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**Leading Health and Safety**

Assistant and Deputy Principal

Workbook



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Workers do not go to work to die or get injured. Employers do not go to work to set up systems to harm workers. Every worker has the right to go home safely.

A range of factors combine to produce the conditions that cause death or injury. Whilst this may be more prevalent in other industries, the education sector has a range of health and safety issues that can cause harm to staff.

Principals, deputy principals, assistant principals, teachers, support staff (including caretakers and cleaners) need to understand what these conditions are. Principals, acting on behalf of the PCBU (Person conducting the business or undertaking) on behalf of the Board of Trustees, then need to act to address these conditions in order to prevent accidents.

Overall NZ has a poor safety record. Australia is twice as safe as NZ and the United Kingdom is 3 times as safe as NZ. We simply must do better.

 The focus is on prevention of harm to workers

Developing a workplace culture and systems that support workers to be safe is what employers need to do. Health and safety is about everyone playing their part. Principals, deputy principals and assistant principals have particular responsibilities.

Getting it right in health and safety is integral to productive workplaces. Principals, deputy principals and assistant principals can do some simple things to make a difference. Developing and strengthening relationships between all workers and principals is vital to improving health and safety in the workplace.

As a deputy or assistant principal there are some things you need to know and some things you need to do. You need to know your role in health and safety. Providing support to health and safety representatives (HSR’s) is an important thing you can do.

Why is it important to have a health and safety representative? What do principals need to do to support the health and safety representatives?

How am I doing this? Who do I need to talk to?

We need to be hearing ‘noise’ from workers and welcoming the ‘noise’. Continuous communication and feedback will be a feature of a school that takes health and safety seriously.

Are the staff in the school safe today? How do I know this?

**What do principals, deputy and assistant principals need to know?**

• Understand the role of the principal, deputy principal and assistant principal

• On behalf of the PCBU, principals, deputy and assistant principals are responsible for ensuring that workers have a safe workplace under the Duties of PCBUs - Section 30 Health and Safety at Work Act 2015.

• Principals, deputy and assistant principals need to be familiar with the functions of Health and Safety Representatives (HSR’s) and Health and Safety Committees (HSC’s) –

 Schedule 2 Health and Safety at Work Act 2015.

• Principals need to be aware of the powers under legislation:

Refusal to do unsafe work – any worker can do this

under Section 83 Health and Safety at Work Act 2015;

HSR may direct unsafe work to cease -

Section 84 Health and Safety at Work Act 2015;

 HSR’s and HSC’s can write a recommendation regarding health and safety to the PCBU which the PCBU has to either adopt or put in writing why the recommendation will not be adopted -

 Schedule 2 Health and Safety at Work Act 2015;

Section 101 Health and Safety at Work Act 2015

– trained HSR’s can issue a Provisional Improvement Notice to remedy a breach of the Act.

**What do principals, deputy and assistant principals need to do?**

• Principals, deputy principals and assistant principals need to support staff to get involved in health and safety.

• Principals, deputy principals and assistant principals need to provide information and education to the Board of Trustees about health and safety so that the Board can carry out their role effectively.

• Workers need encouragement to report accidents (this includes all harm and non harm accidents). It is apparent that there is under reporting in all industries. If accidents are reported organisations can learn how to better assess risk and manage hazards and therefore keep workers safe.

• Workers need to be congratulated for reporting accidents. The workplace culture needs to be one of learning from what does not work, whether we call it mistakes, errors or things that just plain go wrong.

* Understanding why things go wrong helps us to see beyond individual human error at the task level to systemic issues and workplace culture barriers. Working at all levels will make our workplaces safer.

• Principals, deputy principals and assistant principals need to grow health and safety habits every day. Positive messaging is important and repeating the messages in creative and different ways with pictures and words.

• It is important that workers and PCBU’s describe how to talk to each other. There needs to be a process for doing this i.e. regular planned discussions. We must use language we all understand.

• As part of the risk assessment and hazard management process Health and Safety messages must be in all worker and PCBU training e.g. new staff induction, ongoing training of current staff.

The Ministry of Education has a range of resources to support schools implementing Health and Safety.

<http://www.minedu.govt.nz/HealthandSafety>

**What is Worker Participation?**

“ Active worker participation’ means that workers are: involved in developing, implementing and monitoring their workplaces’ health and safety systems; can participate through a range of representation mechanisms, including unions; have the training, support and knowledge to enable them to participate without fear of possible repercussions; and can hold employers to account for their responsibilities”

(Health and Safety Task Force Executive Summary Page 16).

**How are you going to do it?**

• Enable/support HSRs to talk to the workers they represent.

• Talk to the workers.

• Listen to the workers.

• Follow-up on issues that are raised.

• Keep the HSRs and workers informed and provide feedback.

• Provide education for HSRs and workers including knowledge of policies and procedures.

• Ensure that there is induction for all workers and that this includes health and safety.

• Ensure that health and safety is on all meeting agendas

(and ensure there is always something to discuss).

**Who are the Duty holders?**

* PCBU - person conducting a business or undertaking;

Persons who control places of work have a primary duty of care to workers who are employed, engaged, influenced or directed by the PCBU.

If there are several PCBUs then they must co-operate.

* Self- employed persons must as far as is reasonably practicable ensure their own safety while at work.
* Officers (Principal, Board of Trustee member) who must exercise due diligence
* Workers

The overarching principle is that duty holder must assume Health and Safety is their responsibility rather than somebody else’s.

Duty holders must consult other duty holders.

**Worker engagement, participation and representation**

 PCBU required to engage with workers.

PCBU to have practices that provide reasonable opportunities for workers to express their views and raise issues and contribute to decision making.

Election of Health and Safety Reps (HSR’s) required if workers request it.

PCBU must establish Health &Safety Committee if requested by workers.

Specified functions and powers of H&S Representatives in

Schedule 2 Health and Safety at Work Act 2015

### Health and Safety at Work Act

### Duties of PCBUs

##### Section 36 Primary duty of care

(1) A PCBU must ensure, so far as is reasonably practicable, the health and safety of—

##### (a) workers who work for the PCBU, while the workers are at work in the business or undertaking; and

##### (b) workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are carrying out the work.

(2) A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

(3) Without limiting subsection (1) or (2), a PCBU must ensure, so far as is reasonably practicable,—

##### (a) the provision and maintenance of a work environment that is without risks to health and safety; and

##### (b) the provision and maintenance of safe plant and structures; and

##### (c) the provision and maintenance of safe systems of work; and

##### (d) the safe use, handling, and storage of plant, substances, and structures; and

##### (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and

##### (f) the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and

##### (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.

##### (4) Subsection (5) applies if -

##### (a) a worker occupies accommodation that is owned by, or under the management or control of, a PCBU; and

##### (b) the occupancy is necessary for the purposes of the worker’s employment or engagement by the PCBU because other accommodation is not reasonable available.

##### (5) The PCBU must. So far as is reasonably practicable, maintain the accommodation so that the worker is not exposed to risks to his or health and safety arising from the accommodation.

##### (6) A PCBU who is a self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

### Health and Safety at Work Act

##### Section 44 Duty of officers

(1) If a PCBU has a duty or an obligation under this Act, an officer of the PCBU must exercise due diligence to ensure that the PCBU complies with that duty or obligation.

(1A) For the purposes of subsection (1), an officer of a PCBU must exercise the care, diligence, and skill that a reasonable officer would exercise in the same circumstances, taking into account (without limitation)—

##### (a) the nature of the business or undertaking; and

##### (b) the position of the officer and the nature of the responsibilities undertaken by the officer.

(1B) Despite subsection (1), a member of the governing body of a territorial authority or regional council elected in accordance with the Local Electoral Act 2001 does not have a duty to exercise due diligence to ensure that any council-controlled organisation (as defined in section 6 of the Local Government Act 2002) complies with its duties or obligations under this Act unless that member is also an officer of that council-controlled organisation.

(2) In this section, due diligence includes taking reasonable steps—

##### (a) to acquire, and keep up to date, knowledge of work health and safety matters; and

##### (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and

##### (c) to ensure that the PCBU has available for use, and uses appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and

##### (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and

##### (e) to ensure that the PCBU has , and implements. Processes for complying with any duty or obligation of the PCBU under this Act; and

##### (f) to verify the provision and use of resources and processes referred to in

##### paragraphs (c) to (e)

##### Health and Safety at Work Act

##### Section 45 Duties of workers

##### (a) take reasonable care for his or her own health and safety; and

##### (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and

##### (c) comply, as far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or regulations; and

##### (d) co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.

##### Section 30 Health and Safety at Work Act 2015

##### Management of risks

(1) A duty imposed on a person by or under this Act requires the person—

##### (a) to eliminate risks to health and safety, so far as is reasonably practicable; and

##### (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

(2) A person must comply with subsection (1) to the extent to which the person has, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate.

**Definitions**

**Section 16 Health and Safety at Work Act**

Hazard (dictionary definition – not in the Act) – anything that causes or has the potential to cause harm.

Hazard (as in the Act)

 includes a person’s behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person’s behaviour)

Health (as in the Act)

means physical and mental health

##### Health and Safety at Work Act 2015

##### Section 25 Meaning of notifiable event

A notifiable event means any of the following events that arise from work:

##### (a) the death of a person; or

##### (b) a notifiable injury or illness; or

##### (c) a notifiable incident.

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##### Section 23 Meaning of notifiable injury or illness

##### (a) any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):

##### (i) the amputation of any part of his or her body:

##### (ii) a serious head injury:

##### (iii) a serious eye injury:

##### (iv) a serious burn:

##### (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping):

##### (vi) a spinal injury:

##### (vii) the loss of a bodily function:

##### Refusal diagram.pdf(viii) serious lacerations:

##### (b) an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:

##### (c) an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:

##### (d) any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work—

##### (i) with micro-organisms; or

##### (ii) that involves providing treatment or care to a person; or

##### (iii) that involves contact with human blood or bodily substances; or

##### (iv) that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or

##### (v) that involves handling or contact with fish or marine mammals:

##### (f) any other injury or illness declared by regulations to be a notifiable injury or illness for the purposes of this section.

##### Section 24 Meaning of notifiable incident

A notifiable incident means an unplanned or uncontrolled incident in relation to a workplace that exposes a worker or any other person to a serious risk to that person’s health or safety arising from an immediate or imminent exposure to—

##### (a) an escape, a spillage, or a leakage of a substance; or

##### (b) an implosion, explosion, or fire; or

##### (c) an escape of gas or steam; or

##### (d) an escape of a pressurised substance; or

##### (e) an electric shock; or

##### (f) the fall or release from a height of any plant, substance, or thing; or

##### (g) the collapse, overturning, failure, or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations; or

##### (h) the collapse or partial collapse of a structure; or

##### (i) the collapse or failure of an excavation or any shoring supporting an excavation; or

##### (j) the inrush of water, mud, or gas in workings in an underground excavation or tunnel; or

##### (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or

##### (l) a collision between 2 vessels, a vessel capsize, or the inrush of water into a vessel; or

##### (m) any other incident declared by regulations to be a notifiable incident for the purposes of this section.

**Health and Safety at Work Act 2015**

**Schedule 2**

**Health and Safety representatives and health and safety committees (summarised).**

**Part 1**

**Health and safety representatives**

1 Functions of a health and safety representative

(f) to make recommendations relating to health and safety

Section 10 Obligations of PCBU to health and safety representative

(2) If a health and safety representative makes a recommendation regarding health and safety, the PCBU must, within a reasonable time, -

1. adopt the recommendation; or
2. provide a written statement to the health and safety representative setting out the reasons for not adopting the recommendation.

**Part 2**

**Health and Safety Committees**

**20 Functions of health and safety committee**

1. **to make recommendations relating to health and safety**

21 Obligation of PCBU in relation to health and safety committees

(2) If a health and safety committee makes a recommendation regarding health and safety, the PCBU must, within a reasonable time, -

(a) adopt the recommendation; or

(b) provide a written statement to the health and safety committee setting out the reasons for not adopting the recommendation.

## Schedule 2 Health and Safety at Work Act

## Health and safety representatives and health and safety committees

## Part 1 Health and safety representatives (summarised)

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##### 1 Functions of health and safety representatives

The functions of a health and safety representative for a work group are—

##### (a) to represent the workers in the work group in matters relating to health and safety:

##### (b) to investigate complaints from workers in the work group regarding health and safety:

##### (c) if requested by a worker in the work group, to represent the worker in relation to a matter relating to health and safety (including a complaint):

##### (d) to monitor the measures taken by the PCBU that are relevant to health and safety:

##### (e) to inquire into anything that appears to be a risk to the health or safety of workers in the work group arising from the conduct of the business or undertaking:

##### (f) to make recommendations relating to work health and safety:

##### (g) to provide feedback to the PCBU about whether the requirements of this Act or regulations are being complied with:

##### (h) to promote the interests of workers in the work group who have been harmed at work, including in relation to arrangements for rehabilitation and return to work.

**Summary of other functions of HSR’s**

##### Health and safety representative may attend interviews

##### Health and safety representative may enter and inspect the workplace

##### Health and safety representative may request information

##### Health and safety representative may be assisted by another person

##### Health and safety representative in one work group may assist, or act in the capacity of, health and safety representative in another work group

##### Health and safety representative may accompany an inspector

##### Health and safety representative may consult the regulator or inspector

##### Functions and powers of health and safety representative generally limited to a particular work group

**Offences**

**Section 47 Offence of reckless conduct in respect of duty**

A person commits an offence against this section if the person –

without reasonable excuse engages in conduct that exposes any individual to a risk death exposing individual to a risk of death or serious injury or serious illness and; and

is reckless as to the risk to an individual of death or serious injury or serious illness.

Liabilities for a person who is a PCBU:

imprisonment of no more than 5 years and/or a fine of no more than $600,000;

**Section 48 Failing to comply with a duty that exposes individual to risk of death or serious injury or serious illness**

for an individual who is a PCBU - a fine of no more than $300,000.

**Section 49 Offence of failing to comply with duty**

a fine of no more than $100,000.

**Section 52**

**Liability of certain office holders**

A trustee of a school board appointed or elected under the Education Act does not commit an offence under Sections 47, 48 or 49 for a failure to comply with the duty imposed by Section 39.

**Reporting to Worksafe NZ**

Duty to notify WorkSafe NZ of a:

notifiable event i.e. death, injury, illness,

or notifiable injury or illness

notifiable incident.

Useful Website references:

 Ministry of Education

 [www.minedu.org.nz](http://www.minedu.org.nz)

WorkSafe NZ

[www.worksafe.govt.nz](http://www.worksafe.govt.nz)

NZEI

[www.nzei.org.nz](http://www.nzei.org.nz)

To organise a workshop with NZEI

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