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HSR STAGE 1: INTRODUCTION TO THE HSR ROLE

UNIT STANDARD 29315, 30264

+IMPAC The Health + Safety Company



**We're IMPAC – the Health + Safety Company,
proudly New Zealand owned and operated since 1999.**

As NZ's leading full-service H+S solutions provider, we have unrivalled experience and expertise at getting the best possible H+S outcomes for our clients. We work alongside them to become true partners, to fully diagnose their needs and deliver solutions to keep their teams safe.

We partner



We diagnose



We deliver



We're here to help.

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TIPS

This handout is designed to go with an IMPAC training experience. You will need to refer to it during the training. It is yours to take away and also makes a great reference guide back in the workplace.

Please feel free to add your own notes to this handout.

As you go through this handout with your trainer use a  highlighter or underline important words as you are reading. This will make it easier to find key information later.

Use a different colour to highlight or underline words you do not understand or are unsure about, this will make it easier to find them later so that you can ask someone, or look them up.



IMPAC POLICIES

The following IMPAC's policies and process are available in IMPAC's Learner Handbook

- + Complaints process
- + NZQA Assessment process
- + Appeals process.

The IMPAC Learner Handbook is available to download on IMPAC's website, Learning Management System and can be emailed on request.



THE IMPAC HSR STAGE 1 COURSE

A Health and Safety Representative (HSR) is a legally recognised position under the Health and Safety at Work Act 2015. This course meets the requirements for the training of HSRs as required by law.

It also provides the training required towards the achievement of:

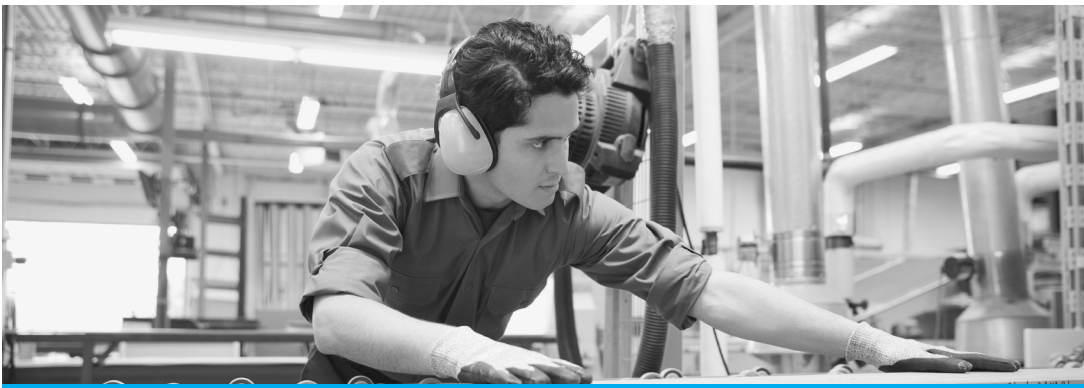
- + **NZQA Unit Standard 29315** — Describe the role and functions of the Health and Safety Representative in New Zealand workplaces.
- + **NZQA Unit Standard 30264** — Describe duties, rights, representation and the regulator in terms of New Zealand health and safety legislation.

As an NZQA candidate, you are expected to:

- + Participate fully in the training session, discussions and activities
- + Share your knowledge and experience
- + Complete all assessment activities as notified by your trainer
- + Take responsibility for your own learning needs
- + Discuss with your trainer any assistance you may need.

If you are being disruptive, your trainer will advise you that your behaviour is disrupting learning for other trainees.

If the behaviour continues to disrupt or disturb others, your trainer will ask you to leave the course, and your employer will be notified immediately.



WHY MANAGE HEALTH AND SAFETY?

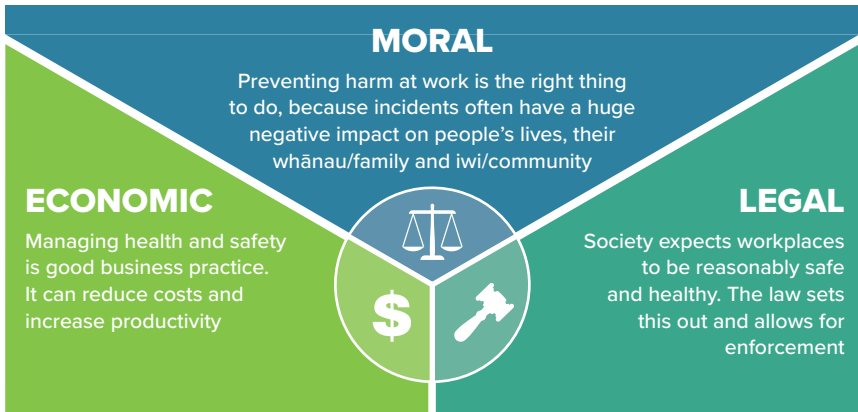
What you need to know:

- ✦ The key moral, economic and legal reasons for managing health and safety at work



REASONS FOR MANAGING HEALTH AND SAFETY AT WORK

There are key reasons why health and safety management is important in your workplace. These are:



Not harming other people is a basic human value we can all agree on. In the workplace, there is a moral duty of care for management and business owners towards workers, and for workers towards themselves and others.

Safe and healthy work is good business management. It leads to a good reputation, a productive workforce, innovation and profitability. Incidents at work can be very expensive. There are financial costs to the injured person, their employer, and to society as a whole.

Societies make laws to set shared boundaries about what is acceptable and what is not. Health and safety laws are no different in that respect; they set out minimum requirements for workplaces to get the balance right between getting things done, and keeping workers safe and healthy.



THE HEALTH AND SAFETY AT WORK ACT 2015

What you need to know:

- ✦ The background to and purpose of the Health and Safety at Work Act 2015

THE INTERNATIONAL LABOUR ORGANISATION

In the 18th and 19th centuries the industrial revolution was generating a lot of wealth for the countries of Europe and North America. The first factories and production lines were built to make products. Roads and railways were expanded across the countryside. Mines producing coal and other minerals were dug.



All this development however came at a cost—people were moving from the countryside into towns and cities, and these new workplaces were often very unsafe. Workers including children had to work long hours in very poor conditions. The situation was creating terrible human suffering and social unrest - people were not happy with their governments and the owners of business. Peace and stability of society was under threat.



The International Labour Organisation (ILO) was created by the Treaty of Versailles in 1919, by the industrialised countries of Europe and North America, after the horrors of World War 1. The intention was to develop international standards and a framework for national governments to regulate workplace conditions. Many countries (including New Zealand) have signed up to ILO Conventions, which are commitments to develop and enforce health and safety law. This means that we should all be able to go to work, earn a decent living, and not expect to be injured or have our health damaged.



THE LEGAL FRAMEWORK FOR HEALTH AND SAFETY

Health and safety law in New Zealand is what we call ‘goal setting’ legislation. It does not set out lots of highly prescriptive requirements but rather defines broad duties and duty holders. The key principles come from International Labour Organisation Conventions, which New Zealand has signed up to.

GENERAL

INTERNATIONAL LABOUR ORGANISATION

Broad principles and a framework for setting up national health and safety law.

HEALTH AND SAFETY AT WORK ACT 2015

Enacted by Parliament, applies to all workplaces. Legally enforceable, with general duties and duty holders.

REGULATIONS (VARIOUS)

Made under the Health and Safety at Work Act, apply to all or most workplaces. Legally enforceable, with specific duties and duty holders.

APPROVED CODES OF PRACTICE (VARIOUS)

Developed by WorkSafe NZ and approved by government minister. Accepted in court as means of compliance for specific types of work.

GUIDELINES (VARIOUS)

Developed by WorkSafe NZ and/or Industry Body. Accepted in court as means of compliance in specific situations.

SPECIFIC

STANDARDS (VARIOUS)

Developed by standard setting bodies e.g. Standards NZ, Standards Australia, ISO etc. Specific and detailed requirements for conformance to a standard.



THE HEALTH AND SAFETY AT WORK ACT 2015

The Health and Safety at Work Act (HSW Act) 2015 is the key work health and safety law in New Zealand and covers nearly all work and workplaces. The HSW Act came into effect from the 4 April 2016.

PURPOSE OF THE HSW ACT s3

The main purpose of this Act is to provide for a balanced framework to secure the health and safety of workers and workplaces by:

- 1 Protecting workers and other persons against harm
- 2 Providing for fair and effective workplace representation, consultation, and co-operation
- 3 Encouraging unions and organisations to take a constructive role in making work safer and healthier
- 4 Promoting the provision of advice, information, education, and training
- 5 Securing compliance with this Act through effective and appropriate compliance and enforcement measures
- 6 Ensuring appropriate scrutiny and review of actions taken by persons performing functions or exercising powers under this Act
- 7 Providing a framework for continuous improvement and progressively higher standards of work health and safety.



KEY POINT

The HSW Act is underpinned by the principle that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from hazards and risks arising from work.



REASONABLY PRACTICABLE s22

The term “reasonably practicable” appears throughout the HSW Act and is used to qualify duties to ensure health and safety at work:

- + Something is ‘practicable’ if it is possible or capable of being done
- + ‘Reasonably’ means that it should also make sense - it should ‘stand to reason’.

Working out what is reasonably practicable means looking at the:

- 1 Likelihood of the risk happening in your situation
- 2 Degree of harm that might result
- 3 Knowledge about the hazard, risk, and control measures
- 4 Availability and suitability of control measures in your situation
- 5 Cost of control measures to get rid of or minimise the risk.

The upshot is that duty holders are expected to do what a reasonable organisation or person would do in the situation.



KEY POINT

KEEP UP TO DATE WITH GOOD PRACTICE

The best way to work out ‘reasonably practicable’ risk control is to look at what the relevant approved codes of practice, guidelines and standards say. Part of the idea of ‘reasonably practicable’ is keeping up to date with good practice in your industry, as well as what the regulator expects.

GETTING THE BALANCE RIGHT

If something is possible to do, but the **time, cost, effort** and trouble to do it is a lot more (a gross disproportion) than the benefits to be gained in managing the risk, then it is probably not ‘reasonably practicable’ to do, and so not legally required.



COST

RISK



COST

RISK



EXAMPLE

Dave’s Lumber Ltd. has workers, delivery trucks, wholesalers and customers regularly driving in and out of the site.

There have been some near misses between vehicles and pedestrians. The site manager looks up site traffic management guidance on the WorkSafe website. The management team decide to mark out a one-way traffic route, loading zones, parking areas, walkways as well as place speed limit and ‘Enter’ and ‘Exit’ signs. They then also install a boom gate and security guard hut, which is something not covered in the guidance, but good to reduce the risk of theft. While Dave’s Lumber has definitely met its duty, the security guard hut is probably beyond what is reasonably practicable under the Health and Safety at Work Act.



DUTIES AND RIGHTS

What you need to know:

- + Duty-holders and duties under the Health and Safety at Work Act 2015, and what this means for your workplace
- + The rights and responsibilities of workers and others
- + The role and functions of WorkSafe New Zealand and other health and safety regulators



WHAT IS A PCBU? s17



PERSON

A legal entity



CONDUCTING

Best placed to influence the control of hazards and risks



BUSINESS

An enterprise or organisation that does things to make a profit



UNDERTAKING

An enterprise or organisation that does things but not primarily to make a profit

The PCBU has the **primary duty** to ensure health and safety at work as it is considered to be in the **best position to control the health and safety risks of work**. PCBUs have an influence over the health and safety of **workers** and **other people even if they are not its direct workers**.

“Person” in legal terminology is a **legal entity**, rather than a person, which means that PCBU refers to the business or organisation, represented by its management. A self-employed person’s business identity (e.g. JB Plumbers, where Jane Brown is the plumber) is a PCBU. ‘PCBU’ does not include a worker, officer, director, volunteer association, or occupier of a home.



DUTIES OF THE PCBU

PRIMARY DUTY OF CARE s36



PCBU PRIMARY DUTY OF CARE

- + Make sure that while work is happening, workers and others affected by the work stay healthy and safe, so far as is reasonably practicable

The primary duty of care requires all PCBUs to ensure, so far as is reasonably practicable, the health and safety of:



WORKERS

(Including contractors and sub-contractors on site, and those volunteering or on internships or apprenticeships) while they are working



OTHER PEOPLE

(E.g. visitors and customers) who could have their health and safety put at risk by the work activities.



A self-employed person is also a PCBU. In addition to the same primary duty of care, a self-employed person must ensure their own health and safety at work.



SPECIFIC OBLIGATIONS TO MEET THE PRIMARY DUTY OF CARE s36



SPECIFIC PCBU OBLIGATIONS

- + Provide a work environment free of risks
- + Provide safe systems, plant, structures and substances
- + Provide adequate welfare facilities (toilets, hand washing, rest break areas etc.)
- + Provide Information, training, instruction, supervision
- + Monitor worker health and workplace conditions.

To make sure that workers and others are healthy and safe while at work or impacted by work, the PCBU must, so far as is reasonably practicable:

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



OTHER PCBU DUTIES

- + Workplaces and getting to and from work
- + Fixtures, fittings and plant
- + Designing, manufacturing, importing and supplying plant, substances or structures
- + Installing or constructing plant or structures.

WORKPLACES s37

PCBUs must ensure, so far as is reasonably practicable, that the workplace, the entry and exit to the workplace and anything arising from the workplace does not put anyone's health and safety at risk.

FIXTURES, FITTINGS AND PLANT s38

PCBUs must ensure, so far as is reasonably practicable, that the fixtures, fittings and plant do not put anyone's health and safety at risk.

DESIGNING, MANUFACTURING, IMPORTING AND SUPPLYING PLANT, SUBSTANCES OR STRUCTURES s39, 40, 41, 42

PCBUs must ensure, so far as is reasonably practicable, that whatever is designed, made, imported, or supplied for use at a workplace is without risks for people constructing or using, maintaining, cleaning etc. the equipment or plant.

INSTALLING, CONSTRUCTING AND COMMISSIONING PLANT OR STRUCTURES s43

PCBUs must ensure, so far as is reasonably practicable, that the plant or structure is without risks for installation, use, cleaning, decommissioning, and for people in the vicinity.



OFFICERS s18

Officers are people with significant influence over the management of the business or undertaking (the PCBU), such as Directors, Chief Executives and Partners. If a PCBU has a duty under the HSW Act, an officer of the PCBU must exercise due diligence to ensure that the PCBU complies with that duty.

Due diligence means taking reasonable steps to:

- + Know about work health and safety matters and keep up-to-date with changes
- + Gain an understanding of the operations of the PCBU and the hazards and risks generally associated with those operations
- + Ensure the PCBU has appropriate resources and processes to eliminate or minimise those risks.



DUTIES OF OFFICERS s44

- + Exercise due diligence regarding health and safety
- + Keep up-to-date with health and safety knowledge
- + Understand PCBU operations
- + Ensure PCBU has resources for managing risks
- + Ensure PCBU has processes for managing risks
- + Ensure there are compliance processes
- + Verify resources and processes.



WORKERS s19

A worker is a person who carries out work in any capacity for a PCBU, including:

- + An employee
- + A contractor or subcontractor
- + An employee of a contractor or subcontractor
- + An employee of a labour hire company
- + A homeworker (person who works from home)
- + An apprentice or trainee
- + A person gaining work experience
- + A volunteer
- + A manager.

DUTIES OF WORKERS s45

Workers are operators, managers, supervisors, and anyone else doing work for the PCBU. While at work:

- + Look out for your own health and safety
- + Look out for the health and safety of others
- + Comply with reasonable instructions about health and safety from the PCBU
- + Co-operate with any reasonable health and safety policy or procedure of the PCBU.





RIGHTS OF WORKERS

Under the HSW Act 2015 workers have rights these include:

+ **Engagement and participation**  s58, 61

To be engaged on health and safety issues that may impact on them.

+ **Personal Protective Equipment (PPE)**  s36

To be provided appropriate PPE such as gloves, goggles, hard hats, respirators and ear defenders.

+ **Training**  s36

To be provided training to protect themselves and others from risks to their health and safety.

+ **The right to stop or refuse unsafe work**  s83

The right for workers to refuse work or stop the work they are doing if they believe it is unsafe.



KEY POINT

You cannot refuse to do work that, because of its nature, usually carries an understood risk, unless that risk has increased beyond the understood risk. You must do work that is within the scope of your employment contract. The PCBU and worker and HSRs (if in place) must co-operate in good faith to resolve these issues.



OTHER PERSONS s46

An 'other person at the workplace' is someone at the workplace who is not a worker or PCBU.


Other persons at workplaces can be visitors eg:

- + People shopping (ie the shop is the workplace)
- + People visiting the PCBU or its workers, eg for meetings.

Other persons at workplaces can also be people who pay the PCBU (with money or something else) to do something at the workplace eg:

- + People attending a concert
- + Clients or customers of companies providing adventure activities.

Other persons may also be casual volunteers at workplaces (not volunteer workers).



DUTIES OF OTHER PERSONS s46

While at a workplace:

- + Look out for your own health and safety
- + Look out for the health and safety of others
- + Comply with reasonable instructions about health and safety from the PCBU.



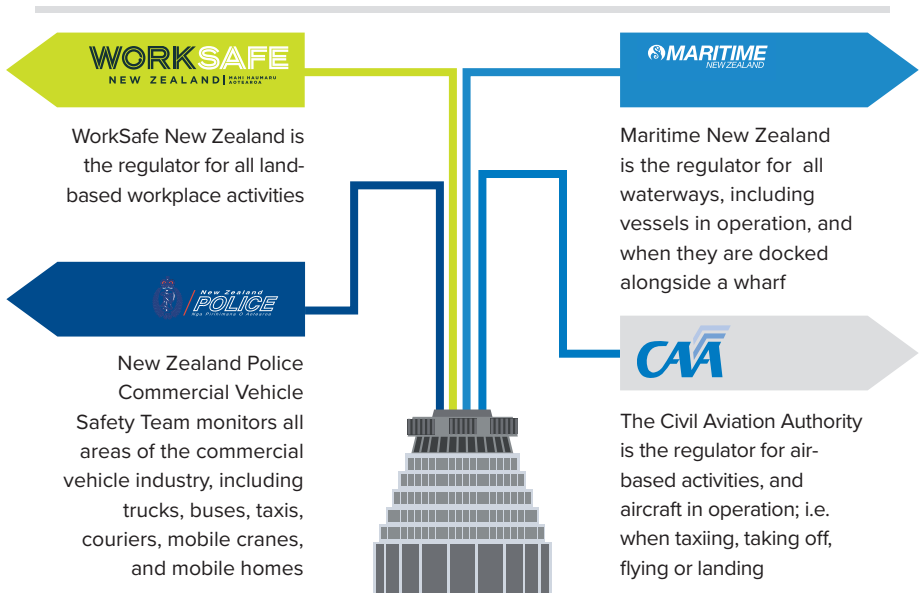
REGULATORS

The goal of the regulators is to reduce workplace injuries and fatalities, protect workers, and improve overall workplace safety across the country.

The role of regulators is to:

- + **Engage** with duty-holders to ensure they understand how to meet their responsibilities
- + **Enforce** health and safety law
- + **Permit** business and individuals to carry out high-risk work activities that require permission to do so.

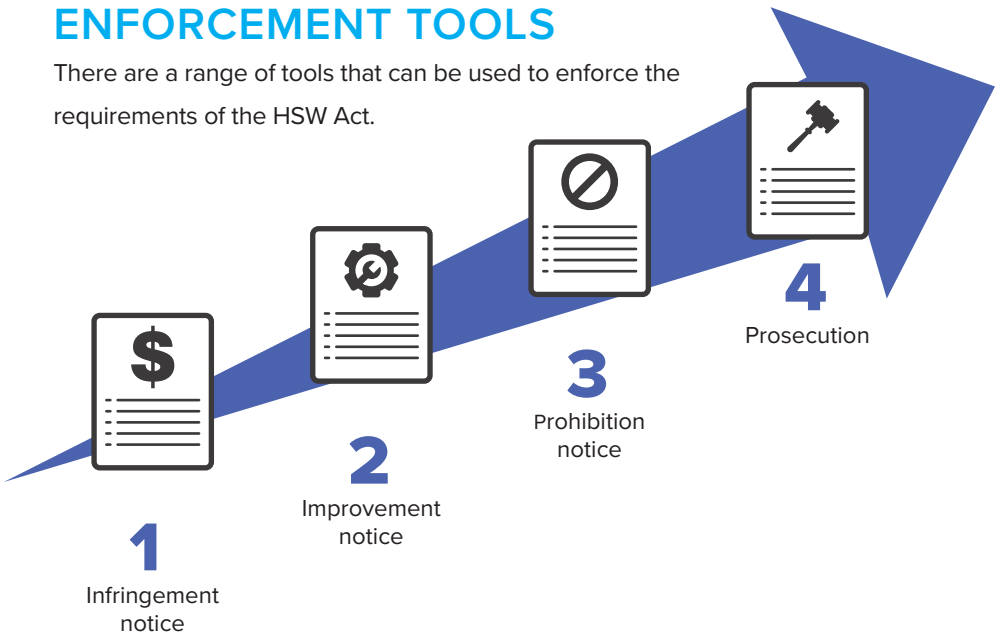
WorkSafe is the government agency that is the primary work health and safety regulator. Other government agencies can be designated to carry out certain health and safety functions.





ENFORCEMENT TOOLS

There are a range of tools that can be used to enforce the requirements of the HSW Act.



OTHER ENFORCEMENT TOOLS:

- + Non-disturbance orders
- + Enforceable undertakings
- + Adverse publicity orders
- + Work project orders
- + Cost recovery



KEY POINT

Infringement offences and fees are outlined in the Health and Safety at Work (Infringement Offences and Fees) Regulations 2016



FINES/IMPRISONMENT ON CONVICTION

The HSW Act sets a range of levels of fines, and in some cases, imprisonment, for duty holders on conviction.



PCBU

INDIVIDUAL WHO IS
PCBU OR OFFICER
OF PCBU

INDIVIDUAL WHO
IS NOT PCBU OR
OFFICER

Reckless conduct:
risk of death,
serious illness or
injury

up to
\$3m

up to **\$600k** and/or
5 years prison

up to **\$300k** and/or
5 years prison



Failure to comply
with duty, exposes
individual to risk
of death, serious
illness or injury

up to
\$1.5m

up to **\$300k**

up to **\$150k**



Failing to comply
with specific
health and safety
duty

up to
\$500k

up to **\$100k**

up to **\$50k**



Breach of other
specific duties

Various levels of fines up to **\$25k**



ENGAGEMENT AND PARTICIPATION

What you need to know:

- + What worker engagement and participation means and what the law says PCBU's must do
- + The typical role and functions of a Health and Safety Representative (HSR) and Health and Safety Committee (HSC)
- + Information that you can ask for to help you as a HSR

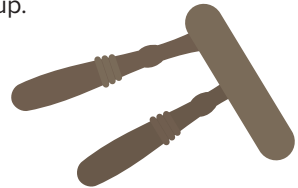


THE THREE LEGGED STOOL

Health and safety management is sometimes compared to a three-legged stool, where good health and safety outcomes are supported by the three legs of effective regulation, effective management and effective worker participation.



If any of the legs are missing, the stool can't stand up.





WORKER ENGAGEMENT AND PARTICIPATION

All PCBUs must have worker engagement and participation practices, regardless of their size, level of risk or the type of work.

PCBU DUTIES



TO ENGAGE WITH THEIR WORKERS s58

on H&S issues that may impact on them, and other workers who may be affected.



TO HAVE WORKER PARTICIPATION PRACTICES s61

so that workers can have a say on H&S issues that impact on them, and opportunities to help improve H&S in the workplace.



KEY POINT

Together with workers, PCBUs can determine the best way to meet these two related duties. What is reasonable and practicable will depend on workers' views and needs, the size of the business and the nature of its risks. The law enables flexibility and innovation: the focus is on effectiveness rather than whether any particular system is in place.



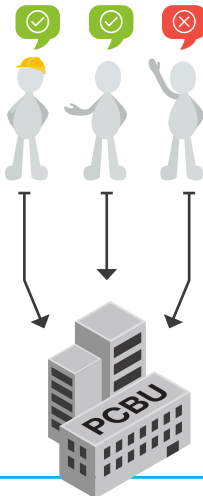
ENGAGEMENT—WHAT IT MEANS

A PCBU must engage with workers on any work health and safety matter that directly affects them.

‘Engagement’ means:

- + Being proactive
- + Making sure that every worker has opportunities to influence their work and their working conditions and to shape health and safety systems at work
- + Involving HSRs when they are present in a workplace
- + Taking workers’ views into account and keeping everyone informed about what will happen next
- + Using a mix of formal and informal approaches to encourage workers to share their views.

DOES EVERYONE HAVE TO AGREE?



Engagement does not mean that everyone has to agree. What’s important is that everyone has had an opportunity to have a say and that the PCBU has seriously considered all points of view.

Although engagement is not the same as negotiation, a PCBU should listen to workers’ concerns with an open mind and make decisions based on reliable information. Sometimes this will mean starting over and coming up with a new approach to a work challenge.



PARTICIPATION - WHAT IT MEANS

Worker participation practices are what a PCBU puts in place to give workers ongoing opportunities to improve health and safety.

Different types of participation will suit different workplaces. For example, a PCBU can provide opportunities for workers to have their say about health and safety issues during meetings, team talks, training sessions, one-to-one talks with supervisors or managers. A PCBU and its workers can team up to develop the practices that will work best and be most effective for their workplace. Innovative and flexible practices are encouraged.

Participation can be either direct between PCBU and worker, or through representation. The HSW Act outlines certain requirements if HSRs and Health and Safety Committees are the chosen practices.



KEY POINT

Although not strictly a legal requirement for every workplace, WorkSafe expects workplaces to have health and safety representatives in place. A PCBU is meeting its duties in worker engagement, participation and representation when:

- + They initiate the election of workers to be HSRs
- + HSRs are well-established and support worker engagement.



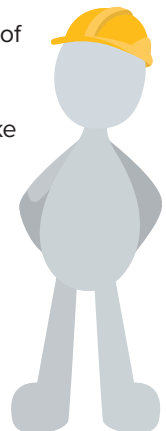
WORKER REPRESENTATION

Representation is one form of worker participation. Worker representation involves workers choosing one or more people to speak or act on their behalf. This may be in the role of a Health and Safety Representative (HSR) or Health and Safety Committee (HSC) member.

BENEFITS FOR WORKPLACES AND PCBUS

Worker representation has many different benefits including:

- + Providing a voice for workers who would not otherwise speak up about health and safety matters.
- + HSRs can identify hazards and work with a PCBU to manage them.
- + Representatives provide a link between workers and management.
- + Representation helps in situations where it is not practical for a PCBU to talk one-to-one with its entire workforce.
- + A representative who is involved in the day-to-day work rather than in management, provides a different perspective on the workplace.
- + HSR training ensures that HSRs are knowledgeable about health and safety legislation and aware of the rights and responsibilities of everyone in the workplace.
- + Trained HSRs have additional powers that enable them to take action on behalf of their work group.





ROLE OF THE PCBU IN WORKER REPRESENTATION

The role of the PCBU is **to set up and maintain well known ways to engage with workers and support their participation in health and safety matters.**

Things are likely to work better when you have a mix of formal and informal ways for workers to contribute.

ROLE OF THE HEALTH AND SAFETY COMMITTEE (HSC)

The role of the HSC is to enable a business and its worker representatives to meet regularly and work cooperatively to improve work health and safety.

DO ALL PCBU'S NEED TO HAVE A HSC?

No, not all PCBU's need to have HSC. However if a health and safety representative or 5 or more workers ask for a health and safety committee, the business must establish one.



KEY POINT

A role is a description of a position or part and how it fits into an organisation structure.

Functions are what the role specifically does in practice.



ROLE OF THE HEALTH AND SAFETY REPRESENTATIVE (HSR)

The role of the HSR is to be an advocate for workers. An advocate is a person who publicly supports and speaks up for someone or something. The HSR does not have to be a member of a union.

WORK GROUP

A work group is a defined group of workers who work for the PCBU. The work group can be the whole workplace or it can be workers grouped by work areas, occupations, work sites or other arrangements. The default maximum representative to worker ratio under the Regulations is 1:19.

DO ALL PCBU'S NEED TO HAVE AN HSR?

No, not all PCBU's need to have HSR's. It is mandatory for an election to take place if a worker requests to have an HSR and any business can voluntarily choose to have HSR's. HSR's are a well-established way to support worker engagement and participation.

TERM OF THE HSR

An HSR's term of office is for a maximum of three years, or for less time if agreed between the PCBU and members of the HSR's work group. HSRs can be re-elected multiple times. An HSR cannot be removed during this time unless they resign or are removed with WorkSafe New Zealand's approval.



KEY POINT

An HSR is considered an elected HSR under the regulation even if they have been nominated or voluntold.



CORE FUNCTIONS OF THE HSR Schedule 2

The HSW Act gives all elected HSRs specific functions whether they have attended an approved HSR training course or not. These functions are generally restricted to their work group.

The core functions of an HSR are:

- 1 To represent (speak or act for) the workers in the work group in matters relating to health and safety
- 2 To investigate complaints from workers in the work group regarding health and safety
- 3 If requested by a worker in the work group, to represent the worker in relation to a matter relating to health and safety (including a complaint)
- 4 To monitor the measures taken by the PCBU that are relevant to health and safety
- 5 To enquire into anything that appears to be a risk to the health or safety of workers in the work group arising from the conduct of the business or undertaking
- 6 To make recommendations relating to work health and safety
- 7 To provide feedback to the PCBU about whether the requirements of the HSW Act or regulations are being complied with
- 8 To promote the interests of workers in the work group who have been harmed at work, including in relation to arrangements for rehabilitation and return to work.

OTHER FUNCTIONS

An HSR and a PCBU may also agree to additional **complimentary** functions for the HSR. These may include:

- + First Aider (Mental Health and or Physical Health)
- + Emergency / Fire Warden
- + Certified Handler for hazardous substances
- + Write standard operating procedures
- + Induction training for new workers.

THE MULTI-DISCIPLINARY NATURE OF THE HSR ROLE

An HSR should have some knowledge and skills in a number of different areas, such as:

- + Health and safety legislation
- + Health and safety risk management
- + Communication, advocating, negotiation and influencing people.



KEY POINT

The HSW Act 2015 requires the PCBU to allow each HSR up to two days' paid leave a year to attend health and safety training.

The total number of days' paid leave that a PCBU is required to allow for health and safety training is capped by HSW Act 2015. It is based on the number of workers in the business at a specified date in the year.



DUTIES THE PCBU OWES TO THE HSR



Schedule 2, Part 1 (10–11)

WHAT A PCBU HAS TO DO TO SUPPORT AN HSR

Where there are HSRs in an organisation, the PCBU is obligated to support the role of the HSR in the following ways:



Consult and talk with the HSR

Allow the HSR time to perform their powers and functions

Provide information about hazards and risks

Provide access to workplace health and safety information

Adopt recommendations from the HSR relevant to their role, or provide written reasons for not adopting the recommendations

Allow the HSR to attend interviews with an inspector or a PCBU

Provide resources and facilities needed by the HSR for their role

Provide access to workplace for anyone assisting HSR

Allow HSR to accompany inspector

Pay HSR for time spent on their role including attending training



PROVIDE INFORMATION TO THE HSR Schedule 2

Sometimes an HSR will have to make a formal request for specific information from the PCBU. This could be for information that is normally not freely available to any worker, such as ACC data, or injury and illness information.

A PCBU must (in relation to information about hazards and risks):

- + Provide information about hazards and risks
- + Provide access to the workplace health and safety information
- + Provide access to the workplace for anyone assisting the HSR, such as a occupational hygienist or other specialist

A PCBU must provide information about hazards and risks when asked by an HSR, as long as:

- + The HSR only uses the information for a health and safety purpose
- + Personal information concerning a worker (e.g. ACC data) is provided with the worker's consent, or the information is in a form that does not identify the worker.



PROCEDURE FOR REQUESTING INFORMATION FROM A PCBU AS HSR

If you want information from your PCBU that is not normally freely available, you should make the request **in writing**. An email or the minutes of a meeting are good examples.

Then:

- 1 Clearly state the **reason behind the request**
- 2 The **date of the request**
- 3 **Who is requesting** the information, and
- 4 **How it will be used.**

THE HSR AND WORKSAFE

WorkSafe New Zealand's role in worker participation is to advise and support HSRs.

Worksafe's specific functions in this role include:

- 1 Addressing concerns a HSR may have about worker participation
- 2 Receiving requests for assistance and advice from HSRs and PCBUs if they are having difficulty resolving an issue themselves
- 3 Appointing an inspector to assist the HSR and PCBU resolve an issue.



HOW THE HSR IS PROTECTED s88

HSRs, when acting in their role, are protected by the HSW Act against adverse conduct by the PCBU.

Adverse conduct includes:

- + Dismissing the worker
- + Terminating a contract with the worker
- + Refusing or failing to offer work that is available, and working conditions (including benefits and pay) that the worker is qualified for
- + Subjecting the worker to negative conditions that other workers would not be subjected to
- + Retiring the worker or causing them to retire or to terminate a contract
- + Terminating, or avoiding a commercial arrangement.

There are also general protections available under the Employment Relations Act.

IMMUNITY OF THE HSR Schedule 2, Part 1 (16)

An HSR is protected from civil and criminal liability for any act done or omitted to be done—

- (a) In the performance or intended performance of his or her functions or the exercise or intended exercise of his or her powers; and
- (b) In good faith.



SUPPORTING AND ADVOCATING FOR WORKERS

What you need to know:

- + What it means in practice to represent and advocate for workers on health and safety



SUPPORTING AND ADVOCATING FOR WORKERS

We all have different abilities, experiences, skills, beliefs and cultural backgrounds that influence us. As an HSR it is important to consider and acknowledge the diversity within your workgroup and among the workers you represent, support and advocate for.

The following are examples of things to consider:

- + What is the literacy levels of the workers? Is English a second language?
- + Are the methods of communication suitable? For example, visual instructions like posters vs written instruction
- + How do you engage with workers? Consider informal kōrero's (conversations) vs more formal hui's (meetings)
- + Are HSR or member of leadership demonstrating active listening when engaging with workers?
- + Are individuals avoiding eye contact because they are not listening or because, culturally, they find it rude and disrespectful?
- + Are workers comfortable approaching leadership and HSRs? Consider your facial expressions, posture and tone.
- + Are workers in a position to speak up or challenge "authority", or would they be reluctant?
- + Are they distracted, or is there wellbeing being negatively impacted due to a situation at or outside of work?
- + Are there cultural beliefs and tikanga to consider? For example, karakia (prayers), blessings, prayer breaks, dietary restrictions and religious head coverings.



HOW TO ADVOCATE FOR WORKERS AS AN HSR

The word 'advocate' means "to support or speak in favour of".

The following are ideas and advice on how to best be an advocate for the workers you represent as an HSR.

1

ENCOURAGE WORKERS TO RAISE H&S ISSUES AND REPORT INCIDENTS

It is very important for organisations to have a good knowledge of what is going on in the workplace, and how workers find their work. A 'reporting culture' is one where reporting and learning are encouraged and the barriers to reporting and raising incidents and issues are removed.

It is critical for workers to report incidents and raise H&S issues:

- + A near miss today could be a bad injury tomorrow for someone else
- + Managers and HSRs need to know about what is going on so they can do more accurate risk assessments
- + Raising an issue means it can be discussed and a solution found
- + Every worker's legal duty includes looking out for yourself and others, and reporting H&S issues is part of this.



2

HAVE A SUPPORTIVE ATTITUDE

Research suggests that HSRs contribute to effective consultation when they are:

- + Approachable
- + Confident
- + Solutions-focused
- + Persistent (even when there is resistance or conflict)
- + Able to engage other workers to identify and resolve issues
- + Knowledgeable, or able to find out where and how to find out what they need to know.

3

BE SYSTEMATIC

If a worker raises an H&S issue with you as an HSR, you should be systematic in what you do next; gather information, assess the risk, communicate with workers and management, and take urgent action if necessary.

4

BUILD A PLAN

An HSR needs to have a plan to get things done. This plan should clearly set out what needs to be done, by when, and who is best placed to take action (a SMART plan). If you are part of a H&S committee, you should make sure the committee 'owns' the plan and keeps track of progress.



WHEN ADVOCATING FOR WORKERS WHO RAISE H&S ISSUES

HI, I HAVE AN ISSUE...



Initial assessment - How serious is the issue? Does someone else need to know immediately? Should you direct the worker to cease work? How is the issue to be recorded?

If necessary, HSR **requests time** to follow this up.

Gather information on the H&S issue - from both internal and external sources. This includes researching the concern by:

- + Inspecting the workplace, if necessary
- + Researching the rights of workers regarding this concern and the duties of the PCBU
- + Checking legislation, standards and codes of practice etc. that apply to the concern
- + Requesting any necessary information from the PCBU
- + Consulting with WorkSafe or other regulators if necessary.

Complete a risk assessment if appropriate. Is the current level of risk OK or not? Are reasonably practicable control measures in place and working? Is the PCBU legally compliant? Do existing hazard and risk registers need to be updated?





Complete a comprehensive written report that includes:

- + The nature of concern
- + Any relevant background information
- + Relevant legislation
- + Supporting evidence
- + Recommendations

Communicate with management by giving the PCBU the report and meeting with the PCBU to discuss the issue.

The worker who raise the concern may or may not be present at the meeting.

Communicate with workers and work group—the worker who raised the issue needs to be kept informed. How will you do this?

If the PCBU fails to adopt the recommendations or a satisfactory resolution can't be made the HSR can:

- + Consult WorkSafe or other appropriate regulator for advice
- + In exception cases consider issuing a **“Provisional Improvement Notice” (PIN)**.



PIN



SUPPORTING WORKERS WITH INJURY/ ILL-HEALTH REHABILITATION

Advocating for the health and safety interests of workers who are injured or suffer ill-health at work is a function of the HSR role. The HSR plays a key part in communication between workers and the PCBU around health and safety issues. They provide a point of contact for workers who have health and safety concerns. They can play an active part in trying to resolve issues that arise, such as to:

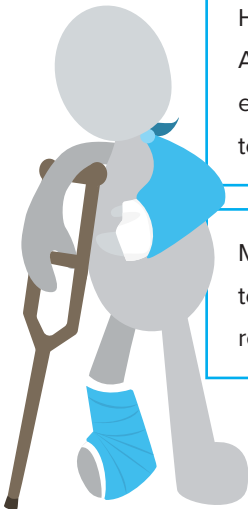
Assist with identifying alternative duties

Monitor application of the rehabilitation plan

Help to review risk assessments when someone is hurt

Help raise awareness of the process for making an ACC claim, the support mechanisms available, and encouraging others to support injured workers return to work

Make the injured person aware that they have the right to have a support person present when discussing rehabilitation and return to work plans.





HAUORA (WELLBEING)

WELLNESS VS HAUORA (WELLBEING)

Wellness primarily focuses on physical health and fitness, emphasising activities and practices related to achieving and maintaining good physical health. In contrast, hauora (wellbeing) is a broader and more holistic concept, encompassing not only physical health but also mental, emotional, and social health, and overall life satisfaction and fulfilment. Hauora (wellbeing) recognises that happiness and contentment result from a balance across various aspects of life, extending beyond physical fitness.

UNDERSTANDING HAUORA (WELLBEING)

There are three main ways to understand what hauora (wellbeing) is:

- + Subjective feelings and emotions (happiness, joy, contentment etc.)
- + Reflections on what you are doing with your life; having a sense of purpose and leading a 'life well lived'
- + A set of specific characteristics that can be used to try and measure and compare levels of wellbeing.

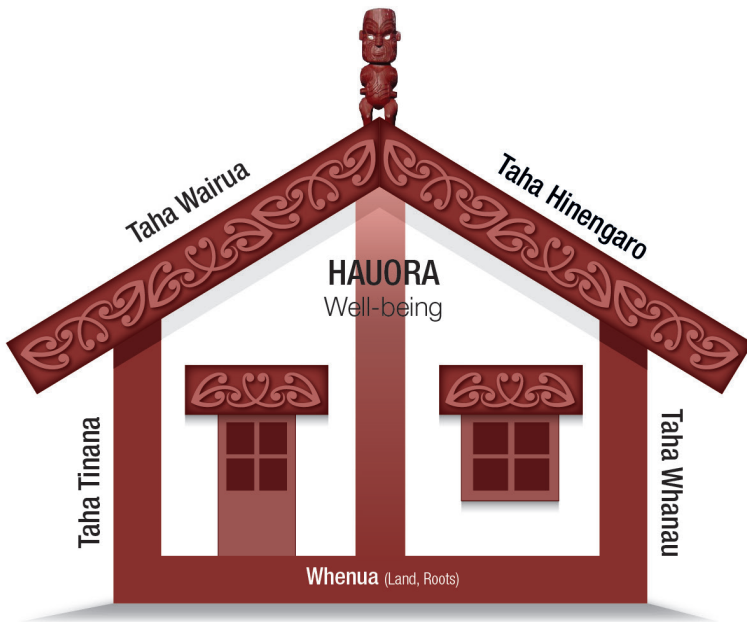
Definitions of hauora and wellbeing vary, because of these different ways of thinking about the topic.



THE TE WHARE TAPA WHĀ MODEL

The Te Whare Tapa Whā model compares health to the four walls of a house; all four being necessary to ensure strength and symmetry, though each representing a different dimension: Taha Wairua (the spiritual side), Taha Hinengaro (thoughts and feelings), Taha Tinana (the physical side), Taha Whānau (family).

Tinana is the physical element of the individual and Hinengaro the mental state, but these do not make up the whole. Wairua, the spirit and Whānau the wider family, complete the shimmering depths of the health pounamu, the precious touchstone of Maoridom¹.



1 Durie, 1994

TAHA WAIRUA

Focus: Spiritual

Key Aspects: The capacity for faith and wider communion

Themes: Health is related to unseen and unspoken energies

TAHA HINENGARO

Focus: Mental

Key Aspects: The capacity to communicate, to think and to feel

Themes: Mind and body are inseparable

TAHA WHĀNAU

Focus: Extended Family

Key Aspects: The capacity to belong, to care and to share

Themes: Individuals are part of wider social systems

TAHA TINANA

Focus: Physical

Key Aspects: The capacity for physical growth and development

Themes: Good physical health is necessary for optimal development



POWERS OF THE HSR

What you need to know:

- + The powers of the Health and Safety Representative (HSR)
- + When and how the HSR can direct unsafe work to cease
- + The purpose of the Provisional Improvement Notice (PIN) and how to complete a PIN
- + How to deliver and communicate a PIN to all relevant parties
- + The PCBU's obligations to comply with the PIN or seek regulatory review, and the possible outcomes of a regulatory review.



POWERS OF THE HSR Schedule 2, Part 1 (1-8)

An HSR's powers are listed in Schedule 2 of the HSW Act. These powers are summarised in the list below:

- 1 Attend interviews with workers that the HSR represents
- 2 Enter and inspect the workplace
- 3 Request workplace information
- 4 Be assisted by another person
- 5 Accompany regulatory inspector
- 6 Assist/accompany an HSR in another work group
- 7 Consult the regulator or an inspector.



ADDITIONAL POWERS OF A TRAINED HSR


As a trained HSR, you have extra legal powers. If a worker has refused to do unsafe work, but their manager is insisting work continues without any improvements to risk control measures, you have the legal power to back up the worker in exercising their right, or direct the worker to cease work.



If all attempts to discuss and resolve the issue with management have failed, a trained HSR (who hold US 29315) can issue a Provisional Improvement Notice (PIN).




KEY POINT

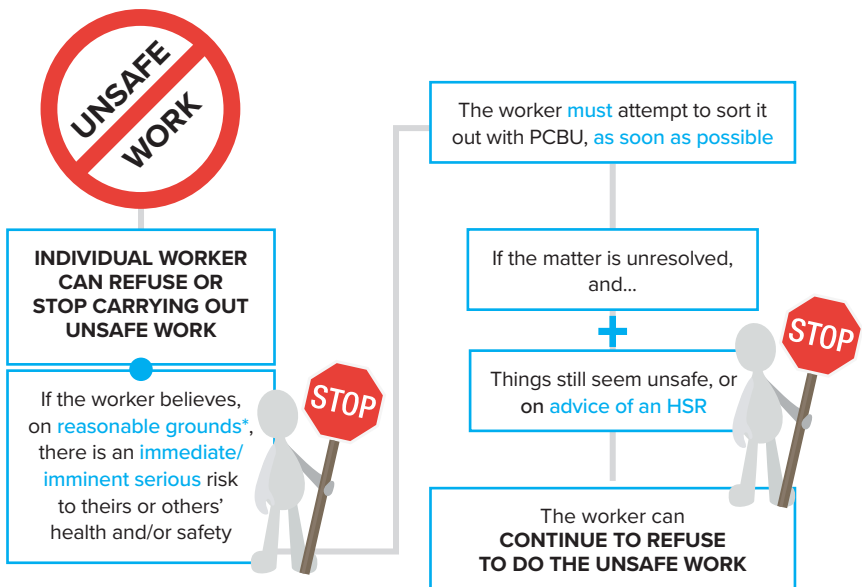
The HSR's powers are generally limited to their workgroup, except in cases of serious risk to health or safety arising from an immediate or imminent exposure to a hazard.  [Schedule 2](#)



SUPPORTING A WORKER WHO HAS REFUSED UNSAFE WORK

Workers have the right to stop or refuse to carry out work  if they believe that carrying out the work would expose the worker, or any other person, to a serious risk to health or safety.

An HSR can support a worker in this situation by giving advice on whether carrying out the work would expose the worker or any other person to a serious risk to health or safety. **This provides ‘reasonable grounds’ for a worker to continue to refuse unsafe work if the matter hasn’t been resolved with the PCBU.**







* Reasonable grounds includes advice from an HSR



DIRECTING UNSAFE WORK TO CEASE

A trained HSR also has the power to direct unsafe work to cease  s84

Before directing a worker to cease unsafe work you must check these things:

- 
-  Am I a fully trained HSR?
 -  Is the worker in a work group that I currently represent
OR from another workgroup but in immediate/ imminent exposure to serious risk?
 -  Do I have reasonable belief that carrying out the work would expose the worker or anyone else to a serious risk to their health or safety arising from an immediate (about to happen) exposure to a hazard?

STEPS TO TAKE WHEN DIRECTING UNSAFE WORK TO CEASE

The HSR must first attempt to resolve the matter by consulting the PCBU. If the matter hasn't been resolved in a reasonable amount of time then the HSR can direct work to stop, OR; if the risk is so serious and immediate that there is no time to consult, the HSR must consult the PCBU as soon as possible after giving the direction to cease work.



ISSUING A PROVISIONAL IMPROVEMENT NOTICE (PIN)

WHAT IS A PIN? s69-70

A Provisional Improvement Notice (PIN) is a written notice issued to a duty holder, such as a PCBU, Officer or Worker, by an HSR who has completed the approved training.

THE PURPOSE OF THE PIN s71

There are two main purposes of the PIN:

- 1 The PIN is a way for the HSR to formally communicate to a duty holder when normal methods have failed, **and** there is an issue that the HSR reasonably believes is contravening, or is likely to contravene, a provision of the HSW Act or regulations. *‘Contravene’ means doing something that breaks a law.*
- 2 The PIN tells the duty holder what the health and safety issue is and can include recommendations to resolve the issue (e.g. by fixing or preventing a problem).

Recommendations:

- + Can refer to relevant codes of practice and guidelines
- + Can give the duty holder a choice of options
- + Must have a timescale for action (but no sooner than 8 days from the day the PIN is issued).



COMMUNICATION BEFORE ISSUING THE PIN s69

- + Make sure that you have tried to use all normal methods to communicate effectively and resolve the issue (e.g. face-to-face discussion, email notification, and raising the issue at a formal meeting)
- + Check that you have records of the above (e.g. notes from conversations, saved emails, and meeting minutes) to back you up
- + Consult with the person in the organisation who has responsibility for overseeing health and safety (e.g. H&S advisor, site manager etc.)
- + Check that a WorkSafe (or other regulator) inspector hasn't already served an improvement notice for the same issue.



KEY POINT

A PIN should only ever be used as a last resort. The focus of a PIN is an actual or potential breach of a legal duty. However the focus of the power to direct unsafe work to cease is on immediate exposure to serious risk.



KEY REQUIREMENTS FOR DELIVERY AND COMMUNICATION OF A PIN

- + Use the official form (from WorkSafe NZ) or create your own form using WorkSafe's guidelines.
- + Ensure the form is fully completed.
- + Give it to the person (usually a representative of the PCBU) who was consulted and has been involved in discussions up to this point. You can:
 - Give it in person
 - Email it
 - Post it (the date of issue is taken as 7 days from the postage date)
 - Leave it at the person's residence or business
 - Leave it at the person's workplace with the person in charge.
- + Copy in the right people: You must give a copy of the PIN to the workgroup you represent as HSR. If a PIN is given to a worker, a copy must also be given to the worker's PCBU. (WorkSafe does not need to be sent a copy.)



WHAT HAPPENS NEXT? PCBU OBLIGATIONS AND THE PIN

DISPLAYING THE PIN s76

The duty holder that the PIN has been issued to (usually the PCBU) must, as soon as practicable, display a copy of the notice in a prominent place at or near the workplace, where work is being done that is relevant to the PIN.

Note: There are fines of up to \$25,000 for tampering with or removing the PIN while it is in force.

COMPLYING WITH THE PIN s78

The duty holder must fix the issues outlined by the PIN within the specified time-frame, usually by following the recommendations but not necessarily. The duty holder may comply with the notice in a different way from that directed by the HSR as long as the person substantially complies with the requirement to remedy the issue where the law is or could be breached.

Note: There are fines of up to \$250,000 for not complying with a PIN.



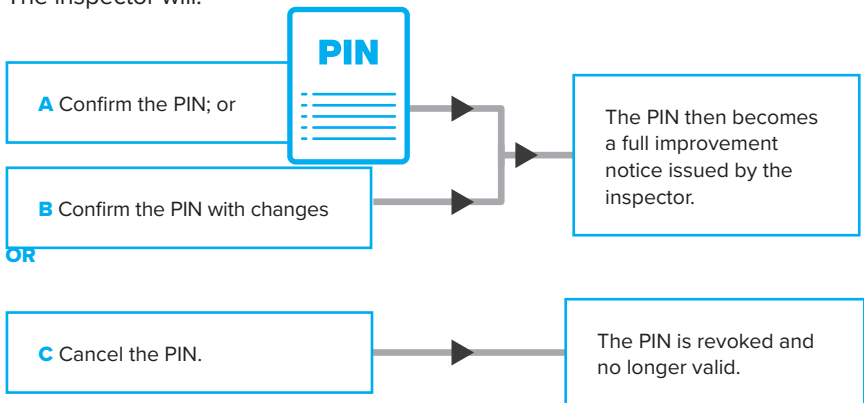
REVIEW OF THE PIN s79, 80, 81

If the duty holder doesn't agree with the PIN they can ask WorkSafe (or other regulator) to appoint an inspector to review the notice. (If the duty holder is a worker then the worker's PCBU can ask for a review.)

The duty holder has 7 days from the date the PIN is issued.

The PIN is put on hold until the appointed inspector has made a decision.

The inspector will:



The decision of the regulatory review is copied to the HSR who issued the PIN and the person who applied for the review.

CANCELLATION OF A PIN s75

The HSR may, at any time, cancel a PIN by written notice. A cancellation must be notified in the same way that the notice was issued.



WORKPLACE HEALTH AND SAFETY RISK

What you need to know:

- + Key terms used in health and safety risk management
- + An effective health and safety risk assessment process
- + How to access relevant information relating to health and safety hazards and risk
- + How to communicate about health and safety risk as a health and safety representative



KEY TERMS

To communicate clearly about workplace health and safety risks, we need to share a common understanding of key terms, ideas and concepts. We need to use the 'language of risk'.

HAZARDS

Hazards are situations or things that have the potential to cause harm to people, the environment or business. Hazards at work may include many things e.g. noisy machinery; a moving forklift; a toxic chemical; electricity; gravity; radiation; a repetitive job; an angry and abusive person, or an infectious disease.

HARM

Harm refers to the potential negative consequences or adverse effects that may result from a particular risk materialising. Useful words to use when talking about harm are:

- + **Acute** = harm that happens immediately
- + **Chronic** = harm that happens gradually
- + **Catastrophic** = harm (either acute or chronic) that results in death or permanent disability

EVENT

An event is where the situation or thing gets out of control and people or other things are exposed to harm.



RISK

Workplace health and safety risk is the possibility that harm might occur when exposed to a hazard. When talking about risk it's useful to describe a specific event in mind where a person can be exposed to a hazard, potentially resulting in harm. To prioritise risks or choose between options, the level of risk can be estimated by analysing two things; the severity of consequence(s) and the likelihood of the consequences occurring.

RISK FACTORS

A risk factor is something that affects the likelihood of harm, and/or the severity of consequences. Examples can be distraction, fatigue, bad weather, poor visibility, inappropriate equipment, time pressure, lack of information, and how much energy (speed, mass, height and so on).

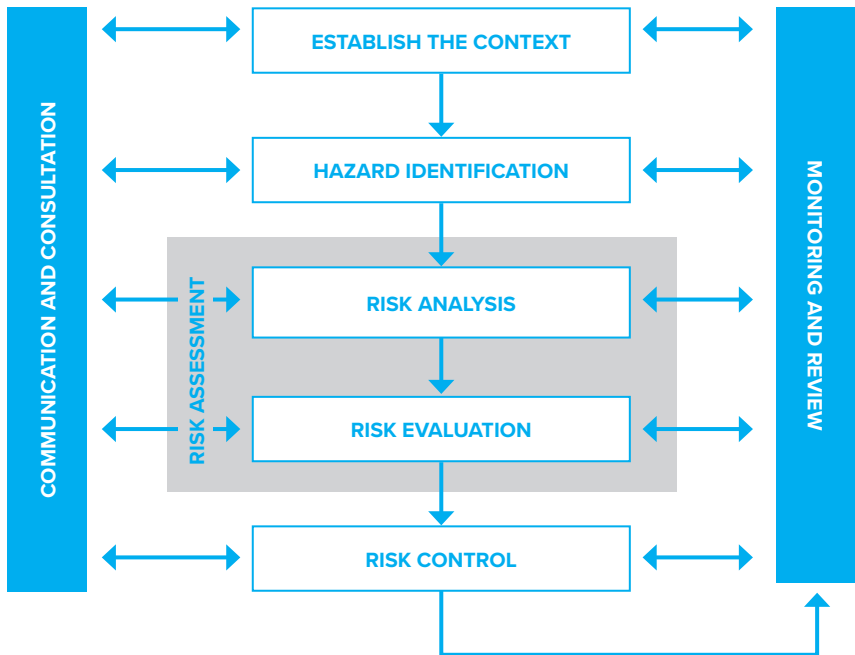
RISK CONTROLS

Risk controls are the resources put in place to manage a risk. They can be many things. For example: physical barriers, technology, work methods, information, and protective equipment and clothing.








RISK MANAGEMENT PROCESS

Risk management is just a way of thinking carefully about something so that we have the best chance at success. Risk assessments can be done in many different ways but the main aim of risk management is to try to understand what we know and don't know about a situation, and work out what resources are needed to get the job done well.





The risk management process has **five key stages** and **two on-going activities**. At each stage there are some important questions to answer:

- 1**  **Establish the context:** What is happening, who is involved, when is it happening, where, why and how is it being done?
- 2**  **Identify the hazards:** What are the situations or things that have the potential for harm?
- 3**  **Analyse the risk:** What is most likely to cause the most harm? What are the most important things to prioritise for attention?
- 4**  **Evaluate the risk:** Is the current state OK or can/should we do more to control the risk?
- 5**  **Control the risk:** What is needed to control the risk, and recover without serious consequences if something goes wrong?

THERE ARE ALSO TWO ON-GOING ACTIVITIES THAT SUPPORT RISK ASSESSMENT:

COMMUNICATING AND CONSULTING

Communication is about sharing information and building knowledge.

Communication is important for health and safety for:

- + Making sure that the people exposed to risks to their health and safety know about and understand the risks
- + Making sure the risk control standards are clear and understood by those responsible for implementing them.



Consultation is about seeking the thoughts and opinions of others about something that may affect them. Consultation is important for health and safety to:

- + Get information about hazards, risks and the workplace
- + Get a view on whether improvement ideas are workable.

Communicating and consulting is important because workers know best about how work is done and without their input the risk assessment probably won't be useful and practical. People involved in the work and exposed to the risk also need to be kept in the loop with decisions about changes to their work and the resources they have available.

MONITORING AND REVIEWING

We monitor the controls and risks to ensure they continue to work as expected and are effective.

We review the risk assessment to make sure it is still accurate, relevant, and up-to-date.

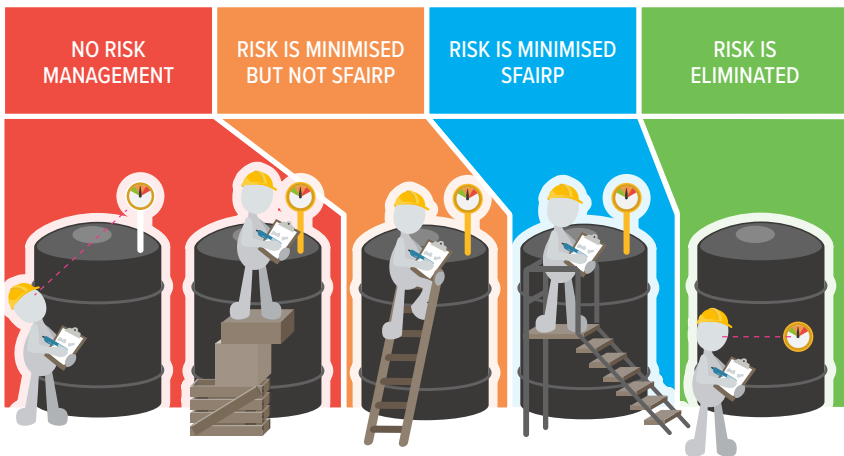


HSW ACT DUTY TO MANAGE RISKS

Where risk management duties are set out, the duty holder (PCBU) is required:



- 1 To eliminate risks to health and safety, so far as is reasonably practicable; and
- 2 If it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

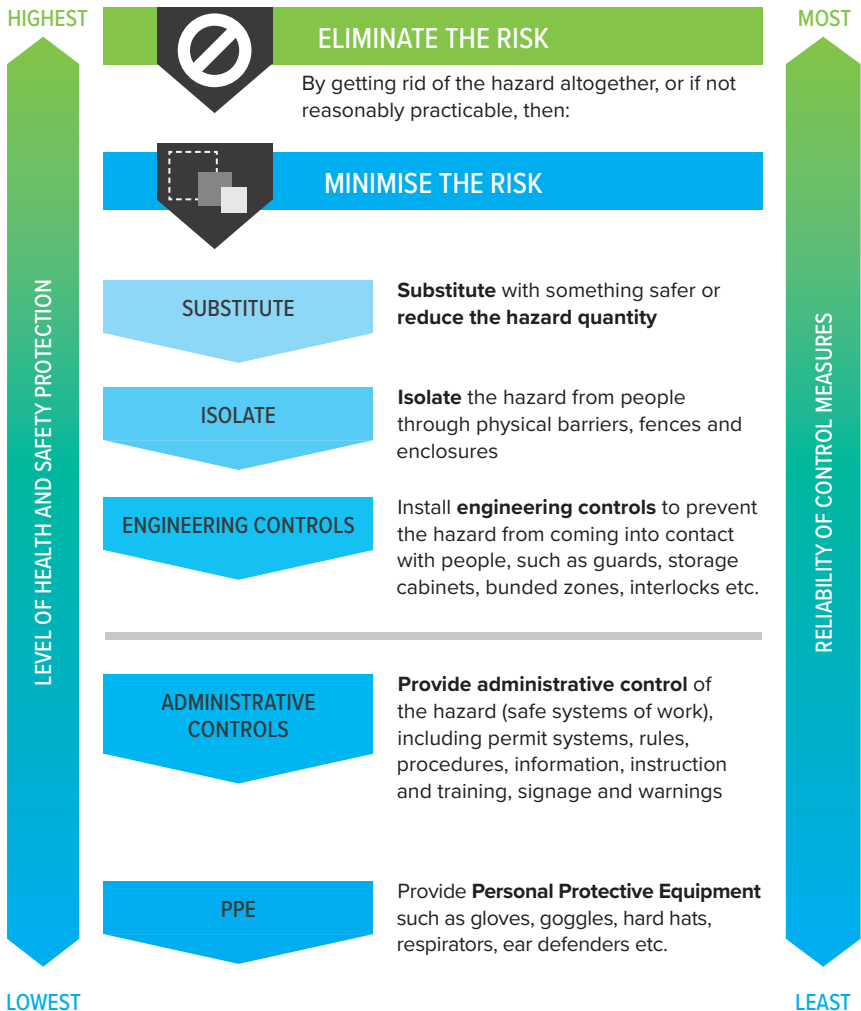
A duty holder is expected to manage risks to the extent to which they have, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate.





THE HIERARCHY OF CONTROL MEASURES

The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016   sets out a preferred order or hierarchy of risk control that duty holders must use.





DOCUMENTATION THAT SUPPORTS HEALTH AND SAFETY IN THE WORKPLACE

Documentation is any recorded communication that helps to make visible what is going on at work.

WorkSafe is clear that it is good practice to have health and safety documentation, but not just for the sake of it. If something is going to be recorded or documented, the PCBU must be clear about the following:

- + What is the documentation for, and who will create and update it?
- + Who will use the documentation, and what are their needs?
- + How will the document be effective, useful and add value?

THE PURPOSES OF DOCUMENTATION

Documentation at work can be used:

- + To make a record of people's experiences and lessons learned
- + For giving consistent induction training and task-specific training
- + To get everyone 'on the same page' about an upcoming task
- + To remind people of key things to do before, during or after a task
- + To give a description of something or explanation of how it works
- + To give specific instructions on actions to take to get a task done
- + To assess, test or check that someone or something meets a standard, and to have evidence for this
- + For gathering information about an event that has happened
- + For setting policies, guidelines, rules and boundaries
- + For making sense of work to learn and improve.



SOURCES OF INFORMATION ABOUT HAZARDS AND RISKS

SOURCES AND AUTHORS OF DOCUMENTATION

Documentation can be created at any level:

- + International bodies
- + Industry sectors and organisations
- + New Zealand Government
- + Teams and individuals

EXAMPLES OF H&S DOCUMENTATION

TYPE	PURPOSE IS TO	EXAMPLES
Information	Tell about a specific topic. Explain how something works, special features, parts or components.	Company policy, industry standards, risk assessment, user manuals, safety data sheets for hazardous substances.
Instruction	Outline steps or actions to be followed. The steps or actions are usually done in a specific order.	Standard operating procedures, manufacturer's instructions, training course content.
Form	Ask for and records specific information.	Safe work method statement, permit to work, incident report form, site specific safety plan, tender document.
Checklist	Record of actions taken or things confirmed.	Machine pre-start checklist, critical task checklist.
Database	Record and retrieve data about specific events.	Training records, actions, maintenance, incidents.
Compliance guidance	Offer practical guidance on how to meet legal duties.	Approved codes of practice, safe work instruments, good practice guides.



INFORMATION FROM INSIDE THE ORGANISATION (INTERNAL)

There is a lot of important information about hazards and risks an HSR can request from inside your organisation.

EXAMPLES OF DATA SOURCES HOW THEY COULD BE USED

WORKERS WHO KNOW THE WORK	Ask about workers' concerns, experiences, challenges and ideas for improvement
HEALTH AND SAFETY RISK REGISTER	Find out if the organisation has already identified the hazard and risk and identified risk controls
HEALTH AND SAFETY COMMITTEE MINUTES	See if the issue has been raised before and what was done (or not done) about it
INSPECTION AND AUDIT REPORTS	Find out if the issue has been picked up before and if recommendations were made
INCIDENT REGISTER AND INVESTIGATIONS	Identify if there have been similar incidents and near misses in the past, and what was learnt
TRAINING RECORDS	See who is trained, certified or qualified to do particular work or use specific equipment



INFORMATION FROM OUTSIDE THE ORGANISATION (EXTERNAL)

There is also a lot of information outside of your organisation about hazards and risks that anyone can access, as long as you know how to look for it.

EXAMPLES OF DATA SOURCES HOW THEY COULD BE USED

THE HSW ACT AND REGULATIONS	Identify particular legal requirements and duty holders
WORKSAFE PUBLICATIONS	Understand what is good practice for managing specific health and safety risks
NZ AND AUSTRALIAN STANDARDS	Find out specific and detailed requirements that certain work or equipment should comply with
INDUSTRY PUBLICATIONS	Understand the current industry good practice and technology for particular work
SAFETY DATA SHEETS	Find specific information about the hazardous properties and risk control measures for a particular hazardous substance or chemical
MANUFACTURER AND SUPPLIER INFORMATION	Find specific information about the hazards, risks, precautions, use, maintenance, cleaning, operator skills etc for an item of plant or equipment



COMMUNICATING IN SUPPORT OF HEALTH AND SAFETY

What you need to know:

- + The importance of communication with workers and management about health and safety
- + Basic principles of effective communication and conflict resolution
- + How to communicate information and recommendations about hazards and risks when advocating for workers



EFFECTIVE COMMUNICATION

It is important to remember that with communication, the message you send out to others is more than just in the words you speak. Yet, we tend to give most thought to what we are going to say and not how we will say it. Body language and tone of voice can sometimes be more important than the words you say.





THE TEN ESSENTIALS OF EFFECTIVE COMMUNICATION

1

Know your audience and match your message to the audience

2

Respect your audience and don't judge

3

Know exactly what you want to achieve

4

Think and organise before you proceed

5

Think from your audience's point of view

6

Be mindful of what your face and body are conveying non-verbally

7

Listen carefully to all responses

8

Be willing to share what you know and hear what you don't know

9

Stay focused on what you want to achieve and don't get distracted

10

Find a way to get your audience to explain what they think you said



BE SMART

HSRs should be part of the solution, not part of the problem. Get a reputation for coming up with SMART ideas, suggestions and recommendations for how to improve work and the workplace.

	SMART	DESCRIPTION
S	Specific	Explain exactly what is expected, why it is important, who's involved, where it is going to happen.
M	Measurable	Explain how to measure the recommendation. As the old saying goes: "What gets measured, gets done."
A	Achievable	Recommendations should be reasonably practicable. That is, appropriate to the level of risk.
R	Relevant	Recommendations are relevant when they are shown to support other accepted company goals.
T	Timely	Recommendations should always come with a target deadline. Recommendations to address high-risk situations should have shorter time-scales.



BE PERSUASIVE

Don't just make demands; make your case.

MORAL ARGUMENTS

Point out the positive impacts on people's health, wellbeing and ability to enjoy life. Mention the wider impacts on family and the community.

ECONOMIC ARGUMENTS

Talk about the benefits of investing in health and safety at work:

- + Improved reputation and ability to win work and new clients
- + Ability to attract the best talent and keep them
- + Workers that feel healthy and safe are more productive
- + Reduction in direct incident costs
- + Reduction in time off work
- + Reduced risk of litigation
- + Lower training costs due to reduced staff turnover.

Remember, the principle of 'reasonably practicable' means that costs have to grossly outweigh benefits for a PCBU to justify not implementing a risk control measure.

LEGAL ARGUMENTS

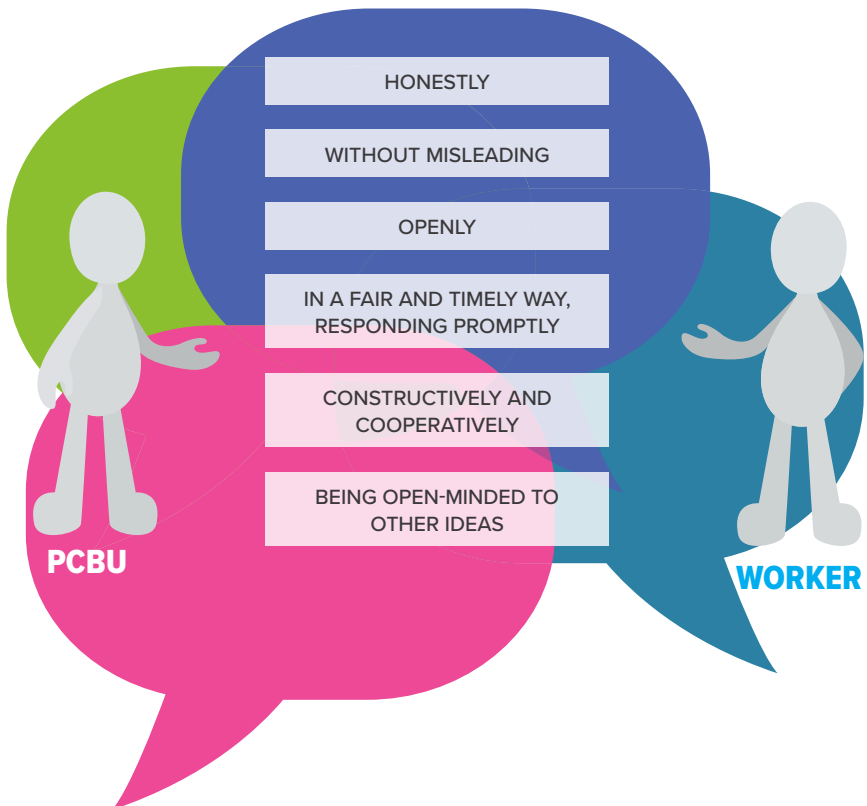
Point out any relevant legal requirements, codes of practice or guidelines.

ACT IN GOOD FAITH

Good faith relationships are a requirement under the Employment Relations Act 2000. Behaviour of this kind makes sense. If a good relationship between managers and workers exists in the workplace, you are more likely to enjoy your work and be more productive.

When risk control recommendations are pushed onto a workgroup or managers, without them first being invited to take part in the risk assessment process, they may not be supportive, or understand the full context.

Good faith means dealing with each other:





DEALING WITH CONFLICT

A lot of conflict is really just a result of misunderstanding and miscommunication. As a health and safety representative you will sometimes find yourself in situations which could escalate into an argument. But if you stay calm and try to build a bridge towards the other person, you will have a good chance of resolving any conflict.

Following these steps will generally make resolving conflict more successful:



IDENTIFY YOUR SHARED CONCERNS

It's easier and more likely to be effective if you move from areas of agreement to areas of disagreement, than the other way around. Focus on the solution—not personalities. Focus on solving the problem—not on trying to win the argument.

WHAT ARE WE BOTH CONCERNED ABOUT?

BUILD A BRIDGE

Use what you've learned to highlight areas where you agree. Work towards a mutual understanding of "what we both want."

OK, SO WE CAN AGREE ON THESE KEY POINTS...

BRAINSTORM SEVERAL OPTIONS

Find solutions that would satisfy mutual interests.

HOW MIGHT WE WORK IT OUT SO THAT YOUR NEEDS AND MY NEEDS ARE BOTH MET?

"WHAT WOULD IT TAKE ... [TO SATISFY BOTH OUR CONCERNS]?"



CHOOSE A SOLUTION

Collaborate in selecting the one, best alternative to satisfy shared interests.

LET'S AGREE
ON AN ACTION
PLAN.

VERIFY UNDERSTANDINGS AND AGREEMENTS REACHED

Summarise the key agreements, actions and next steps.

LET'S CHECK
FINALLY THAT
WE ARE ON THE
SAME PAGE..



PROVIDING FEEDBACK TO YOUR WORKGROUP

It is important to give feedback to your workgroup on the progress of how management have received recommendations.

You could do this in several ways:

- + Raise the issue at an upcoming health and safety committee meeting or team meeting
- + Send an email to all the workers
- + Have individual conversations.





USEFUL RESOURCES

THE HEALTH AND SAFETY AT WORK (WORKERS, ENGAGEMENT, PARTICIPATION AND REPRESENTATION) REGULATIONS 2016

- + Section 21 - Training required for purposes of sections 70(a) and 85(a) of Act
- + Section 22 - Types of HSR training
- + Section 23 - Choice of training
- + Section 24 - Duty in relation to access to training for HSRs
- + Section 26 - Duty in relation to maximum total number of days' paid leave to be allowed to HSR for training



WORKSAFE NEW ZEALAND

Guidance, and resources on a range of topics including:

- + Managing risks
- + HSRs
- + Resolving workplace health and safety issues
- + Requesting assistance from worksafe.





USEFUL WEBSITES

NEW ZEALAND GOVERNMENT

www.worksafe.govt.nz	WorkSafe New Zealand
www.aviation.govt.nz	Civil Aviation Authority
www.maritimenz.govt.nz	Maritime New Zealand
www.police.govt.nz	New Zealand Police
www.standards.govt.nz	Standards New Zealand
www.legislation.govt.nz	New Zealand Legislation
www.acc.co.nz	Accident Compensation Corporation
www.fireandemergency.nz	Fire and Emergency New Zealand
www.civildefence.govt.nz	Ministry of Civil Defence

OTHER ORGANISATIONS

www.impac.co.nz	IMPAC
www.safeguard.co.nz	Safeguard
www.nzism.org/hsr-repcentral	NZISM
www.chasnz.org	CHASNZ



KEY POINT

For more useful websites and resources we recommend you login to IMPAC's student portal.



HSR CONNECTION POINT

Are you an HSR who would like to:

- + Receive support and guidance to assist you on your HSR career journey
- + Have a direct connection to WorkSafe's HSR experts to answer any questions, or educate and inspire the HSRs at your workplace

The HSR Connection Point, is a WorkSafe initiative designed to support HSRs.

By signing up you will receive resources and guidance on the HSR role and how to be an effective HSR, as well as updates on HSR events, professional development opportunities, and our new HSR e-newsletter.

To get involved scan the QR code or type the link into your browser to sign up today. WorkSafe New Zealand looks forward to hearing from you and supporting you on your HSR journey.

For more information or to discuss the HSR Connection Point please email hsrsupport@worksafe.govt.nz

<https://www.worksafe.govt.nz/managing-health-and-safety/health-and-safety-representatives/hsr-voice/>



OTHER IMPAC COURSES YOU MAY BE INTERESTED IN ARE:

HSR STAGE 2: RISK ASSESSMENT & INCIDENT INVESTIGATION

This course has been designed for students to understand how to conduct both a risk assessment and a basic incident investigation.

HSR STAGE 3: WORKPLACE H&S CULTURE AND COMMUNICATION

This course is designed for students to understand workplace health and safety culture and practices, and how to communicate effectively about workplace health and safety.

FIRE WARDEN

With our fire warden training, you will gain comprehensive knowledge of fire warden duties in the workplace, demonstrate knowledge of evacuation requirements in your designated workplace or site and understand the duties of a fire warden.

MENTAL HEALTH FIRST AID

This course is designed for students to learn how to assist someone who is developing a mental health challenge or is in a mental health crisis. The interactive course content is practical and evidence-based adapted to be specifically relevant within the cultural context of New Zealand including workplace scenarios and guidelines for providing MHFA when someone identifies as Maori or Pasifika.

+IMPAC

We trust you enjoyed your training with +IMPAC, New Zealand's leading full service Health + Safety solutions provider.

Health + Safety is our life – it's what we do and we do it all:

RISK MANAGER :MEXPRESS

Our cloud-based software solutions are designed to provide risk management processes to meet health and safety requirements and keep people safe. Choose between our cost effective, **set-up-and-go solution RM Express** - ideal for small to medium organisations; and **Risk Manager, with its fully customisable range of modules** which can be tailored to the needs of larger organisations.

CONSULTING

We work alongside businesses and organisations to understand their challenges and opportunities. Our hugely experienced consulting team assess, advise, investigate and **deliver relevant and practical solutions**, applying a sensible risk management approach to health and safety.

PREQUAL

Our **pan-industry solution to contractor prequalification** and ongoing management. We cater for both individuals needing contractor prequalification and companies wanting to manage all their contractors in one easy to navigate platform.

VRCOMPETENCY

Our innovative virtual reality programme to quickly and effectively upskill operators of motorised vehicles and machinery in a safe and risk free environment. Our courses accelerate training times, improve and certify skills and offer continuous learning.

TALENTBANK

With our unrivalled industry experience and wide network of talent, our **specialist recruitment service** helps to connect the right H+S people to an organisation's contract or permanent roles. We fully understand our clients' resourcing needs and know the best way to help H+S professionals build a better career.

SAFEWORX

We supply a comprehensive range of quality standards appraised **workwear, personal protection and safety equipment**, online and at retail branches nationwide. Our expert team partner closely with customers to develop innovative safety products to address gaps in high risk industries.



To discuss any of IMPAC's H+S services
contact 0800 246 722



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