



# Responsibility for the Health & Safety of Others

## Systems of Work

No matter what business sector you are in staff safety is paramount. You simply cannot run your business with staff away while ill or injured hence the saying prevention is better than cure.

[Worksafe NZ](#) is our country's Regulator for workplace health and safety. It is their job to implement the Health and Safety at Work Act 2015 along with the supporting Regulations.

## Regulations

- General Risk and Workplace Management. (Applies to all employers).
- Worker Engagement, Participation and Representation. (Applies to all employers).
- Hazardous Substances
- Major Hazards Facilities
- Asbestos
- Adventure Activities
- Mining and Quarrying
- Petroleum Exploration and Extraction.

They have inspectors that have very wide and strong powers to enter workplaces, stop work and if required initiate prosecutions.

The legislation defines duty holders.

The main duty holder are directors of companies. They have a duty to undertake *due diligence*. This requires them to take a formal process of assessing the work, the workplace, hazard and risks actual or potential, ensuring there are adequate resources (financial, human, plant and equipment, safe systems of work etc) available to mitigate those hazards and risks plus that here are implemented formal reporting and responding systems.

Next are the PCBU's or persons conducting a business or undertaking, in short, the legal entity. This falls onto the CEO and their leaderships and management teams. It is their responsibility to follow any directives from their directors and to develop and implement safe systems of work for staff to follow. This includes safe operating procedures, staff training plans, keeping licences up to date, providing guarding through to PPE (Personal Protective Equipment). It is important to keep monitoring how staff are working and intervening quickly when things look as though they may be going wrong.

The PCBU (Person Conducting a Business or Undertaking) must also consult, collaborate, and coordinate with all contractors who are working for or on behalf of the PCBU. Both parties must know what each other doing, what hazards and risks are being introduced into the work areas, what controls are in place and who will be in charge. The principle PCBU has the overarching duty.

Underpinning the legislation is the requirement to engage with staff and allow staff participation and representation. It makes sense to use the staff who are on the shop floor to listen to their concerns and ideas for improvement.

Worksafe statistics show clearly that unsafe work practices, failure to train, poor maintenance and failure to supervise are the most common causes for prosecution. All these areas are well within the PCBU's ability to manage.

Workers also have a duty. Their role is to follow all safe systems of work, report maintenance issues and use PPE. NB they are the last to be looked at when things go wrong.

Worksafe NZ produces guidance material covering most sectors. It ranges from Codes of Practice through to just a guidance note. It is the employer's duty to know what material is there and then to use it or have a system that is equal to or better than that guidance. Ignorance is no defence.

The Worksafe NZ web site includes the following tabs,

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It is strongly recommended that where there are significant risks to health and safety then formal systems of work be developed. This is then supported by either internal or external training with documented results, dates and topics. Linking safety to Human Resource systems is often done to add further weight to the importance of following rules and procedures.

Learning from staff is a powerful way to keep them focused and engaged. It must never be a system where *"I told you what to do."*

Also remember that things change, and we are always adapting to variations that occur daily. You must ensure that your systems of work are flexible enough to counter this or you allow staff the ability to self-manage on the day. If they were to self-manage then all learnings from the day must be captured and integrated into the systems.