

### **KEEPING WORKERS SAFE ON THE JOB**

Steve Levett, the current President of the Rural Contractors Federation is quoted in Rural News December 17 of 2013. He states that employers and employees have an important part to play in improving safety in the workplace. "Unfortunately, the attitude towards ensuring workplace safety is not universal in the agriculture sector and it can be a battle to get safety seen as a priority by every individual". As a result of the new Crown Agency called Worksafe NZ it will cause the spotlight to focus on all sectors including rural contractors and farm workers.

Steve then suggests - "Firstly, think carefully about the hazards you and your workers may encounter in the day-to-day jobs and on the numerous farm properties they work on. Farmers have legal requirements to ensure the safety of those coming on to their properties. Rural contractors should be communicating with their farmer clients to ensure known hazards or potential hazards are identified and known to minimise the risk of injury. The farmer must warn you and your staff of any hazards that may cause serious harm.

"As an employer, you must work to eliminate hazards, and if elimination is not practical, try to isolate them – for example by installing machinery guards or ensuring workers use earmuffs and eye protection when operating machinery.

"You must also keep a register of work-related injuries and serious harm, record and investigate harm or near-miss incidents and report any serious harm incidents to the Ministry of Business, Innovation and Employment.

"Take stock of your machinery and equipment and farm sheds including the workshop. Proper machine guarding and regular equipment maintenance checks may help prevent accidents, as may ensuring that equipment, chemicals and machinery are stored safely away.

"Similarly, cut risks by using personal protective equipment like overalls, gloves, boots, hats, hearing protection and safety eyewear. Consider your emergency preparedness, especially if hospitals and other medical providers are not readily accessible. If an inspector does visit, it will be beneficial if you can show you have considered these matters and have a plan in place".



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## **HSE FINES - I SEE NUTTIN, I HEAR NUTTIN, SO I DO NUTTIN?**

Worksafe New Zealand has laid charges against a company and two individuals after the death of Lincoln Kidd, 20, in a forestry accident near Levin in December 2013.

The company has been charged under Section 49 of the Health and Safety in Employment Act 1992 which alleges the company knew serious harm was reasonably likely to be caused.

The charge carries a maximum fine of \$500,000 (the old maximum). It has also been charged in the alternative under Section 50, which carries a \$250,000 maximum fine (the old maximum).

One of the individuals has been charged with acquiescing, assisting or directing the company in that failure and faces a maximum penalty of two years imprisonment and or a fine not exceeding \$500,000 (the old maximum).

The remaining individual faces a charge in relation to an alleged failure before the date of Kidd's death, which is punishable by a maximum fine of \$250,000 (the old maximum).

The above scenario is indicative of many such happenings around NZ where both workers and managers do nothing, claim to know nothing and do not wish to be involved. They usually pretend that it is not their problem and that they did not hear anything about the case and therefore cannot be implicated.

All individuals in NZ that do any work at a workplace or are workers or are in charge of a PCBU (person in charge of a business unit) now have strenuous legal obligations, responsibilities and must ensure that they do not ignore the strict duty of care that will catch out all people who think that they can escape.

It is no longer good enough to ring OSH and ask for a free inspection. It will not work to simply depend on the Head Office sending a manager to carry out a site inspection annually. It is not good enough for a Church to say that they do not pay the Priest or Pastor. It will not work for a company to say that they have three pages of rules for the workers. Every Dentist, Doctor, Teacher and Professional person must attend to their legal requirements. Insurance is not an option either.

NB: the new maximum fines are \$3 million and five fines can be levied for the one event. The new personal maximum is \$600,000 for a manager or worker.

**2.**



## **RISK MANAGEMENT SCHEME / QUALS**

We are working towards a relationship with what is probably the largest NZ Insurance Brokerage for international insurances. They will be able to get us into well-managed risk and highly protected risk cover for clients.

Our Clients can retain their current brokers if they wish in the full knowledge that the brokers may have taken serious financial advantage of them for years and years. We will also supply information about the new qualifications for Risk and Compliance in the near future and endeavour to ensure that our Clients get the best advantages.

## **PROPOSED PARTNERSHIP - NZTE**

We are working towards a relationship with NZ Trade and Enterprise for the benefit of all clients. What this means is that you will be able to engage us for the purposes of business competency and capability or in simple language business development and improvement. The scheme is somewhat like the old BDB or Business Development Board funding for small businesses. To qualify, you must have less than 50 full time staff equivalents. Your business must be legitimate, be GST registered and most importantly be owned and managed by people who wish to improve their business profitability and performance. The NZTE subsidy is \$5,000 per annum at the ratio of \$1 for \$1.



## **COMPANY DOCTOR SCHEME UPGRADED PLUS NEW FORMS**

All Clients are advised that they need to ensure that they get periodic updates of their management systems.

For example, the latest edition of the top shelf management system for ACC discount has six pages in the Company Doctor scheme. The original four still remain but there are two extra pages vis a) letter to Company Doctor requesting Health Status Review or what is called "Monitoring of workers" in sections 11 and 12 of the 1992 Occupational Health and Safety in Employment Act. In addition, a Consent Form for the workers that might wish to be obstructive.

At the same time, there are new forms called Landscape Forms and this set covers items such as Hazard Analysis, Occupational Hygiene, Personal Protective Equipment, Hazard Management flowchart, Job Task Analysis format, Annual Calendar for clients to generate H&S timetables for issue to staff.

**3.**

## **SUSTAINABILITY IS A GAME CHANGER**

“It was a deal breaker”.

Having sustainability outcomes included in the pitch (mix) directly contributed to which company was successful when the Auckland Council awarded a recent contract, said acting sustainability manager Andrew Walters. He warned, if suppliers want to work with the Council now, they need to be sustainable.

Auckland Council has a new procurement strategy, which includes sustainability, governing its \$2.5 billion annual spend.

In May 2014, the Waikato Regional Council invited its suppliers to a meeting where it announced it was placing a 15 per cent weighting on sustainability in its procurement criteria. Council CEO Vaughan Payne said that the council was “walking the talk” in sustainable purchasing.

“We spend about \$83 million annually with over 1400 suppliers and contractors ... It is up to the council to show leadership and reward businesses and organisations who are innovative and sustainable, that use that as a driving force for change in the region”.

Only 160 suppliers turned up, 11% of the council's total suppliers. When it sent out a questionnaire to benchmark the sustainability performance of its top 200 suppliers, only half responded.

It is believed however that the council's change to the weighted attributes formula will have an impact on suppliers in the longer term as they come to realise that they failed to win a tender that they otherwise would easily have secured.

When a giant like the Auckland Council adopts sustainable procurement that impacts its 6000 suppliers, who then adopt sustainable procurement with, say, 10 of their suppliers who likewise do the same to eight of their suppliers. That's 480,000 businesses affected. As NZ has only 470,000 businesses registered with IRD, that should mean a more than gradual impact and acceptance.

The Sustainable Business Council is running a sustainable procurement programme, called Resource Efficiency in the Value Chain, with some of New Zealand's largest companies.

Clients with Quality Assurance systems need to contact us for some update pages which will be issued at no cost for all those who are on annual audits.

