

Health and Safety update: New draft regulations

May 2015

The Ministry of Business, Innovation and Employment (**MBIE**) has recently released consultation drafts of certain regulations that are to accompany the Health and Safety Reform Bill introduced to parliament in March 2014. One of these regulations which will be of interests to all business in New Zealand is the Health and Safety at Work (General Risk and Workplace Management) Regulations 2015.

As discussed in our previous health and safety update, the Bill creates a new duty-holder called a Person Conducting a Business or Undertaking (**PCBU**). The draft General Risk and Workplace Management Regulations provide details of the duties owed by a PCBU in relation to general health and safety in the workplace.

These duties include:

- 1 A duty to identify any reasonably foreseeable hazards that could pose a risk to health and safety and to apply (as well as maintain and review) a hierarchy of control measures in minimising these hazards.
- 2 A duty to provide information, supervision, training and instruction to workers carrying out work of any kind capable of causing a risk in a workplace.
- 3 A duty to provide and maintain adequate workplace facilities such as toilets, drinking water and eating facilities as well as ensuring there are facilities for unwell workers.
- 4 In certain places of work that are high risk or have specific needs, there is a duty to ensure those needs are met. For example, if it is likely that a worker's clothes will become wet or contaminated, PCBU's would need to ensure that there is a place to change clothes.
- 5 A duty to provide first aid. This includes ensuring that adequate first aid equipment is available and that there are a sufficient number of workers trained in the administration of first aid.
- 6 A duty to prepare, maintain and implement an emergency plan. This must include details of evacuation procedures, of communication procedures that are to be followed both with regard to the emergency services and within the workplace, as well as any medical treatment and assistance procedures.
- 7 A duty to provide workers with personal protective equipment if such equipment needs to be used to minimise risks to health and safety. There are also provisions that allow for where a worker chooses to provide their own protective equipment.
- 8 A duty to manage risks to health and safety relating to remote or isolated work, as well as work associated with hazardous atmospheres, ignition sources and falling objects.

- 9 A duty to ensure that people engaged to care for children at limited attendance child care centres are suitable and have been vetted by the police.
- 10 Various duties relating to young persons in the workplace. This includes the duty to ensure that no person under fifteen is present at the workplace in certain circumstances that may pose a risk to health and safety such as when construction is being carried out or hazardous substances are being used. PCBU's must also ensure no worker under fifteen works with machinery, drives a vehicle, carries out injurious tasks such as lifting heavy weights or carries out night work.
- 11 A duty to ensure that exposure standards for substances hazardous to health are not exceeded.
- 12 A duty to provide and inform of health monitoring to workers exposed to hazardous substances.
- It is important for PCBU's to understand their obligations under the new health and safety regime as failure to comply may result in fines or even imprisonment.
- Submissions have been sought on the draft regulations, with implementation expected by the end of 2015.

If you would like more information regarding the above, or have any questions, please contact us.

Shelley Eden, Partner

Contact her on +64 9 300 8756 or shelley.eden@shieffangland.co.nz

www.shieffangland.co.nz

© Copyright 2015 Shieff Angland

This note gives a general overview of the topics covered and is not intended to be relied upon as legal advice.