



Nurses a Voice to Lead:

Health For All –Reclaiming The
Health and Safety at Work Space




The Health and Safety at Work Act 2015

is a powerful piece of legislation
introduced in the wake of the
Pike River coal mine tragedy,
where 29 miners lost their lives
in a series of preventable
underground explosions.




Be on the
lookout for
hazards




Under the Act, your employer is now referred to as a “Person Conducting a Business or Undertaking” (**PCBU**) and the individuals who “exercise considerable influence over the management of the business” are known as “**officers**”.

Sections 17, 18 - Health and Safety
at Work Act 2015



A PCBU and its officers must ensure, as far as is reasonably practical, the health and safety of its workers- this is called

“The Primary Duty of Care”
Section 36 - Health and Safety
at Work Act 2015




While at work, a worker must take
reasonable care for his or her **own**
health and safety and the health and
safety of **others**.

Section 45 – Health and Safety
at Work Act 2015


Health & Safety





A worker has the **right to cease or refuse to perform unsafe work** if the worker **believes** there is an “**immediate or imminent exposure to a hazard**”. If the work already carries an inherent risk, the risk must have ‘**materially increased**’.


Section 83 – Health and Safety
at Work Act 2015



A PCBU has a **duty to engage** with workers in matters relating to work health or safety. Failure to do so may result in **significant fines**.


Section 58 – Health and Safety
at Work Act 2015






If there are 20 or more workers in an area, any worker has the **right to request an election** for a Health and Safety Representative (**HSR**).

Section 62 – Health and Safety at Work
Act 2015



The prescribed minimum ratio for HSRs
is **1 representative for every 19
workers.**

Section 6 – Health and Safety at Work
(Worker Engagement, Participation, and
Representation) Regulations 2016



The PCBU has a duty to maintain an updated and **readily accessible** list of the names and contact details of HSRs for each workgroup.

Section 20 – Health and Safety at Work
(Worker Engagement, Participation, and
Representation) Regulations 2016



The PCBU must allow an elected HSR
2 days' paid leave per year to attend
Health and Safety Training.


Schedule 2 – Section 12 - Health and
Safety Representatives AND Health and
Safety Committees - Health and Safety
at Work Act 2015



The HSR may **choose** his/her training provider in **consultation** with the PCBU.


Section 23-Health and Safety at Work
(Worker Engagement, Participation,
and Representation)Regulations 2016)

NZNO recommends “WorkSafe Reps”
as the preferred training provider
<http://worksafereps.co.nz>



A HSR can be removed should a
simple majority
of the members of the workgroup
resolve to do so.


Section 19 -Health and Safety at Work
(Worker Engagement, Participation,
and Representation)
Regulations 2016



**An HSR trained to NZQA Unit Standard
29315 has the authority to
direct workers to refuse OR
stop doing unsafe work.**


**Section 84 – Health and Safety
at Work Act 2015**

AND



can issue a **Provisional Improvement Notice** requiring a remedy if he/she believes a person is contravening any provisions of the Act.


Section 69 – Health and Safety
at Work Act 2015



Parties to a work health and safety issue raised **must make reasonable efforts to resolve the matter.**

Failing this, they may ask the official regulator **Worksafe to appoint an Inspector** to assist resolving the issue.

[Section 99 - Health and Safety
at Work Act 2015](#)



A HSR is **protected** from civil and
criminal liability
as long as he/she is acting in
good faith.

Schedule 2 – Section 16 - Health and
Safety representatives and Health and
Safety Committees - Health and
Safety at Work Act 2015

GROUP DISCUSSION

- **Are you aware of what your 'work group' is as defined under the Health and Safety at Work Act 2015? If so, roughly how many workers are in this 'work group'?**
- Do you know who the HSR is in your work group?
- **Is she/he qualified to the appropriate unit standard? (29315) Can you find out?**
- Do you think she/he is being given the opportunity and tools to be an active HSR?
- **Was she/he elected by the work group? If so, how long ago?**
- Do you have a functioning Health and Safety Committee? If so, who are the worker representatives on this committee? How often does the committee meet? How does the committee feedback to all workers across the site?



GROUP DISCUSSION (CONT...)

- **Who do you think might be the ‘officers’ in your PCBU?**
- What about HSRs across the entire site? Who are they?
- **Can you give any examples of times in your practice when you have ‘refused to perform unsafe work?’ What happened?**
- In your view, do health and safety matters at your worksite tend to be management led or worker led?
- **What are the most pressing Health and Safety hazards at your site?**
- What ‘reasonably practicable steps’ could be taken by the PCBU to either ‘eliminate’, ‘minimise’, ‘substitute’ or ‘isolate’ these hazards?



INTO THE FUTURE

Given the knowledge you now have regarding The Health and Safety at Work Act 2015, what are the immediate and medium term steps you can commit to as an NZNO delegate to 'Reclaim' the Health and Safety space so it is more worker led?

Health & Safety at Work



Prevention Starts Here

Think
Act

Safe
Safe