

HEALTH AND SAFETY AT WORK ACT 2015

INFORMATION FOR THE EDUCATION SECTOR | DECEMBER 2016

What events need to be notified in the Education Sector?

THE HEALTH AND SAFETY AT WORK ACT CAME INTO EFFECT ON 4 APRIL 2016. IT MAKES THE HEALTH AND SAFETY OF WORKERS AND OTHERS AT A WORKPLACE A PRIORITY.

In this guide, “Boards/ECEs” refers to school Boards of Trustees, early childhood education (ECE) services and kōhanga reo as entities that meet the definition of Person Conducting a Business or Undertaking (PCBU) under the Act.

This guide draws on information published by WorkSafe New Zealand and the Ministry of Business, Innovation and Employment. To keep fully informed about your health and safety obligations, visit WorkSafe’s website:
<http://www.worksafe.govt.nz>

WorkSafe New Zealand must be notified when certain work-related events (notifiable events) occur. Notifiable events include fatalities, serious injuries and illnesses, and unplanned or uncontrolled workplace incidents that could put people at risk of serious injury or illness. These notifiable events are described in detail within this factsheet.

Notifiable events include those that relate to children and not just teaching staff in the education setting, as schools/ECEs are workplaces.

What must a PCBU (Boards/ECE) do?

1. Contact WorkSafe

Boards/ECEs must ensure that WorkSafe is notified as soon as possible after becoming aware that a notifiable event arising out of the conduct of the school/ECE has occurred. You can notify WorkSafe by calling 0800 030 040 or by filling in a notifiable event form on WorkSafe’s website <http://forms.worksafe.govt.nz/notifiable-event-notification>

Why?

This allows WorkSafe to decide whether they will investigate or follow up on the events that caused the death, serious injury or illness; or the situation that had the potential to cause a death or serious injury or illness. Investigating is one of a range of responses WorkSafe could take to a notifiable event. WorkSafe does not investigate all notifiable events.

2. Preserve the site

You must take all reasonable steps to ensure that the site of the notifiable event is preserved and not disturbed until a WorkSafe Inspector authorises you to do so.

The site may only be disturbed if:

- » you need to assist the injured person
- » it’s essential to make the site safe or minimise the risk of someone else being hurt or killed
- » you are directed to do so by the Police
- » you are permitted by a WorkSafe Inspector.

3. Keep records

You must keep records of all notifiable events for at least five years from the date of the event.



If in doubt the best action is to notify WorkSafe by calling 0800 030 040

What is a notifiable illness or injury?

These are **serious** work-related illnesses or injuries, including:

- » Injuries or illnesses that require a person to be admitted to hospital for immediate treatment. Admitted to hospital means being admitted as an in-patient for any length of time.
- » Other types of serious injuries and illnesses that are notifiable are set out in the following table with examples. For the purposes of the table:
 - 'Medical treatment' is considered to be treatment by a registered medical practitioner e.g. a doctor.
 - 'Immediate treatment' is urgent treatment, and includes treatment by a registered medical practitioner, registered nurse or paramedic.
 - If immediate treatment is not readily available (eg because the person became seriously ill at a remote site), the notification must still be made.

What is not a notifiable illness or injury?

You **do not** need to notify WorkSafe about illnesses or injuries that only require first aid to treat them. Examples are set out within the following table.

Deaths, injuries or illness that are unrelated to work are not notifiable e.g.:

- » a diabetic worker slipping into a coma at work
- » a worker being injured driving to work in his or her private car when the driving is not done as part of their work
- » injuries to people triggered by a medical reason
- » a worker fainting from a non-work related cause

What is a notifiable incident?

A notifiable incident is an unplanned or uncontrolled work-related incident that **seriously endangers or threatens someone's health or safety**. Note that people may be put at serious risk even if they were some distance from the incident (e.g. from a gas leak or explosion).

A notifiable incident also covers incidents which may have only resulted in minor (non-notifiable) injuries but had the potential to cause serious injury, illness or death. E.g. a bus with children on it blows over causing minor injuries, but no one is seriously injured.

Specifically, a notifiable incident includes **serious risk arising from immediate or imminent exposure to**:

- » a substance escaping, spilling, or leaking hazardous chemicals (subject to storage regulations) eg a spill of a hazardous substance in a caretaker's shed or science lab that could have placed workers or children at risk of serious injury or illness
- » an implosion, explosion or fire e.g. a school boiler explodes placing workers or children at risk of serious injury
- » gas or steam escaping e.g. during a science lab, placing workers or children at risk of serious injury
- » a pressurised substance escaping
- » electric shock (from anything that could cause a lethal or serious shock. It would not include shocks due to static electricity, from extra low voltage equipment or from defibrillators used for medical reasons)
- » the fall or release from height of any plant, substance, or thing e.g. an object falls from a wall that could have caused a serious injury if it hit a person
- » damage to or collapse, overturning, failing or malfunctioning of any plant that is required to be authorised for use under regulations e.g. in a technology laboratory. See Code of Practice for Exempt School Laboratories.
- » the collapse or partial collapse of a structure e.g. a school/ECE fence blows over or a wall collapses in the vicinity of children and they were put at risk of serious injury
- » the collapse or failure of an excavation or any shoring supporting an excavation
- » any other incident declared in regulation to be a notifiable incident, for example those listed in: regulation 6 of the Health and Safety At Work (Asbestos) Regulations 2016

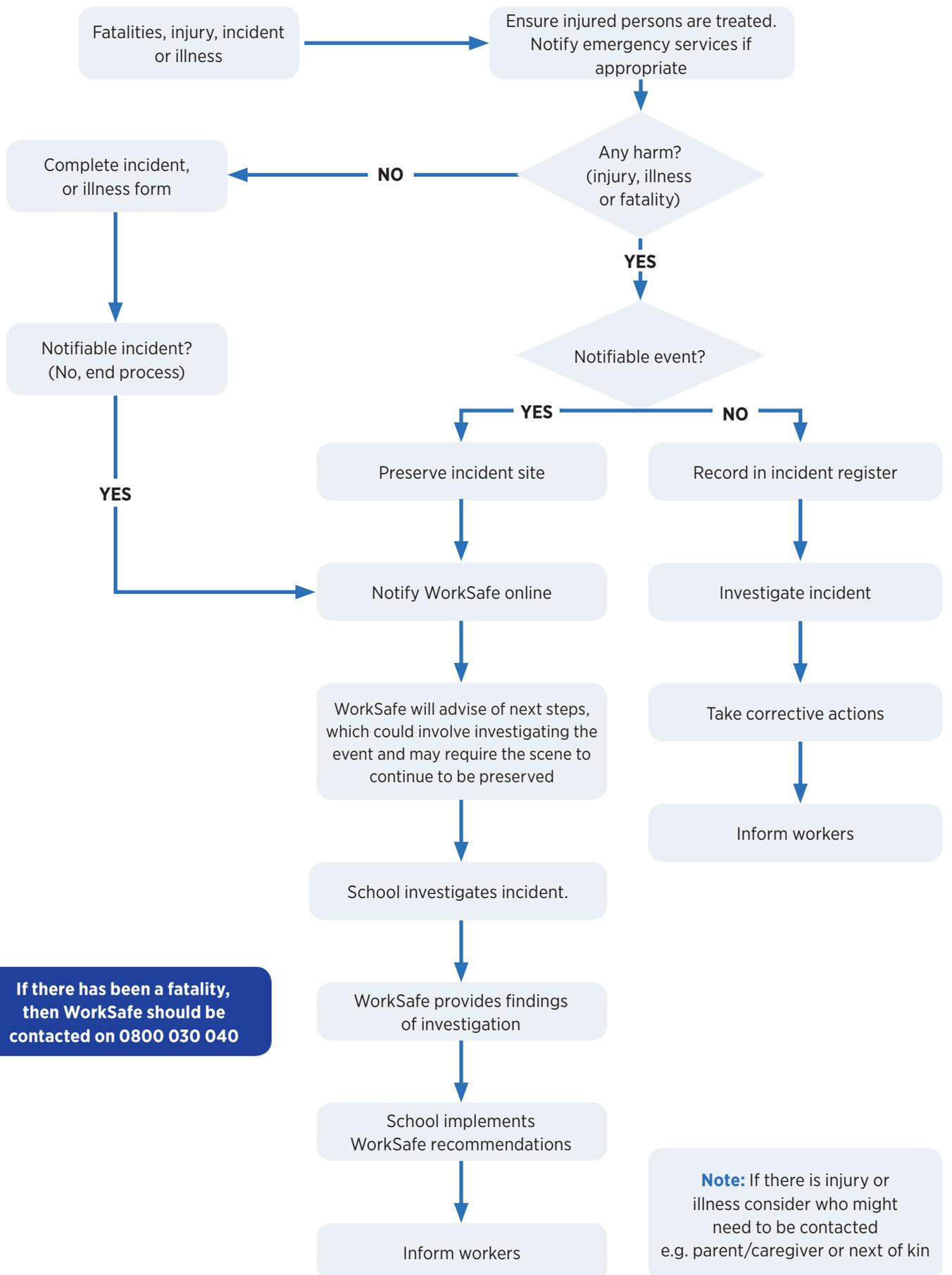
What is not a notifiable incident?

Notifiable incidents do not include controlled activities that form part of the business or undertaking (eg the controlled release of water from a dam).

REASON TO NOTIFY	NOTIFY	DON'T NOTIFY
<p>An injury or illness that requires (or would usually require) the person to be admitted to hospital for immediate treatment</p>	<p>'Admitted to a hospital' means being admitted to hospital as an in-patient for any length of time</p> <p>For example:</p> <ul style="list-style-type: none"> » A child falls from a tree at lunch time and breaks a bone and requires surgery and/or admission to hospital » A teacher falls from a step ladder while putting up Christmas decorations and breaks a bone and requires admission to hospital 	<p>Being taken to the hospital for out-patient treatment by a hospital's A&E department, or for corrective surgery at a later time, such as straightening a broken nose.</p> <p>Illnesses, sprains, breaks and fractures treated in A + E and not admitted to hospital</p> <p>For example:</p> <ul style="list-style-type: none"> » A child falls from a tree at lunch time and breaks a bone requiring a cast, but not admission to hospital » A group of children are playing at lunch time, one falls over and breaks a bone, but not admitted to hospital » Someone slips over on a school camp, and breaks an ankle but is not admitted to hospital » A person receives a human bite and requires a doctor's visit but no further medical treatment
<p>A serious eye injury that requires immediate treatment (other than first aid)</p>	<ul style="list-style-type: none"> » Injury that results in, or is likely to result in, the loss of an eye or vision (total or partial) » Injury caused by an object entering the eye (e.g. metal fragment, wood chip) » Contact with any substance that could cause serious eye damage. <p>For example:</p> <ul style="list-style-type: none"> » A child gets a fragment in their eye during woodworking class and requires hospitalisation 	<p>Exposure to a substance or object that only causes discomfort to the eye.</p> <p>For example:</p> <ul style="list-style-type: none"> » A child getting sand in their eye causing discomfort, but the sand is washed out.
<p>A serious burn that requires immediate treatment (other than first aid)</p>	<p>A burn that needs intensive or critical care such as a compression garment or skin graft.</p> <p>For example:</p> <ul style="list-style-type: none"> » Someone is badly burnt on a school camp and requires a skin graft 	<p>A burn treatable by washing the wound and applying a dressing.</p> <p>For example:</p> <ul style="list-style-type: none"> » A child receives a minor burn to the hand but only requires first aid
<p>A spinal injury that requires immediate treatment (other than first aid)</p>	<p>Injury to the cervical, thoracic, lumbar or sacral vertebrae, including discs and spinal cord.</p>	<p>Back strains or bruising</p>
<p>Loss of a bodily function that requires immediate treatment (other than first aid) (e.g. through electric shock or acute reaction to a substance used at work)</p>	<p>Loss of:</p> <ul style="list-style-type: none"> » consciousness (includes fainting due to a work-related cause e.g. from exposure to a harmful substance or heat) » speech » movement of a limb (e.g. long bone fractures) » function of an internal organ » senses (e.g. smell, touch, taste, sight or hearing). 	<p>A sprain, strain or fracture that does not require hospitalisation (except for skull and spinal fractures).</p> <p>For example:</p> <ul style="list-style-type: none"> » A student or teacher fainting not due to a work-related cause

REASON TO NOTIFY	NOTIFY	DON'T NOTIFY
Serious lacerations that require immediate treatment (other than first aid)	<ul style="list-style-type: none"> » Serious deep cuts that cause muscle, tendon, nerve or blood vessel damage, or permanent impairment » Tears to flesh or tissue – this may include stitching or other treatment to prevent loss of blood or bodily function and/or the wound getting infected. 	<ul style="list-style-type: none"> » Superficial cuts treatable by cleaning the wound and applying a dressing » Lacerations that only require a few stitches from a GP's office » Minor tears to flesh or tissue.
The amputation of any part of the body that requires immediate treatment (other than first aid)	Amputation of: <ul style="list-style-type: none"> » a limb (e.g. an arm or leg) » other parts of the body (e.g. hand, foot, finger, toe, nose, ear). For example: <ul style="list-style-type: none"> » a technology teacher cuts off fingers in a bandsaw 	
A serious head injury that requires immediate treatment (other than first aid)	<ul style="list-style-type: none"> » Fractured skull » A head injury that results in losing consciousness e.g. two students collide at inter school sports and one loses consciousness » Blood clot or bleeding in the brain » Damage to the skull that may affect organ or facial function » A head injury that results in temporary or permanent memory loss. 	
Skin separating from an underlying tissue (degloving or scalping) that requires immediate treatment (other than first aid)	Skin separating from underlying tissue where the tendons, bones, or muscles are exposed	
Contracting a serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor including any infection due to carrying out work: <ul style="list-style-type: none"> » with micro-organisms » that involves providing treatment or care to a person » that involves contact with human blood or bodily substances 	Diseases caught from animals (e.g. leptospirosis) or E. coli infections Legionnaire's Disease caught from working with soil, compost or potting mix.	

FATALITY, INJURY, INCIDENT OR ILLNESS PROCEDURE - SCHOOLS



RESPONSE TO EVENT

INVESTIGATION & IMPLEMENTATION

REVIEW & RESPOND

Ministry of Education

WorkSafe New Zealand

Early Learning Service

Family/Whānau

