

## HEALTH AND SAFETY AT WORK ACT 2015

INFORMATION FOR THE EDUCATION SECTOR | AUGUST 2016

### TOPIC 3

# Health and Safety Practice Resources

## 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>

## What informs health and safety practice?

A school’s or ECE service’s approach to health and safety practice is informed by:

- » **government legislation and regulations** – these are the bottom-line requirements that must be met in relation to health and safety in the workplace
- » **business rules** – these are the school’s or ECE service’s own bottom-line requirements
- » **workplace policies, processes, procedures** – these assist everyone to make professional judgements and decisions about the management of health and safety in the workplace and provide evidence of good health and safety practice
- » **guidance and resources** – these support health and safety decisions.

Underpinning these aspects is an **ongoing monitoring and quality improvement system**, to ensure the right health and safety decisions are being made at the right time.

## What are the legislative and regulatory requirements?

### H&S legislation and regulations from 4 April 2016:

- » Health and Safety at Work Act 2015
- » Regulations made under the Health and Safety at Work Act 2015

### Other relevant legislation and regulations:

- » other legislation relevant to workplace health and safety, such as the Hazardous Substances and New Organisms Act 1996 or Accident Compensation Act 2001
- » specific legislation relevant to ECE services and schools such as Vulnerable Children Act 2014 and Food Safety Act 2014
- » Education (Early Childhood Services) Regulations 2008 and Education (Playgroups) Regulations 2008 and the ECE licensing criteria that underpin them

## What are business rules?

Business rules usually relate to the way a school or ECE service operates. They may **apply to specific elements of a school or ECE service**, such as health and safety management. The rules provide **guidance relating to what specific actions or activities** must be undertaken by the Board/ECE (the PCBU), its workers and other persons including visitors and parents. Business rules for schools include the Ministry of Education’s National Administration Guidelines (NAGs).

## What are policies, processes and procedures?

The Board's/ECE's **policies, processes and procedures** assist everyone involved to make informed health and safety decisions that enhance and improve the school's or ECE service's health and safety performance. The development of health and safety policies, processes and procedures demonstrates the Board's/ECE's commitment to the management of health and safety. Policies, processes and procedures will be most effective when everyone in the workplace is involved in their development. This also helps to meet the Board's/ECE's duty to involve workers in work health and safety and allow workers to participate in improving work health and safety on an ongoing basis. (See Worker Participation – Part 1 for more information.) Examples of policies, processes and procedures that may form part of the health and safety management system include:

- » **policies:** health and safety and rehabilitation and support
- » **processes:** risk management, incident and accident management, and emergency management
- » **procedures:** fire and electrical safety, and injury prevention

## What is guidance?

A range of guidance resources is available to assist Boards/ECEs to manage risks and otherwise comply with the health and safety legislation including:

- » **Approved Codes of Practice:** These are guidelines approved by the Minister for Workplace Relations and Safety, under the Act, e.g. Boilers - Approved Code of Practice, and while their requirements are not mandatory or enforceable, their observance is accepted in Court as a defence
- » **Standards:** New Zealand or relevant international standards also provide technical guidance on health and safety, e.g. NZS 5828:2004 Playground equipment and surfacing
- » **Guidelines:** WorkSafe NZ guidelines recommending ways to comply with the Act
- » **Best-practice guidance:** Many industries and individual businesses and organisations have developed their own best-practice guidance material, e.g. Ministry of Education guidance material for schools and ECE services (<http://www.education.govt.nz/ministry-of-education/specific-initiatives/health-and-safety/>)
- » **Other sources:** For example, ACC's preventing injuries at school (<http://www.acc.co.nz/preventing-injuries/at-school/index.htm>), NZ School Trustees Association's health and safety resources (<http://www.nzsta.org.nz>), and Ministry of Civil Defence and Emergency Management's ECE Services Emergency Planning Guidance (<http://www.civildefence.govt.nz/cdem-sector/cdem-framework/guidelines/early-childhood-education-services-emergency-planning-guidance/>)

## What is quality management?

Quality management involves **all elements** of the health and safety system being monitored on an ongoing basis to identify areas for improvement and development, and also being **reviewed** regularly to ensure **continuous improvement**.

Reviews are important for assessing the school's or ECE service's health and safety performance and the effectiveness of current systems, procedures and practices. They enable the value of health and safety activities to be determined, and provide a basis for continuous improvement.

Continuous improvement occurs when the results of the review are acted upon and improvements are made.

Find out more about Approved Codes of Practice: 

[www.business.govt.nz/worksafe/information-guidance/approved-codes-of-practice-acops](http://www.business.govt.nz/worksafe/information-guidance/approved-codes-of-practice-acops)