

The
SMALL
B U S I N E S S

Guide to
the
**Health and Safety in
Employment Act 1992**

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About this Booklet

The Health and Safety in Employment Act came into force on 1 April 1993. The Act applies to nearly all places of work in New Zealand — and this includes your business, no matter how small or large it is.

The law has one fundamental aim — to prevent harm to workers and others in places of work. It does this by setting out the responsibilities of *all* people involved in the workplace to ensure that it is safe. Primarily, this means there are requirements for employers to:

- Identify, assess and control significant hazards;
- Provide appropriate training and supervision; and
- Involve employees in the development of health and safety procedures.

The Occupational Safety and Health Service has produced this booklet specifically for people in smaller businesses, that is, those employing 10 people or less. It explains the requirements of the Health and Safety in Employment Act and suggests ways you can

effectively manage safety and health in your business.

The booklet starts by looking at *why* you need to consider the whole question of safety and health.

It then provides an outline of the legal requirements, focusing on the specific duties the Act places on you

and what you need to do to identify and control hazards. It gives practical illustrations of the approach involved.

At the back of the booklet are several checklists that will assist you in managing health and safety within your business.

Finally, there are suggestions for additional reading and a list of organisations where you can get further information and advice.

Why You Need to Manage Safety and Health

GOOD MANAGEMENT IS VITAL

Consider the pain and suffering that workplace accidents and illnesses can cause. Think also of some of the *losses* that accidents and illnesses can entail for your business:

- Damage to property and stock;
- Fines and other costs;
- Loss of production;
- Loss of goodwill and impairment of customer relations; and
- Retraining and other adjustment costs.

You need effective systems to prevent these losses occurring in the first place. The key is *good management*.

The Health and Safety in Employment Act, which is outlined in the following section, is designed to provide a framework for excellent management practices.

What are the barriers to be overcome in achieving this excellence? It seems the major obstacles are *attitudes* — the belief that:

- “It can’t happen to me.”
- “No one can tell me how to run my own business.”

The law is very clear on the matter of responsibilities.

It places the onus for health and safety squarely on the *employer*. Small employers are expected to meet the same safety and health management standards as larger companies.

An important element in the effective identification and management of hazards is the involvement of *everyone* involved with the business. This means business partners and principals, or others who work in the business — including casual or permanent, full-time or part-time employees. We suggest you give all of these people this booklet to read, discuss it, and involve them in working through the checklists at the back.

What the Act Requires

This section provides an outline of the key requirements in the Act of which you need to be aware. The Act applies to all work carried out at *any place of work*. This means that the law applies whether or not you or your employees are working on your business premises — this includes other businesses, homes, or public places.

YOUR GENERAL DUTY

As an employer, the Health and Safety in Employment Act requires you to take all practicable steps to ensure the safety and health of workers and others while at work.

In taking all practicable steps persons are expected to take measures that are practical and by definition reasonable.

If something is practicable, it is physically possible of being done.

SPECIFIC DUTIES

You are required to take all practicable steps to:

- Provide and maintain a safe working environment.
- Provide and maintain facilities for the safety and health of employees.
- Ensure that machinery and equipment in the place of work is designed, made, set up and maintained to be safe for workers.
- Ensure that employees are not exposed to significant hazards.
- Provide procedures to deal with emergencies that may arise while people are at work, such as accidents, earthquake, fire, flood, and so on.

HAZARD MANAGEMENT

OSH investigations show that almost all work injuries and illnesses could be prevented if hazards are identified and systematically

dealt with. The Act therefore requires *all* employers, whether large or small, to have systems in place for identifying and controlling hazards.

The process set out in the Act is not complicated. It is shown in this diagram:



▲ Step 1: Identify hazards

A hazard is any activity, situation or substance that can cause harm. The checklists on pages 20-23 will give some direction in identifying hazards.

▲ Step 2: Assess hazards to determine their priority

It makes sense to identify which hazards are *significant* and concentrate on these first.

Significant hazard is a hazard that is an actual or potential cause or source of:

- *Serious harm* — that is death, or any injury or disease set out in a schedule to the Act. (For example, in a warehouse, a forklift used unsafely can kill, as can unprotected chemical baths in a foundry or electroplating shop.)

- Harm, the severity of which depends on how often or how long a

person is exposed to the hazard. (For example, exposure to noise over a long period causes gradual, and permanent, deafness.)

- Harm that cannot be detected until a significant time after exposure has occurred. (For example, exposure to certain chemicals or substances may damage health, although the effects may not show up until many years later.)

▲ Step 3: Control hazards

If the hazard is significant, you must:

Eliminate the hazard; that is, remove it.

A significant hazard will be considered to have been eliminated when the source of the hazard has been completely removed from the place of work.

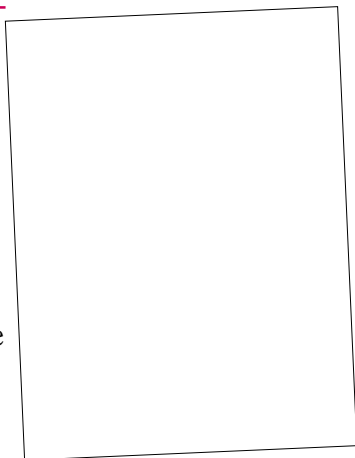
Substituting one substance or process with another may have removed the original hazard, but introduced a new hazard. The new hazard would have to be assessed.

If it's not practicable to eliminate the hazard you must isolate it.

To be effectively isolated the process or procedure adopted must separate the employee from the hazard by enclosing or permanently guarding the hazard in such a manner that it is no longer accessible by employees.

For example:

- Building an enclosure around a noisy machine in such a way that no employee using or in the vicinity of the machine or process would be



exposed to noise while the machine was in operation.

- Permanently fix a guard covering a dangerous part of a particular machine so as it is no longer accessible by maintenance staff or other employee using the machine.
- Fit an acoustic enclosure to noisy machinery.

If it's not practicable to eliminate or isolate the hazard, you must *minimise* the likelihood it will be a cause of harm.

For example:

- Use protective clothing and equipment with dangerous equipment or processes.
- Use hazardous chemicals as little as possible and provide respirators and protective gear when using chemicals.
- Provide earmuffs where necessary.

If you decide that minimisation is the only practicable option, then you may have to:

- Monitor your employees' exposure to the hazard.
- With the employees' consent, monitor their health.
- Ensure that adequate protective clothing and equipment is supplied and worn.

▲ Step Four: Investigate Accidents

You need to investigate any accident or incident that occurs to find out why it happened, whether a significant hazard is involved, and what can be done to prevent occurrences in the future. The Act requires you to keep a register of accidents and to notify serious harm to

employees to OSH (see below).

You should record and investigate any “near-misses” as if they were accidents. You can’t rely on luck to prevent people from being injured if a similar incident happens again.

You need to establish whether the incident resulted from human error or from a hazard of some kind. Then you need to consider what can be done to prevent such an incident from recurring, such as training for employees; elimination, isolation or minimisation of the hazard.

To help you carry out the above four steps you can use all or some of the following resources:

- Equipment manuals;
 - Codes of practice;
 - Regulations;
 - Material Safety Data Sheets;
 - Health and safety guidelines and booklets;
- or
- Advice from outside consultants, trainers or occupational safety and health specialists.

Reporting Accidents or Serious Harm

If there is an accident or any other cause of *serious harm* in your workplace you must notify your nearest OSH office as soon as possible. You must also complete the prescribed accident form and forward it to OSH within 7 days.

If in doubt, employers should err on the side of caution. Where an employer considers an injury/illness may meet the above criteria then notify your local OSH office.

The reason for reporting accidents causing serious harm is so that OSH can, if necessary, carry out its own investigation. Also, it enables OSH to identify national trends and develop prevention programmes.

If an accident causing serious harm occurs, you must not disturb the accident scene unless to:

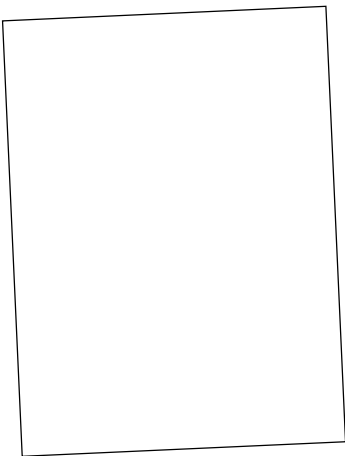
- Save life or prevent suffering;
- Maintain access for emergency services; or
- Prevent serious damage or loss of property.

TRAINING AND SUPERVISION

As an employer, you have specific responsibilities for training and supervising anyone you employ to ensure they work safely. This means:

- Ensuring every worker has, or is supervised by a person with, the knowledge and experience to ensure that they and others are not harmed while they work.
- Ensuring that workers are adequately trained in the safe use of all plant, machinery, substances and protective clothing and equipment provided.

- Ensuring that workers are made aware of all hazards they may be exposed to, or create, while at work.
- Informing workers what to do if an emergency arises while at work.



CONTRACTORS AND SUBCONTRACTORS

If you hire a contractor or subcontractor (e.g. a builder, serviceperson, office help, courier), you must take all practicable steps to ensure the contractor, subcontractor and their employees are not harmed while at work.

Naturally, you are responsible only for hazards or activities you can directly control. Generally, this would mean informing contractors and subcontractors about any hazards specific to your business.

If a contractor or subcontractor employs others to work on your contract, they have all the duties of an employer. This means they are responsible for carrying out work in a manner that will not endanger themselves, their employees, or anyone else on the property.

The Act also requires that any person who is in control of a place of work (whether it is the owner, occupier, lessee, contractor, subcontractor, or anyone else with control of either the property or plant or equipment) must ensure that people in the place of work, or in its close vicinity, are not harmed by any hazard that arises from that place of work.

RESPONSIBILITIES TO THE PUBLIC

You must take all practicable steps to ensure the safety of visitors, customers, neighbours and the general public while they are on or near your place of work.

If a person acts illegally or irresponsibly and injures themselves or someone else, then you would not be responsible for that.

EMPLOYEE RESPONSIBILITIES

Employees also have responsibilities under the Act. They must:

- Take all practicable steps to ensure their own safety and the safety of others.
- Not knowingly expose themselves or others to harm.

This means, for example, that employees must use the safety equipment provided.

REGULATIONS AND CODES OF PRACTICE

As well as meeting the requirements of the Act itself, you also need to comply with regulations issued under it. These set minimum standards for particular equipment, processes and other hazards in New Zealand workplaces.

Codes of practice are also approved by the Minister of Labour under the Act. They set out recommended work practices and standards to help employers to meet their legal obligations under the Act.

The series of regulations and approved codes of practice is now being revised and updated to ensure they meet the needs of industry and conform with the Act. Where there is any uncertainty, contact your nearest OSH office.

Do regulations, approved codes of practice or guidelines affect your business?

Below is a list of regulations that are either in place or in preparation for particular areas. There is also a list of activities for which codes of practice for safe work practices have been approved by the Minister of Labour under the Act. Thirdly, is a list of more topics for which more general guidelines on safe practices were in preparation at the time of printing.

If you work in an industry affected by any of these documents, then you may need to be aware of their content. Approved codes of practice can be purchased from your nearest OSH office. As guidelines become available they will be free.

Regulations

- Health and safety in employment (general)
- Tractor safety frames
- Geothermal
- Mining administration
- Mining control
- Petroleum (including pipelines)
- Boilers and other pressure equipment, cranes and passenger ropeways
- First aid
- Working with hazardous substances
- Manufacture of paint, printing inks and resins
- Photoengraving and lithographic processes
- Tree work
- Forestry operations
- Demolition
- Scaffolding
- Managing hazards to prevent major industrial accidents

Codes of practice

- Prevention, detection and control of fire and explosion in dairy spray drying plant
- Preventing sulphur fires and explosions
- Visual display units
- Isocyanates
- Timber preservatives and antispain chemicals

Guidelines

- Agricultural safety, health and accommodation
- Construction industry
- Commercial and industrial premises
- Machinery
- Woodworking machinery
- Forestry work

Are You Managing Safety and Health?

The first of the following checklists will help you review the health and safety management systems you have in place in your business. Don't be put off by such a list — often you will be surprised at

how much you are in fact doing without formally recognising it.

The remaining checklists will give you some pointers for getting started on **identifying**, **assessing** and **controlling** hazards in your business.

As a general rule, the more YESs you record the closer you are to meeting the requirements of the Health and Safety in Employment Act. But, most importantly, make sure you take action to turn the NOs into YESs. Contact your nearest OSH office for advice if you need it.

Systems

Has your place of work an effective method to systematically identify hazards (particularly *significant hazards*)?

Have appropriate controls been identified and developed for each significant hazard?

Are the above two steps recorded?

Are you familiar with the regulations and/or codes of practice relevant to your business?

Information and training

Are employees provided with information on all hazards to which they are exposed, or which they may create?

Are all employees adequately trained in the safe use of all plant, equipment and clothing they may use or handle?

Are all employees who do not have the knowledge and experience to perform a job or task adequately supervised?

Accidents and emergencies

Yes No

Emergency procedures

Are there emergency procedures in place for your workplace?

Have all people in the workplace been involved in their development?

Is everyone familiar with the procedures?

Are there sufficient, clearly marked, emergency exits available?

Are there adequate and properly serviced fire extinguishers in place?

First aid

Is there a properly stocked first aid cabinet?

Is a trained person responsible for first aid?

Accidents

Do you keep a register of accidents and *serious harm*?

Are all instances of serious harm to employees notified to OSH?

Are all accidents that harmed — or might have harmed — any person investigated?

Your work environment

Yes No

Workstations

Are workstations designed on ergonomic lines so that there is a good physical fit between them and the users?

Are all workers who are at risk of back injury and occupational overuse syndrome aware of the risks involved?

Do operators know how to adjust their workstations for maximum comfort?

Do operators know how they can minimise work-related aches and pains through good posture, workplace exercises, good working technique, relaxation and taking regular breaks?

Do VDUs and computer workstations conform with the approved code of practice?

Housekeeping

Are all work areas kept tidy and clean?

Access and storage

Are railings fitted on the open sides of stairs and platforms?

Are all accessways clearly marked and free of obstructions?

Is there adequate storage for materials and equipment?

Is there adequate provision for refuse and scrap materials?

Are floors kept clean, clear and free of tripping hazards?

Your work environment (continued)

Yes No

Lighting

Is there enough light to do the task safely and efficiently?

Is the quality of light adequate? Is it free from distracting reflections and direct glare?

Noise

Is noise controlled at the source where possible?

Are noises isolated where necessary?

Is the right grade of hearing protection available? (Remember the maximum exposure at 85dBA is 8 hours.)

Ventilation

Is adequate ventilation provided?

Is an effective extraction system in place to remove dust, steam or fumes produced by any process?

Work space

Is there sufficient space for the work being performed? (As a general rule, each person requires 12 m³.)

Temperature

Is the workplace maintained at a comfortable working temperature?

Hazardous substances and chemicals

Yes No

Are Material Safety Data Sheets available for all chemicals in use?

Are incompatible chemicals stored apart?

Are all containers labelled?

Are storage systems — racking, stacking, labelling, etc. — adequate?

Is a dangerous goods licence required?

Work methods and equipment

Yes No

Does all machinery meet the required guarding standards?

Are all electric leads or switches maintained to acceptable standards?

Are transformers or earth leakage devices used where there is any danger of shock?

Is suitable seating provided, particularly for people who spend long periods seated?

Are defined work methods and procedures followed, and is the required safety equipment used?

Is appropriate personal protective clothing and equipment available and maintained?

Further Information

You can always get further information and advice from your nearest office of the Occupational Safety and Health Service. (We're listed in the telephone directory under Department of Labour.)

Other sources of information and advice are:

- The Accident Rehabilitation and Compensation Insurance Corporation
- Suppliers of your materials (such as chemicals)
- Machinery and equipment suppliers
- Your industry association, (such as for manufacturers, master builders, retailers, etc.)
- Suppliers of safety equipment (see your Yellow Pages)

- Your city or district council
 - Doctors and occupational health nurses specialising in the field (OSH can supply a list for your region if required)
 - NZ Chemical Industry Council.

