

Go With The Flow Ltd

Health and Safety Policy and Procedures

VALID TO: 4 July 2016

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1. Policy Statement

Go With The Flow Ltd is committed to health and safety and will ensure, so far as reasonably practicable, the health and safety of all our workers and other persons who may be put at risk from our work. We will address this duty of care by:

- Complying with the Health and Safety at Work Act (HSW Act) and Health and Safety Regulations (HSW Regulations), standards, relevant codes of practice and guidelines;
- Providing and maintaining a work environment or work premises that are without risks to health and safety;
- Providing and maintaining safe plant and structures;
- Providing and maintaining safe systems of work;
- Ensuring the safe use, handling, storage and transportation of hazardous substances;
- Providing and maintaining adequate facilities for the welfare of workers;
- Monitoring of the health of our workers and the conditions at the workplace to prevent illness or injury;
- Providing any information, training instructions or supervision necessary to protect our workers from the risks relating to their work;
- Accurately reporting and recording all workplace accidents, incidents and injuries (events);
- Consulting with other duty holders, our workers and their representatives on matters affecting health and safety and encouraging their participation;
- Ensuring appropriate processes are in place for receiving, considering and responding in a timely manner to information regarding incidents, hazards, and risks;
- Providing safe means of access and egress to and from places of work;
- Reviewing, revising and evaluating our health and safety management systems and processes at regular intervals to ensure continuous improvement; and
- Supporting the safe and early return to work of injured workers.

Management acknowledges and accepts its responsibilities for health and safety standards in our workplaces. However, we seek cooperation from all workers in achieving our health and safety objectives and expect that workers will:

- Take reasonable care for their own health and safety;
- Take reasonable care they do not adversely affect the health and safety of other persons;
- Follow our policies and procedures;
- Comply with any reasonable instructions given;
- Identify hazards, assess and control risks to health and safety that are under their control;
- Use any Personal Protective Equipment (PPE) provided; and
- Report all hazards, accidents and incidents (events) to their supervisor in a timely manner.

DIRECTOR:

SIGNATURE:

DATE:

DIRECTOR:

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2. Health and Safety Procedures Overview

Introduction

We are using HazardCo's Health and Safety System to assist us in addressing the requirements of the Health and Safety at Work Act and Health and Safety Regulations.

This health and safety system is a comprehensive set of workplace tools and resources supported by documented procedures, an 0800 advice service and online resources, such as site specific safety planning, accident reporting and e-learning.

In particular when implemented correctly, the system helps to ensure we address our primary duty to "ensure, so far as reasonably practicable, the health and safety of our workers while they are at work and the health and safety of other persons is not put at risk from work we carry out".

- Our health and safety system provides us with the ability to specifically show:
- Our commitment to safety management (as stated in our Health and Safety Policy);
- Our workplace safety procedures including risk management (a system for identifying hazards and controlling the risks to health and safety);
- How we provide safe plant and equipment;
- The facilities we provide for the welfare of workers;
- How we provide information training and supervision to our workers;
- Our event reporting, recording and investigation procedures, including notification of notifiable events to WorkSafe NZ;
- Our worker participation process;
- Our emergency planning for our workplace(s);
- How we provide and maintain Personal Protective Equipment (PPE) to all workers;
- Our process for informing WorkSafe NZ of notifiable works; and
- Visible evidence of our system in operation.

Our health and safety system is broken into two parts:

Part A - Our procedures to ensure the overall health and safety management for the business.

Part B - The work or job based health and safety procedures required for each job.

Part A – Our Health and Safety Procedures

3. Worker Engagement and Communication

Appropriate communication will be established with all persons in our workplace to ensure all information regarding safety is passed on.

As a Person Conducting a Business or Undertaking (PCBU) we will engage with our workers to help us:

- Identify hazards and assess risks;
- Make decisions about ways to Eliminate or Minimise risks;
- Make decisions about the adequacy of our health and safety facilities; and
- Decide on appropriate worker participation practices.

This will involve:

- Sharing information on health and safety with our workers;
- Allowing our workers to express their views, raise work health and safety issues and contribute to the decision making process;
- Taking into account the views of workers;
- Advising workers of the outcome of any discussions and decisions; and
- Involving any Health and Safety Reps in our discussions.

We will do this by:

- Inducting all workers to our job sites;
- Discussing job based hazards and risk controls with workers;
- Holding regular Toolbox Meetings with all available workers on our worksites;
- Passing information on Toolbox Meeting outcomes to all workers;
- Agreeing (as a group) on any required actions and documenting these in our Toolbox Meeting Checklist; and
- Distributing/making the Toolbox Meeting outcomes available to all workers.

4. Hazard Identification

Construction Hazards

The following hazards are usually present or have the potential to occur at some stage during our work:

- Visitors and contractors
- Trips and slips
- Electricity
- Ladders
- Plant and equipment
- Power and hand tools
- Scaffolding
- Excavations
- Falls from heights
- Stacked/stored materials
- Hazardous substances
- Overhead work
- Moving vehicles
- Noise
- Manual handling
- Biological hazards
- Airborne contaminants
- Lone workers
- Young/inexperienced workers
- Drugs and alcohol

These hazards and others are listed in the Hazard Cards in the HazardCo Packs.

Job based Hazard Identification is discussed in Part B of this document.

5. Risk Management

Once hazards have been identified they will be assessed and controlled by eliminating or minimising any risks to health and safety.

Eliminate: Where reasonably practicable, we will remove the chance of a hazard causing death, injury or illness.

Minimise: Where we cannot eliminate the risk, we will as far as reasonably practicable reduce the chance of the hazard causing death, injury or illness by one or more of the following:

- Substitute (wholly or partly) the hazard creating the risk with something that creates a lesser risk;
- Isolate the hazard from any person who could be exposed to it; and/or
- Implement engineering controls.

If the risk still remains we will further minimise the risk by using:

- Administrative controls (such as safety procedures and checklists etc); and
- Personal Protective Equipment (PPE).

Construction hazards and the risk controls are listed in the following resources:

- Site Specific Safety Plan (SSSP) generated when an online hazard identification is conducted;
- The Hazard Cards in the HazardCo Packs taken to our workplaces; and
- Task Analysis Forms and Checklists.

All actions to control the risk of a hazard causing death, injury or illness will be reviewed at our regular Toolbox Meetings.

6. Information, Training and Supervision

We will ensure all workers are sufficiently competent to do their work safely or are supervised by a competent person.

We will ensure workers receive adequate and readily understandable information, training, instruction and supervision relevant to the work they are doing (eg. working at height, confined space entry etc).

Workers will also be trained in the safe use of equipment, including the use and maintenance of Personal Protective Equipment (PPE).

We will maintain a record of worker training in our Training Plan and Register found in the HazardCo Packs and ensure it is updated regularly.

Worker training needs will be discussed at Toolbox Meetings and training scheduled as part of our ongoing up skilling programme. Training needs will be documented in the Toolbox Meeting Checklist and in individual Training Plan and Registers.

Any event (accidents or incident) where training has been identified as a factor contributing to the event, will be raised and discussed at a health and safety Toolbox Meeting.

7. Hazardous Substances

Hazardous substances are chemicals that have been classed as having one or more of the following properties:

- Explosive;
- Flammable;
- Self reactive;
- Oxidising;
- Toxic;
- Corrosive; and
- Dangerous to the environment.

As required by workplace regulations we will ensure that when using hazardous substances, no action or inaction by our workers causes an adverse effect to the environment or any harm to any person coming into contact with that substance.

We will ensure the correct and safe use, handling, storage and transportation of hazardous substances. Where required we will also have a storage license (location test certificate) and our workers will have the correct training and handling licenses (approved handler certificate, dangerous goods license endorsement etc).

All hazardous substances held in our workplace will be recorded by type and quantity on our Hazardous Substance Register found in the HazardCo Packs. We will ensure that the appropriate Safety Data Sheets (SDS) are held on site and are readily available in the event of an emergency.

We will also ensure that the required safety warning signage is displayed.

Hazardous substances will be raised at our regular Toolbox Meetings.

8. Monitoring and Review

We will ensure all workers are meeting the required standards of health and safety by conducting regular (weekly, fortnightly or monthly) Site Reviews. These are discussed in detail in Part B of this document.

The supervisor or worker in control of the workplace is responsible for conducting Site Reviews and Toolbox Meetings.

Site Review findings will be discussed with all workers at our regular Toolbox Meetings held at the workplace.

We will also discuss any recorded accidents and incidents (events) and general health and safety matters.

General health and safety matters will include reviewing existing hazards, worker training needs, PPE requirements, health monitoring, hazardous substances, plant and equipment etc.

Toolbox Meetings will be recorded in the workers or supervisor's diary or on the HazardCo Toolbox Meeting Checklist found in the HazardCo Pack.

9. Accidents / Incidents / Near Misses (Events)

In the event of an accident where a person appears to be injured, our priority is to preserve life by providing first aid and calling the emergency services on 111.

We will aim to have a first aid kit and a person qualified in first aid in our workplaces at all times.

We will ensure that if there is a notifiable injury or event, our workers will preserve the accident site by leaving everything as it is until we have sought advice from HazardCo or have permission from WorkSafe NZ to clean up or move anything. We will also take photos of the accident site as a record of what has happened.

All accidents and near miss incidents will be recorded and investigated using the process outlined below.

10. Event Reporting and Recording

We will ensure that there are suitable recording and reporting processes in place in each of our workplaces. The Event Notification and Investigation forms for recording and reporting any incident or injury will be available in the workplace in HazardCo packs.

Event forms found in the HazardCo Packs and are also available from HazardCo who will email them to us in the event of an accident.

Workers are expected to report all injuries and near miss incidents to their site supervisor and the PCBU, as well as to HazardCo (0800 555 339) for recording purposes.

All notifiable events will be immediately reported to WorkSafe NZ by the fastest means available. We will also report in writing within 48 hours using the prescribed form if required by WorkSafe NZ.

HazardCo will assist in the reporting and investigation of notifiable events. This is to ensure that the Event Notification and Investigation forms are completed correctly, any causes are identified and that any remedial action proposed is appropriate.

We will record all notifiable events in our internal Event Register as well as use HazardCo's Event Recording System, to record all actions resulting from an accident and to store all related documents.

11. Event Investigation

We will investigate all accidents, incidents and near misses (events) to determine whether they were caused by hazards. Where applicable, we will also find out what risk controls were absent and should be put in place to manage any hazard and prevent a repeat of the same occurrence.

Where required we will report back to WorkSafe NZ on the prescribed form any system changes we have made as a result of an accident. All persons present at the time of an accident/incident are expected to assist in any review.

The site supervisor or worker in control of the workplace is responsible for investigating accidents and documenting their findings using HazardCo's Event Investigation Form or on a Duty Holders Investigation Report (if required by WorkSafe NZ).

Once notified of an event HazardCo will email us the Event Investigation Form and once completed will review the forms and provide assistance and advice to manage any identified hazards in relation to any accident.

Event investigation findings will be discussed at the next Toolbox Meeting and a remedial action plan will be put in place, recorded in the Toolbox Meeting Checklist and reviewed at subsequent meetings.

12. Emergency Procedures and First Aid

Each HazardCo Pack contains an Emergency Plan template, which contains the following:

- General emergency procedures;
- Specialist emergency procedures (working at heights etc);
- Evacuation procedures;
- Emergency signal;
- Method of communication with all workers in an emergency;
- Frequency of testing required for emergency procedures;
- Important emergency contacts; and
- The location of the assembly area(s).

The site supervisor or worker in control of the workplace will prepare or update the Emergency Plan prior to the start of any work.

All workers will be taken through the Emergency Plan as part of the induction process outlined later in this document.

A summary of the Emergency Plan is also listed on the Hazard Boards.

In addition to the standard Emergency Plan an Emergency Plan for Hazardous Work will be used for specialist work such as working at heights, using harnesses and confined space work. This document is available on request from HazardCo.

As a PCBU we will ensure we provide up to date first aid equipment and facilities for health and safety in our workplace.

We will also ensure an adequate number of workers are trained to administer first aid or that our workers have access to a trained first aid person.

Training needs will be discussed with workers at our regular Toolbox Meetings and training recorded in our Training Plan and Register.

13. Notification of Hazardous Work

The requirement to notify WorkSafe NZ is defined in the Health and Safety Regulations, and a summary of these is held in the HazardCo Packs.

Where hazardous work is to be carried out by the company, WorkSafe NZ will be informed in writing at least 24 hours prior to commencement of such work.

Notification is completed online (via WorkSafe NZ's website) or using the Notification of Hazardous Work form found in the HazardCo Packs.

If WorkSafe NZ is notified online an electronic confirmation will be received and a copy of the notification will be kept for our records.

A copy of any completed Notification of Hazardous Work Form will be held in the workplace in the HazardCo Pack for the duration of the job.

If engaged in hazardous work, workers involved will be competent to perform the work and where applicable, will be holders of appropriate qualifications.

14. Safe Plant and Equipment

We will ensure that all plant and equipment supplied to workers is of the required standard and is in good working order with all safety mechanisms intact. All plant and equipment will have a Standard Operating Procedure (SOP) or manufacturers' instructions containing information on its safe operation and maintenance. If any equipment is not in safe working order, it will be removed from service and repaired by a competent person before use.

All plant and equipment will be recorded in the Plant and Equipment Register found in the HazardCo Packs, regularly checked using an appropriate checklist, and maintained to a schedule.

These documents will be held in our office and regularly updated. It is the workplace supervisor or worker in control of the workplace's responsibility to ensure the Plant and Equipment Register is kept up to date.

Workers will be made aware of their obligation to regularly inspect plant and equipment and immediately report any damage or fault during worker induction.

Plant and equipment will be raised as an agenda item and discussed at our regular Toolbox Meetings.

15. Personal Protective Equipment (PPE)

Where there is a need to further minimise a risk to health and safety we will ensure our workers are provided with the necessary Personal Protective Equipment (PPE).

We will ensure the PPE provided to our workers is:

- Suitable considering the nature of the work and any hazards;
- A suitable size and fit and reasonably comfortable for our workers;
- Compatible with other PPE;
- Maintained, stored and repaired so that it continues to be effective (eg. clean, hygienic and in good working order);
- Used or worn by workers; and
- Provided along with information, training, supervision, and instruction on the proper use, storage and maintenance of our PPE.

We will establish a minimum PPE requirement for our work sites, which will be monitored by our supervisor.

Specific PPE requirements for machinery, tasks and the handling of substances are identified in Standard Operating Procedures (SOP's), manufacturers' instructions, Safety Data Sheets (SDS's), and in the HazardCo Hazard Cards.

The PPE provided may include, but is not limited to, equipment such as clothing; guarding or arresting devices; rails; covers; damping; filtration and dust collection systems; shields; screens etc.

Where applicable PPE such as fall protection equipment, harnesses etc. will be certified, maintained to a schedule and recorded in the Plant and Equipment Register found in the HazardCo Packs.

We will ensure that contract workers (other PCBU's) supply suitable PPE appropriate for the job they are undertaking and make sure it is used and maintained correctly.

PPE will be discussed at our regular Toolbox Meetings with the minimum PPE recorded in the Toolbox Meeting Checklist.

16. Prequalification and Management of Contract Workers

As a PCBU we will ensure all workers, including any contract workers have and use the appropriate resources and processes to eliminate or minimise health and safety risks.

To do this we will pre qualify new contract workers to ensure they are competent in health and safety management.

To ensure competency all contract workers must have an active health and safety system that addresses their legal duties to provide:

- A work environment without risks to health and safety;
- Safe plant and structures;
- Safe systems of work;
- The safe use, handling, and storage of substances;
- Adequate facilities for the welfare at work of workers;
- Any information, training, instruction, or supervision that is necessary to protect all persons from risks relating to the work they are doing;
- Monitoring of the health of workers and the conditions at the workplace to prevent illness or injury;
- A maintained premises so that a worker occupying the premises is not exposed to risk; and
- Worker participation in health and safety.

HazardCo is available to assist in this prequalification process

17. Health Monitoring

Where there is a risk of illness through exposure to hazards and these cannot be eliminated we will minimise these risks by monitoring the health of our workers.

We will, as far as reasonably practicable, obtain our workers consent to the monitoring of their health in relation to hazards. We will be proactive in seeking approval, and take responsibility for informing and encouraging workers about health monitoring, where appropriate.

We acknowledge consent must be granted voluntarily and without any form of coercion or duress.

We will also inform workers of the results of any health and safety monitoring undertaken to meet the risk management requirements of the Act.

Part B - HazardCo Workplace / Job Tools

18. Job Health and Safety Management

To manage the overall safety for each job, prior to the start of any work, we will follow the procedures outlined in the Construction Safety Procedures Cards found in the HazardCo Packs.

The site supervisor or worker in control of the workplace will be responsible for carrying out these procedures.

19. Site and Team Pack Resources

Site and Team Packs are a set of workplace tools, which contain documents and resources that assist in the identification and management of hazards that are a risk to health and safety.

The resources include:

- A Site Specific Safety Plan (SSSP) generated by an online hazard identification process (in Site Packs only);
- A set of Safety Procedure Cards (system for Workplace H and S Management);
- A set of Hazard Cards (showing Hazard ID and Risk Management);
- Client Induction Cards (visual hazard register for the client);
- Accident/Incident Reporting and Event Investigation Forms;
- An Emergency Plan;
- A Notifiable Works form;
- Toolbox Meeting and Site Review Checklists;
- Induction, Training, Plant and Equipment and Hazardous Substances Registers;
- Basic instructions on how use the tools; and
- A Site Hazard Board (fixed or portable).

Site and Team Packs are provided for each job or team of workers and are kept in the workplace for the duration of the job.

20. Site Specific Safety Plans

A Site Specific Safety Plan (SSSP) is a safety document created prior to the start of a major construction project.

Using the HazardCo online Site Pack tool, creates a SSSP.

A series of job specific questions are asked and once completed a SSSP document is produced containing the following:

- a) Description of the job;
- b) Description of the site or place of work;
- c) The workplace safety representative;
- d) Hazard management including a list of hazards likely to be encountered in the workplace and the recommended risk controls that should be in place to manage the listed hazards;
- e) Any notifiable works for the job;
- f) Safety training requirements;
- g) The minimum PPE required for the job;
- h) Hazardous substances;
- i) Accident (event) reporting procedures;
- j) Communication and safety awareness requirements;
- k) Safety reviews;
- l) Emergency plan;
- m) Subcontractors and visitors management;
- n) Plant and equipment management;
- o) Any additional requirements; and
- p) A list of forms and checklists attached (including Task Analysis documents).

A SSSP is usually created for major building projects or when requested by a main client.

The site supervisor is responsible for creating and forwarding the SSSP to any contractors in the workplace prior to the start of any work.

21. Job Based Safety Procedures

Each HazardCo Pack contains a set of Construction Safety Procedure Cards. These cards provide guidance for workers on how to manage job-based safety in their workplace. The safety procedure cards explain the following:

1. Work Preparation
2. Job Induction
3. Visitor Induction
4. Client Induction
5. Hazard Identification and Risk Management
6. Task Analysis
7. Workplace Reviews
8. Toolbox Meetings
9. Site Security

A HazardCo Pack will be available to workers at all times during their work.

The Safety Procedure Cards and their content are discussed throughout this document.

22. Work Preparation and Job Induction

Prior to the start of any work, all workers are expected to ensure they carry out the “At your Base” and “At the Job” requirements listed on the Work Preparation Procedure Card.

These steps ensure workers are suitably prepared for the work they are about to do.

If more than one worker is present the supervisor or worker in control will induct all workers to the workplace using the Job Induction Procedure Card.

As part of this induction, workers will also be taken through the SSSP (if applicable) and any relevant Task Analysis (TA) forms or checklists to be followed for the job.

Once inducted, workers are to sign and date the Induction Register in the HazardCo Pack.

Workers require only one full induction for each job.

If it is not practical to induct a worker, they will sign in as a visitor in the Induction Register and must be accompanied by an inducted worker throughout their visit.

Where a worker comes and goes from a workplace that has another worker present, they will receive (from the worker) a further informal induction that updates them on any changes to the workplace hazards since their last visit.

The supervisor or worker in control should obtain an update from any new workers of the hazards they are bringing to the workplace.

Where necessary the Hazard Board should be updated after each informal induction with the relevant hazards that will affect visitors to the workplace.

23. Client and Visitor Induction

When applicable, the HazardCo Client Induction Cards will be provided to our clients to inform them of the hazards they will encounter when visiting the workplace. The client will be expected to induct visitors they bring to the workplace when our workers are not present.

Visitors to the workplace should be met at the entrance to the workplace and taken through the Visitor Induction Procedures Card, then escorted for the duration of their visit.

Workers are required to enforce the site rules outlined in the Visitor Induction Card to ensure visitor safety.

24. Hazard Identification and Risk Management

The HazardCo system provides two ways to identify job-based hazards and these are outlined in the Hazard ID and Risk Management Procedure Card. These include a general hazard identification process and task analysis.

Hazard ID

The workplace supervisor or worker in control will use the Hazard ID and Risk Management Procedure Card to guide them in the identification of hazards for the work they are about to do.

They will use their experience, and the information on specific hazards contained in the SSSP (if applicable) and Hazard Cards, to visually review the workplace for any of the listed hazards.

If not already documented in a SSSP, the identified hazards and the risk controls required to Eliminate or Minimise hazards will be written down as a diary entry or on the Hazard ID and Risk Management Form in the HazardCo Pack.

The appropriate risk controls will be put in place to ensure workers are protected from harm (death, injury or illness).

Any hazards identified during the visual survey that could affect visitors to the workplace will be added to the Hazard Board along with the appropriate control to prevent them from causing any harm. The Hazard Board will be displayed at the entrance to the workplace.

It is expected that all subcontractors (workers) will conduct their own hazard identification using the same or a similar method.

The workplace supervisor or the worker in control will be responsible for keeping the Hazard Board updated daily and ensuring that risk controls are in place and effective.

The workplace supervisor or worker in control will also inform other workers and visitors to the workplace (using the Induction Procedures) of any existing hazards and the requirement to identify and report any hazards or potential hazards they find in the workplace. Where applicable, these hazards will also be recorded on the Hazard Board.

Hazard ID and Risk Management Using a SSSP

As previously discussed, a Site Specific Safety Plan (SSSP) is a safety document for the overall job and usually contains a list of hazards that are likely to be present in the workplace for the entire construction project.

A SSSP is generated when the workplace supervisor or a designated person completes the online SSSP hazard ID questionnaire for the up coming job. Once produced, the SSSP contains a list of risk controls for each hazard identified.

The workplace supervisor or a designated person then selects (ticks) the controls to be used to Eliminate or Minimise each hazard. Multiple controls should be selected.

Once completed, the SSSP is taken to the workplace to be used as part of the worker induction process and as a guide to the risk controls that should be in place on site.

Task Analysis

A Task Analysis (TA) is a task specific hazard identification and risk management process used for managing high risk hazards relevant to a specific task or a workers trade.

High risk hazards include but are not limited to:

- Working at height;
- Working in confined or restricted spaces;
- Excavations;
- Ladder use; and
- Use of lifting equipment.

A Task Analysis may be required in addition to the overall Hazard ID process described previously.

When applicable, we will use the task analysis method outlined in the Safety Procedures Card or a Task Analysis Checklist to identify hazards relevant to the job we are undertaking.

Hazards identified will be documented as a diary entry, on the Task Analysis Form or on a specific Task Analysis Checklist. (TA checklists are available from the downloads page on HazardCo's website).

The worker in control of the job will consult with other workers present and ensure a Task Analysis is completed prior to the start of any high-risk work.

Once completed, the Task Analysis will be discussed with all workers involved and where appropriate, workers will sign off the Task Analysis prior to starting the job. The Site Hazard Board will be updated.

25. Workplace Health and Safety Review

Using our experience and referring to information contained in HazardCo's Workplace Review Safety Procedures Card, the site supervisor or person in control of the workplace will carry out regular (weekly, fortnightly, monthly) Site Reviews.

The Site Review Checklist found in HazardCo Packs will be used for this purpose.

New hazards or poorly controlled existing hazards found during the review, that are a risk to health and safety, will be controlled immediately (eliminated or minimised) or work will stop and the matter reported to the appropriate supervisor or project manager.

Work will not start again until the hazard has been adequately controlled.

Site Review findings will be discussed at the next Toolbox Meeting as soon as possible.

26. Toolbox Meetings

Using our experience and referring to information contained in HazardCo's Toolbox Meeting Safety Procedures Card we will carry out regular (weekly, fortnightly, monthly) toolbox meetings. A Site Review will be conducted prior to any Toolbox Meetings.

The Toolbox Meeting Checklist found in HazardCo Packs will be used for this purpose.

All workers present in the workplace at the time must attend the Toolbox Meeting with all attendees recorded in the Toolbox Meeting Checklist.

Lone workers are also expected to use the Toolbox Meeting Checklist to regularly review their own safety in the workplace.

27. Legal Obligations and Duties

The following is a summary of the main legal obligations contained in the Health and Safety at Work Act. Definitions of relevant terms contained in the Act are also included:

PCBU Duties:

Every Person Conducting a Business or Undertaking (PCBU) must comply with health and safety legislation.

As a PCBU you are required to ensure the safety of workers and others, so far as reasonably practicable. This includes workers who are employed or engaged by you, workers who are directed or influenced by you and any other person who enters your place of work or who is put at risk by your work.

To address your duties as a PCBU you must ensure you provide and maintain (as far as reasonably practical):

- A work environment without risks to health and safety;
- Safe plant and structures;
- Safe systems of work;
- The safe use, handling, and storage of substances;
- Adequate facilities for the welfare at work of workers;
- Any information, training, instruction, or supervision that is necessary to protect all persons from risks relating to the work they are doing;
- Monitoring the health of your workers and the conditions at the workplace to prevent illness or injury; and
- You must also maintain any premises so that a worker occupying the premises is not exposed to risk.

PCBU's are also required to provide worker training and supervision. Workers must be competent to do their work, made aware of the potential hazards and expected risk controls. There must be a system for dealing with any emergencies that occur at work.

PCBU's must notify WorkSafe NZ of any Notifiable Events, which includes a death, notifiable incidents and notifiable injury or illness.

PCBU's are required to engage with workers on health and safety matters.

Workers have the right to refuse to do work that could cause them harm.

PCBU's cannot contract out of health and safety obligations.

A PCBU with management or control of a workplace must also ensure that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

Officer Duties:

Officers of a PCBU must:

- Acquire, and keep up to date, knowledge of work health and safety matters;
- Gain an understanding of the nature of your operations and the hazards and risks associated with those operations;
- Ensure that when work is carried out, appropriate resources and processes are available for use (and are used), to eliminate or minimise risks to health and safety;
- Ensure appropriate processes are in place for receiving, considering and responding in a timely manner to information regarding incidents, hazards, and risks;
- Ensure that processes are implemented for complying with any duty or obligation of a PCBU under the Act; and
- Verify (regularly check) that processes and resources have been provided and used.

Worker Duties:

Workers engaged or employed by a PCBU must:

- Take reasonable care for your own health and safety;
- Take reasonable care you do not adversely affect the health and safety of other persons;
- Comply with any reasonable instruction that is given by a PCBU; and
- Cooperate with any reasonable policy or procedure of a PCBU relating to health or safety at the workplace.

Duty to Manage Risk:

As a person under the Act you have a duty to:

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

This duty applies to PCBU's, Workers and other persons with a duty under the Act. In other words Risk Management is everyone's responsibility.

The most important part of this process involves the creation and use of a system that identifies hazards and manages risks.

The management of risks requires the controlling of the risk through:

- Elimination of the risk of any hazard causing death, injury or illness; and
- If elimination is not possible by Minimising the risk of the hazard causing death injury or illness.

Minimisation controls include:

- Substituting (wholly or partly) the hazard creating the risk with something that lowers the risk;
- Isolating the hazard from any person who could be exposed to it; and/or
- Implementing engineering controls.

If the risk still remains you must further minimise the risk by using administrative controls such as, work methods, procedures, checklists and PPE.

If you must minimise the risk, then where possible multiple risk controls should be used.

28. Definitions

Reasonably Practicable: what can reasonably be done to ensure health and safety taking into account:

- The likelihood of the hazard occurring;
- The degree of harm that might occur;
- What the person knows or should know about the hazard and how to manage it;
- The availability of ways to manage the hazard; and
- The costs versus the risk.

Workplace: a place where work is carried out including where a worker goes while at work (includes vehicles, mobile structures, aircraft, ship etc).

PCBU: a person conducting a business or undertaking, whether alone or with others and regardless of for profit or gain – excludes those defined as workers.

Officer: a company, any person occupying the position of director, a partnership, any general partner, body corporate, an unincorporated body and any person occupying a position in such an organisation. Any person who makes decisions in an organisation that affects the whole or substantial part of the business.

Worker: a person who carries out work in any capacity for a PCBU (includes employees, contractors, subcontractors, employees of labour hire companies, apprentice or trainee, person gaining work experience and volunteers).

Risk: the possibility that death, injury or illness might occur when a person is exposed to a hazard.

Hazard: a situation or thing that has the potential to cause death, injury or illness (includes a persons behaviour).

Health: physical and mental health.

Risk Management: controlling a hazard through Elimination or Minimisation.

Visitors: include groups such as customers, hospital patients, contractors or other visitors to a workplace, an employee's family, passers by and any other person who may be affected by the work activity.

Plant: any machinery, vehicle equipment (including PPE) appliance, container, implement, or tool and any component or fitting connected to any of these things.

Notifiable Event: the death of a person or a notifiable injury or incident.

29. Appendix 1 – Construction Forms

All forms are able to be accessed by using the link below:

http://ebooks.online.net.nz/hazardco/construction_formschecklist/

You can also access these forms via the HazardCo Website, or if you would prefer a paper copy, please phone the office on 0800 555 339 and we will post them out to you.

30. Appendix 2 – Approved Codes of Practice and Guidelines

Approved Codes of Practice (ACOP)

1. Cranes
2. Excavations and shafts for foundations
3. Forklifts
4. Hazardous substances
5. Noise in the workplace
6. Power operated elevated work platforms
7. Tree work
8. Manual handling
9. Pre cast concrete
10. Rigging for load lifting

Health and Safety Guidelines

11. A principal's guide to contracting
12. Concrete pumping
13. Demolition
14. Best practice guideline for working at height
15. Best practice guideline for working on roofs
16. Best practice guideline for scaffolding in NZ
17. Industrial rope access in NZ
18. Manual handling code of practice
19. Mobile elevated work platforms
20. Safe use of portable mechanically powered nailers and staplers
21. Respiratory protection
22. Safe use of safety nets
23. Guide for safety with underground services

These documents and related fact sheets can be viewed on WorkSafe NZ's web site at the following link:
www.business.govt.nz/worksafe/information-guidance/guidance-by-industry/construction-building-maintenance