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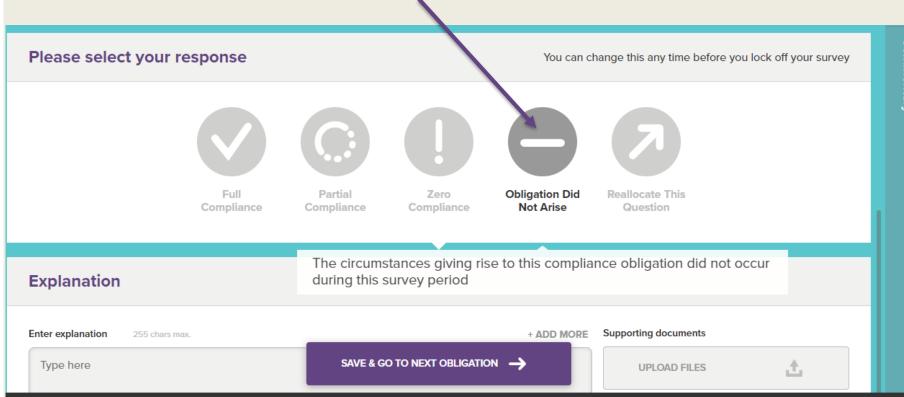


Overview

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



Obligation did not arise



Commentary

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

Commentary

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]



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



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

Plant – Primary duty of care – All plant must be safe - PCBU

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



Commentary

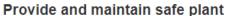


Commentary









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 N7 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

union volunteer volunteer worker work group

🗅 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 statutory officer structure substance supply suspension notice



plant

includes-

- any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement, or tool; and
- any component of any of those things; and (b)
- 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

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

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



Directors – Duties – Must not act fraudulently or dishonestly

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



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

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

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.