

HEALTH AND SAFETY AT WORK ACT 2015

INFORMATION FOR THE EDUCATION SECTOR | AUGUST 2016

TOPIC 7

Illness and Injury Management

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>

This factsheet contains information about notifiable events, notifiable incidents, notifiable injuries and illnesses, and the duties of the Board/ECE in relation to notifiable events.

What is a notifiable event?

A notifiable event is defined in the Act as the **death of a person**, a **notifiable injury or illness**, or a notifiable incident that arises from work.

What is a notifiable injury or illness?

A **notifiable injury or illness**, in relation to a person, is one that requires the person to:

- » have **immediate treatment** (other than first aid) for any of the following:
 - amputation of any part of his or her body
 - serious head or eye injury, or a serious burn
 - separation of his or her skin from an underlying tissue (such as degloving or scalping)
 - a spinal injury
 - the loss of a bodily function
 - serious lacerations
- » be **admitted to a hospital** for immediate treatment
- » have **medical treatment within 48 hours of exposure to a substance**

A notifiable injury or illness also includes any serious infection to which the carrying out of work is a significant contributing factor, e.g. contracting leptospirosis from milking cows.

What is a notifiable incident?

A **notifiable incident** means an unplanned or uncontrolled incident in the 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 variety of **hazards**, including:

- » an escape, spillage or leakage of a substance
- » an implosion, explosion or fire
- » an escape of gas, steam or a pressurised substance
- » electric shock
- » the fall or release from a height of any plant, substance or thing
- » the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations
- » the collapse or partial collapse of a structure

What is the Board's/ECE's duty to notify a notifiable event?

After becoming aware that a notifiable event has occurred arising from work, the **Board/ECE must immediately ensure that WorkSafe NZ is notified** by the fastest possible in the circumstances means.

Notification may be given by telephone (0800 030 040) or in writing (including by email, or other electronic means).

A person giving notice by telephone must give details of the incident requested by WorkSafe, and if required by WorkSafe, give a written notice of the incident within 48 hours of the request.

Notices given in writing must be in a form, or contain the details, approved by WorkSafe.

Who else should be notified when a notifiable event occurs?

EMERGENCY SERVICES: 111
WORKSAFE: 0800 030 040
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1. When a notifiable event occurs the **priority is to assist the injured or ill person.**
2. This may involve calling in ambulance services, a doctor, and/or the Police.
3. After notifying WorkSafe, the Board/ECE should notify the Ministry of Education.

It may also be advisable to contact the school's or ECE service's insurer and to seek legal advice.

What is the Board's/ECE's duty to preserve the site where a notifiable event has occurred?

The Board/ECE must take all reasonable steps to **ensure that the site where the event occurred is not disturbed until authorised by an inspector.** However, this does not prevent any action:

- » to assist an injured person
- » to remove a deceased person
- » That is essential to make the site safe or to minimise the risk of a further notifiable event
- » that is done by, or under the direction of, a (Police) constable acting in execution of his or her duties
- » for which an inspector or the regulator (WorkSafe) has given permission

For the purposes of this section, a **site** includes any plant, substance, structure or thing associated with the notifiable event.

What is the Board's/ECE's duty to notify a notifiable event?

The Board/ECE **must keep a record of each notifiable event for at least 5 years** from the date on which notice of the event is given to WorkSafe. The record must contain the particulars described by regulations (if any).

Online notification forms are available on the WorkSafe NZ website:



<http://forms.worksafe.govt.nz/notifiable-event-notification>

WorkSafe has published guidance on the notification process



<http://www.business.govt.nz/worksafe/notifications-forms/notifiable-events>