

**KEY POINTS:**

- Health and Safety at Work Act 2015 (HSWA) is the official health and safety law.
- The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (GRWM) is intended to support businesses to understand what they need to do.

**KEY POINTS:**

- When eliminating or minimising risks, look at what is **reasonable, practicable** and **what you are able to do**.
- The four steps to manage risks are **Check, Act, Plan** and **Do**
- Duty of care = **Information, facilities, equipment, first aiders**

# Health and Safety at Work Act 2015 (HSWA)

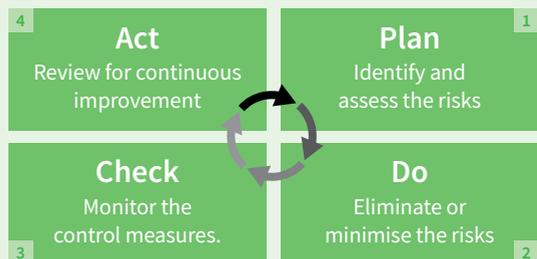
The **Health and Safety at Work Act 2015 (HSWA)** is New Zealand's key work health and safety law.

It recognises that a well-functioning health and safety system relies on participation, leadership, and accountability by government, business and workers.

The **Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (GRWM)** sits under the HSWA and prescribes the certain requirements to be met for certain duties detailed under HSWA.

## How to Manage Work Risks

- Different businesses will have different health and safety risks. It all depends on the type of work you do.
- A healthy and safe workplace starts with **identifying and understanding** what your work-related health and safety risks are.
- It then involves doing what is **reasonable**, what is **practical** and what you are **able to do** to eliminate or, where they can't be eliminated, minimise those risks.
- The following risk management framework describes four steps that can help you with managing your workplace health and safety risks.



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**KEY POINTS:**

- PCBU is responsible for the health and safety of **its workers and any other work it influences**.
- When considering what is **reasonably practicable** consider what is **possible and achievable**.
- **Provision of first aid** is included under the primary duty of care.
- **This is referenced by: The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016/13**

## Duty to Provide First Aid - GRWM Regulations 13

A 'Person Conducting a Business or Undertaking' (PCBU) has the 'primary duty of care' to ensure, so far as is reasonably practicable, the health and safety of:

- Its workers
- Any other work it influences or directs

The primary duty of care is a broad, overarching duty. It includes, so far as is **reasonably practicable**, the PCBU having effective practices in place for:

- Providing and maintaining: **A work environment that is without risk to health and safety**
- The provision of **information, training, instruction or supervision** that is necessary to protect people from risks to health and safety arising from the work carried out
- That the **health of workers and the conditions at the workplace are monitored** to prevent illness or injury to workers arising from the work carried out.

**Reasonably practicable** looks at considering what is possible in the circumstances to ensure health and safety. Then considering, of these possible actions, what is reasonable to do in your circumstances.

This includes the **provision of first aid**.

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

### Examples:

To minimise the potential harm (e.g. noise induced hearing loss) from loud noise, it is a widely used practice for workers to just wear hearing protection (e.g. ear muffs).

However personal protective equipment should not be the first or only control measure considered.

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**KEY POINTS:**

- Workers must have **access to facilities** to provide first aid.
- Facilities will depend on **size and location of area; nature of work, number of workers and views of workers.**
- This is referenced by: The **Health and Safety at Work (General Risk and Workplace Management) Regulations 2016/ 13 (1) and 13 (3)**

Before using hearing protection to minimise worker exposure to loud noise, businesses should first consider whether so far as is reasonably practicable they can:

- Replace noisy machinery with quieter machines
- Install noise barriers and move a noisy machine to a separate room so fewer workers are exposed to the noise
- Fit silencers to reduce machine noise
- Rotate jobs to reduce the number of workers exposed to machine noise and reduce the time workers are exposed to excessive noise. Hearing protection is then used if workers are still exposed to unsafe noise levels after other control measures have been applied.

## First Aid Facilities - GRWM Regulations 13(1) and (3)

*PCBUs must ensure that workers have **access to facilities for the administration of first aid.***

### What does this mean?

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.

First aid facilities can range from having a dedicated first aid room (e.g. if there is a large workforce) to a private area set aside. Facilities should be appropriate to the work and workplace.

### What does this mean?

When working out how to do this, 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.

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#### KEY POINTS:

- Workers must have easy **access to an adequate first aid kit**
- Type of kit depends on many factors such as **size and location of area; nature of work; number of worker; hours worked and views of workers.**
- This is referenced by: The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016/ 13 (1) and 13 (3)

#### Examples:

- Dave's works in a place where there is a higher risk of serious injury or illness occurring that would not only require immediate first aid, but also further treatment by an emergency service. The workplace has a dedicated first aid room which offers privacy to the individual.
- Anne works as an outdoor instructor. As there are no fixed first aid facilities, Anne's work makes sure she has access to a telephone for contacting emergency services or a medical centre.

### First Aid Equipment - GRWM Regulations 13(1) and (3)

*PCBUs must provide **adequate first aid equipment** at the workplace that all workers have access to.*

#### What does this mean?

First aid kits must be in an **easily accessible and location** is known by all workers. Depending on the **nature of the work** will determine what first aid kits will need to be provided.

#### How do I do this?

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

- Number and composition of workers.
- The nature of the work and its hazards
- 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 (e.g. 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

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#### KEY POINTS:

- Workers must be able to **access** first aiders or be able to **know** how to access first aiders i.e. location and phone numbers.
- First aider must be **adequately trained**
- Type of training depends on many factors such as **size and location of area; nature or work; number of works; and views of workers.**
- This is referenced by: The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016/ 13 (2) and 13 (3)

- When the hours of work are
- Location of workers or other persons i.e. if scattered within the workplace or only in one location.

The Department of Labour's First Aid for Workplaces – a Good Practice Guide recommends that there should be one first aid kit on each floor of a multi-level workplace with an adequate and appropriate kit provided for every 50 employees.

#### Examples:

- Sarah runs a large construction site where workers can be exposed to dust particles. Sarah has several Eye Wash stations located on site next to the general first aid kits.
- Paula is a manager in a café with 3 other staff members. Paula supplies a medium sized first aid kit which includes industry compliant blue waterproof plasters.

## First Aiders - GRWM Regulations 13(2) and (3)

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

#### What does this mean?

In workplaces which are in **transit** (e.g. couriers, taxi drivers), or where the **location varies** (e.g. 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.

Different sectors will also require different first aider's requirements such as early learning services.

### How do I do this?

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

- **Number and composition** of workers.
- **Location** of workers or other persons i.e. if scattered within the workplace or only in one location.
- **Nature of the workplace**
- The **location** of the workplace and how fast emergency services could come
- The **kinds of first aid training required** (e.g. basic training for treating minor illness or injuries and performing CPR, or more advanced training)
- **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.

### Examples:

- 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 (e.g. hot tar) or create (e.g. dust)
  - the worksite (e.g. 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.

- This information is intended to be general in nature. You are strongly recommended to seek your own legal advice in relation to the matters dealt with here.
- Material sourced from [www.worksafe.org.nz](http://www.worksafe.org.nz)

### Questions - Please tick answer

In its simplest terms what does reasonable practicable mean?

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|--|--------------------------|
| 1. Assessing the cost of a health and safety measure, and only implementing the measure if the cost is reasonable.                 | <input type="checkbox"/> |
| 2. The balance between what is possible (the highest level of protection) and what is achievable (reasonable in the circumstances) | <input type="checkbox"/> |

A business must look after the health and safety of other people at risk from any work it carries out?

- |       |                          |
|-------|--------------------------|
| True  | <input type="checkbox"/> |
| False | <input type="checkbox"/> |

How do you think the new law secures the health and safety of workers and workplaces?

- |  |                          |
|--|--------------------------|
| It involves workers, by encouraging workplace representation.                      | <input type="checkbox"/> |
| It ensures that everyone has a role to play in ensuring health and safety at work. | <input type="checkbox"/> |
| It makes everyone's responsibilities clear.  | <input type="checkbox"/> |
| It makes those who create the risk responsible for controlling the risk.           | <input type="checkbox"/> |
| It requires a cooperative approach for effective risk management.                  | <input type="checkbox"/> |
| All of the above   | <input type="checkbox"/> |

Steve has 58 employees working in his business. It is recommended that he has how many first aid kits on site?

- |       |                          |
|-------|--------------------------|
| One   | <input type="checkbox"/> |
| Two   | <input type="checkbox"/> |
| Three | <input type="checkbox"/> |