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Focus on health and safety at work



new Health and Safety at Work Act comes into effect next April. It introduces new duties and makes a wider range of people and organisations liable. Fines and other penalties are significantly increased.

The new law focuses on health and safety at work rather than in employment. It includes people who are at work but not in

employment.
That includes contractors, visitors, employees, owners, employees of sub-contractors almost anyone who is lawfully in

your workplace.
Anyone unlawfully in your workplace is not covered and no duties are owed to them under this law (however, other laws might still apply, such as the

might still apply, such as the Crimes Act). A new description of the primary duty holder has been created. That is the person conducting the business or undertaking (PCBU). Those people or organisations

have a duty to identify and then eliminate or minimise risks to ensure a safe workplace for themselves, employees and others in the workplace, as far as

The workplace, as far as reasonably practicable.

The "isolate" duty under the current law has been dropped as a separate measure and is now part of the duty to "minimise".

A PCBU covers:

I Whether working alone or with

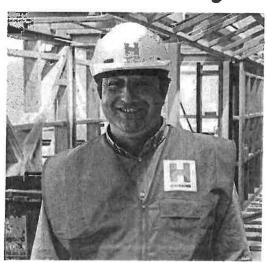
Whether for profit or not.
A PCBU does not include
volunteer organisations (if they have no employees) or an occupier of a home (for example, contracting in work on a

comracting in work on a residential building). A significant change has been to include officers of a PCBU, An officer of a PCBU has duties to ensure the PCBU fulfills its duties. Officers include directors partners, people acting like a director (such as the board of an incorporated or unincorporated

They also include people exercising significant influence over the business, such as the chief executive.

Who is a worker now includes:

- Employees.
 Contractors/subcontractors.
- Employees of contractors/ subcontractors.
- Employees of a labour hire firm.
- Outworkers (including at



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A person on work experience/ trial.

trial.
Voluntary workers (working for PCBU with its knowledge on an ongoing and regular basis and integral to the business).

A worknisce is now

carried out or is customarily carried out.

Any place a worker goes or is likely to go (exceptions for part of

farms).

When taking action to identify, eliminate or minimise risks, a PCBU is only expected to do what is reasonably practicable.

It is necessary to assess: The likelihood of the hazard/ risk occurring.

The degree of harm that might result.

What you know or should know

about the risk and how to eliminate/minimise.

Available ways to eliminate/

Cost of doing so (is it grossly

disproportionate to the risk?). So if you are in an office, the risks and seriousness of the harm will be very different to a building site, farm or forest, but risks must still be identified, eliminated or minimised

The danger and cutcome from a trip on stairs, a child being poisoned by staff room chemicals or an electrical shock from unsafe equipment could be just as real and deadly as any other workplace.

In future articles I will cov more on the new law, including the fines and penalties, notification to Worksafe, overlapping duties, duties of others in the workplace, record-keeping and engagement with workers (health and safety reps and committees).

Column courtesy of Rainey Collins Lawyers, phone 0800 733484 or raineycollins.co.nz.

if you have a legal inquiry you would like discussed in this column, email aknowsiey@raineycollins.co.::z.