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Getting the best out of ComplyWith

Overview

- Obligation did not arise
- Understanding obligations (“plant” and “workplace”)
- Directors
- Reviewing your survey (hazardous substances)

Obligation did not arise

Please select your response

You can change this any time before you lock off your survey



Full Compliance



Partial Compliance



Zero Compliance



Obligation Did Not Arise



Reallocate This Question

Commentary

Explanation

The circumstances giving rise to this compliance obligation did not occur during this survey period

Enter explanation 255 chars max.

+ ADD MORE

Supporting documents

Type here

SAVE & GO TO NEXT OBLIGATION →

UPLOAD FILES





As a manager, you must keep yourself and your staff safe. You must also be aware of and comply with all health and safety instructions, policies and procedures that apply to your role [see commentary] [HSW Act]

Response selected

You cannot change the answer when the survey is locked or closed



Full
Compliance



Partial
Compliance



Zero
Compliance



Obligation Did
Not Arise



Reallocate This
Obligation

Please Explain

SAVE & GO TO NEXT OBLIGATION →



Your actions must be consistent with the principle that everyone has the right to be free from unjustified discrimination.

s 21 HRA

Response selected

You cannot change the answer when the survey is locked or closed



**Full
Compliance**



**Partial
Compliance**



**Zero
Compliance**



**Obligation Did
Not Arise**



**Reallocate This
Obligation**

Understanding obligations

- Key concepts/words
- Commentary
- Definitions
- What does the obligation require?

Example: “plant”



Health and Safety at Work Act, General Risk Regulations & Worker Engagement Regulations

Plant – Primary duty of care – Ensure the safe use and handling of all plant – PCBU



All plant must be used and handled safely, so far as is reasonably practicable [see commentary] [s 36(3)(d) HSW Act 2015]



Commentary

Response selected

You cannot change the answer when the survey is locked or closed



Full
Compliance



Partial
Compliance



Zero
Compliance



Obligation Did
Not Arise



Reallocate This
Obligation



Safe plant must be provided and maintained, so far as is
reasonably practicable [s 36(3)(b) HSW Act 2015]



Response selected

You cannot change the answer when the survey is locked or
closed



Full
Compliance



Partial
Compliance



Zero
Compliance



Obligation
Did Not Arise



Reallocate
This
Obligation

Please Explain

SAVE & GO TO NEXT OBLIGATION →



Commentary



Provide and maintain safe plant

An organisation (called a **PCBU** in the Act) must ensure, so
far as is **reasonably practicable**, the provision and
maintenance of safe **plant**.^[1]

This obligation is part of the **primary duty of care**.



WorkSafe NZ Guidance about the Safety of Plant
(summary & links).

WorkSafe NZ Guidance **Introduction to the Health and
Safety at Work Act 2015** (page 23).



Contents Search

- local authority
- Maritime New Zealand
- medical officer of health
- medical practitioner
- military aircraft
- Minister
- naval ship
- New Zealand
- New Zealand ship
- New Zealand Transport Agency
- non-disturbance notice
- notifiable event
- notifiable incident
- notifiable injury or illness
- officer
- person
- person conducting a business or undertaking or PCBU
- personal information
- personal protective equipment or PPE

plant

- prescribed high-risk plant
- prohibited health and safety reason
- prohibition notice
- reasonably practicable
- regulations
- regulator
- regulatory agency
- relevant health and safety legislation
- representative
- residential work
- ship
- statutory officer
- structure
- substance
- supply
- suspension notice
- union
- volunteer
- volunteer worker
- work group



PLACES & THINGS

PLANT



...and

- Any component of those things; &
- Anything fitted or connected to those things

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Health & Safety

plant

includes—

- (a) any machinery, vehicle, vessel, **aircraft**, equipment (including **personal protective equipment**), appliance, container, implement, or tool; and
- (b) any component of any of those things; and
- (c) anything fitted or connected to any of those things



NZ guidance in relation to plant is available [here](#)



Australian guidance in relation to plant is available [here](#)

Example: “workplace”



Smoke-free Environments Act 1990 -
All Managers

Take reasonably practicable steps to make sure your staff don't smoke in
the workplace



Commentary

You must take all reasonably practicable steps to make sure that your staff don't smoke in an internal area of a workplace (unless an exception applies)

s 5 Smoke-free Environments Act

Enter your response

What is a workplace?

A **workplace** is an **internal area** (see below) usually used by **employees** or **volunteers** during their employment, inside either:

- a building or structure occupied by the **employer**
- a ship, aircraft, or train owned, leased or operated by the **employer**.

This includes cafeterias, corridors, lifts, lobbies, stairwells, toilets and vehicles provided by the **employer**. For more detail of areas that are and aren't included see the definition of **workplace**.

An **internal area** is an area that when the doors, windows, and other closeable openings are closed, is completely or substantially enclosed by all the following:

- a ceiling, roof, or similar overhead structure
- walls, sides, screens, or other similar surfaces
- those openings.



Directors

- Companies Act 1993 (board and director duties)
- Health and safety at Work Act 2015 (officers duties)
- Survey – change response scale.
- Checklists

Directors



Companies Act 1993

Directors – Duties – Must not act fraudulently or dishonestly



Commentary

Directors must not make false or misleading statements, falsify records, act in a dishonest or fraudulent manner, or allow an insolvent company to incur a debt. [see commentary]

ss 377(2), 378, 379(1) & 380(2)-(4) Companies Act

Board



Companies Act 1993

Distributions to Shareholders – Must be satisfied company will satisfy solvency test immediately after distribution – Board



Commentary

A board must be satisfied that the company will satisfy the solvency test immediately after a distribution to shareholders, and the directors must sign a certificate confirming this. [see commentary]

s **52** Companies Act

Enter your response



Officers



Health and Safety at Work Act,
General Risk Regulations & Worker
Engagement Regulations

Officers' duties – The primary obligation is to exercise due diligence



Commentary

An officer must exercise diligence to make sure that the organisation complies with its duties under the Health and Safety at Work Act. [see commentary]

s 44 HSW Act 2015

Response scale for directors

- **Full:** I fully understand this obligation and it's been fully complied with
- **Partial:** I am not fully confident I understand this obligation &/or I have doubts it's been fully complied with (please enter details in the details panel below)
- **Zero:** I do not understand this obligation &/or it's not been complied with at all (please enter details in explanation panel below).

Time for a review

- Is your survey up to date?
- Changes (personnel and law changes)
- Hazardous substances
- Are you reporting under “activities” or legislation headings?

...We can help! Jessica@complywith.com

Key points

- Pay attention to ‘obligation did not arise’ responses
- Encourage feedback/questions (before/after survey)
- Use commentary (trigger cards too)
- Consider checklists/surveys aimed at assessing awareness

Thank you.