HEALTH AND SAFETY AT WORK ACT 2015
INFORMATION FOR THE EDUCATION SECTOR | AUGUST 2016

TOPIC 1 | PART 1

Leadership

THE HEALTH AND SAFETY AT WORK ACT CAME INTO EFFECT ON 4 APRIL 2016. IT MAKES THE HEALTH AND SAFETY OF WORKERS AND WORKPLACES A PRIORITY.

This series of guides provides general information for the Education sector about the different elements of an effective health and safety system.

In these guides, "Boards/ECEs" refers to school Boards of Trustees, early childhood education (ECE) services and kōhanga reo as entities that meet the definition of Person Conducting a Business or Undertaking (PCBU) under the Act.

These guides draw on information published by WorkSafe New Zealand and the Ministry of Business, Innovation and Employment. To keep fully informed about your health and safety obligations, visit WorkSafe's website:
http://www.business.govt.nz/worksafe/hswa

Those exercising governing authority for schools and ECE services make decisions to achieve the organisation's purpose and goals, and provide the necessary leadership. They also ensure the school or ECE service operates with high standards of ethical behaviour, abiding by all laws and obligations.

This factsheet discusses the roles and responsibilities of PCBUs. (See *Leadership – Part 2* for information on the roles and responsibilities of Officers.)

Leadership is a critical element of a workplace's health and safety culture. Leadership sets the direction for health and safety management by creating expectations, and by holding management strictly and continuously to account for meeting these expectations.

> **"Leadership is about what I say, what I do, and what I measure"**
> Business Leaders' Health and Safety Forum

Who is responsible for health and safety at work?

Under the Act, everyone has responsibilities for workplace health and safety.

However, a school's or ECE service's leadership makes governance decisions that influence health and safety, such as the strategic direction, resource allocation, and ensuring it has the appropriate people, systems and equipment.

What is a PCBU (person conducting a business or undertaking)?

A PCBU is a legal entity. In the context of early childhood and compulsory education, the PCBU is a school Board of Trustees as an entity, ECE service, kōhanga reo, national education association, Ministry of Education or District Health Board (as landlords), sponsor, proprietor and/or self-employed educator.

What is the primary duty of care?

The Board/ECE (as the PCBU) holds the **primary duty of care** for, and manages risks to, the health and safety of workers and others arising from the work of the school or ECE service. The Board/ECE will exercise its primary duty of care by ensuring the health and safety of:

» its workers (e.g. teachers, principals, administrators, property managers, volunteer workers etc.) while at work (e.g. at school/ECE service and/or on excursions and/or outside the classroom)

» other workers who are influenced or directed by the Board/ECE

» others (e.g. students/children, parents, members of the public, and visitors to the premises), by ensuring they are not put at risk from work carried out by the school or ECE service

The **specific obligations and duties of the Board/ECE** are, 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 everyone from risks to their health & safety arising from work activities at the school or ECE service

» monitor the health of workers and the conditions at the workplace for the purpose of preventing injury or illness

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BOARD/ECE (as PCBU)
» Ensures the health and safety of their workers while at work at the school or ECE service
» Ensures the health and safety of workers who are influenced or directed by the Board/ECE
» Ensures the health and safety of other people by ensuring they are not put at risk from work carried out by the school or ECE service

OFFICERS
» 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 Board/ECE has appropriate resources and processes to eliminate or minimise those risks

» Ensure the Board/ECE has appropriate processes for receiving information about incidents, hazards and risks, and for responding to that information
» Ensure the Board/ECE has, and implements, processes for complying with any duty or obligation of the Board/ECE
» Verify that these resources and processes are in place and being used

Leadership

WORKERS
» Take reasonable care for their own health and safety
» Take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
» Comply, as far as reasonably able, with any reasonable instruction that is given to them by the Board/ECE to allow the Board/ECE to comply with the law
» Cooperate with any reasonable policy or procedure of the Board/ECE relating to health or safety at the workplace that has been notified to workers

OTHERS
» Take reasonable care for their own health and safety
» Take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
» Comply, as far as reasonably able, with any reasonable instruction that is given to them by the Board/ECE to allow the Board/ECE to comply with the law
» Cooperate with any reasonable policy or procedure of the Board/ECE relating to health or safety at the workplace that has been notified to workers