civil liability while doing their best to carry out their role.

A person or a business cannot discriminate or take other negative steps against a person because of their involvement in workplace health and safety. Examples of such behaviour include:

- Dismissing or refusing the employment of a worker or contractor
- Terminating or refusing to enter an agreement with a worker or contractor
- Refusing to offer a worker the same work conditions available to similar workers (for example, terms of employment, training or promotion)
- Treating a worker differently to similar workers in a way that negatively impacts their employment, job performance or satisfaction.

It is also against the law if anyone:

- Seeks to threaten a person so that they use (or don't use) a power under HSWA
- Seeks to threaten a worker so that they stop being an HSR or member of an HSC
- Deliberately tells a worker false or misleading information about HSWA, including:
 - Their rights
 - Obligations
 - Ability to start a process and participate in a process, or
 - Make a complaint.

<https://worksafe.govt.nz/managing-health-and-safety/health-and-safety-representatives/protections-for-hsrs/>

²¹ - <https://www.acc.co.nz/im-injured/support-recovery/return-to-work/>

▶ SECTION 3 RECOMMENDED READING OR ACTIVITIES

This recommendations below have been carefully selected to help you understand and pass the course. You will also improve your knowledge and understanding of health and safety, which will help you in your role as a health and safety representative at work.

● Legal

You should read clauses 58-65 of the H&S at Work Act on Worker engagement, participation and representation.

<http://www.legislation.govt.nz/act/public/2015/0070/latest/whole.html>

● Legal

These regulations support the H&S at Work Act. You should read subpart 3, clauses 9-26 of these regulations.

<http://www.legislation.govt.nz/regulation/public/2016/0016/latest/DLM6314002.html>

● Reading

Highly recommended resource. This is Worksafe guidance about Health and Safety Reps and Committees.

<https://worksafe.govt.nz/dmsdocument/878-worker-representation-through-health-and-safety-representatives-and-health-and-safety-committees>

● Reading

Worksafe guidance about Health and Safety Reps and Committees. <https://worksafe.govt.nz/managing-health-and-safety/businesses/requirements-for-hsrs-and-hscs/>

● Reading

Worksafe's expectation to involve workers.

<https://worksafe.govt.nz/dmsdocument/2107-worksafe-position-on-worker-engagement-participation-and-representation>

▶ SECTION 3 ASSESSMENT

The online quiz will test your knowledge of the following topics:

- The role and function of a H&S rep (as described on page 25-26).
- Understand what it means to be an 'advocate'
- Explain the types of information that you may need to carry out your role
- Explain your role in supporting workers return to work

SECTION 4

In this section, we will learn how a worker can stop doing work that is unsafe. And we will find how a health and safety representative can legally direct workers to stop work that is unsafe.

▶ DESCRIBE WHEN A WORKER CAN STOP DOING UNSAFE WORK

By law, you and your workmates are entitled to:

- Work in environments where the risks to your health and safety are properly controlled
- Access adequate facilities, such as toilets, washing facilities and first aid
- Have sufficient training, information and support on how to do your job safely
- Contribute to health and safety decisions at your workplace
- Have personal protective equipment (PPE)
- Ask to have a Health and Safety Representative (HSR) or a Health and Safety Committee (HSC)

You also have responsibilities as well. These include to:

- Take reasonable care of your own health and safety and ensure that your actions don't cause harm to yourself or others
- Comply with any reasonable instructions, policies or procedures on how to work in a safe and healthy way.

Workers have the right to stop work, or as a H&S rep direct work to be stopped, if you believe it is unhealthy or unsafe (and discussed with the PCBU, who don't do enough to manage the risk). But, how do you know what 'unsafe' is?

'Safe' and 'unsafe' are like points on a spectrum of risk of harm or damage to property. Safe is defined as no significant risk of harm or damage while unsafe is defined as a significant risk of serious harm or significant damage.

So, to know what unsafe is, you need to go back to the risk - as we covered earlier in this course. This means you need to know how you could be harmed at work, and what your workplace has put in place to prevent you from getting harmed.

Sometimes, it is really obvious when you may be taking a risk. For example, driving a work car which is outside its warrant of fitness and has bald tyres. Sometimes though, whether you are doing unsafe work may not be so obvious

Let's look at an example. Your work involves grinding and sanding stone benchtops. It's well known in your workplace that the silica in the benchtops is dangerous if breathed in. But, there is a shortage of the P1 filters that attach to the mask used to stop you breathing the silica. And your boss tells you to keep using the old filters until the new one arrives in the country, as there is a backlog of kitchen benchtop orders. So how long can you continue to use a P1 filter?

In cases that are both obvious or not-so-obvious, if a worker believes the work is unsafe and a significant risk to themselves or anyone else, they can refuse to do the work.²² In this case, you have looked for information and found that P1 filters should be changed when they show signs of no longer working (hard to breathe through, you can taste or smell something coming through the mask). So you work as a team to determine if the old P1 filters are still fit for purpose. If they are not, then the work needs to change to stop exposure to silica, or you can refuse to do the work.

When a Worker Can't Refuse to Do Work

So, we can stop working whenever things get dangerous?

What about work that is already high-risk? For example, a builder who needs to be working at heights - can the worker refuse to do what is considered normal work?

The law is pretty practical and the answer is no, the construction worker can't refuse normal work. Section 83(5) basically states that the risk in the workplace has to increase beyond the normal risk before the worker can refuse to do the work.

83(5) of HSW Act: '...does not authorise a worker to refuse to do work that, because of its nature, inherently or usually carries an understood risk to the worker's health and safety, unless that risk has materially increased beyond the understood risk.'

This is because for normal work, everything that can be done to manage the risk is already being done. In this example, this may include scaffolding, fall arrest, edge protection, training and so on. The risk still exists, but is being managed reasonably.

But, if a critical piece of equipment broke and something was being jury-rigged to allow work at heights to continue, now the risk has changed and increased - the worker can point out the risk and if not fixed, should refuse to do the (unsafe) work.

22 - <http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5977016.html>

▶ DESCRIBE HOW AND WHEN A H&S REP CAN STOP WORK

Once you have completed this course, you will have powers as a trained H&S rep. You can direct a worker to stop work if you reasonably believe that carrying out the work would expose the worker, or any other person, to a serious health or safety risk.

Why would you need to do this? Well, sometimes a worker may not see the risk. Or they may be reluctant to 'make a big deal'. Sometimes someone needs to step in and look after the worker. Like a H&S rep.

Again, you must talk to the PCBU (or managers) about the issue before giving a direction to stop, unless the risk is serious and immediate; in this case you can direct the worker to stop work immediately and consult afterwards.

Work Stops. What Happens Next?

- If you have stopped work, you need to let the PCBU know as soon as you can.
- Once you've tried to resolve the issue with the PCBU, you don't have to start work again if you still reasonably believe that you or another person would be in danger.
- If you and the PCBU have made reasonable efforts but still haven't been able to resolve the issue, you can ask WorkSafe for help.

▶ SECTION 4 RECOMMENDED READING OR ACTIVITIES

This recommendations below have been carefully selected to help you understand and pass the course. You will also improve your knowledge and understanding of health and safety, which will help you in your role as a health and safety representative at work.

- **Reading**

Worksafe guidance on your rights and responsibilities.

<https://worksafe.govt.nz/dmsdocument/866-your-health-and-safety-rights-and-responsibilities>

<https://worksafe.govt.nz/managing-health-and-safety/workers/your-rights-and-obligations/>

<https://worksafe.govt.nz/managing-health-and-safety/resolving-workplace-health-and-safety-issues/>

▶ SECTION 4 ASSESSMENT

The online quiz will test your knowledge of:

- Understanding what 'unsafe' work is
- When a worker can refuse unsafe work
- Steps taken for a H&S rep to direct workers to stop work.



SECTION 5

In this section, we will learn how to issue a Provisional Improvement Notice (PIN). By the end of this section, you will know what a PIN is, how to issue, communicate and use the PIN to make sure the workplace is safe.

▶ WHAT IS A PIN

Worksafe define a Provisional Improvement Notice (PIN) as a ‘written notice issued by a Health and Safety Representative (HSR) to a person or a PCBU asking them to address a health and safety concern in the workplace.’

Issuing of a PIN is the last step in the process of trying to resolve a H&S matter. As we have learned in previous sections, risks need to be identified, assessed and communicated with workers. All workers must be involved in managing the risk. Communication is critical between the workers and the PCBU.

In fact, a PIN can not be issued until the H&S rep has discussed the risk with the PCBU (or person who can fix the problem in the PCBU). If the PCBU then takes no action and the rep believes the H&S legislation is currently or will be broken, then a PIN can be issued.

▶ COMPLETING A PIN

Only a qualified H&S representative who has completed an NZQA approved course and received Unit Standard 29315 can legally issue a PIN. Once you have completed this course you will be able to issue a PIN.

The PIN is a formal written document used to explain the risk, and how it can be fixed. There is no set format for this document and you can design your own form, as long as it states:

- That the H&S rep believes the person is contravening, or is likely to contravene, a provision of HSWA or the Regulations (as the case may be)
- The provision the H&S rep believes is being, or is likely to be, contravened
- Briefly, how the provision is being, or is likely to be, contravened, and
- The day, at least eight days after the notice is issued, by which the person is required to fix or prevent the matter.

Note the PIN can not be issued if a Worksafe inspector has already issued an improvement or prohibition notice for the same matter.

Worksafe have provided a PIN template that you can use. <https://worksafe.govt.nz/dmsdocument/605-provisional-improvement-notice-pin>

While most information is easily provided, you may be unsure what the specific legal issues are or will be breached or contravened. You are a H&S rep and not expected to be a lawyer. Generally though, most of the time the issue will be based upon section 30 Management of risks, under the HSW Act. The risks are not being eliminated or managed reasonably by the PCBU. Remember from earlier sections, the PCBU has the primary duty of care for the workers (section 36 of the HSW Act). You can use the Safety Hub forum, ask other H&S reps or Worksafe for more advice.

Once you have identified the specific section eg section 30 of the HSW Act, then in plain english describe what the problem is. In the next section, if you think you have a solution, then add this into the PIN as well.

Finally, having discussed with the PCBU then you must set a date of at least 8 days after the PIN was issued - remember to sign this legal document as well.

▶ ISSUING A PIN

The HSW Act is quite specific on how you must communicate the PIN with the person representing the PCBU and then what the person must do with the PIN.

H&S rep delivers the PIN by:

- delivering it personally to the duty holder
- leaving it for the duty holder at the workplace to which the PIN relates, with a person who is in charge of that workplace (eg leaving it with the area manager)
- sending it to the duty holder electronically
- posting it to the home or business address of the duty holder, or
- leaving it at the home or business of the duty holder, with a person 16 years or over who lives or works there.
- The HSR should keep a copy of the completed PIN for their records.

Person receives the PIN

Section 76 of the HSW Act then requires the person to display the PIN in a prominent place at or near the workplace affected by the PIN. Not displaying or intentionally tampering with the PIN is an offence that can be enforced and fined against.

▶ WHAT HAPPENS NEXT?

So to summarise, as a H&S rep you have consulted with the workers and PCBU about a dangerous situation at work. You believe the risk has not been managed well and have issued a PIN to the PCBU. What happens next?

The PCBU responds by:

- **Doing nothing**

If the PCBU does not fix the problem or contact Worksafe by the date specified in the PIN, then this is an offence. The H&S rep will then contact Worksafe. An individual can be fined up to \$50,000 and a PCBU \$250,000 for this offence.

- **Fixing the problem before the deadline**

See section 78 of the HSW Act. The PIN can then be removed.

- **Asking Worksafe to review the PIN**

This is formally called a 'regulatory review'. See section 79 of the HSW Act. The following Worksafe template can be used to request the review.

<https://worksafe.govt.nz/dmsdocument/611-request-to-review-a-provisional-improvement-notice-pin>

Worksafe are required by law to appoint an inspector to review the PIN. Basically, the Worksafe inspector will cancel the PIN or confirm the PIN and require the issue to be fixed.

If the inspector confirms the notice (with or without some changes) then the PIN must be treated like an improvement notice. You can read what this is under sections 101-103 for detail (not required for this course) but basically, this is how the PIN now turns from a Provisional Improvement Notice to an Improvement Notice that is enforceable by a fine.

The Inspector's decision must be delivered in writing to both the H&S rep and the person who applied for the review.

▶ SECTION 5 RECOMMENDED READING OR ACTIVITIES

This recommendations below have been carefully selected to help you understand and pass the course. You will also improve your knowledge and understanding of health and safety, which will help you in your role as a health and safety representative at work.

● Reading

Worksafe guidance on a PIN.

<https://worksafe.govt.nz/managing-health-and-safety/health-and-safety-representatives/provisional-improvement-notice/>

<https://worksafe.govt.nz/dmsdocument/1885-addressing-a-health-and-safety-issue-with-support-from-an-health-and-safety-representative-hsr>

● Worksafe PIN template

<https://worksafe.govt.nz/dmsdocument/605-provisional-improvement-notice-pin>

▶ SECTION 5 ASSESSMENT

The online quiz will test your knowledge of:

- The purpose of a PIN
- What must be included in a PIN
- How a PIN must be delivered and communicated
- What a PCBU must do with a PIN
- What are the possible outcomes from a Worksafe regulatory review

DEFINITIONS AND MEANINGS

Worksafe Definitions Page

<https://worksafe.govt.nz/the-toolshed/definitions-and-acronyms/>

HSWA or Health and Safety and Work Act 2015

<https://hsu.caa.govt.nz/assets/Guides/Work-Safe-worker-representation-interpretive-guide.pdf>

HAZARD

(a) An activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm; and (b) includes (i) A situation where a person's behaviour may be an actual or potential cause or source of harm to the person or another person; and (ii) Without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock or another temporary condition that affects a person's behaviour. Hazardous has a corresponding meaning [HSE Act].

PCBU

A PCBU means a Person Conducting a Business or Undertaking. It's a broad concept used throughout HSWA to describe all types of modern working arrangements which we commonly refer to as businesses. Most New Zealand businesses, whether large corporates, sole traders, or self-employed, are classed as PCBUs.

<https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/primary-duty-of-care/who-or-what-is-a-pcbu/>

PRIMARY DUTY OF CARE

The primary duty of care means that a business has the primary responsibility for the health and safety of workers and others influenced by its work. <https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/primary-duty-of-care/what-is-the-primary-duty-of-care/>

REASONABLY PRACTICABLE

This is important to understand. When you are working out how to control a risk, you will brainstorm and research how and what can be done. After this activity, then you can look at cost. Cost can only be a reason to not implement an idea if it is grossly disproportionate to the risk.

<https://worksafe.govt.nz/dmsdocument/848-reasonably-practicable>

Workers

A worker is an individual who carries out work in any capacity for a PCBU. A worker may be an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker (including a homeworker), an apprentice or a trainee, a person gaining work experience or on a work trial, or a volunteer worker. Workers can be at any level (eg managers are workers too).

Workplace

A place at which a person works. Includes mobile workplaces such as road vehicles, aircraft and ships.





SAFETYHUB