



PART 1

General Risk and Workplace Management

Requirements for workplaces and facilities, information, training, instruction and supervision, personal protective equipment, monitoring, first aid, emergency plans and young people

July 2016

Guidance to the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

ACKNOWLEDGEMENTS

WorkSafe New Zealand would like to acknowledge and thank the stakeholders who have contributed to the development of these guidelines.

TABLE OF CONTENTS

| | | |
|-----------|---|-----------|
| 01 | INTRODUCTION | 4 |
| 1.1 | Introduction | 5 |
| 1.2 | How to use these Guidelines | 6 |
| 1.3 | Relationship between the GRWM Regulations and other health and safety legislation | 7 |
| 1.4 | Involving workers | 7 |
| 1.5 | Working with other PCBUs | 8 |
| 02 | WORKPLACE AND FACILITIES REQUIREMENTS | 9 |
| 2.1 | Having a healthy and safe workplace | 10 |
| 2.2 | General workplace requirements | 10 |
| 2.3 | Workplace facilities requirements | 11 |
| 2.4 | Containers of liquids | 13 |
| 03 | INFORMATION, TRAINING, INSTRUCTION AND SUPERVISION | 14 |
| 3.1 | Having well trained, instructed and supervised people in the workplace | 15 |
| 3.2 | Information, training, instruction and supervision of workers | 15 |
| 3.3 | Information, training, instruction and supervision of other persons | 16 |
| 04 | PERSONAL PROTECTIVE EQUIPMENT (PPE) | 17 |
| 4.1 | Using PPE to manage risk | 18 |
| 4.2 | PCBU duties towards workers | 18 |
| 4.3 | PCBU duties towards other persons | 21 |
| 4.4 | The duties of workers | 21 |
| 4.5 | The duties of other persons | 21 |
| 05 | EXPOSURE MONITORING | 22 |
| 5.1 | Duty to monitor worker exposure | 23 |
| 5.2 | When must exposure monitoring take place? | 23 |
| 5.3 | How must exposure monitoring be carried out? | 24 |

| | | |
|------------|--|----|
| 5.4 | When must PCBUs review control measures in relation to exposure report findings? | 24 |
| 5.5 | What are the record requirements for exposure monitoring? | 24 |

06 HEALTH MONITORING **25**

| | | |
|-------------|--|----|
| 6.1 | Duty to monitor worker health | 26 |
| 6.2 | When must worker health monitoring take place? | 26 |
| 6.3 | Who must carry out the health monitoring? | 27 |
| 6.4 | What kind of health monitoring must be carried out? | 27 |
| 6.5 | Who pays the costs? | 28 |
| 6.6 | What information must be provided to workers about the health monitoring? | 28 |
| 6.7 | What information must be provided to the occupational health practitioner? | 29 |
| 6.8 | What are the requirements for the health monitoring report? | 29 |
| 6.9 | When must the worker receive their health monitoring report? | 30 |
| 6.10 | When must other PCBUs receive health monitoring reports? | 30 |
| 6.11 | When must the regulator receive health monitoring reports? | 30 |
| 6.12 | When must PCBUs review control measures in relation to health monitoring report findings? | 31 |
| 6.13 | What are the record storage requirements? | 31 |
| 6.14 | Do the Codes of Health and Disability Services Consumer's Rights and Health Information Privacy apply? | 31 |

07 FIRST AID **32**

| | | |
|------------|----------------------|----|
| 7.1 | First aid facilities | 33 |
| 7.2 | First aid equipment | 33 |
| 7.3 | First aiders | 34 |

08 EMERGENCY PLANS **36**

| | | |
|------------|---|----|
| 8.1 | All workplaces need an emergency plan that must be implemented in the event of an emergency | 37 |
| 8.2 | What the emergency plan needs to contain | 37 |
| 8.3 | Maintenance and testing of the emergency plan | 38 |

09 **YOUNG WORKERS AND YOUNG PEOPLE AT WORKPLACES** **40**

| | | |
|------------|---|----|
| 9.1 | Work areas where any young person must not be present | 41 |
| 9.2 | The type of work and tasks young workers must not carry out | 42 |

10 **APPENDICES** **44**

| | | |
|-------------|--|----|
| 10.1 | Terms and definitions | 45 |
| 10.2 | The Codes of Health and Disability Services Consumer's Rights and Health Information Privacy | 48 |

TABLES

| | | |
|-----------|---|----|
| 1 | Description of duty holders | 6 |
| 2 | General workplace requirements | 10 |
| 3 | Facilities requirements for certain work | 12 |
| 4 | Examples of PPE | 19 |
| 5 | Length of time exposure monitoring records must be held | 24 |
| 6 | Information to be provided to workers about health monitoring | 28 |
| 7 | Length of time health monitoring records must be held | 31 |
| 8 | Work areas young people must not be present in | 41 |
| 9 | Work young workers must not carry out | 42 |
| 10 | Tasks young workers must not carry out | 42 |
| 11 | Terms and definitions | 45 |

01/

INTRODUCTION

IN THIS SECTION:

- 1.1 Introduction
- 1.2 How to use these Guidelines
- 1.3 Relationship between the GRWM Regulations and other health and safety legislation
- 1.4 Involving workers
- 1.5 Working with other PCBUs

These Guidelines describe certain health and safety duties under the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

1.1 Introduction

These Guidelines (Part 1) cover the requirements under the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (the GRWM Regulations) for:

- > workplaces and workplace facilities including containers of liquids
- > information, instruction, training and supervision
- > personal protective equipment (PPE)
- > monitoring worker exposure
- > monitoring worker health
- > first aid equipment, facilities and first aiders
- > emergency plans
- > young workers and young people at workplaces.

There is a related WorkSafe fact sheet about the information, instruction, training and supervision requirements called *Providing Information, Training, Instruction or Supervision for Workers*.

The remaining requirements are covered by other guidance:

- > WorkSafe's Interpretive Guidelines *General Risk and Workplace Management - Requirements for remote or isolated work, atmospheres with potential for fire or explosion, raised and falling objects, loose material in enclosed spaces and substances hazardous to health* (Part 2) describe the requirements for:
 - remote or isolated work
 - atmospheres with the potential for fire or explosion
 - raised and falling objects
 - loose materials in enclosed spaces
 - substances hazardous to health.
- > Vetting limited attendance childcare centre workers is covered by a WorkSafe fact sheet with the same name.

Under the GRWM Regulations, persons conducting a business or undertaking (PCBUs), workers and other persons at workplaces have health and safety duties (see Table 1 for a description of the different duty holders).

| DUTY HOLDER | EXPLANATION |
|------------------------------------|---|
| | A duty holder is a person who has a duty under the Health and Safety at Work Act 2015 (HSWA). There are four types of duty holders – PCBUs, officers, workers and other persons at workplaces. |
| PCBU | <p>A PCBU is a ‘person conducting a business or undertaking’. A PCBU may be an individual person or an organisation.</p> <p>This does not include workers or officers of PCBUs, volunteer associations, or home occupiers that employ or engage a tradesperson to carry out residential work.</p> <p>A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work. This is called the ‘primary duty of care’.</p> |
| Officer | <p>An officer is a person who occupies a specified position or who occupies a position that allows them to exercise significant influence over the management of the business or undertaking. This includes, for example, company directors and chief executives.</p> <p>Officers must exercise due diligence to ensure that the PCBU complies with health and safety duties and obligations.</p> <p>Note: While officers do not have specified duties in the GRWM Regulations, they have the due diligence duty under HSWA to ensure the PCBU is meeting their GRWM Regulations duties.</p> |
| Worker | <p>A worker is an individual who carries out work in any capacity for a PCBU. A worker may be an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker (including a homeworker), an apprentice or a trainee, a person gaining work experience or on a work trial, or a volunteer worker. Workers can be at any level (eg managers are workers too).</p> <p>Workers have their own health and safety duty to take reasonable care to keep themselves and others healthy and safe when carrying out work.</p> |
| Other persons at workplaces | <p>Examples of other persons at workplaces include workplace visitors and casual volunteers at workplaces.</p> <p>Other persons have duties to take reasonable care for their own health and safety and to take reasonable care that they don’t harm others at a workplace.</p> |

Table 1: Description of duty holders

For further information about the duty holders and their duties, see WorkSafe’s Special Guide *Introduction to the Health and Safety at Work Act 2015*.

1.2 How to use these Guidelines

KEY TO THE LAYOUT OF THESE GUIDELINES

| | |
|-------------------|---|
| REGULATION | Provides a hyperlink to the relevant regulation in the GRWM Regulations |
| GUIDANCE | Provides an explanation of the regulation |

1.3 Relationship between the GRWM Regulations and other health and safety legislation

The Health and Safety at Work Act 2015 (HSWA) is New Zealand's key work health and safety legislation. It sets out the health and safety duties that must be complied with. All work and workplaces are covered by HSWA unless specifically excluded. WorkSafe New Zealand (WorkSafe) is the government agency that is the work health and safety regulator

Health and safety regulations like the GRWM Regulations sit under HSWA, and prescribe certain requirements to be met for certain duties under HSWA. Safe work instruments (SWIs) set out further technical rules in relation to matters covered by regulations.

HSWA requirements have been added in these Guidelines where useful for completeness.

Note: These Guidelines explain the requirements to monitor worker health and exposure under the GRWM Regulations. However, even if PCBUs aren't required to monitor under these regulations, they still have a primary duty to monitor worker health or workplace conditions, so far as is reasonably practicable, if exposure to a particular health risk warrants it. The results from monitoring are an important step in assessing whether the control measures in use are managing a risk effectively.

In addition to the GRWM Regulations, there are a range of regulations that cover different aspects of work health and safety. Of particular note are the HSE Regulations 1995 which also have more general requirements including requirements relating to noise, machinery, working at height, scaffolding, excavation, and certificates of competence.

For a list of work health and safety regulations, see WorkSafe's Special Guide *Introduction to the Health and Safety at Work Act 2015*.

1.4 Involving workers

PCBUs must, so far as is reasonably practicable, engage with the workers who carry out work for it and who are, or are likely to be, directly affected by a work health or safety matter.

PCBUs have a general duty to engage with workers. In addition, PCBUs must engage with workers when:

- > identifying hazards and assessing risks to health and safety
- > proposing changes that may affect workers' health or safety
- > making decisions about:
 - ways to eliminate or minimise health and safety risks
 - procedures for resolving health or safety issues
 - whether facilities for workers' welfare are adequate
 - procedures for engaging with workers
 - procedures for monitoring workers' health
 - procedures for monitoring workplace conditions
 - procedures for providing information and training for workers

- > developing worker participation practices, including when determining work groups
- > carrying out any other activity specified in regulations.

PCBUs must engage with workers when working out how to comply with the requirements described in these Guidelines.

PCBUs must also have practices that give their workers reasonable opportunities to participate effectively in improving health and safety in the business or undertaking on an ongoing basis (these are known as worker participation practices). This includes processes for workers to report health and safety issues such as concerns that risks are not being adequately managed.

Worker representatives are one way for workers to participate. Well-established ways to do this include Health and Safety Representatives (HSRs), Health and Safety Committees (HSCs) and unions. Other representatives can include community or church leaders.

For further guidance on worker engagement, participation and representation, see:

- > WorkSafe's Good Practice Guidelines *Worker Engagement, Participation and Representation*
- > WorkSafe's Interpretive Guidelines *Worker Representation through Health and Safety Representatives and Health and Safety Committees*.

1.5 Working with other PCBUs

More than one PCBU can have a duty in relation to the same matter (overlapping duties).

PCBUs with overlapping duties must, so far as is reasonably practicable, consult, co-operate and coordinate activities with other PCBUs so that they can all meet their joint responsibilities. PCBUs do not need to duplicate each other's efforts.

A PCBU cannot contract out of its duties, but can enter into reasonable agreements with other PCBUs to meet duties. However, these PCBUs still retain the responsibility to meet their duties.

The extent of the duty to manage risk depends on the ability of each PCBU to influence and control the matter.

For further guidance on overlapping duties, see WorkSafe's Special Guide *Introduction to the Health and Safety at Work Act 2015*.

02/

WORKPLACE AND FACILITIES REQUIREMENTS

IN THIS SECTION:

- 2.1 Having a healthy and safe workplace**
- 2.2 General workplace requirements**
- 2.3 Workplace facilities requirements**
- 2.4 Containers of liquids**

PCBUs must provide clean, healthy, safe, accessible and well maintained workplaces and facilities.

2.1 Having a healthy and safe workplace

Workplaces must be healthy and safe, so far as is reasonably practicable.

A 'workplace' is any place where a worker goes or is likely to be while at work, or where work is being carried out or is customarily carried out. So certain locations will only be classed as workplaces while work is being carried out in those locations.

PCBUs have a primary duty of care under HSWA¹ to ensure, so far as is reasonably practicable:

- > the provision and maintenance of a work environment that is without health and safety risks
- > 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.

PCBUs must engage with workers when making decisions about whether facilities for workers' welfare are adequate. PCBUs must also engage with workers when proposing changes that may affect workers' health or safety.

The requirements for workplaces as specified in the GRWM Regulations are discussed next.

2.2 General workplace requirements

| | | |
|--------------------|--|---|
| REGULATIONS | <i>Regulation 10: Duty in relation to general workplace facilities</i> | |
| | <i>Regulation 12: Duty to provide workplace facilities in sufficient number and to maintain facilities</i> | |
| GUIDANCE | PCBUs must ensure, so far as is reasonably practicable, the requirements of workplace facilities described in Table 2. | |
| | FEATURE OF THE WORKPLACE | REQUIREMENT |
| | Layout | The layout allows, and the workplace is maintained to allow, persons to enter and exit the workplace and to move within it without risks to health and safety, both under normal working conditions and in an emergency. |
| | Work areas | Work areas have sufficient space for work to be carried out without risks to health and safety. |
| | Floors and other surfaces | Surfaces are designed, installed, and maintained to allow work to be carried out without risks to health and safety. |
| | Lighting | Lighting is suitable and sufficient to enable: <ul style="list-style-type: none"> > each worker to carry out work without risks to health and safety > persons to move within the workplace without risks to health and safety > safe evacuation in an emergency. |
| | Ventilation | Ventilation is suitable and sufficient to enable workers to carry out work without risks to health and safety. |
| | Working in extreme heat or cold | Workers carrying out work in extremes of heat or cold are able to do so without risks to health and safety. |

Table 2: General workplace requirements

¹ Section 36 of HSWA.

The requirements above are the minimum workplace standards that PCBUs must meet. What this means for any given workplace will depend on the physical environment and the nature of the work and workforce.

It is important to remember that these standards relate to both health and safety. Poor ventilation or temperature control may pose a long term risk to health (including creating additional workplace stress) without also posing an immediate risk to safety (eg in relation to office workers).

PCBUs must ensure, so far as is reasonably practicable, that workplace facilities are sufficient in number and maintained to be in good working order, and are clean, safe, and accessible.

When working out how to do this, PCBUs must take into account all relevant matters including the:

- > size, location and nature of the workplace
- > number and composition of the workers at the workplace
- > nature of the work being carried out and the workplace hazards
- > the views of workers.

Example:

Metalworkers Ltd operate a metal-turning lathe in their factory. The machine produces metal offcuts that fall to the floor. As the PCBU did not require the lathe workers to clean up the offcuts each time the machine was used, piles of sharp metal fragments could build up around the machine and partially block a walkway. Because of this, the PCBU failed to maintain a workplace that people could safely move around in.

For further information, see:

- > WorkSafe's *Guidelines for the Provision of Facilities and General Safety in Commercial and Industrial Premises*.
- > WorkSafe's Special Guide *Introduction to the Health and Safety at Work Act 2015* for HSWA requirements for worker accommodation.

2.3 Workplace facilities requirements

REGULATIONS

Regulation 11: Duty to provide certain workplace facilities

Regulation 12: Duty to provide workplace facilities in sufficient number and to maintain facilities

GUIDANCE

PCBUs must ensure, so far as is reasonably practicable, adequate facilities are provided for workers at a workplace.

Facilities include:

- > toilets
- > drinking water
- > hand-washing facilities
- > eating and break facilities
- > facilities for unwell workers to rest – if it is not reasonable for workers to leave the workplace if they become unwell.

In addition, PCBUs must ensure that the facilities described in Table 3 are provided for workers at a workplace if the work is of such a nature that the facilities are reasonably likely to be required.

| FACILITIES | WHEN |
|--|--|
| Facilities for washing the body. | If the work is of such a nature that the facilities are reasonably likely to be required. |
| A place to change clothes. | If workers' clothing is reasonably likely to become contaminated or wet. |
| Facilities to keep clothing clean and dry. | If workers bring clothing that will not be used at work. |
| Facilities for sitting while performing work. | If it is reasonable for workers to perform work while seated. |
| Facilities for sitting that enable workers to take any reasonable opportunity for rest that may occur in the course of the work. | If it is not reasonable for workers to perform work while seated. |
| Facilities that prevent workers from becoming wet from a wet floor (by floor drainage or another way). | If workers could become wet from a wet floor. |
| Facilities that enable any airborne contaminants to be controlled as closely as possible to their source and to be treated or carried off (eg using fume hoods, extractor systems or other engineering control measures. For example local exhaust ventilation (LEV) is an engineering control that captures airborne contaminants close to the source and removes them from the workplace). See WorkSafe's fact sheets on LEV. | If the work produces airborne contaminants (substances that may be harmful to health or safety). |

Table 3: Facilities requirements for certain work

PCBUs must ensure, so far as is reasonably practicable, the facilities are sufficient in number and maintained to be in good working order, and clean, safe, and accessible.

When working out how to do this, PCBUs must take into account all relevant matters including the:

- > size, location and nature of the workplace
- > number and composition of the workers at the workplace
- > nature of the work being carried out and the workplace hazards
- > the views of workers.

For further information, see WorkSafe's *Guidelines for the Provision of Facilities and General Safety in Commercial and Industrial Premises*.

TEMPORARY OR MOBILE WORKPLACES

These requirements also apply to temporary or mobile workplaces such as construction sites, forestry sites and long haul trucks. These worksites pose particular challenges to be worked through by the PCBU and workers.

For example, for toilets PCBUs could consider:

- > whether chemical toilets could be provided
- > if access to nearby public or other organised facilities (eg at sport grounds) could be obtained

- > if access to client facilities (if possible) could be obtained
- > for workers such as long haul truck drivers, if routes should be planned so drivers have timely access to roadside public toilet facilities.

For further information, see:

- > WorkSafe's *Guidelines for the Provision of Facilities and General Safety in the Construction Industry*.
- > WorkSafe's *Guidelines for the Provision of Facilities and General Safety and Health in Forestry Work*.

2.4 Containers of liquids

REGULATION

Regulation 26: Containers of liquids

GUIDANCE

Containers are enclosures, fixed vessels, pits, structures, sumps, vats, or other containers of a similar kind at the workplace:

- > that contain any liquid (hazardous or not) **and**
- > the edge of which is less than one metre above the adjoining floor, ground, or platform.

If PCBUs have containers that present a risk of drowning, they must ensure, so far as is reasonably practicable, the container is either securely covered or enclosed by a secure fence.

A secure fence is one that extends at least one metre above the adjoining floor, ground, or platform; and is in a position that will provide adequate protection for any person who is near the container.

This requirement does not include animal drinking troughs or water collection, disposal, distribution or storage systems. However, risks associated with these must still be appropriately managed.

03/

INFORMATION, TRAINING, INSTRUCTION AND SUPERVISION

IN THIS SECTION:

- 3.1 Having well trained, instructed and supervised people in the workplace**
- 3.2 Information, training, instruction and supervision of workers**
- 3.3 Information, training, instruction and supervision of other persons**

PCBUs must ensure all persons are provided the information, training, instruction or supervision they need to protect them from health and safety risks arising from the PCBU's work.

3.1 Having well trained, instructed and supervised people in the workplace

Training helps people share knowledge and develop skills, and is an important part of managing risks as it ensures control measures are properly used and maintained.

PCBUs have a primary duty of care under HSWA² to ensure, so far as is reasonably practicable, all persons (workers and others) are provided with any information, training, instruction or supervision needed to protect from both health and safety risks arising from their work.

3.2 Information, training, instruction and supervision of workers

| | |
|-------------------|--|
| REGULATION | <i>Regulation 9: Duty to provide information, supervision, training, and instruction</i> |
| GUIDANCE | <p>Workers should only do the tasks they have the adequate knowledge or experience to do, or they should be adequately supervised.</p> <p>PCBUs must ensure workers have adequate training or supervision so they can work safely. This is necessary for any work – so for their regular tasks as well as the ones they may be called on to do (eg if a co-worker is away).</p> <p>PCBUs have a duty towards every person who carries out work of any kind, uses plant of any kind, or deals with a substance of any kind that is capable of causing a risk in a workplace. They must ensure, so far as is reasonably practicable, that every worker:</p> <ul style="list-style-type: none"> > has adequate knowledge and experience of similar places, and work, plant, or substances of that kind, to ensure that the worker carrying out the work is not likely to adversely affect the health and safety or cause harm to the worker or another person <p>or</p> <ul style="list-style-type: none"> > is adequately supervised by a person who has adequate knowledge or experience. <p>PCBUs must also ensure, so far as is reasonably practicable, workers are adequately trained in the safe use of all plant, objects, substances, or equipment that the worker is or may be required to use or handle. This includes all personal protective equipment (PPE) (see Section 4 of these Guidelines).</p> <p>PCBUs must ensure the supervision, training, information and instruction provided are suitable and adequate, taking into account:</p> <ul style="list-style-type: none"> > the nature of the work carried out > the nature of the risks associated with the work at the time the supervision or training, information or instruction is provided > the control measures in place for that work. |

² Section 36 of HSWA.

See WorkSafe’s fact sheet *Providing Information, Training, Instruction or Supervision for Workers* for aspects to consider when deciding what information, training, instruction and/or supervision to provide.

PCBUs must engage with workers when making decisions about procedures for providing information and training for workers.

PCBUs must ensure, so far as is reasonably practicable, the information, instruction or training provided is readily understandable to workers.

There are also requirements about having access to trained first aiders (see Section 7 of these Guidelines).

3.3 Information, training, instruction and supervision of other persons

PCBUs must, so far as is reasonably practicable, give the information, training, instruction or supervision to all persons needed to protect them from health and safety risks arising from the PCBU’s work³. This includes other persons at workplaces such as clients or other visitors to the workplace.

This is a HSWA rather than a GRWM Regulations requirement, but is included here for completeness.

Examples of potential information, training, instruction or supervision:

- > Visitors are supervised at all times by an authorised worker (eg one who knows the workplace and its potential risks).
- > Require visitors to attend a short induction talk before they enter the workplace which includes how to use/wear any required PPE.

Example of instructing/supervising clients in an office:

By the Numbers is a large accountancy firm. Clients have access to the reception area, dedicated meeting rooms and bathrooms.

The PCBU decided any likely harm to clients will come from a fire or natural disaster. The PCBU decided the best way to manage this is to tell clients about the emergency procedures and supervise them while at the workplace.

They decided:

- > to post signs at public entrances describing the emergency procedures
- > to make all clients sign in at reception when they arrive—clients will then be provided an information sheet to read which explains the health and safety procedures
- > that clients will be supervised by either the receptionist (when in reception) or their accountant who has direct responsibility for these visitors in an emergency.

³ Section 36 of HSWA.

04/

PERSONAL PROTECTIVE EQUIPMENT (PPE)

IN THIS SECTION:

- 4.1 Using PPE to manage risk**
- 4.2 PCBU duties towards workers**
- 4.3 PCBU duties towards other persons**
- 4.4 The duties of workers**
- 4.5 The duties of other persons**

PCBUs, workers and other persons all have duties regarding personal protective equipment.

4.1 Using PPE to manage risk

Personal protective equipment (PPE) may need to be used or worn to minimise health and safety risks. PPE should only be used when other control measures alone can't adequately eliminate or minimise risks. PPE should not be the first or only control considered and WorkSafe expects PCBUs to give preference to other controls that protect multiple at-risk workers at once.

PPE should:

- > reduce exposure to a potential harm to as low as is reasonably practicable, and to a level needed to protect workers' or others' health
- > be right for the wearer and the work they do.

PCBUs can't levy or charge workers for anything done or provided for health and safety⁴. This includes requiring a worker to provide their own PPE as a pre-condition of employment or as a term or condition in an employment agreement.

PCBUs must engage with workers when making decisions about PPE.

4.2 PCBU duties towards workers

4.2.1 DUTY TO PROVIDE PPE

| | |
|-------------|---|
| REGULATIONS | <p><i>Regulation 15: General duty of PCBU to provide personal protective equipment</i></p> <p><i>Regulation 16: Worker may choose to provide personal protective equipment</i></p> |
| GUIDANCE | <p>These regulations apply if PPE is to be used to minimise health and safety risks.</p> <p>The PCBU <i>who directs the carrying out of work at a workplace</i> must provide PPE to workers carrying out the work except if:</p> <ul style="list-style-type: none"> > another PCBU provides it (if this happens, costs could be shared) or > the worker genuinely and voluntarily chooses to provide their own PPE for their comfort or convenience and the PCBU is satisfied it is suitable in terms of regulation 17(1) (see Sections 4.2.2-4.2.4 of these Guidelines). <p>Workers who chose to provide their own PPE may change their minds at any time and require the PCBU to provide it instead. However, workers must give the PCBU reasonable notice of this.</p> <p>Members of the Armed Forces can't provide their own PPE.</p> |

4.2.2 ENSURING WORKERS WEAR OR USE PPE

| | |
|------------|---|
| REGULATION | <p><i>Regulation 17(1): Other duties of PCBU relating to personal protective equipment</i></p> |
| GUIDANCE | <p>This regulation applies if PPE is to be used to minimise health and safety risks.</p> <p>PCBUs must ensure workers use or wear the PPE, so far as is reasonably practicable.</p> <p>Workers have their own duty to wear PPE (see Section 4.4 of these Guidelines).</p> |

⁴ Section 27 of HSWA.

Example of worker not wearing PPE:

To prevent eye injuries, the PCBU of a welding workshop provided its welders safety glasses to wear under their welding helmets. However, even after being instructed by the PCBU to always wear the safety glasses while welding, one worker regularly removed them.

As the PCBU must ensure workers wear PPE so far as is reasonably practicable, the PCBU talked to the worker to find out why he removed his safety glasses. The worker told the PCBU that it was because wearing the safety glasses over the worker's prescription glasses caused him discomfort. The PCBU then worked with the worker to find safety glasses that the worker could wear without discomfort.

4.2.3 SELECTION OF PPE**REGULATION**

Regulations 17(1) and (2): Other duties of PCBU relating to personal protective equipment

GUIDANCE

This regulation applies if PPE is to be used to minimise health and safety risks.

PCBUs must ensure that any PPE they provide or that is provided by the worker (Section 4.2.1 of these Guidelines) is selected to minimise health and safety risks including being:

- > suitable for the nature of the work and any hazard associated with the work
- > a suitable size and fit and reasonably comfortable for the worker who is to wear or use it
- > compatible with any other PPE that is required to be worn or used by the worker.

Table 4 outlines different types of PPE and where to find further information about these. PPE may be reusable or disposable.

| TYPE OF PPE | THESE INCLUDE | WHERE CAN FURTHER INFORMATION BE FOUND? |
|---|--|--|
| Respiratory protective equipment (RPE) | <ul style="list-style-type: none"> > Respirators that use filters to remove contaminants from the air being breathed in – filters can be particle or gas/vapour filters > Air-supplied respirators > Breathing apparatus that provides air from an air cylinder or compressor. | <ul style="list-style-type: none"> > WorkSafe's fact sheets on respiratory protective equipment > www.business.govt.nz/worksafe/tools-resources/respirator-selection-tool |
| Protective clothing | <ul style="list-style-type: none"> > Overalls and aprons > Steel-toed boots > Gloves > Safety glasses > Helmets > High-vis vests. | Ask the PPE supplier or an occupational health or hygiene professional for advice on the correct type to use. |
| Hearing protection | <ul style="list-style-type: none"> > Earplugs, earmuffs, earmuff/helmet combinations. | <ul style="list-style-type: none"> > There are five hearing protection classes (1-5) designed to protect against different noise levels. <p>See WorkSafe's guidance on classified hearing protectors and the management of noise in the workplace.</p> |

Table 4: Examples of PPE

When selecting PPE think about:

- > what workers or others may be exposed to
- > what tasks workers need to carry out while wearing the PPE
- > what other PPE will need to be worn at the same time
- > whether workers wear prescription glasses, have facial hair or other features that could affect what PPE they could comfortably wear
- > if there are accepted industry-specific requirements or standards for PPE (eg for visibility clothing)
- > views of workers.

Any new risks that arise from wearing PPE must be managed (eg by wearing hearing protection workers will not hear vehicles approaching).

Workers must be provided instruction about, and training and information on how to correctly use and wear the PPE (see Section 3.2 of these Guidelines).

Example of not using the right PPE:

A worker was emptying a bucket carrying caustic soda. He was wearing overalls and safety glasses. However, when he leant over to empty the bucket his glasses slipped down. At that moment, the caustic soda splashed back at his face causing caustic burns to his eyes and face.

An investigation found the PPE worn was not suitable for the tasks the worker performed. To prevent caustic burns, the worker should have been wearing a full face shield, protective apron, gumboots and PVC gloves.

The worker’s PCBU did not meet its duties because it did not ensure the PPE was suitable to reduce the risks from handling the caustic soda mixture.

4.2.4 MAINTENANCE, REPAIR AND REPLACEMENT

REGULATION

Regulations 17(1) and (2): Other duties of PCBU relating to personal protective equipment

GUIDANCE

PCBUs must ensure PPE (either provided by the PCBU or the worker) is maintained, repaired and replaced so it continues to minimise health and safety risks to the worker who uses it. PCBUs must ensure the equipment is clean and hygienic and in good working order. Often this will mean creating an inspection, repair and destruction schedule for the PPE.

Workers must be provided information about, and training and instruction on the storage and maintenance of PPE. Training should include how to clean PPE, change filters (if needed), and how to check and replace valves and straps.

4.3 PCBU duties towards other persons

| | |
|-------------------|--|
| REGULATION | <i>Regulation 19: Duty of PCBU to ensure personal protective equipment worn or used by other persons</i> |
| GUIDANCE | <p>The PCBU <i>who directs the carrying out of work</i> must ensure, so far as is reasonably practicable, that PPE worn or used by other persons (not workers) is capable of minimising that person's health and safety risks.</p> <p>PCBUs must ensure, so far as is reasonably practicable, the person uses or wears the PPE. The person has their own duty to use or wear PPE (see Section 4.5 of these Guidelines).</p> <p>PCBUs must provide information about, and training and instruction on how to correctly use or wear the PPE (see Section 3.3 of these Guidelines).</p> |

4.4 The duties of workers

| | |
|-------------------|---|
| REGULATION | <i>Regulation 18: Duty of worker to wear or use personal protective equipment</i> |
| GUIDANCE | <p>Workers have their own duties in relation to the PPE they must wear. They must use or wear the PPE (provided by themselves or the PCBU) in line with the information, training or reasonable instruction given to them by the PCBU.</p> <p>They must not intentionally misuse or damage the PPE, and must tell the PCBU if the PPE is damaged or defective, or when it needs to be cleaned or decontaminated.</p> <p>Example:</p> <p>As part of Jim's job he wears overalls, rubber gloves and safety glasses. One day he noticed the rubber gloves were becoming weak and brittle. He tells his PCBU straight away and is provided replacement gloves before continuing with his task.</p> |

4.5 The duties of other persons

| | |
|-------------------|---|
| REGULATION | <i>Regulation 20: Duty of other persons to wear or use personal protective equipment</i> |
| GUIDANCE | <p>Other persons (not workers) have their own duties in relation to the PPE they must wear. They must use or wear the PPE in line with the information, training or reasonable instruction given to them by the PCBU at the workplace.</p> <p>Example:</p> <p>June is a first time visitor to a commercial greenhouse. As required by the PCBU, she attended a short induction provided by the PCBU. There, she found out all visitors must wear high-vis vests and gumboots provided by the PCBU. As instructed, June put on this PPE before entering the greenhouse.</p> |

05/

EXPOSURE MONITORING

IN THIS SECTION:

- 5.1 Duty to monitor workplace conditions**
- 5.2 When must exposure monitoring take place?**
- 5.3 How must exposure monitoring be carried out?**
- 5.4 When must PCBU's review control measures in relation to exposure report findings?**
- 5.5 What are the record requirements for exposure monitoring?**

There are requirements under the GRWM Regulations for monitoring worker exposure.

5.1 Duty to monitor worker exposure

Exposure monitoring means the measurement and evaluation of exposure to a health hazard experienced by a person. It includes the monitoring of the conditions at the workplace and the biological monitoring of people at the workplace.

Exposure monitoring can be used to find out if workers are potentially being exposed to a hazard at harmful levels. Exposure monitoring can also show if control measures are working effectively.

Monitoring does not replace the need for control measures to reduce exposure.

Exposure monitoring can be done by having workers wear personal monitoring equipment as they do their job or only at certain times.

Exposure monitoring can also be carried out without workers wearing monitoring equipment under certain circumstances (eg to test the effectiveness of control measures).

Examples of exposure monitoring include:

- > monitoring the level of noise a worker is exposed to
- > monitoring the air a worker breathes to check how much of a substance they are being exposed to
- > testing workers' blood or urine for the presence of a harmful substance or the by-products (metabolites) of a substance (called biological exposure monitoring).

PCBUs must engage with workers when making decisions about procedures for monitoring workplace conditions.

Different PCBUs may need to monitor the exposure of the same worker. If this is the case, the PCBUs must work together so they can all meet their monitoring duty.

Note: This section only explains the requirements to monitor worker exposure under the GRWM Regulations. However, even if PCBUs aren't required to monitor under these regulations, they still have a **primary duty to monitor workplace conditions**, so far as is reasonably practicable, if exposure to a particular health risk warrants it.

In addition, there may be other monitoring requirements under other work health and safety regulations. See the WorkSafe website: www.worksafe.govt.nz for information about other monitoring requirements (eg for air monitoring for work involving asbestos under the Health and Safety at Work (Asbestos) Regulations 2016).

5.2 When must exposure monitoring take place?

PCBUs must monitor the exposure of workers to hazards as described in the GRWM Regulations when regulations specify this.

Currently, exposure monitoring as described in these Guidelines must take place if the PCBU is not certain on reasonable grounds whether the concentration of a substance hazardous to health at the workplace exceeds its relevant prescribed exposure standard.

For information about substances hazardous to health and prescribed exposure standards, see WorkSafe's Interpretive Guidelines *General Risk and Workplace Management – Requirements for remote or isolated work, atmospheres with potential for fire or explosion, raised and falling objects, loose material in enclosed spaces and substances hazardous to health*.

5.3 How must exposure monitoring be carried out?

| | |
|------------|--|
| REGULATION | <i>Regulation 32(1): Duties relating to exposure monitoring</i> |
| GUIDANCE | <p>The kind of exposure monitoring carried out will depend upon the hazard. For example some substances can easily move through the skin into the body so air monitoring (which only looks at the amounts of substance that could be breathed in) will not give an accurate view of worker exposure.</p> <p>Monitoring must be carried out by, or under the supervision of, a competent person. A competent person is someone who has sufficient knowledge, skills and experience in appropriate techniques and procedures including interpreting results (eg an occupational hygienist).</p> <p>Monitoring must be carried out at appropriate intervals and when there are significant changes at the workplace which may affect exposure.</p> <p>To find out about local occupational health practitioners, check the local Yellow pages or look at the websites of the New Zealand Occupational Hygiene Society: www.nzohs.org.nz or the Health and Safety Association NZ: www.hasanz.org.nz</p> |

5.4 When must PCBUs review control measures in relation to exposure report findings?

PCBUs must review and, as necessary, revise control measures if the exposure monitoring determines that the concentration of a substance hazardous to health at the workplace exceeds its relevant prescribed exposure standard.

For information about reviewing control measures, see WorkSafe’s Interpretive Guidelines *General Risk and Workplace Management – Requirements for remote or isolated work, atmospheres with potential for fire or explosion, raised and falling objects, loose material in enclosed spaces and substances hazardous to health.*

5.5 What are the record requirements for exposure monitoring?

| | | |
|------------|---|---|
| REGULATION | <i>Regulations 32(2) and (3): Duties relating to exposure monitoring</i> | |
| GUIDANCE | Table 5 describes how long records must be kept. | |
| | TYPE OF MONITORING | TIME THE MONITORING RECORD MUST BE KEPT FROM THE DATE THE RECORD WAS MADE |
| | Monitoring undertaken in relation to asbestos | 40 years |
| | All other monitoring | 30 years |
| | <p>Table 5: Length of time exposure monitoring records must be held</p> <p>PCBUs must make monitoring records readily accessible to persons at the workplace who may be, or have been, exposed to the health hazard. This includes workers and visitors to the workplace.</p> <p>‘Readily accessible’ is not defined – but the expectation is that records can be promptly retrieved on request.</p> <p>If monitoring results are to be provided to anyone, any information which identifies or discloses anything about another individual must be removed beforehand.</p> <p>WorkSafe recommends that workers are given copies of monitoring records relevant to them when they leave the business or undertaking.</p> | |

06/

HEALTH MONITORING

IN THIS SECTION:

- 6.1 Duty to monitor workers health
- 6.2 When must worker health monitoring take place?
- 6.3 Who must carry out the health monitoring?
- 6.4 What kind of health monitoring must be carried out?
- 6.5 Who pays the costs?
- 6.6 What information must be provided to workers about the health monitoring?
- 6.7 What information must be provided to the occupational health practitioner?
- 6.8 What are the requirements for the health monitoring report?
- 6.9 When must the worker receive their health monitoring report?
- 6.10 When must other PCBU's receive health monitoring reports?
- 6.11 When must the regulator receive health monitoring reports?
- 6.12 When must PCBU's review control measures in relation to health monitoring report findings?
- 6.13 What are the record storage requirements?
- 6.14 Do the Codes of Health and Disability Services Consumer's Rights and Health Information Privacy apply?

There are requirements under the GRWM Regulations for monitoring the health of workers.

6.1 Duty to monitor worker health

Health monitoring means monitoring a person to identify any changes in his or her health status because of exposure to certain health hazards arising from the conduct of the business or undertaking.

Health monitoring is a way to check if the health of workers is being harmed from exposure to hazards while carrying out work, and aims to detect early signs of ill-health or disease.

Health monitoring can show if control measures are working effectively. However, the length of time between exposure to a hazard and ill-health can be significant, so PCBUs should not assume that a lack of evident ill-health means controls are being controlled appropriately. Workplace exposure monitoring combined with worker health monitoring may give a better indication.

Monitoring does not replace the need for control measures to prevent or minimise exposure.

Examples of health monitoring include:

- > spirometry testing to detect early changes in lung function
- > audiometric testing to detect early hearing loss.

Health monitoring is not:

- > wellbeing checks (eg cholesterol checks) or programmes (eg promoting healthy living)
- > testing for alcohol or illegal drug use
- > fitness to work examinations.

Note: This section only explains the requirements to monitor worker health under the GRWM Regulations. However, even if PCBUs aren't required to monitor under these regulations, they still have a **primary duty to monitor worker health**, so far as is reasonably practicable, if exposure to a particular health risk warrants it.

In addition, there may be other monitoring requirements under other health and safety regulations. See the WorkSafe website: www.worksafe.govt.nz for information about other monitoring requirements (eg for health monitoring for work involving asbestos under the Health and Safety at Work (Asbestos) Regulations 2016).

PCBUs must engage with workers when making decisions about procedures for monitoring workers' health.

6.2 When must worker health monitoring take place?

PCBUs must monitor the health of workers as described in the GRWM Regulations when regulations specify this.

Currently, health monitoring as described in these Guidelines must take place:

- > if the worker is carrying out ongoing work using a substance hazardous to health that is specified in a safe work instrument as requiring health monitoring **and** there is a serious risk to the worker's health because of exposure to the substance hazardous to health

Note: Safe work instruments (SWIs) set out technical rules approved by the Minister. At the date of publication, there is no work involving substances hazardous to health that requires the health monitoring of workers under the GRWM Regulations. However, as described above, the primary duty to monitor still applies.

For information about substances hazardous to health, see WorkSafe's Interpretive Guidelines *General Risk and Workplace Management – Requirements for remote or isolated work, atmospheres with potential for fire or explosion, raised and falling objects, loose material in enclosed spaces and substances hazardous to health*.

- > if the worker is carrying out licenced asbestos removal work at a workplace and is at risk of exposure to asbestos when carrying out the work
- > if the worker is carrying out other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

Note: There are additional requirements for health monitoring for work involving asbestos – see WorkSafe's Approved Code of Practice *Management and Removal of Asbestos* for information about this (to be published September 2016).

Different PCBUs may have a duty to protect the health of the same worker (known as overlapping duties). If this is the case, the PCBUs must work together so they can all meet their monitoring duties.

6.3 Who must carry out the health monitoring?

| | |
|-------------------|--|
| REGULATION | <i>Regulation 35: Duty to ensure health monitoring is supervised</i> |
| GUIDANCE | <p>PCBUs must ensure health monitoring is carried out or supervised by an occupational health practitioner (a medical practitioner, registered nurse or nurse practitioner) with knowledge, skills and experience in occupational health.</p> <p>Workers must be consulted about the selection of the occupational health practitioner who will carry out the monitoring.</p> <p>To find out about local occupational health practitioners, check the local Yellow pages or see the Health and Safety Association NZ website: www.hasanz.org.nz</p> |

6.4 What kind of health monitoring must be carried out?

| | |
|-------------------|--|
| REGULATION | <i>Regulation 34: Duty to ensure appropriate health monitoring is provided</i> |
| GUIDANCE | <p>PCBUs must ensure the health monitoring carried out is:</p> <ul style="list-style-type: none"> > of a type recommended by an occupational health practitioner with experience in health monitoring or > a type referred to in a safe work instrument (if any). <p>Note: Currently there are no types of health monitoring specified in safe work instruments.</p> |

6.5 Who pays the costs?

| | |
|-------------------|---|
| REGULATION | <i>Regulation 36: Duty to pay costs of health monitoring</i> |
| GUIDANCE | <p>PCBUs must pay all health monitoring costs.</p> <p>If there are other PCBUs with the same duty to provide health monitoring to the same worker (overlapping duties) and the PCBUs have all arranged for one to commission the health monitoring, costs must be split equally unless agreed otherwise.</p> <p>The PCBU <i>who commissions the monitoring</i> has specified duties as described below.</p> |

6.6 What information must be provided to workers about the health monitoring?

| | |
|-------------------|--|
| REGULATION | <i>Regulation 33: Duty to inform worker of health monitoring</i> |
| GUIDANCE | <p>PCBUs must tell relevant people about the health monitoring requirements. A ‘relevant person’ is:</p> <ul style="list-style-type: none"> > someone who is likely to carry out work that involves the health hazard > a worker for the PCBU before they commence work that involves the health hazard. <p>Table 6 describes the information to be provided to the relevant person.</p> |

| INFORMATION MUST BE PROVIDED ON | SPECIFICS TO INCLUDE |
|---|---|
| Why health monitoring is being carried out | <ul style="list-style-type: none"> > the duty of the PCBU to put health monitoring in place > the health hazard that triggered the need for the health monitoring > the duty of the PCBU to obtain the health monitoring report > the purposes of health monitoring: <ul style="list-style-type: none"> - to help PCBUs reduce the risk of exposure to work health hazards - to enable PCBUs to take remedial action - to facilitate the treatment and protection of workers who have been exposed to health hazards - to inform the regulator when the circumstances require it, so that the regulator can carry out its functions. |
| What health monitoring will be carried out | <ul style="list-style-type: none"> > the nature of the health monitoring and how it will be carried out. |
| What information will be provided to the person carrying out the health monitoring | <ul style="list-style-type: none"> > the information that will be provided to the occupational health practitioner. |
| What information will be in the health monitoring report | <ul style="list-style-type: none"> > the specific contents of the health monitoring report. |
| When the PCBU must notify the regulator or other PCBUs with overlapping duties | <ul style="list-style-type: none"> > the duty of the PCBU to notify the regulator (most of the time this will be WorkSafe) and other relevant PCBUs. |
| How the health monitoring reports will be handled | <ul style="list-style-type: none"> > how and when the health monitoring reports will be retained, stored and shared. |

Table 6: Information to be provided to workers about health monitoring

6.7 What information must be provided to the occupational health practitioner?

| | |
|------------|--|
| REGULATION | <i>Regulation 37: Information that must be provided to occupational health practitioner</i> |
| GUIDANCE | <p>The PCBU <i>who commissioned the health monitoring</i> must provide:</p> <ul style="list-style-type: none"> > their name and address > the worker's name and date of birth > a description of the work that has triggered the need for health monitoring > how long the worker has carried out that work. |

6.8 What are the requirements for the health monitoring report?

| | |
|------------|--|
| REGULATION | <i>Regulation 38: Duty to obtain health monitoring report</i> |
| GUIDANCE | <p>The PCBU <i>who commissioned the health monitoring</i> must take all reasonable steps to obtain the health monitoring report as soon as practicable after the monitoring has occurred.</p> <p>The health monitoring report must include:</p> <ul style="list-style-type: none"> > the worker's name and date of birth > the name of the occupational health practitioner > the name and address of the commissioning PCBU > the date of the health monitoring > any test results that indicate whether the worker has been exposed to a health hazard > any advice that the test results indicate the worker may have contracted a disease or an illness, or suffered an injury as a result of carrying out the work that triggered the need for the health monitoring > any recommendations that the PCBU takes remedial measures including deciding whether the worker is able to continue to carry out that work. <p>The report should only provide the medical information needed to tell if the control measures are working effectively to minimise worker exposure to the hazard.</p> <p>It should not contain medical information that is not related to the purpose of the health monitoring (eg results of unrelated health conditions). This information may still be given directly to the worker, without it being included in the report or disclosed to the PCBU.</p> <p>Health monitoring reports must be kept confidential.</p> <p>Health monitoring reports must not be disclosed to anyone without the worker's written consent – except to PCBUs with an overlapping duty to monitor the worker's health and the regulator under certain circumstances (see Sections 6.10 and 6.11 of these Guidelines).</p> <p>WorkSafe expects that access to the reports will be restricted to authorised personnel who need this information to make health and safety decisions (eg Health and Safety Managers).</p> <p>If monitoring results are to be provided to anyone else, any information which identifies or discloses anything about an individual worker should be removed beforehand.</p> |

It may be appropriate to share monitoring information with any HSRs or HSCs the business or undertaking has. However, there are rules for sharing such information – PCBUs must either gain worker consent to share their monitoring results or remove any information that could identify the worker.

For the requirements for PCBUs and HSRs/HSCs when sharing and using worker information see WorkSafe’s Interpretive Guidelines *Worker Representation through Health and Safety Representatives and Health and Safety Committees*.

6.9 When must the worker receive their health monitoring report?

| | |
|------------|---|
| REGULATION | <i>Regulation 39: Duty to give health monitoring report to worker</i> |
| GUIDANCE | <p>As soon as is practicable after obtaining the report, the PCBU <i>who commissioned the health monitoring</i> must provide copies to the worker being monitored.</p> <p>Where possible, workers should be encouraged to give copies to their GP.</p> <p>WorkSafe also recommends workers are given a complete copy of their monitoring records when they leave the business or undertaking, along with any workplace exposure monitoring records for the relevant time.</p> |

6.10 When must other PCBUs receive health monitoring reports?

| | |
|------------|---|
| REGULATION | <i>Regulation 40: Duty to give health monitoring report to relevant PCBUs</i> |
| GUIDANCE | <p>As soon as is practicable after obtaining the report the PCBU <i>who commissioned the health monitoring</i> must provide copies to other PCBUs with overlapping duties to monitor the worker’s health.</p> <p>As described in Section 6.8 of these Guidelines, these PCBUs must keep health monitoring reports confidential, and should restrict access to authorised personnel.</p> |

6.11 When must the regulator receive health monitoring reports?

| | |
|------------|--|
| REGULATION | <i>Regulation 41: Duty to give health monitoring report to regulator</i> |
| GUIDANCE | <p>The regulator must be given a copy of the report when it:</p> <ul style="list-style-type: none"> > contains advice that the worker may have contracted a disease or illness, or suffered an injury as a result of carrying out the work <p>or</p> <ul style="list-style-type: none"> > recommends remedial measures (eg including whether the worker is able to continue to carry out that work). <p>The report must be provided to the regulator by the PCBU <i>who has workers undergoing health monitoring</i> as soon as is practicable after the PCBU receives it.</p> <p>In most cases, the regulator will be WorkSafe. However, there are other agencies (called designated agencies) that carry out health and safety functions for certain sectors.</p> |

The designated agencies are:

- > Maritime New Zealand for ships as workplaces and work aboard ships
- > Civil Aviation Authority (CAA) for work preparing aircraft for imminent flight and aircraft in operation.

There is a form available through the WorkSafe website: www.business.govt.nz/worksafe/notifications-forms/health-monitoring-report to be completed and sent in (emailed or posted) with the health monitoring report.

6.12 When must PCBUs review control measures in relation to health monitoring report findings?

PCBUs must review and, if necessary, revise control measures if the health monitoring report contains:

- > test results that indicate that the worker has been exposed to a substance hazardous to health at a concentration that may cause harm **and** has an elevated level of that substance or its metabolites in their body
- or
- > advice that test results indicate the worker may have contracted a disease or an illness, or suffered an injury as a result of carrying out work that involves a health hazard that triggered the requirement for health monitoring
- or
- > a recommendation that the PCBU take remedial measures (eg including a recommendation as to whether the worker can continue to carry out the work).

For information about reviewing control measures, see WorkSafe's Interpretive Guidelines *General Risk and Workplace Management – Requirements for remote or isolated work, atmospheres with potential for fire or explosion, raised and falling objects, loose material in enclosed spaces and substances hazardous to health*.

6.13 What are the record storage requirements?

REGULATION

Regulation 42: Health monitoring records

GUIDANCE

PCBUs must keep health monitoring reports as confidential records. The reports must be identified as records of the monitored worker.

Table 7 describes how long records must be kept.

| TYPE OF MONITORING | TIME THE MONITORING RECORD MUST BE KEPT FROM DATE RECORD MADE |
|--|---|
| Monitoring undertaken to detect asbestos-related disease | 40 years |
| All other monitoring | 30 years |

Table 7: Length of time health monitoring records must be held

6.14 Do the Codes of Health and Disability Services Consumer's Rights and Health Information Privacy apply?

In most circumstances these Codes will apply to worker health monitoring.

As these Codes are outside the scope of the GRWM Regulations, see Appendix 10.2 for more information.

07/

FIRST AID

IN THIS SECTION:

- 7.1 First aid facilities
- 7.2 First aid equipment
- 7.3 First aiders

PCBUs must provide workers with adequate first aid facilities, equipment and access to first aiders.

The first aid facilities, equipment and first aiders needed at a workplace will depend on the nature of the work, workplace and workers.

PCBUs must engage with workers when making decisions about these.

7.1 First aid facilities

| | |
|-------------------|---|
| REGULATION | <i>Regulations 13(1) and (3): Duty to provide first aid</i> |
| GUIDANCE | <p>PCBUs must ensure that workers have access to facilities for the administration of first aid.</p> <p>When working out how to do this, PCBUs must take into account all relevant matters including the:</p> <ul style="list-style-type: none"> > size and location of the workplace > number and composition of the workers > nature of the work being carried out and the workplace hazards > the views of workers. <p>The first aid facilities required at any given workplace will depend on the nature of the work, workplace and workers. There will be differences between the first aid needs of a small office, a retail complex, a rural area isolated from medical treatment and a chemical manufacturing plant.</p> <p>First aid facilities can range from having a dedicated first aid room (eg if there is a large workforce) to a private area set aside. Facilities should be appropriate to the work and workplace.</p> <p>If a PCBU shares a workplace with other PCBUs, they can co-ordinate sharing first aid resources.</p> |

7.2 First aid equipment

| | |
|-------------------|--|
| REGULATION | <i>Regulations 13(1) and (3): Duty to provide first aid</i> |
| GUIDANCE | <p>PCBUs must provide adequate first aid equipment at the workplace that all workers have access to.</p> <p>When working out how to do this, PCBUs must take into account all relevant matters including the:</p> <ul style="list-style-type: none"> > size and location of the workplace > number and composition of the workers > nature of the work being carried out and the workplace hazards. > the views of workers. <p>When deciding what 'adequate' is, consider:</p> <ul style="list-style-type: none"> > how many workers will be at the workplace and their composition (eg age) > the nature of the work and its hazards, and the kind of injuries or illnesses that have occurred or could reasonably expect to occur > where the first aid equipment could be located to be at accessible and prominent locations |

- > if first aid equipment additional to first aid kits will be needed (eg should the workplace have an automatic external defibrillator as there is a risk of electrocution or large numbers of members of the public at the workplace?)
- > the views of the workers on the equipment needed
- > the size of the workplace
- > the distance of the workplace from medical treatment facilities
- > when the hours of work are
- > if workers or other persons are scattered within the workplace or only in one location.

For guidance about working out the first aid equipment needed and suggested minimum contents see WorkSafe's *First Aid for Workplaces – A Good Practice Guide*.

7.3 First aiders

REGULATION

Regulations 13(2) and (3): Duty to provide first aid

GUIDANCE

PCBUs must either provide their own first aiders at the workplace (eg workers trained to administer first aid) or provide workers access to other trained first aiders (eg from other nearby businesses). The number of first aiders trained or given access to must be 'adequate'.

When working out how to do this, PCBUs must take into account all relevant matters including the:

- > size and location of the workplace
- > number and composition of the workers
- > nature of the work being carried out and the workplace hazards.
- > the views of workers.

When deciding what 'adequate' is, consider:

- > how many workers will be at the workplace and their composition (eg age)
- > if workers or other persons are scattered within the workplace or only in one location.
- > the nature of the workplace and the work (eg are there multiple shifts or overtime?), and the kind of injuries or illnesses that have occurred or could be reasonably expected to occur
- > the location of the workplace and how fast emergency services could come
- > the kinds of first aid training required (eg basic training for treating minor illness or injuries and performing CPR, or more advanced training)
- > the views of the workers on the number of first aiders needed
- > how to cover for first aiders that are not available or resign
- > when refresher training for first aiders is required.

In workplaces which are in transit (eg couriers, taxi drivers), or where the location varies (eg for tradespeople or farm workers) and where first aiders are not present, PCBUs still must ensure workers have access to first aid and know how to access first aiders. For example PCBUs could require workers to always carry the location information and phone numbers of the nearest medical centre/hospital.

Possible control measures include making sure workers:

- > can effectively contact first aiders or emergency services
- > know how to respond to an emergency situation.

Examples on working out how many first aiders the workplace needs:

Bob runs a small phone-based IT support company in Wellington. He employs three workers in a single office. Bob decides he does not need to have a trained first aider at the workplace as the work is low risk and he has organised his workers to have access to a nearby 24 hour medical centre.

John runs a road repair company that faces serious work risks. Risks can come from:

- > the machinery they use
- > the harmful substances they use (eg hot tar) or create (eg dust)
- > the worksite (eg busy public roads with lots of traffic, or remote locations with limited access to medical services).

John decides to have at least two first aiders present at each worksite for every 10 workers.

For guidance about first aiders (numbers and training) see WorkSafe's *First Aid for Workplaces - A Good Practice Guide*.

08/

EMERGENCY PLANS

IN THIS SECTION:

- 8.1 All workplaces need an emergency plan that must be implemented in the event of an emergency**
- 8.2 What the emergency plan needs to contain**
- 8.3 Maintenance and testing of the emergency plan**

PCBUs must ensure that an emergency plan is prepared for the workplace. The emergency plan must be maintained to remain effective.

Workplaces must have emergency plans. An emergency plan is a written procedure to tell workers and others in the workplace how they must act in an emergency.

PCBUs must engage with workers when making decisions about emergency plans.

8.1 All workplaces need an emergency plan that must be implemented in the event of an emergency

| | |
|-------------------|---|
| REGULATION | <i>Regulations 14(1) and (5): Duty to prepare, maintain, and implement emergency plan</i> |
| GUIDANCE | <p>PCBUs must ensure that an emergency plan is prepared for the workplace. This emergency plan must be implemented in the event of an emergency.</p> <p>Emergency plans should be tailored to the work and workplace:</p> <ul style="list-style-type: none"> > If the work is low risk, emergency plans don't need to be long or complicated. > In higher risk situations more comprehensive emergency plans will be required (eg for work that deals with harmful substances or where workers work at night or alone). <p>If a PCBU shares a workplace with other PCBUs, they should co-ordinate their emergency planning where possible.</p> <p>Note: Other regulations have additional or separate requirements for emergency plans (eg the upcoming Health and Safety at Work (Hazardous Substances) Regulations).</p> |

8.2 What the emergency plan needs to contain

| | |
|-------------------|---|
| REGULATION | <i>Regulations 14(2) and (4): Duty to prepare, maintain, and implement emergency plan</i> |
| GUIDANCE | <p>Emergency plans must include the following:</p> <ul style="list-style-type: none"> > emergency procedures including: <ul style="list-style-type: none"> - an effective response to an emergency - evacuation procedures - procedures for notifying emergency services at the earliest opportunity - medical treatment and assistance procedures - procedures to ensure effective communication between the person authorised by the PCBU to co-ordinate the emergency response and all other persons at the workplace > the testing of the emergency procedures, including the frequency of testing > the information, training, and instruction to be given to relevant workers in relation to implementing the emergency procedures. |

When working out how to do this, PCBUs must take into account all relevant matters including the:

- > size and location of the workplace
- > number and composition of the workers
- > nature of the work being carried out and the workplace hazards
- > the views of workers.

When thinking about what emergency procedures should be included in the emergency plan, PCBUs should think about the types of emergency situations the workplace may face including fire, gas leak, electricity or water outage, natural disasters, robberies and bomb threats.

The emergency plan could include a detailed floor plan showing where emergency equipment and first aid supplies can be found, and the location of utilities.

8.3 Maintenance and testing of the emergency plan

REGULATION

Regulations 14(3) and (4): Duty to prepare, maintain, and implement emergency plan

GUIDANCE

PCBUs must maintain the emergency plan so that it remains effective.

When working out how to do this, PCBUs must take into account all relevant matters including the:

- > size and location of the workplace
- > number and composition of the workers
- > nature of the work being carried out and the workplace hazards
- > the views of workers.

Emergency plans should be tested at least yearly.

MAINTAINING THE PLAN

PCBUs should consider reviewing the emergency plan, and updating it:

- > when there are changes to work activities or the physical workplace
- > if there are changes in the workers with emergency responsibilities
- > if new risks have been identified.

PCBUs should communicate the emergency plan to all workers so they know:

- > who is responsible for activating and coordinating the emergency procedures
- > what they must do to keep themselves and others safe.

Example:

Joan works part-time in a retail clothing store 'Buy n' wear'. One day the fire alarm went off. Joan did not know what she needed to do to ensure the safety of herself, her co-workers or customers. Luckily it was a false alarm.

The PCBU had comprehensive written emergency procedures covering what workers needed to do if the fire alarm went off. However, the PCBU failed in their duty because they had not told their part-time and casual workers about the plan and what they needed to do in an emergency. The PCBU fixed this by holding a meeting with all workers to talk about what they needed to do in an emergency.

TESTING THE PLAN

Testing can be a desktop exercise (eg sit down, think of a scenario (fire, earthquake) and work through the plan), or stage a mock emergency such as a fire drill and test how well the plan works.

If there are other businesses or undertakings that occupy the same workplace, the testing could be coordinated.

Following any testing, a review should be conducted with the relevant people in the workplace to identify areas for improvement or where the plan needs to be updated.

Example:

The PCBU for *'Buy n' wear'* decided to test the emergency plan. The PCBU's representative set off the fire alarm (after telling the Fire Service), watched the workers and reported to the PCBU. Workers forgot to check the customer changing rooms before leaving the store.

The PCBU organised a meeting with workers to remind them about the emergency plan including checking the changing rooms before evacuating the store.

For further information:

- > An emergency procedures template that could be used at most workplaces can be found here: www.business.govt.nz/worksafe/information-guidance/all-guidance-items/hsno/guidance-docs-epa/emergency-procedures-template-pdf

09/

YOUNG WORKERS AND YOUNG PEOPLE AT WORKPLACES

IN THIS SECTION:

- 9.1 Work areas where any young person must not be present**
- 9.2 The type of work and tasks young workers must not carry out**

PCBUs must protect young workers and young people at workplaces.

Young people are particularly vulnerable in workplaces. For this reason, there are specified work areas where any young person must not be present, and specified types of work that young workers must not do. These are described next.

9.1 Work areas where any young person must not be present

| REGULATION | <i>Regulation 44: General duties relating to young persons at workplace</i> | | | | | |
|---|--|--|--|---------------------|---|---|
| GUIDANCE | <p>This regulation applies to young people (aged under 15 years) who are workers and non-workers.</p> <p>The PCBU <i>with management or control of the workplace</i> must ensure, so far as is reasonably practicable, young people are not present in any area of the workplace at any time when the work described in Table 8 is being carried out.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #2E3192; color: white;">YOUNG PEOPLE MUST NOT BE PRESENT WHEN:</th> <th style="background-color: #2E3192; color: white;">THIS DOESN'T APPLY:</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> > goods are being prepared or manufactured in that area for trade or sale > construction work is being carried out in that area > a logging operation or tree-felling operation is being carried out in that area > work involving the manufacture, use, or generation of hazardous substances is being carried out in that area > any work is being carried out in that area that is likely to cause harm to the health and safety of a young person. </td> <td style="vertical-align: top;"> <p>when the young person is at all times</p> <ul style="list-style-type: none"> > in any part of that area to which the public generally has access. > under the direct and active adult supervision appropriate to the young person's age and the nature of the workplace risks. > on a guided tour of that area > in any part of that area used only for selling goods or services. </td> </tr> </tbody> </table> | | YOUNG PEOPLE MUST NOT BE PRESENT WHEN: | THIS DOESN'T APPLY: | <ul style="list-style-type: none"> > goods are being prepared or manufactured in that area for trade or sale > construction work is being carried out in that area > a logging operation or tree-felling operation is being carried out in that area > work involving the manufacture, use, or generation of hazardous substances is being carried out in that area > any work is being carried out in that area that is likely to cause harm to the health and safety of a young person. | <p>when the young person is at all times</p> <ul style="list-style-type: none"> > in any part of that area to which the public generally has access. > under the direct and active adult supervision appropriate to the young person's age and the nature of the workplace risks. > on a guided tour of that area > in any part of that area used only for selling goods or services. |
| YOUNG PEOPLE MUST NOT BE PRESENT WHEN: | THIS DOESN'T APPLY: | | | | | |
| <ul style="list-style-type: none"> > goods are being prepared or manufactured in that area for trade or sale > construction work is being carried out in that area > a logging operation or tree-felling operation is being carried out in that area > work involving the manufacture, use, or generation of hazardous substances is being carried out in that area > any work is being carried out in that area that is likely to cause harm to the health and safety of a young person. | <p>when the young person is at all times</p> <ul style="list-style-type: none"> > in any part of that area to which the public generally has access. > under the direct and active adult supervision appropriate to the young person's age and the nature of the workplace risks. > on a guided tour of that area > in any part of that area used only for selling goods or services. | | | | | |
| | <p>Table 8: Work areas young people must not be present in</p> <p>Example:</p> <ul style="list-style-type: none"> > Young people can carry out science experiments at schools (the workplace of teachers and other support personnel) as long as they are supervised by an adult. > Young people can be present in the retail area of a paint factory as long as they stay in the area that is only used for selling goods or services. > Children can be present in work areas like milking sheds as long as they are actively supervised by their parents or another adult (eg regular visual checking that very young children stay in a safe enclosed or separate play area set aside for them and ensuring that the children are kept in close proximity when not within the play area). | | | | | |

9.2 The type of work and tasks young workers must not carry out

| | |
|--------------------|---|
| REGULATIONS | <i>Regulation 43 Duty to ensure young persons do not carry out certain work</i> |
| | <i>Regulation 45: Duty to ensure young persons do not perform harmful tasks</i> |
| | <i>Regulation 46: Duty to ensure young persons do not work at or with machinery</i> |
| | <i>Regulation 47: Duty to ensure young persons do not drive or ride upon certain vehicles</i> |
| | <i>Regulation 48: Duty to ensure young persons do not carry out night work</i> |

GUIDANCE PCBUs must ensure, so far as is reasonably practicable, that no young workers (aged under 15 years) carry out the work described in Table 9.

| SO FAR AS IS REASONABLY PRACTICABLE, YOUNG WORKERS UNDER 15 (UNLESS STATED OTHERWISE) MUST NOT CARRY OUT THE FOLLOWING WORK: | THIS DOESN'T APPLY TO: |
|--|---|
| <ul style="list-style-type: none"> > the manufacture or preparation of goods for trade or sale > construction work > logging or tree-felling > the manufacture, use, or generation of hazardous substances > any other work of a type that is likely to cause harm to the health and safety of a young person. | <ul style="list-style-type: none"> > young workers who are carrying out administrative or retail work in businesses or undertakings carrying out the work listed left (eg doing paperwork in the office of a chemical factory). |

Table 9: Work young workers must not carry out

The PCBU *with management or control of the workplace* must ensure, so far as is reasonably practicable, young workers do not carry out the harmful tasks described in Table 10.

| SO FAR AS IS REASONABLY PRACTICABLE, YOUNG WORKERS (UNDER 15 YEARS UNLESS STATED OTHERWISE) MUST NOT: | THIS DOESN'T APPLY: |
|---|--|
| <ul style="list-style-type: none"> > lift any weight or perform any task if lifting the weight or performing the task would be likely to be harmful to the worker's health. | <p>Note: These requirements always apply.</p> |
| <ul style="list-style-type: none"> > work at or with any machinery at the workplace or > assist with work at or with any machinery at the workplace. <p>machinery —</p> <p>(a) means an engine, motor, or other appliance that provides mechanical energy derived from compressed air, the combustion of fuel, electricity, gas, gaseous products, steam, water, wind, or any other source</p> <p>and</p> <p>(b) includes— (i) any plant by or to which the motion of any machinery is transmitted; and (ii) a lifting machine, a lifting vehicle, a machine whose motive power is wholly or partly generated by the human body, and a tractor.</p> | <p>Note: These requirements always apply.</p> |

| SO FAR AS IS REASONABLY PRACTICABLE, YOUNG WORKERS (UNDER 15 YEARS UNLESS STATED OTHERWISE) MUST NOT: | THIS DOESN'T APPLY: |
|---|--|
| <ul style="list-style-type: none"> > drive a vehicle or > ride upon a vehicle while it is drawing an implement or > ride upon a vehicle while an implement is attached to it or > ride upon an implement (other than a sled or trailer designed or adapted exclusively or principally for the carriage of passengers or goods) drawn by or attached to a vehicle. <p>vehicle means—</p> <ul style="list-style-type: none"> > a tractor and > any self-propelled mobile mechanical plant, other than a car, a truck, a motorcycle, or machinery that has a mass of 700 kilograms or less. <ul style="list-style-type: none"> > work between the hours of 10 pm on any day and 6 am on the next day (for workers aged under 16 years old). | <ul style="list-style-type: none"> > for workers aged 12 years or over who drives or rides on a tractor if: (a) the tractor is being used in connection with agricultural work; and (b) the worker— <ul style="list-style-type: none"> (i) has been fully trained in the safe operation of the tractor and the safe use of any implement that is being drawn by or is attached to the tractor; or (ii) is being trained in the safe operation of the tractor or the safe use of any implement that is being drawn by or is attached to the tractor. <p>See WorkSafe's <i>Safe Use of Tractors on Farms</i>.</p> <ul style="list-style-type: none"> > when the worker's work complies in all respects with an approved code of practice relating to the employment or engagement of persons under 16 years between those hours in work of the kind that the worker is carrying out. |

Table 10: Tasks young workers must not carry out

10/

APPENDICES

IN THIS SECTION:

- 10.1 Terms and definitions
- 10.2 The Codes of Health and Disability Services Consumer's Rights and Health Information Privacy

10.1 Terms and definitions

| TERM | DEFINITION |
|---|---|
| Control measure (from the GRWM Regulations) | in relation to a risk to health and safety, means a measure to eliminate or minimise the risk. |
| Engineering control (from the GRWM Regulations) | (a) means a control measure that is physical in nature; and (b) includes a mechanical device or process. |
| Exposure monitoring (from the GRWM Regulations) | (a) means the measurement and evaluation of exposure to a health hazard experienced by a person; and (b) includes— (i) monitoring of the conditions at the workplace; and (ii) biological monitoring of people. |
| Hazardous substance | Is a chemical or mixture of chemicals that has one or more of the following properties: <ul style="list-style-type: none"> > an explosive nature, including fireworks > flammability, for example, petrol, turps, LPG, diesel > ability to oxidise, accelerate a fire, for example hydrogen peroxide > corrosiveness, for example, caustic drain cleaner > acute or chronic toxicity to humans, for example, arsenic. |
| Health and safety committee (HSC) | An HSC supports the ongoing improvement of health and safety at work. An HSC enables PCBU representatives, workers and other HSC members to meet regularly and work co-operatively to ensure workers' health and safety. |
| Health and safety representative (HSR) | An HSR is a worker elected by the members of their work group to represent them in health and safety matters, in accordance with subpart 2 of Part 3 of HSWA. Throughout these guidelines, the term HSR means an elected representative who meets the requirements of HSWA and WEPR Regulations. It does not apply to people who are referred to as HSRs under other arrangements, but who are not elected under HSWA. |
| Health monitoring (from the GRWM Regulations) | in relation to an individual, means monitoring of the individual to identify any changes in his or her health status because of exposure to certain health hazards. |
| Person conducting a business or undertaking (PCBU) (from section 17 of HSWA) | In this Act, unless the context otherwise requires, a person conducting a business or undertaking or PCBU— <ul style="list-style-type: none"> (a) means a person conducting a business or undertaking— <ul style="list-style-type: none"> (i) whether the person conducts a business or undertaking alone or with others; and (ii) whether or not the business or undertaking is conducted for profit or gain; but (b) does not include— (i) a person to the extent that the person is employed or engaged solely as a worker in, or as an officer of, the business or undertaking: (ii) a volunteer association: (iii) an occupier of a home to the extent that the occupier employs or engages another person solely to do residential work: (iv) a statutory officer to the extent that the officer is a worker in, or an officer of, the business or undertaking: (v) a person, or class of persons, that is declared by regulations not to be a PCBU for the purposes of this Act or any provision of this Act. <p>(2) In this section, volunteer association means a group of volunteers (whether incorporated or unincorporated) working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.</p> |

| TERM | DEFINITION |
|--|---|
| Personal protective equipment (PPE) (from section 16 of HSWA) | <ul style="list-style-type: none"> (a) means anything used or worn by a person (including clothing) to minimise risks to the person's health and safety; and (b) includes air-supplied respiratory equipment. |
| Plant (from section 16 of HSWA) | <p>includes—</p> <ul style="list-style-type: none"> (a) any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement, or tool; and (b) any component of any of those things; and (c) anything fitted or connected to any of those things. |
| Prescribed exposure standard (from GRWM Regulations) | <p>means a workplace exposure standard or a biological exposure index that has the purpose of protecting persons in a workplace from harm to health and that is prescribed in—</p> <ul style="list-style-type: none"> (a) regulations; or (b) a safe work instrument; or (c) an approval or a reassessment in accordance with section 77B of the Hazardous Substances and New Organisms Act 1996; or (d) a group standard approval issued under section 96B of the Hazardous Substances and New Organisms Act 1996. |
| Structure (from section 16 of HSWA) | <ul style="list-style-type: none"> (a) means anything that is constructed, whether fixed, moveable, temporary, or permanent; and (b) includes— (i) buildings, masts, towers, frameworks, pipelines, quarries, bridges, and underground works (including shafts or tunnels); and (ii) any component of a structure; and (iii) part of a structure. |
| Substances hazardous to health (from the GRWM Regulations) | <ul style="list-style-type: none"> (a) means a substance, or product containing a substance, that is known or suspected to cause harm to health; and (b) includes— (i) a substance classified as having toxic or corrosive properties under the Hazardous Substances and New Organisms Act 1996; (ii) a substance for which a prescribed exposure standard exists; (iii) a substance specified in a safe work instrument as requiring health monitoring. |
| Union | <p>A union is an organisation that supports its membership by advocating on their behalf. The Employment Relations Act 2000 (ERA) sets out rules about employment relations between employers and employees, and gives employees the freedom to join unions and bargain collectively without discrimination. Workers can choose whether or not to join a union.</p> <p>A union is entitled to represent members' employment interests, including health and safety matters.</p> <p>Unions can access a workplace to deal with matters concerning the health and safety of union members. Union representatives must seek permission beforehand, which an employer cannot unreasonably withhold.</p> |
| Worker (from section 19 of HSWA) | <p>(1) In this Act, unless the context otherwise requires, a worker means an individual who carries out work in any capacity for a PCBU, including work as—</p> <ul style="list-style-type: none"> (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the business or undertaking; or (e) an outworker (including a homeworker); or |

| TERM | DEFINITION |
|--|---|
| | <p>(f) an apprentice or a trainee; or</p> <p>(g) a person gaining work experience or undertaking a work trial; or</p> <p>(h) a volunteer worker; or</p> <p>(i) a person of a prescribed class.</p> <p>(2) For the purposes of subsection (1),—</p> <p>(a) a constable is—(i) a worker; and (ii) at work throughout the time when the constable is on duty or is lawfully performing the functions of a constable, but not otherwise:</p> <p>(b) a member of the Armed Forces is— (i) a worker; and (ii) at work throughout the time when the member is on duty or is lawfully performing the functions of a member of the Armed Forces, but not otherwise:</p> <p>(c) a PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking.</p> <p>(3) In this Act, a volunteer worker—</p> <p>(a) means a volunteer who carries out work in any capacity for a PCBU—</p> <p>(i) with the knowledge or consent of the PCBU; and (ii) on an ongoing and regular basis; and (iii) that is an integral part of the business or undertaking; but</p> <p>(b) does not include a volunteer undertaking any of the following voluntary work activities: (i) participating in a fund-raising activity: (ii) assisting with sports or recreation for an educational institute, sports club, or recreation club: (iii) assisting with activities for an educational institute outside the premises of the educational institution: (iv) providing care for another person in the volunteer’s home.</p> |
| Workplace (from section 20 of HSWA) | <p>(1) In this Act, unless the context otherwise requires, a workplace—</p> <p>(a) means a place where work is being carried out, or is customarily carried out, for a business or undertaking; and</p> <p>(b) includes any place where a worker goes, or is likely to be, while at work.</p> <p>(2) In this section, place includes—</p> <p>(a) a vehicle, vessel, aircraft, ship, or other mobile structure; and (b) any waters and any installation on land, on the bed of any waters, or floating on any waters.</p> |

Table 11: Terms and definitions

10.2 The Codes of Health and Disability Services Consumer's Rights and Health Information Privacy

CODE OF HEALTH AND DISABILITY SERVICES CONSUMER'S RIGHTS

In most circumstances, health monitoring will be classed as a health service. This means the rights and duties in the *Code of Health and Disability Services Consumer's Rights* will apply.

Under this Code consumers (ie workers) have the following rights:

- > to be treated with respect
- > to freedom from discrimination, coercion, harassment and exploitation
- > to dignity and independence
- > to services of an appropriate standard
- > to effective communication
- > to be fully informed
- > to make an informed choice and give informed consent
- > to support
- > to complain
- > in respect of teaching or research.

Health care providers must take reasonable actions to give effect to these rights and comply with the duties in the Code.

For further information about the *Code of Health and Disability Services Consumer's Rights* see the Health and Disability Commissioner website: www.hdc.org.nz

HEALTH INFORMATION PRIVACY CODE

In addition, the *Health Information Privacy Code* sets rules for how health information must be collected, used, held and disclosed by health service providers.

For further information about the *Health Information Privacy Code* see the Privacy Commissioner website: www.privacy.org.nz

DISCLAIMER

WorkSafe New Zealand has made every effort to ensure the information contained in this publication is reliable, but makes no guarantee of its completeness. WorkSafe New Zealand may change the contents of this guideline at any time without notice.

This document is an interpretive guideline only. It should not be used as a substitute for legislation or legal advice. WorkSafe New Zealand is not responsible for the results of any action taken on the basis of information in this document, or for any errors or omissions.



Except for the logos of WorkSafe New Zealand, this copyright work is licensed under a Creative Commons Attribution-Non-commercial 3.0 NZ licence.

To view a copy of this licence, visit creativecommons.org/licenses/by-nc/3.0/nz/

In essence, you are free to copy, communicate and adapt the work for non-commercial purposes, as long as you attribute the work to WorkSafe New Zealand and abide by the other licence terms.

WorkSafe New Zealand

Level 6
86 Customhouse Quay
PO Box 165
Wellington 6140

Phone: +64 4 897 7699

Fax: +64 4 415 4015

0800 030 040

www.worksafe.govt.nz

[@WorkSafeNZ](https://twitter.com/WorkSafeNZ)

ISBN: 978-0-908336-59-3 (print)

ISBN: 978-0-908336-60-9 (online)