

Health and safety

Everyone's business

Jill Bond, Ministry of Education

New Zealand's health and safety story

- 75 people die on the job every year
- 600-900 die from work-related diseases
- 1 in 10 is harmed
- 200,000 ACC claims work-related harm
- \$3.5 billion in costs (2-4 percent of GDP)

What Will Be Different?

- Person Conducting a Business or Undertaking (PCBU) replaces employer
- Officer now has due diligence duty
- Greater guidance (Worksafe NZ)
- Additional regulations (MBIE)



PCBU: Person Conducting a Business or Undertaking

Primary duty of care for, and controls risks to, the health and safety of workers and others at the workplace



PCBUs ensure

- The health and safety of their workers at work
- The health and safety of workers who are influenced or directed by the PCBU
- The health and safety of others by ensuring it is not put at risk from work carried out at the workplace



PCBU obligations and duties

So far as is reasonably practicable, to:

- Provide and maintain a work environment, plant and systems that are without risks to health and safety
- Ensure the safe use, handling and storage of plant, structures and substances
- Provide adequate facilities at work for the welfare of workers, including ensuring access to those facilities
- Provide information, training, instruction or supervision necessary to protect workers and others from risks to their health and safety
- Monitor the health and safety of workers and the conditions at the workplace for the purpose of preventing illness or injury

Officers

Exercise due diligence,
which means they
must take reasonable
steps to ensure the
PCBU meets its health
and safety obligations



Duties of Officers is to take reasonable steps to:

- Know about worker health and safety matters and keep up-to-date
- Gain an understanding of the operations of the organisation and the hazards and risks generally associated with those operations
- Ensure the PCBU has appropriate resources and processes to eliminate or minimise those risks
- Ensure the PCBU has appropriate processes for receiving information about incidents, hazards and risks, and for responding to that information
- Ensure there are processes for complying with any duty, and that these are implemented
- Verify that these resources and processes are in place and being used

Key Players

- Boards
- Principals
- School Leaders
- Staff
- Ministry, NZSTA, ERO
- Regulator (WorkSafe)
- Ministry Business, Innovation & Employment (MBIE)



Role	PCBU	Officer	CE of PCBU	Worker	Other People
Board of Trustees (entity)	Fine up to \$3M or \$1.5M or \$500k				
Board of Trustees (individuals)		No fine - exempt			
Principal		Governance No fine - exempt	Management Fine up to \$600k & up to 5 yrs or fine up to \$300k or \$100k	Fine up to \$300k & up to 5 yrs or fine up to \$150k or \$50k	
Worker				Fine up to \$300k & up to 5 yrs or fine up to \$150k or \$50k	
Other people (students, public & parents)					Fine up to \$300k & up to 5 yrs or fine up to \$150k or \$50k

1. Without reasonable excuse engages in conduct that exposes any individual to whom H&S duty is owed to a risk of death pr serious injury/illness AND is reckless as to the risk
2. Failure to comply with H&S duty exposes individual to risk of death or serious illness/injury
3. Failure to comply with H&S duty

Board of Trustees – the Board as an entity is the PCBU

Officer – the individual members of the Board including the Principal are Officers

CE of PCBU – the Principal is also an Officer in their role as the CE of the school. Their role is as under “Officer” above, but as manager rather than governor. This is one of the areas in which we are hoping for more clarity when Select Committee reports back.

Worker – any person who carries out work in any capacity (whether paid or unpaid) for the Board of Trustees, including the Principal

Other People – any person within the school environment and or workplace including students, parents and members of the public

Effective Health and Safety Practice

Leadership

Worker Participation

**Health and Safety
Practice Framework**

**Risk Identification,
Assessment and
Management**

**Workplace
Management**

**Injury and Illness
Support and
Rehabilitation**

Monitoring, Reporting and Assurance

**Health and
Wellbeing
Programmes**

**Professional
Development**

Equipment

**Injury and Illness
Management**

Health and Safety Webpace

Health and Safety reforms 2015: Information for the Education sector

Here you will find under the themes below all the Ministry's guidance relating to Health and Safety for Schools and ECE services. Under each theme is a series of factsheets; quick guides providing general information about the different elements of an effective health and safety system under the proposed new law that secure the health and safety of workers and workplaces.

Like all other sectors, the Education sector must understand and promote as a priority the health and safety of people in the workplace – workers, students/children, parents, visitors and volunteers. Education organisations, leaders and managers must have in place a robust health and safety management system. To be fully informed about your health and safety obligations, visit WorkSafe New Zealand's website: <http://www.business.govt.nz/worksafe/about/reform/>

Progress of the Bill

New health and safety at work legislation is progressing through the parliamentary process and is likely to take effect towards the end of 2015.

Following public consultation on proposals last year, Cabinet has made initial decisions about the first phase of regulations to support the new Health and Safety at Work Act.

You can now read the Cabinet papers on the Ministry of Business, Innovation and Employment (MBIE) website. The Select Committee is due to report the Bill back to Parliament by the end of May.

Ministry work programme

The Ministry of Education has a programme of work that is considering the impact of the new law for the school and early childhood education sectors.

We are working with the sectors through your representatives on the School Sector Reference Group and the Early Childhood Advisory Committee to ensure a shared understanding of what the new law mean for schools and early childhood education services. We are also working with WorkSafe New Zealand and the Ministry of Business, Innovation and Employment.

We will update our health and safety guidance and information to ensure it accurately reflects the requirements of the new legislation and that it is easy to access and understand.

Existing health and safety information is still current

Until the working group has developed new health and safety guidelines that match the proposed legislation, you can continue to use the health and safety information on our website.

The working group will help us ensure the advice we give you about developing your health and safety policies and processes, accurately reflects the requirements of the new legislation.

We are also working with the Early Childhood Advisory Committee to make sure our guidance to the early childhood education (ECE) sector is also up to date.

Leadership:

Example information: Leadership is a critical element of a workplace's safety culture. Those exercising governing authority (e.g. boards) make decisions to achieve the organisation's purpose and goals, and provide the necessary leadership. Click here to find our guidance and support to help you set the direction for health and safety management in your school or ECE service.



Health and safety practice framework

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Monitoring, reporting and assurance

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Site management

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Health and well-being programmes

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Worker participation

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Equipment

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Professional development

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Risk Identification, Assessment and Management

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Factsheets



Injury and ill health management

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Injuring and illness support and rehabilitation

A couple of lines explaining what type of guidance, support and external resources are available under this theme.

Leadership: Information for the Education sector

Example text: Leadership is a critical element of a workplace's safety culture. Those exercising governing authority (e.g. boards) make decisions to achieve the organisation's purpose and goals, and provide the necessary leadership. They also ensure the organisation operates with high standards of ethical behaviour, abiding by all laws and obligations. Click here to find our guidance and support to help you set the direction for health and safety management in your school or ECE service.

Fact Sheets – Leadership



Ministry of Education Guidance

Guidance – Item 1

Guidance – Item 2

Guidance – Item 3

Guidance – Item 4

Guidance – Item 5

Guidance – Item 6

External Resources

NZSTA
Information:

WorkSafe
Information:

Institute of Directors
Information:

Etc Etc Etc
Information:



Working together

Sector Reference Group

Guidance Review

Bulletin

Factsheets

Web space

Education outside the classroom



The facts

- Between 7 and 10 children, on average, are killed each year by someone who is supposed to be caring for them
- In 2010, 209 children under 15 required hospital treatment for assault related injuries
- In the 12 months to 30 June 2012, 152,800 care and protection notifications were made to Child, Youth and Family
- As at 30 June 2012, there were 3,884 New Zealand children in out-of-home state care



4,766 cases of neglect

3,249 cases of physical abuse

1,396 cases of sexual abuse

**12,114 cases of what social workers term
'emotional abuse',
often children who have witnessed family violence**



Children's Action Plan

Legislative change

Information sharing

Tracking vulnerable children

Tougher penalties

Monitoring child abusers

Screening 'children's workers'

Free child protect phone line

Local Children's Teams

All New Zealanders share responsibilities

Working together for change

Children's Action Plan

- children at the centre
- core competencies
- code of practice

Vulnerable Children Act

- new accountabilities
- safety checking
- child protection



Core competencies, code of practice

Shaping our child protection culture

New ways of working collaboratively
and consistently

Understand our child protection roles

Recognise when things aren't right

Know what to do



Safety checking and child protection policies

Identity verification

Police vetting

Candidate interviews

Reference checking

Core workers

Non core workers

Exemptions




Changes are being phased in

ASAP	Child protection polices: 6 govt agencies & funded services
Mid May	Core competencies consultation starts
Fm 1 July 15	All <u>NEW</u> core workers must be safety checked (workforce restrictions apply, exemption process)
Fm 1 July 16	Restrictions for all existing core workers (exemptions)
Fm 1 July 16	All new non-core workers safety checked
By 1 July 16	Child protection policies in place for schools
By 1 July 18	All existing core workers safety checked
By 1 July 19	All existing non-core workers safety checked



Children's Teams – educators are key players



***“Take care of our children
Take care of what they hear
Take care of what they see
Take care of what they feel
For how the children grow
So will be the shape of Aotearoa”***

Dame Whina Cooper