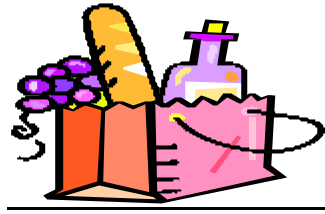


FOOD SAFETY – PROPOSED NATIONAL CERTIFICATE

We are pleased to advise that following a recent visit from the Hospitality Standards Institute (HSI), we will be recommended to NZQA for approval to deliver a range of food safety qualifications under the framework. Subsidy should be available from HSI or NZITO. The qualifications will be levels 2 to 5 and will be as follows:



- 20666** level 2 credit 2, Demonstrate a basic knowledge of contamination hazards and control methods used in a food business
167 level 2 credit 4, Practice food safety methods in a food business
15274 level 2 credit 4, Work in a food business under a food safety program
168 level 3 credit 4, Demonstrate knowledge of food contamination hazards, and control methods used in a food business
15275 level 4 credit 10, Supervise a food business under a food safety program
15276 level 5 credit 40, Develop, implement, and verify the operation of a food safety program for a food business

WELCOME TO AN UPSIDE DOWN WORLD

In recent months, the cultural quandary of minority rights and blaming the innocent came to another head. Queen Elizabeth prepared for an historic visit to Germany. Bild, the biggest national German newspaper, ran a front-page story asking if the Queen should not apologise for British war-time bombings. At the same time, the Prime Minister of UK and President Bush are others being forced to apologise for taking steps to protect the world from terrorism.



Consultant Name _____
 Telephone/Fax _____

All information in this newsletter is to the best of our knowledge true and accurate. No liability is assumed by the author, or publisher, for any losses suffered by any person relying directly or indirectly upon this newsletter. Please call our Head Office for specialist advice.

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Business Qualifications, Accreditation & Compliance Specialists

News & views from Summit

Summer 2004

**WARNING TO ALL EMPLOYERS PART 3 OF 3**

One of the most dangerous situations for employers is when they go about firing an employee. We again remind clients that they must be careful and follow due process to ensure there is no infringement of *natural justice*.

This means that even though there appear to be extraordinarily clear reasons for dismissal, it is a legal requirement that *due process* be followed meticulously. You need to be able to prove beyond doubt the failure or inadequacy of the employee. It is essential to have detailed job descriptions with expected outcomes clearly stated. For example you might state number one requirement is "to arrive at work on time". The corresponding outcome should state "always arrive at work on time and be fit for working".

Believe it or not, you also need to be almost apologetic that the individual could simply have not understood the requirements. You need to explore for reasons as to why the individual could have become involved in the misconduct. This is the criminal cult of NZ that forces us to try and recognize or even reward the criminal.

In the event of **suspected** serious misconduct (this could include serious breach of safety regulations) that may lead to dismissal, you must call a formal meeting. The worker will be advised verbally that a disciplinary meeting is to be called and s/he is entitled to have a witness present. The employer will also have a witness present. The discussions will be recorded and the key statements written verbatim. The worker will be invited to give any reasons that might justify the extraordinary behaviour. For example if caught "pinching" money from the till, another manager might have asked the person to remove money and put it in another till that was short of change. Where possible, the worker should be given a written final warning and be rehabilitated, with a review meeting in one month. All four people will sign off the report.

If there are no exonerating reasons and the serious misconduct is **established** beyond doubt, then the worker must be given termination notice spelling out the reasons in detail, and be given full payment for any outstanding hours worked, holiday pay and allowances, in accordance with the agreement or contract. In the case of misconduct not justifying instant dismissal, the employer must make it clear what is required in terms of duties, volume, quality, safety and other standards of behaviour. There must be a period of say two to four weeks for the

worker to improve and meet the standard. The four people present at the meeting will sign off on the conditions and requirements agreed in writing. Another meeting will be held in two or four weeks. If the worker has not come “up to speed”, then a dismissal letter must be completed as for a serious misconduct. The letter must state that a preliminary meeting was held on a stated date, and that the worker was given a reasonable opportunity to meet agreed standards.

Good employment systems should reduce the risk of engaging unsatisfactory workers. It is imperative to check people out thoroughly prior to hiring.

We again make our offer to all our clients. If you want help to stop this happening, please ring us for free advice. Ring our office on 03 33 888 20 and ask for our HR consultant.



“GO AWAY! WE’VE GOT IT ALL COVERED”

There seems to be a growing trend of “head in the sand” in the business sector. Recent governments have made it possible for unqualified and unprofessional people to set up in business. In fact the present Minister of Finance boasts that NZ is the easiest place in the world to set up. The downside of this is that we have the highest percentage of fall outs, (94% over 10 years) and other legitimate players being taken advantage of. The Hartner crash in Auckland is believed to have severely hit about 500 smaller players. John McLeay has advised that a Massey Professor has predicted a very hard landing for small businesses in 2005.

Much of this is caused by the policies that (a) allow unqualified / inexperienced people into business and then (b) have a taxation regime where the first and second years of tax are paid within 12 months, and (c) an irrational form of taxation that requires GST to be paid in advance of receipt of monies, and (d) huge disincentives in the form of taxation at well in excess of 50%. The taxation levels are 39% direct tax, 12.5% GST tax, about 2% ACC tax. (e) In addition, we have perhaps 25% indirect tax – vis fuel, tobacco, alcohol, sales tax , stamp duty and others. Also (f) we have the most punitive employment system in the world that we am aware of. It works out to be the equivalent of 10 weeks of leave for every worker. Many NZ businesses are moving offshore.

BY GOSH, WHERE IS OSH?

In a move either designed to deceive the electorate or to try and give a more friendly image, OSH has now calls itself the Workplace Group. If you try ringing one of the Branches you may get a response “this is the Dept of Labour, OSH” or “this is the Workplace Group”.

WHAT IS HAPPENING IN THE WORLD OF OSH FINES

There are several things to be aware of:

1. The official statistics relating to OSH fines have not been updated since December 2000 and therefore bear no resemblance to recent fines in terms of volume and size.
2. Fines relating to hazardous substances can now be imposed by eight different agencies (not just OSH).
3. OSH now has the power to impose fines for work being carried out on roads, in the air, on railways and at sea. In other words - all travel.
4. The maximum fine is not \$500,000 as would appear to be the case from a reading of the legislation. What is not clear is that OSH can impose fines under several different sections of the Act for the one event.
5. The statute of limitations does not apply to the HSE Act. OSH inspectors can impose a fine within six months of the time when they become aware of the event. This might be several years after the actual accident.
6. Individuals or relatives can now force OSH to impose a fine if they have reason to consider laying information before the court themselves.
7. Fines can now be imposed on people who sell, service or wholesale plant or equipment. This brings huge risks for people who sell or service vehicles and plant such as mowers, tractors, implements etc. A recent fine in NSW was \$1 m on the manufacturer, plus a similar amount on the supplier. The case related to failure of a safety harness when a worker fell from a cherry picker. NSW Supreme Court – LANZA v CODEMO.



MOST OSH INSPECTORS ARE HUMANE



I recall an incident at a major packaging factory where a scissor lift wheel fell apart and the operator fell six metres and was in a coma for weeks. The inspector suspected that the wheel could possibly have been tampered with, and kindly advised me to seek out an engineer who would be able to assess the size of the wheel and the quality of the welding.

NB: If this accident had happened in 2003 or later, the hire company hiring the equipment would have been up for a major fine.