



# Implementing the Health and Safety at Work Act 2015

A guide for early learning services

April 2016

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## About this Guide

This guide brings together high-level information, tools and links to resources to support early learning organisations<sup>1</sup> to get to know:

- the basic requirements of the Health and Safety at Work Act 2015 (HSWA) and its regulations;
- the key components of a health and safety system; and
- what organisations need to do to implement good health and safety practices.

The guide explains key concepts from the legislation, and sets out the health and safety obligations and expectations of an organisation, its officers, workers, and other persons at the workplace.

The guide does not try to define how the health and safety laws apply for early learning organisations, because there is such variation in early learning organisation structures, service types and size. Instead it provides information, links and tools you can use to determine how to apply it within your organisation.

This guide is intended as a supplementary resource that will support the people involved in governance and leadership at early learning organisations to develop a clear understanding of what the HSWA means for them. However, the primary source of information must be the HSWA itself, the Regulations made under the HSWA, and any information provided by WorkSafe New Zealand.

The tools at the back of this guide can be downloaded individually from the Ministry of Education's [health and safety webspace](#). You can modify them to suit your specific work situation.

If you have questions you cannot find the answers to in these pages or through the links provided, please email them to: [healthandsafety.info@education.govt.nz](mailto:healthandsafety.info@education.govt.nz).

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1. In this guide, early learning organisation means all parts of a business in early childhood education including individual services, service providers, and separate administration/head offices as relevant. When it refers to early learning services and service providers, it means education and care centres, kōhanga reo, home-based services, hospital-based services, and playgroups with paid workers.

Part 1:

# The health and safety law



## 1.1 Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (HSWA) and associated regulations are a critical part of 'Working Safer', the Government's blueprint for improving New Zealand's workplace health and safety system. The Government has set an ambitious target of at least a 25 percent reduction in workplace injuries and fatalities by 2020.

The key emphasis of the law is on everyone in the workplace being responsible for health and safety. It places a positive duty on organisations to keep people safe from harm by proactively identifying and managing health and safety risks, and making sure information about health and safety is shared with workers, and workers are engaged in matters that could affect their health and safety.

The HSWA encourages us to focus effort on what matters, based on risk, control and size. It reinforces proportionality - what an organisation needs to do will depend on the level of risk and what it can control. It also introduces the concept of "reasonably practicable", which focuses attention on what is reasonable to do to ensure workplace health and safety.

The requirements of the HSWA focus on functions and behaviours, because good health and safety practice is not about paperwork, but rather the actions taken to keep workers and others safe and healthy. There are very few requirements for written records or procedures. However, documenting your health and safety system can help to ensure everyone understands the health and safety procedures at their organisation, what is expected of them, and can be used to inform system review and incident investigations. Documentation supports your health and safety system, but it is not a substitute for action.

A suite of regulations sit under the HSWA. The regulations that are most relevant to early learning organisations include:

- Health and Safety at Work (General Risk and Workplace Management) Regulations 2016
- Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016
- Health and Safety at Work (Asbestos) Regulations 2016.

In addition, there are other Acts, Regulations, Codes of Practice and Industry Standards relevant to health and safety and with which organisations must comply.

To get your health and safety processes on the right track you need to:

- identify health and safety hazards and risks, and take steps to prevent these from happening
- make sure health and safety in your business is led from the top, has involved your staff and is understood by them and reviewed regularly
- hold regular training on health and safety matters
- engage workers in health and safety matters that affect them
- support all officers to get up to date with health and safety issues and key risk factors
- report and monitor health and safety goals
- regularly review any incidents
- carry out regular health and safety reviews.

## 1.2 The role of government agencies in health and safety in education settings

### 1.2.1 WorkSafe New Zealand

WorkSafe New Zealand is the regulator of the health and safety legislation. It carries out workplace assessments, receives and responds to notifications and reported risk or harm, and conducts investigations. WorkSafe also provides a wide range of information and guidance about health and safety in the workplace. Its focus is to embed and promote good workplace health and safety.

WorkSafe can be contacted on 0800 030 040: [www.worksafe.govt.nz](http://www.worksafe.govt.nz).

For notifiable events notifications, call 0800 030 040 or email [healthsafety.notification@worksafe.govt.nz](mailto:healthsafety.notification@worksafe.govt.nz).

See WorkSafe New Zealand's factsheet on [Role of the Regulator](#)

See WorkSafe New Zealand's factsheet [Notifiable Events](#)

See WorkSafe New Zealand's guide to the [HSWA](#)

### 1.2.2 Ministry of Education

The Ministry of Education is the steward of the education system. It provides support and guidance to the education sector on a range of topics, including health and safety. The Ministry's website has dedicated [health and safety webpages](#).

The Ministry also has a specific function as the funder and regulator of early learning services. The Secretary for Education issues licences and certificates that allow providers to operate early learning services and receive funding.

Services are issued licences or certificates once a formal assessment of compliance with regulated standards has been made and compliance determined. The health and safety of children is a critical aspect of the full set of standards set by regulation for early learning service providers. These standards are aligned to the wider health and safety legislation, but with a specific focus on the child.

Unlike the HSWA, the Early Childhood Education licensing and certification criteria have documentation requirements: written policies, procedures and records. Services must comply with these standards as well as the requirements of the health and safety legislation. Having written policies, procedures and keeping accurate records demonstrates to the Ministry and to parents the service's commitment to managing the health and safety of children attending the service. See the table for a matrix of all health and safety-related policies, procedures and records required by the ECE licensing and certification criteria.

Early learning services must meet all standards imposed by the Education regulations and licensing and certification criteria as well as the requirements of the HSWA and its regulations.

Important information is notified to early learning services through the monthly [He Pānui Kōhungahunga – the Early Learning Bulletin](#).

Child-focused health and safety-related policies, procedures and records required by ECE licensing and certification criteria (as at April 2016)\*

	Centre-based	Kōhanga Reo	Home-based	Hospital-based	Playgroup
Hygiene and infection control procedure	PF26	PF26	X	X	X
Linen laundering procedure	HS2	HS2	HS2	X	X
Nappy changing & disposal procedure	HS3	HS3	HS3	X	X
Current fire evacuation scheme	HS4	HS4	HS4	X	HS2
Emergency plan	HS7	HS7	HS4	X	HS2
Emergency drills record	HS8	HS8	HS7	HS4	HS4
Sleep monitoring procedure	HS9	HS9	HS8	X	X
Sleep monitoring record					
Hazard identification & management system documentation	HS12	HS12	HS11	HS10	X
Excursions record	HS17	HS17	HS14	HS6	X
Permission for travel by motor vehicle evidence	HS18	HS18	HS15	HS7	X
Food service record	HS19	HS19	HS16	X	X
Injuries record	HS25	HS25	HS22	X	X
Copies of first aid certificates					
Serious illnesses record	HS27	HS27	HS24	X	X
Accident, incident & illness procedure					
Medicine administration authority record	HS28	HS28	HS25	X	X
Medicine administration record					
Medicine administration training record	HS29	HS29	HS26	X	X
Child protection policy	HS31	**	HS28	HS13	HS11
Suspected abuse & neglect procedure					
Complaints procedure	GMA1	GMA1	GMA1	GMA1	X
Self-review process	GMA6	GMA6	GMA5	GMA6	X
Self-review outcomes record					
Human resource management policies & processes	GMA7	GMA7	GMA6	GMA7	X
Safety checking procedure	GMA7A	**	GMA6A	GMA7A	MA6
Safety checks record					

\* This table will be updated when the criteria are amended to align with HSWA requirements

\*\* As required by the Vulnerable Children Act 2014

### 1.23 Education Review Office

As part of an Education Review Office (ERO) review, which takes place on average every three years, early learning services attest that they take all reasonable steps to meet their statutory obligations. Service management teams are provided with a self-audit checklist to help them in this process. A section of the checklist covers health and safety practices. This is based on the guidelines provided by the Ministry of Education and Work-Safe New Zealand.

Review teams use a service's completed self-audit checklist to check and discuss with key personnel specific details with respect to the following:

- emotional safety (including positive guidance and child protection)
- physical safety (including supervision; sleep procedures; accidents; medication; hygiene; excursion policies and procedures)
- suitable staffing (including qualification levels; police vetting; teacher registration; ratios)
- evacuation procedures and practices for fire and earthquake.

If significant issues or risks arise, these will be discussed during the review and referred to other agencies as appropriate.

Some services find the assurance statements are useful documents to periodically check to ensure their policies and procedures are up to date.

### 1.24 Regional Public Health (Ministry of Health)

Prospective service providers of early childhood education and care centres and kōhanga reo must obtain health reports from their local public health unit. The health report is required documentation that needs to be completed, and a copy sent to the Ministry of Education, before a decision to grant a licence to operate can be made.

Education and care centres and kōhanga reo are required to report notifiable illnesses to their local Public Health Service or the Ministry of Health.

### 1.25 Other organisations

Early learning organisations may also have interactions with other agencies and organisations in relation to health and safety matters. You may find these links useful:

Ministry of Health – [www.health.govt.nz](http://www.health.govt.nz) Civil  
Defence – [www.civildefence.govt.nz](http://www.civildefence.govt.nz) New  
Zealand Police – [www.police.govt.nz](http://www.police.govt.nz) New  
Zealand Fire Service – [www.fire.org.nz](http://www.fire.org.nz) Child,  
Youth and Family – [www.cyf.govt.nz](http://www.cyf.govt.nz)  
Children's Action Plan (CAP) Directorate – <http://childrensactionplan.govt.nz>

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### 1.3 A health and safety system model

The Ministry of Education has designed an 11-point [health and safety system](#) that early learning organisations may find a useful model to follow when considering their health and safety practices and situation.

1. LEADERSHIP	2. WORKER PARTICIPATION	3. HEALTH AND SAFETY PRACTICE FRAMEWORK RESOURCES	4. RISK IDENTIFICATION, ASSESSMENT AND MANAGEMENT
Set the direction of health and safety management in your workplace.	Effective formal and informal worker participation practices eg Health and Safety Reps and committees.	Health and safety in your workplace. Mandatory requirements, guidance, tools and resources.	Identifying hazards in the workplace and managing the associated risks.
5. WORKPLACE MANAGEMENT	6. EQUIPMENT	7. INJURY AND ILLNESS MANAGEMENT	8. INJURY AND ILLNESS SUPPORT AND REHABILITATION
Leading by example, property maintenance, inducting visitors to the workplace and emergency plans.	Provision of appropriate equipment for all work environments staff may encounter and equipment that may be used.	Notifiable injuries, reporting, recording and investigating incidents/accidents.	Structured systems to support the safe and early return to work of injured staff and workers.
9. HEALTH AND WELLBEING PROGRAMMES	10. PROFESSIONAL DEVELOPMENT	11. MONITORING, REPORTING AND ASSURANCE	
Proactive approach to ensuring that staff, volunteers and workers can actively manage their own health and wellbeing.	Information to help to empower staff and leaders to implement effective health and safety practices through Professional Development.	Promote a commitment to continuously improving health and safety performance. What is a monitoring and reporting system.	

Part 2:

# Health and safety roles and obligations



## 2.1 Introduction to duties

Health and safety at work is the responsibility of everyone who is there.

The Health and Safety at Work Act 2015 (HSWA) imposes specific, positive duties on some people within an organisation.

This section will help you to determine who the duty holders for your early learning organisation are, and it points you to more information about what their duties are.

Every workplace is different, so you will need to consider how to apply the health and safety laws to your situation.

## 2.2 Health and safety responsibilities questionnaire

Answer the questions below for yourself or on behalf of your organisation to determine who has responsibilities (if any) under the Health and Safety at Work Act 2015 (HSWA).

Each time you positively identify as a duty holder, add a tick in the relevant space in the table at the end of the survey, and follow the link to more information about your duties. Note: It is possible to be more than one type of dutyholder.

Note: There are [resources](#) to help you determine who the duty holders are for your organisation. We also recommend you seek independent advice about how the HSWA applies to you and your organisation.

A. IS YOUR ORGANISATION A <a href="#">VOLUNTEER ASSOCIATION</a> ?		Yes	No
1.	Is your organisation a group of volunteers working together for a community purpose with no paid workers to carry out the work for the organisation?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered 'yes' to this question, then your organisation meets the definition of volunteer association and you or your organisation have no duties under the HSWA. You do not have to complete this survey.			
2.	Is your organisation / Are you any of the following: <ul style="list-style-type: none"><li>• A company</li><li>• A legal or corporate business entity (eg. non-profit organisation)</li><li>• A sole trader</li><li>• A self-employed person operating your own business?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Does your business or undertaking have influence over the health and safety of workers and other persons, even those who are not direct employees?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered 'yes' to any of these questions, then you or your organisation meets the definition of PCBU (person conducting the business or undertaking) and you or your organisation have the primary duty of care for health and safety.			

B. DO I HAVE THE DUTY OF DUE DILIGENCE?		Yes	No
1.	If your organisation is a company, are you a director?	<input type="checkbox"/>	<input type="checkbox"/>
2.	If your organisation is a partnership, are you a partner?	<input type="checkbox"/>	<input type="checkbox"/>
3.	If your organisation is a limited partnership, are you a general partner?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Do you hold a position comparable to director, such as board member or trustee?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Do you hold a leadership position within your organisation, such that you exercise significant influence over the management over part or all of the organisation, such as centre manager?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered 'yes' to any of these questions, then you meet the definition of <a href="#">officer</a> and you have the duty of due diligence for ensuring the PCBU meets its health and safety legal obligations.			
Note: Volunteer officers are exempt from prosecution if they fail in their duty.			

C. DO I HAVE WORKER DUTIES?		Yes	No
1.	Are you any of the following: an employee a contractor a sub-contractor an employee of a contractor or sub-contractor an outworker a labour hire worker a volunteer worker* a trainee on work experience?	<input type="checkbox"/>	<input type="checkbox"/>
* A <a href="#">volunteer worker</a> is someone who regularly works for a business on an ongoing basis and are an integral part of the business' operations. ECE examples include a Playcentre duty team, property maintenance helpers, and rostered parent helpers.			
If you answered 'yes' to this question, then you meet the definition of <a href="#">worker</a> and you have health and safety duties.			

D. DO I HAVE A ROLE TO PLAY AS A HEALTH AND SAFETY REPRESENTATIVE?		Yes	No
1.	Have you been elected by your colleagues to represent them on health and safety matters?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered 'yes' to this question, then you meet the definition of <a href="#">health and safety representative</a> and you have health and safety functions and powers.			

E. DO I HAVE A ROLE TO PLAY AS A HEALTH AND SAFETY COMMITTEE MEMBER?		Yes	No
1.	Are you a member of a health and safety committee for your workplace? Do I have a role to play as a health and safety committee member?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered 'no' to this question, move to Section F of the questionnaire. If you answered 'yes', carry on to question 2 and 3.			
2.	Are you an elected health and safety representative?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Are you the committee member appointed and authorised by the PCBU to make decisions on behalf of the PCBU on health and safety issues?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered 'yes' to either of these questions, then you may have specific health and safety functions as a member of a <a href="#">health and safety committee</a> .			

F. DO I HAVE OBLIGATIONS AS AN OTHER PERSON IN THE WORKPLACE?		Yes	No
1.	Are you any of the following: a visitor a child  a member of the public a volunteer* lawfully on the premises	<input type="checkbox"/>	<input type="checkbox"/>
* Volunteers are people who help out at the business on a voluntary basis. Unlike volunteer workers, these volunteers do not carry out work on an ongoing and regular basis and the work they do may or may not be integral to the business' operation.			
If you answered 'yes' to this question, then you meet the definition of <a href="#">other person</a> and you have health and safety obligations.			
Note: It is not reasonable to expect children enrolled at early learning services to take responsibility for their own health and safety.			

RESULT			
My organisation is/I am a:	Yes	No	For more information, go to...
Volunteer association	.	.	There are no duties under the HSWA
PCBU	.	.	<a href="#">Section 2.3</a>
Officer	.	.	<a href="#">Section 2.4</a>
Worker	.	.	<a href="#">Section 2.5</a>
Health and safety representative	.	.	<a href="#">Section 2.6</a>
Health and safety committee member	.	.	<a href="#">Section 2.7</a>
Other person	.	.	<a href="#">Section 2.8</a>

## 2.3 PCBU (Person Conducting a Business or Undertaking)

The PCBU holds the primary duty of care for, and manages risks to, the health and safety of workers and others arising from the work of the organisation. The PCBU will exercise its primary duty of care by ensuring, so far as [reasonably practicable](#), the health and safety of:

- its workers, including volunteer workers while at work, eg, at the early learning service and/or on excursions
- other workers who are influenced or directed by the PCBU
- others (children, parents, members of the public and visitors to the premises) by ensuring they are not put at risk from work carried out by the early learning service.

Note: A PCBU who is a self-employed person must also ensure, so far as is reasonably practicable, his or her own health and safety while at work. There are specific obligations and duties on the PCBU to ensure health and safety at the workplace. While the PCBU has ultimate responsibility for ensuring these duties are fulfilled, in practice officers and workers are likely to be the ones performing some of these duties.

NOTE: At the end of this section you will find a table of all the PCBU duties summarised here, with links to relevant Ministry factsheets and tools to help you implement them.

The PCBU must:

### 1. Consult with other PCBUs with the same duty (overlapping duties)

#### *How to meet the requirements*

Many work situations involve PCBUs that have [overlapping duties](#). Rather than duplicating effort, PCBUs need to consult, cooperate and coordinate activities to meet their shared responsibilities. They should make reasonable arrangements and coordinate responsibilities with the other PCBUs to fulfil their duty, and they should also monitor each other to ensure everyone is doing what they agreed.

The measures a PCBU will take for its own workers are likely to be different from the measures it can take for workers of another PCBU, as it is likely to have less influence and control over the workers of another PCBU. A PCBU that has less direct control and influence is more likely to fulfill its duty by making arrangements with the PCBU that is closer to the work.

The PCBU must take steps to ensure all workers including contractors and sub-contractors (and their employees) are not harmed while doing the work they are engaged to do for the organisation.

When managing contractors, the PCBU must be familiar with the work that the contractor is about to complete. This will require the PCBU to obtain information from the contractor including:

- the name of the nominated contact person (from both parties)
- information from the contractor about hazards they may bring on site or create
- procedures for reporting hazards and injuries and incidents
- emergency and first aid procedures
- what safety equipment is required
- what areas of the business will need to be restricted
- any additional business rules that the contractor will need to adhere to
- any work that needs to be notified to WorkSafe New Zealand. (The form is available from the WorkSafe website).

The PCBU must provide information about asbestos present (if known).

Early learning services must ensure contractors do not have unsupervised access to children at any time or undergo safety checking procedures as appropriate (under the Vulnerable Children Act 2014).

The table provides examples of multiple PCBUs and their respective duties for the early childhood education context.

Activity	PCBUs	Action (but not limited to)	My workers/ others/volunteers	Their workers/ others
eg, Service located on school site	Early learning service School Board of Trustees	Consult, cooperate and coordinate Discuss health and safety policy and/or procedures and expectations, including risk management	Follow agreed health and safety policy and procedures for shared premises / access ways, and other relevant occupancy terms and conditions	Follow agreed health and safety policy and procedures for shared premises / access ways, and other relevant terms and conditions
eg, Extension to premises	Early learning service Building business contracted to do the work	Consult, cooperate and coordinate Discuss health and safety policy and/or procedures and expectations, including risk management	Follow early learning service health and safety policy and/or procedures Follow policy and procedures of contractor when on construction site	Follow early learning service health and safety policy and/or procedures, sign in, look after own health and safety
eg, Plumbing repairs	Early learning service Plumbing business	Consult, cooperate and coordinate Discuss health and safety policy and/or procedures and expectations, including risk management	Report any health and safety hazards	Follow early learning service health and safety policy and/or procedures, sign in, look after own health and safety
eg, Excursion to museum	Early learning service Museum	Consult, cooperate and coordinate Discuss health and safety policy and/or procedures and expectations, including risk management	Follow ECE licensing criteria excursion procedures Carry out risk assessment prior to the excursion Speak to the excursion venue about potential risks and emergency procedures Take reasonable care of themselves and the children on the excursion	Communicate health and safety expectations to the early learning service, including any potential risks and emergency procedures

**2. Engage with workers who carry out work for it and are directly affected, or likely to be directly affected, by a work health and safety matter**

Effective engagement involves the organisation increasing its workers' awareness of health and safety drawing on the workers' knowledge and experience of health and safety to make better decisions.

*How to meet the requirements*

The PCBU must give workers a reasonable opportunity to express their views, raise work health and safety issues, and contribute to health and safety decision-making processes. The PCBU must take workers' views into account and advise them of relevant outcomes in a timely manner.

The PCBU could engage workers by having health and safety representatives and/or a health and safety committee (see below), or it might rely on more informal practices such as:

- regular short, informal workplace meetings to discuss health and safety topics
- having health and safety as a regular agenda item at team meetings
- a feedback mechanism for staff to raise health and safety concerns.

Engagement with workers is required in relation to health and safety matters in certain defined circumstances.

### 3. Provide and allow for worker participation in health and safety matters

Worker participation practices provide effective ways for workers to have a say on health and safety, so that the PCBU can manage risks and keep people safe and healthy in the workplace.

#### *How to meet the requirements*

The HSWA does not specify what types of worker participation practices workplaces should have. Different workplaces will have different practices, depending on what suits the workplace best according to its size and level of risk associated with it. The important thing is that workers are involved in an effective way.

An effective mechanism for encouraging and supporting worker engagement and participation in some organisations (particularly larger ones or ones with complex working arrangements) is having [health and safety representatives](#) and/or [health and safety committees](#).

The early learning sector is not prescribed by the HSWA as a high risk sector. They are only required to have health and safety representatives and committees if they have more than 20 workers and a worker requests them. However, this does not stop these businesses from voluntarily deciding to have health and safety representatives or a health and safety committee.

See [Health and Safety at Work \(Worker Engagement, Participation and Representation\) Regulations 2016](#).

#### **a)** Health and safety representatives

If an organisation has 20 or more workers, it must arrange the election of health and safety representatives if requested by a worker. Organisations with fewer than 20 workers are not required to have health and safety representatives if requested, but they can choose to have them.

The minimum ratio of health and safety representatives is 1 representative for every 19 workers, if the whole business is a workgroup. If your organisation has more than 1 workgroup, there is no minimum ratio, but the PCBU must ensure the workers are grouped in a way that enables their health and safety interests to be represented most effectively and takes account of the need for workers to be able to access their representatives.

Elections for health and safety representatives can be undertaken using any form of voting and may be conducted by any person (other than a candidate for election). However, a secret ballot must be held if a member of the workgroup, an election candidate or the PCBU requests it. The regulations set out other requirements around running a fair election process that must be taken into account.

The PCBU must maintain and update a readily accessible list of the names and contact details of health and safety representatives.

#### **b)** Health and safety committees

The PCBU may establish a health and safety committee on its own initiative or after being requested to do so by either a health and safety representative or a group of 5 or more workers.

Organisations with fewer than 20 workers are not required to have a health and safety committee if requested, though they can still choose to have one. If a request is received to establish a health and safety committee, the PCBU must, within 2 months of receiving the request, decide whether to establish a health and safety committee. If there are 20 or more workers, the PCBU must establish a health and safety committee, if requested.

The PCBU and the workers at that workplace must agree on the membership of the health and safety committee. Each health and safety representative is eligible to be a member of the health and safety committee. At least half of the members must be health and safety representatives and must not have been nominated by the PCBU. One of the members appointed by the PCBU to the committee must be authorised by the PCBU to make decisions on behalf of the PCBU on health and safety issues.

The HSWA specifies the PCBU's duties and obligations to health and safety representatives and committees, as shown in the following table.

To a health and safety representative (HSR)	To a health and safety committee (HSC)
Provide the resources, facilities and assistance that are reasonably necessary to conduct an election of 1 or more HSRs Consult about health and safety matters with the HSR	Consult about health and safety matters with the HSC
Allow a HSR paid time and provide any resources, facilities, and assistance to enable them to perform their role and exercise their powers Provide the HSR with information relating to hazards (including associated risks) and the health and safety of the workers at the workplace	Allow each member of a HSC paid time to attend meetings of the committee and to carry out functions as a member of the committee
Allow the HSR to be present at an interview about health and safety between a worker or group of workers and an inspector, the organisation or the organisation's representative	Provide the HSC with information relating to hazards (including associated risks) and the health and safety of the workers at the workplace
Adopt any recommendations from the HSR on work health and safety or provide reasons for not doing so in writing, within a reasonable time	
Allow HSRs the prescribed paid time off a year to attend relevant health and safety training Make a decision on a request from a HSR to use their <a href="#">annual training entitlement</a> to attend initial or additional training as soon as practicable, and within 3 months of receiving the request	
Pay the HSR's training fees and any reasonable expenses incurred in attending the training (including the cost of travel and accommodation)	

The PCBU must also maintain and update a readily accessible list of the names and contact details of health and safety representatives.

WorkSafe New Zealand provides [good practice guidelines](#) for worker engagement, participation and representation. They note that the PCBU can decide whether or not to keep written records of worker engagement, eg, matters raised and decisions reached. It is not required by law but they recommend it as good practice.

**4. Identify hazards that could give rise to reasonably foreseeable risks to health and safety, and implement, maintain and review control measures**

There are specific requirements relating to [risk](#) management to ensure the health and safety of everyone at the workplace. The HSWA creates expectations for risk management by organisations that are proportionate to the risk. The HSWA emphasises the requirement to manage the risks of harm occurring, rather than managing the [hazard](#).

*How to meet the requirements*

The PCBU must identify hazards that could give rise to reasonably foreseeable risks to health and safety. Hazard identification involves workplace inspections, consultation with workers and analysis of health and safety records to find things and situations arising from work activities that could potentially cause harm to people. Early learning services already do daily checks for hazards to children, and under the HSWA this should be broadened to include all hazards and risks to everyone at the service.

Risk assessment involves considering the severity of consequences if a person is exposed to a hazard,

combined with the likelihood of it happening. The level of risk will increase as the likelihood of injury or illness or its severity increases. A risk assessment can help determine:

- how severe a risk is
- whether existing control measures are effective
- what action should be taken to control the risk, and
- how urgently the action needs to be taken.

The PCBU has to consider what is reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters such as the likelihood of, and consequence of harm occurring, and the availability and suitability of ways in which to eliminate or minimise the risks. Cost can be considered, but only in the context that it has to be grossly disproportionate to the risk.

Once the risks have been assessed, the important step of controlling risks can begin. There are a number of ways to control risks. There are some circumstances where the prescribed process for controlling risks must be followed. They can be ranked from the highest level of protection and reliability to the lowest. This is referred to as the [hierarchy of control measures](#). The day-to-day business of early learning organisations is very unlikely to warrant the more rigorous controls. The ECE licensing and certification criteria require early learning services to manage risks to children. The requirements of the HSWA overlay this practice with management of risks to the adults working with them.

A PCBU who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is effective, and is maintained so that it remains effective. The PCBU needs to ensure the control measure is and continues to be fit for purpose, suitable for the nature and duration of the work and installed, set up and used correctly.

Controlling health and safety risks in the workplace is an ongoing process that needs to take into account changes in the workplace. The PCBU must monitor, and, as necessary revise procedures and risk control measures in the following circumstances:

- when the control measure is not effective in controlling the risk
- when a change at the workplace is likely to give rise to new or different health and safety risks
- if a new hazard or risk is identified
- if the results of consultation with workers indicate a review is necessary
- if a health and safety representative requests a review.

One method for managing risk information is by keeping a risk register. This is not required under the HSWA but it is good practice. Keeping all your health and safety risk management information in one register will make it easier to ensure that all risks have been assessed and managed. It is important to regularly review your risk register to ensure the procedures and control measures managing risk continue to be suitable, effective and used.

## 5. Manage risks to workers who perform remote or isolated work

A PCBU must manage risks to the health and safety of a worker who performs remote or isolated work. To minimise risks to the health and safety of the worker associated with remote or isolated work, the PCBU must provide a system of work that includes effective communication with the worker. This may be applicable to early learning organisations whose workers travel regularly and/or are based in remote places as part of their work duties (eg, home-based coordinators).

## 6. Provide an up-to-date emergency plan for the workplace

### *How to meet the requirements*

The PCBU must ensure there is an emergency plan for the workplace. The emergency plan must provide emergency procedures, including an effective response to an emergency, evacuation procedures, procedures for notifying emergency service organisations at the earliest opportunity and medical treatment and assistance procedures.

The emergency plan must provide for testing of the emergency procedures, including the frequency of testing and provide for information, training and instruction to be given to the relevant workers in relation to implementing the emergency procedures.

An emergency plan outlines what workers and others at the workplace should do in an emergency. Your [emergency plan will need to take into account the nature of the work, hazards at your service, the size and](#)

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location of the workplace and the number and composition of your workforce.

The PCBU will need to maintain and keep the emergency plan up to date to ensure that it remains effective.

7. Provide information, training, instruction, or supervision necessary to protect everyone from risks to their health and safety arising from work activities

#### *How to meet the requirements*

The PCBU should ensure that all workers, health and safety representatives and other persons receive information and training appropriate to their activities at the workplace.

Health and safety training must ensure workers can operate in the workplace in a safe manner. It should include:

- the health and safety responsibilities of the PCBU and workers
- risk identification and management
- incident recording and reporting, including near hits and misses
- safe work procedures
- safe use of all plant and equipment relevant to the worker's duties
- safe use, storage and maintenance of any personal protective equipment
- safe use and storage of hazardous substances
- role-specific training for those with health and safety responsibilities in the workplace, eg, health and safety representatives
- introductions to the health and safety representatives (if applicable) and first aider
- emergency procedures, including evacuation procedures and use of emergency equipment
- identifying the location of first aid kits, Civil Defence kits, phones, fire extinguishers, fire alarms, emergency exits, emergency meeting points, etc.

Early learning service providers can train their own workers in health and safety with the exception of first aid training, which requires a specific qualification.

8. Provide adequate facilities at work for the welfare of workers, including ensuring access to those facilities

#### *How to meet the requirements*

The PCBU must ensure, so far as is [reasonably practicable](#), that the [workplace](#), the means of entering and exiting the workplace, and anything indirectly associated with the workplace are without risks to health and safety of any person.

The PCBU also has a duty to ensure that adequate facilities are provided for workers at the workplace including toilets, drinking water, handwashing facilities and facilities where workers can eat and take breaks. A sufficient number of workplace facilities must be provided that are maintained so as to be in good working order and that are clean, safe and accessible.

9. Provide adequate first aid equipment and facilities and access to first aid

#### *How to meet the requirements*

The PCBU must ensure that adequate first aid is provided for the workplace and that workers have access to the equipment and facilities for administration of first aid. The PCBU must also ensure that an adequate number of workers are trained to administer first aid. Early learning services are required by ECE licensing criteria to have a first aid qualified person present at all times while children are attending the service. (For home-based services, if access to training is limited due to circumstances beyond their control, educators must gain a first aid qualification within four months of starting work at the service.)

The PCBU will need to provide a first aid kit that is easily accessible and ensure that all workers know where it is located. The number of people to be trained to administer first aid will depend on the number and composition of your workforce.

First aid training requires a specific qualification, so you will need to use an external provider for this training.

- 10.** Provide and maintain a work environment, plant and systems (including fixtures and fittings) that are without risks to health and safety, and ensure the safe use, handling and storage of plant, structures and substances

*How to meet the requirements*

To ensure the workplace's [plant](#) and its use is safe the PCBU needs to take action in the following areas:

- Training: workers need to be trained in the use of all plant and equipment, including [personal protective equipment](#)
- Procurement: the PCBU will need to do a range of activities, including obtaining certificates of compliance for any new plant; obtaining safety information about the plant from the manufacturer; and implementing required safety procedures
- Maintenance procedures: actions include establishing maintenance standards for all existing and new plant and carrying out regular inspections
- Safety procedures: actions include ensuring instruction manuals and maintenance schedules are available
- Overlapping duties: the PCBU will need to consult, co-operate and coordinate activities with other PCBUs where they have a duty in the same manner, for example, with designers, manufacturers, suppliers, importers and installers of plant that may be purchased by the PCBU. In early learning services this may include playground equipment, cots etc.

- 11.** Identify asbestos, and prepare and review a written asbestos management plan

Asbestos is a substance found in some building construction and fit-out products used in New Zealand in the past.

*How to meet the requirements*

The PCBU with management or control of a workplace is responsible for managing risks posed by asbestos in their premises. They must be aware of what asbestos is known or suspected, and where it is, and have a written asbestos management plan in place, which they must review and revise as necessary. If asbestos is suspected or confirmed, the PCBU must:

- isolate the area (if there are any immediate health risks)
- immediately notify your landlord (if you are a tenant)
- notify WorkSafe New Zealand and follow its instructions
- ensure a sample is tested by an IANZ-accredited laboratory
- engage a suitably qualified/certified person to work with the asbestos.

A PCBU must not carry out, or direct or allow a worker to carry out, work involving asbestos, except under limited circumstances, such as taking a sample for identification purposes.

See the [Health and Safety at Work Act \(Asbestos Regulations\) 2016](#)

WorkSafe New Zealand has useful [information on asbestos](#).

- 12.** Provide personal protective equipment

*How to meet the requirements*

If [personal protective equipment](#) (PPE) is to be used to minimise risks to health and safety, the PCBU must provide this equipment to workers at the workplace unless it has been provided by another PCBU, eg, a contractor. Example of PPE in an early learning context may include the earmuffs and protective eyewear worn when operating lawnmowers or leafblowers. The PCBU must also provide PPE to other persons (eg, parents, visitors, volunteers) at the workplace to minimise risks to their health and safety and must ensure that the PPE to be used is capable of minimising risks to that person's health and safety.

- 13.** Notify WorkSafe New Zealand of a notifiable event and keep a record

A notifiable event is:

- the death of a person
- a [notifiable injury or illness](#), or
- a [notifiable incident](#) (ie, a near miss) that arises from work.

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### *How to meet the requirements*

*NB: When a [notifiable event](#) occurs the first priority is to assist the injured or ill person. This may involve calling ambulance services, a doctor and/or the Police.*

The PCBU must, as soon as possible after becoming aware that a [notifiable event](#) has occurred, ensure that WorkSafe New Zealand is notified of the event – either by telephone (0800 030 040), or in writing (including email: [healthsafety.notification@worksafe.govt.nz](mailto:healthsafety.notification@worksafe.govt.nz)).

The PCBU must take all reasonable steps to ensure that the site where the event occurred is not disturbed until authorised by an inspector. However, this does not prevent any action to assist an injured person

or to remove a deceased person. A person giving notice by telephone must give details of the incident requested by WorkSafe New Zealand, and if required by WorkSafe New Zealand, provide a written notice of the incident within 48 hours of the request. The PCBU should send the Ministry of Education a copy of the notification.

The PCBU is required to have a system to record each notifiable event and keep the record for at least 5 years from the date on which notice of the event is made to WorkSafe New Zealand. See WorkSafe New Zealand's factsheet [Notifiable Events](#) for information on what events must be notified

#### **14. Monitor the health of workers and the conditions at the workplace for the purpose of preventing injury or illness**

The PCBU has duties relating to exposure monitoring and health monitoring of workers exposed to substances hazardous to health, though this is unlikely to be relevant for the early learning sector.

##### Health and safety policy

The HSWA does not require organisations to have health and safety policies. However, we recommend early learning organisations develop a policy as it can be a useful way to set the health and safety direction of the business. By involving staff and affected parties in its development, the PCBU may see greater uptake of the health and safety principles it promotes.

A policy is a clear, concise, simple statement of how your organisation intends to conduct its business. It provides a set of easy-to-follow guiding principles to help determine decisions, actions, and other matters. The key elements of a health and safety policy include statements about the PCBU's commitment to:

- complying with the Health and Safety at Work Act 2015 and other relevant regulations and being informed by good practice guides
- health and safety
- engaging with staff, including union and staff representatives, on health and safety
- providing health and safety induction, training and supervision for all new and existing staff
- supporting continuous improvement in the PCBU's health and safety performance
- accurately report, record and, if appropriate, investigate workplace accidents and injuries
- providing support for the safe and early return to work of injured or ill employees
- ensuring that emergency plans and procedures are in place
- ensuring workers know their responsibilities for health and safety.

The ECE licensing criteria for governance, management and administration require early learning services to make all of their policies (including health and safety policies) available to the families/whānau of the children enrolled at the service.

It is good practice to review your health and safety policy as part of your early learning service's annual-self review. In addition, you should also review your health and safety policy after any serious events occur involving workers or children.

### *Supporting workers to return to work after injury or illness*

Although the HSWA does not require it, an important part of any organisation's health and safety system is having a support and rehabilitation programme that sets out how workers can be helped to return to work safely and successfully. A return to work plan details actions to be carried out to help a worker return to work [safely after injury or illness](#). The prime objective is to return the worker to their pre-injury or illness status.

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The plan is developed in consultation with the PCBU, the ill or injured worker, the health and safety representative and other relevant parties such as the union representative, the treatment provider, ACC and the medical insurer. The plan should include clear objectives, a list of actions to be taken to enable return to work, and the person responsible for each action. The plan may include:

- [suitable duties](#) being offered, including modified or alternate duties
- hours of work and work breaks (frequency and duration)
- support, aids or modifications to the workplace
- special needs or conditions and what will be done to help (eg, assistance with transport)
- timeframes
- monitoring and reviewing progress so that problems can be identified and managed early.

See factsheet [Topic 8: Injury and illness support and rehabilitation](#)

### Summary of PCBU duties

This table lists the duties of the PCBU, and links to the relevant tools in this guide and Ministry of Education factsheets that provide more information.

	Factsheets	Tools
PCBUs have a duty to:		
Consult, cooperate and coordinate with other PCBUs on same duty	<a href="#">Topic 1: Leadership (Part 1)</a>	
Engage with workers on health and safety matters	<a href="#">Topic 2: Worker Participation (Part 1)</a>	<a href="#">1. Checklist for engaging with workers on health and safety</a>
Provide and allow for worker participation in health and safety matters	<a href="#">Topic 2: Worker Participation (Part 2)</a>	<a href="#">2. Health and safety representative list template</a> <a href="#">3. Health and safety committee agenda template</a> <a href="#">4. Health and safety committee meeting minutes template</a>
Identify hazards, and implement, maintain and review control measures	<a href="#">Topic 4: Risk Management (Parts 1 and 2)</a>	<a href="#">5. Risk register template</a> <a href="#">6. Hazard checklist template</a>
Manage risks to workers who perform remote or isolated work		<a href="#">7. Risk management checklist</a>
Provide up-to-date emergency plan	<a href="#">Topic 5: Workplace Management (Part 1)</a>	
Provide necessary information, training, instruction and supervision	<a href="#">Topic 5: Workplace Management (Part 1)</a> <a href="#">Topic 10: Professional Development</a>	<a href="#">8. Worker induction, training and information checklist</a> <a href="#">9. Worker health and safety training plan and record template</a>
Provide adequate facilities for workers		

	Factsheets	Tools
Provide adequate first aid equipment and access to facilities for workers		
Provide and maintain a safe and healthy work environment, plant and systems, and ensure safe use, handling and storage of plant, structures and substances	<a href="#">Topic 6: Equipment and Plant (Part 1)</a>	
Identify asbestos, and prepare and review a written asbestos management plan		
Provide personal protective equipment	<a href="#">Topic 6: Equipment and Plant (Part 2)</a>	
Notify WorkSafe NZ of a notifiable event and keep a record	<a href="#">Topic 7: Injury and Illness Management</a>	<a href="#">10. Injury and incident reporting checklist</a> <a href="#">11. Injury, illness and incident procedure flowchart</a> <a href="#">12. Injury, illness and incident record</a> <a href="#">13. Reporting notifiable events</a>
Monitor worker health for purpose of preventing injury or illness		
Other topics and resources for PCBUs:		
PCBU duties	<a href="#">Topic 1: Leadership (Part 1)</a>	
Health and safety framework	<a href="#">Topic 3: Health and Safety Practice Resources</a>	
Developing a health and safety culture	<a href="#">Topic 5: Workplace Management (Part 2)</a> <a href="#">Topic 9: Health and Wellbeing Programmes</a>	
Engaging volunteers	<a href="#">WorkSafe New Zealand's factsheet Information for PCBUs that Engage Volunteers</a>	
Responsibilities of Directors	<a href="#">WorkSafe New Zealand and Institute of Directors' Good Governance for Directors guide</a>	
Supporting workers' return to work	<a href="#">Topic 8: Injury and Illness Support and Rehabilitation</a>	
Measuring the performance of the health and safety system	<a href="#">Topic 11: Monitoring, Reporting and Assurance</a>	<a href="#">14. Injury and incident reporting template</a>

## 2.4 I am an Officer

There can be more than one officer in an organisation. Officers have a key role in ensuring the success or failure of health and safety initiatives and whether the PCBU is complying with its own duty. Officers can have a positive impact on the workplace health and safety culture and help ensure everyone takes their responsibilities seriously. Officers' specific duties and responsibilities include:

1. exercising [due diligence](#) to ensure the PCBU complies with its duties as a PCBU
2. acting proactively to ensure health and safety is understood to be everyone's responsibility.

How to meet the requirements

Due diligence is the duty on officers to take reasonable steps to:

- know about current work health and safety matters
- understand the hazards/risks associated with the workplace operations
- make sure there are resources and processes for managing risks
- ensure there are processes for receiving and reviewing information on and responding to incidents, hazards and risks
- ensure workplace health and safety processes and resources are being used
- verify the processes and resources are being used.

Officers do not have to directly ensure the health and safety of an organisation's workers. Due diligence is a separate and different duty to the PCBU's primary duty of care.

The HSWA does not define "reasonable steps", but context suggests it means officers are proactive in staying up-to-date on all health and safety issues for their organisation's operations, and ensuring they are managed appropriately.

See factsheet [Topic 1: Leadership \(Part 2\)](#).

WorkSafe New Zealand has a useful table on page 48 of [Introduction to the Health and Safety at Work Act – Special Guide](#) that outlines what due diligence includes.

The officer will generally support the PCBU in the following areas:

- Worker engagement
- Risk identification, assessment and management
- Monitoring, reporting and assurance.

One way officers can proactively keep themselves properly informed of health and safety is by having health and safety as a standing agenda item for their governance board meetings, and regularly reviewing the allocation of resources and the appropriateness of processes for managing potential risks.

See factsheet [Topic 2: Worker Participation \(Part 1\)](#)

[Tool 1](#) provides a checklist for engaging with workers on health and safety

While in practice workers are likely to be the people carrying out risk management processes and letting officers know what resources are required, the responsibility for ensuring that this happens rests with the officers.

See factsheet [Topic 4: Risk Management \(Parts 1 and 2\)](#)

[Tool 5](#) provides a risk register template

[Tool 6](#) provides a hazard checklist template

[Tool 7](#) provides a risk management checklist

Monitoring, reporting and quality assurance are all important in ensuring every aspect of a workplace health and safety system operates effectively. It provides the information needed to measure the performance of the system, and implement a process of continuous improvement. The leadership team, health and safety representatives and health and safety committees may all contribute to providing information on the health and safety system to the PCBU and assisting officers to meet their due diligence duty.

It is very important to review incidents records and your risk management system and keep your health and safety practices up to date. This could be part of your planned self-review. A workplace health and safety system can be quality assured through both internal and external audit and self-review processes.

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See factsheet [Topic 11: Monitoring, Reporting and Assurance Tool 14](#) provides an injury and incident reporting template

A volunteer officer of a PCBU is an officer who performs his or her duties on a voluntary basis and does not receive payment or reward.

Volunteer officers have the same due diligence duty as other officers. However, volunteer officers do not commit an offence if they fail to meet this duty.

See WorkSafe New Zealand's factsheet [Officers Who Are Volunteers](#)

## 2.5 I am a Worker

A worker is an individual who carries out work in any capacity for a PCBU. The broad definition is designed to encompass a number of relationships that are typical in a work environment (such as employees, contractors, subcontractors, employees of contractors or subcontractors, volunteer workers, people on work experience and trainees).

Workers are likely to be the best source of information for the PCBU and officers about how policies and procedures are working, and be able to raise any health and safety issues, identify new workplace hazards, and request resources and equipment.

Volunteer workers are people who regularly work for an organisation on an ongoing basis and are an integral part of the business's operations. Early learning service examples include a Playcentre duty team, and rostered parent helpers. The PCBU has the same duty of care to volunteer workers as it does to every other worker, except it is not obliged to have worker engagement or participation processes for its volunteer workers. Volunteer workers cannot require the PCBU to elect a health and safety representative. The PCBU needs to ensure its volunteer workers understand the hazards and risks of their work and are competent to work safely. That means they need appropriate training, or to be supervised. Volunteer workers have the same duties as other workers.

See WorkSafe New Zealand's factsheet [Information for Volunteers](#)

An early learning service example of a volunteer officer is a parent who has volunteered to be on a service's board or a Playcentre office holder.

When any contractor begins work for the early learning organisation, they need to receive some kind of health and safety induction. This could include providing an information pack, which outlines any identified hazards in the area where they will be working to ensure they keep themselves safe, and avoid causing harm to others. Records must be kept of any information and training provided to contractors. The organisation's relationship with contractors should be established through contract management processes by the PCBU.

### Duties

Workers have different responsibilities to those of the PCBU and officers. Workers are obliged to:

- take reasonable care for their own health and safety
- take reasonable care that their behaviour does not adversely affect the health and safety of others
- comply with any reasonable instruction from the PCBU to allow the PCBU to comply with the Act
- cooperate with the PCBU's health and safety policies or procedures that have been notified. It

is recommended that workers should:

#### 1. Participate in hazard/risk identification and reporting processes

Workers should report any hazard or risk to an officer or a health and safety representative, and inform visitors of any known hazards or risks at the workplace.

- See factsheet [Topic 4: Risk Management \(Part 1\)](#)
- [Tool 5](#) provides a risk register template
- [Tool 6](#) provides a hazard checklist template

## 2. Report incidents and illnesses

Workers should report any incidents or illnesses to the PCBU or a health and safety representative.

- See factsheet [Topic 7: Injury and Illness Management](#)
- [Tool 10](#) provides an injury and incident reporting checklist
- [Tool 11](#) provides an injury and incident procedure flowchart
- [Tool 12](#) provides an injury and incident record

Rights and protections

Workers can also reasonably expect to:

1. *Be engaged by the PCBU in health and safety matters; have their views taken into account; and be advised of the outcome of decisions*

PCBUs must engage with their workers and encourage them to participate in health and safety. The PCBU must share relevant information in a timely manner, and give workers a reasonable opportunity to express their views, raise work health and safety issues, and contribute to the decision-making process. Workers' views must be taken into account and they must be advised of the outcomes of decisions.

See factsheet [Topic 2: Worker Engagement and Participation \(Part 1\)](#)

See section on [health and safety representatives](#)

See section on [health and safety committees](#)

2. *Be able to make a request for health and safety representation and the PCBU to respond if there are more than 20 workers; and if request accepted, vote for a health and safety representative (NB: This does not include volunteer workers)*

See factsheet [Topic 2: Worker Engagement and Participation \(Part 2\)](#)

3. *Receive appropriate information and training, including emergency procedures*

Health and safety training for new workers should:

- include a full health and safety briefing on workplace hazards and safe working methods
- identify and explain hazards they will be exposed to in the workplace as well as hazards they may create as they work
- explain their health and safety responsibilities and any reporting requirements for incidents and accidents
- introduce the health and safety representative (if relevant), and first aider
- explain any emergency and evacuation plans
- show the location of first aid kits, Civil Defence kits, phones, fire extinguishers, fire alarms, emergency exits, emergency assembly points, etc
- explain any compulsory personal protective equipment and safety gear, and why it must be used
- provide information about employee participation and representation.

Ongoing health and safety training must ensure workers can operate in the workplace in a safe manner. It should include:

- the health and safety responsibilities of the PCBU and workers
- risk identification and management
- incident recording and reporting, including near misses
- safe work procedures
- role-specific training for health and safety representatives
- emergency procedures, including evacuation procedures and location and use of emergency equipment.

See factsheet [Topic 5: Workplace Management \(Part 1\)](#)

See factsheet [Topic 10: Professional Development](#)

[Tool 8](#) provides a checklist for worker information and training

[Tool 9](#) provides a template for recording individual workers' health and safety training plans

**4. Have access to adequate and safe facilities and equipment, including personal protective equipment and first aid**

Workers can reasonably expect that the [workplace](#), the means of entering and exiting the workplace, and anything indirectly associated with the workplace do not pose risks to their health and safety.

They can also reasonably expect the provision of adequate equipment and facilities including toilets, drinking water, handwashing facilities and facilities where workers can eat and take breaks. Facilities must be of a sufficient number, maintained so as to be in good working order, and clean, safe and accessible.

Workers must have access to the equipment and facilities for administration of first aid, and an adequate number of workers who are trained to administer first aid. Workers must be told/shown where the first aid kit is located (it must be easily accessible) and ensure that all workers know where it is located.

See factsheet [Topic 6: Equipment and Plant \(Parts 1 and 2\)](#)

The HSWA continues the right for workers to refuse to do unsafe work, and expands protections for workers who raise workplace health and safety matters. It protects workers' involvement in health and safety when:

- raising an issue or concern about health and safety
- stopping work because of concerns it is unsafe or unhealthy
- taking part in resolving a health and safety issue
- taking action to seek compliance
- acting as a health and safety representative or member of a health and safety committee
- using their lawful powers as a health and safety representative or member of a health and safety committee, eg, directing a worker to cease unsafe work.

The PCBU cannot discriminate or take other negative steps against workers because of their involvement in work health and safety (eg, reporting an issue or refusing to work).

## 2.6 I am a Health and Safety Representative

The HSWA requires PCBUs to provide opportunities for their workers to participate in health and safety. One mechanism for doing this is by having health and safety representatives, who are workers elected by other workers to represent a defined [workgroup](#).

Depending on the size and structure of early learning organisations, health and safety representatives may not be required.

### Functions and powers

Health and safety representatives can:

- represent workers on health and safety matters
- monitor health and safety measures taken by the PCBU
- provide feedback to the PCBU about health and safety compliance
- promote the interests of workers who have suffered injury or illness at work, including involvement in the arrangements for rehabilitation and return to work
- issue provisional improvement notices and direct workgroup members to cease unsafe work if appropriate. (This only applies if the appropriate training has been completed. See below for more information.)

### PCBU's obligations to health and safety representatives

Health and safety representatives can expect:

- to receive work health and safety training relevant to the role (see below)
- to receive the prescribed paid time off a year to attend relevant health and safety training
- to have training fees and any reasonable expenses incurred in attending the training paid by the PCBU
- to be on a health and safety committee
- to hold office for up to 3 years

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- to be able to stand for re-election
- to be consulted about health and safety matters by the PCBU
- to receive paid time and be provided with any resources, facilities, and assistance to enable them to perform their role and exercise their powers
- to be provided by the PCBU with information relating to hazards (including associated risks) and the health and safety of the workers at the workplace
- to be present at an interview about health and safety between a worker or group of workers and an inspector, the PCBU or the PCBU's representative
- their recommendations on work health and safety to be adopted by the PCBU or the PCBU to provide reasons for not doing so in writing, within a reasonable time.

See factsheet [Topic 2: Worker Participation \(Part 2\)](#)

#### Training for health and safety representatives

A health and safety representative does not have to be trained, but they can only exercise all their statutory powers (such as issuing provisional improvement notices) if they have been assessed as having achieved the [New Zealand Qualifications Authority](#) unit standard [29315](#).

A health and safety representative may use his or her annual training entitlement (see p33) to attend initial training, additional training or transition training. The annual training entitlement for an individual health and safety representative is 2 days, subject to a maximum total across the whole business.

The PCBU must pay the health and safety representative's training fees and pay for any other reasonable expenses that the health and safety representative may incur or has incurred in attending training (including the cost of travel and accommodation that may be booked or paid for in advance).

A health and safety representative may choose a training opportunity (whether initial or additional training) in consultation with the PCBU about the time, date, location of and the costs (including training fees) relating to the training.

A PCBU must make a decision on a request from a health and safety representative to use his or annual training entitlement to attend initial or additional training as soon as practicable, and within 3 months of receiving the request.

## 2.7 I am on a Health and Safety Committee

The health and safety committee provides a formal mechanism for worker involvement and can assist the PCBU to achieve continuous improvement in its health and safety performance.

#### Functions

A health and safety committee brings together workers (including health and safety representatives) and management, to develop and review health and safety policies and procedures for the workplace. A health and safety committee:

- facilitates co-operation between the PCBU and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work
- assists in developing any standards, rules, policies or procedures relating to health and safety that are to be followed or complied with at the workplace
- makes recommendations to the PCBU about work health and safety.

#### Duties

A health and safety committee must meet:

- at least every three months
- at any other reasonable time on the request of a simple majority of members of the health and safety committee.

PCBU's obligations to health and safety committees

A health and safety committee can expect the PCBU to:

- consult it about health and safety matters
- allow members paid time to attend meetings of the committee and to carry out functions as members of the committee
- provide it with information relating to hazards (including associated risks) and the health and safety of the workers at the workplace
- adopt any of its recommendations on work health and safety or provide it with reasons for not doing so in writing, within a reasonable time.

See factsheet [Topic 2: Worker Engagement and Participation \(Part 2\)](#)

[Tool 3](#) provides a template for a meeting agenda of a health and safety committee.

[Tool 4](#) provides a template for meeting notes of a health and safety committee.

See also [Health and Safety at Work \(Worker Engagement, Participation and Representation\) Regulations 2016](#).

## 2.8 I am an Other Person in the workplace

An 'other' is any person at the [workplace](#) who is not a worker and can include visitors, [volunteers](#), general public and anyone who may be put at risk by the work of the PCBU. It does not include people who unlawfully enter the premises.

In an early learning service an 'other person' can include children, volunteers, visitors, family/whānau, Ministry of Education or Education Review Office officials, regional public health officers, public health nurses, and local authority/city council staff when present at the workplace.

Duties

Other persons must:

- take reasonable care for their own health and safety
- take reasonable care that their behaviour does not adversely affect the health and safety of others
- comply with any reasonable instruction from the PCBU to allow the PCBU to comply with the Act.

Other persons need to take reasonable care that anything they do (or do not do) will not cause others harm. They can be held legally responsible if they cause someone harm and did not take reasonable care.

Note: It is not reasonable to expect children enrolled at early learning services to be responsible for their own health and safety. However, they should participate in fire drills and emergency evacuation drills at least every three months as required by the ECE licensing and certification criteria. You will need to talk to the children in advance about why these drills are important.

PCBU's obligations to other persons

PCBUs are required to implement and maintain health and safety management systems to ensure that no-one in the workplace or vicinity is harmed or causes harm to others and that the work of the business does not cause any harm.

Part 3:

# Glossary



Annual training entitlement	<p>The maximum total number of days' paid leave that a PCBU is required to allow in a calendar year for training of HSRs is based on the number of workers who work for the whole business or undertaking as at the specified date in the year and is determined in accordance with the following table:</p> <table border="1" data-bbox="416 331 1423 636"> <thead> <tr> <th data-bbox="416 331 794 405">Workers as at specified date in year (1 April)</th> <th data-bbox="794 331 1423 405">Maximum total number of days' paid leave that PCU is required to allow to be taken</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 405 794 450">1-5</td> <td data-bbox="794 405 1423 450">2</td> </tr> <tr> <td data-bbox="416 450 794 495">6-50</td> <td data-bbox="794 450 1423 495">6</td> </tr> <tr> <td data-bbox="416 495 794 562">51-280</td> <td data-bbox="794 495 1423 562">1 day for every 8 workers or part of that number</td> </tr> <tr> <td data-bbox="416 562 794 636">281 or more</td> <td data-bbox="794 562 1423 636">35 days plus 5 days for every 100 workers or part of that number</td> </tr> </tbody> </table>	Workers as at specified date in year (1 April)	Maximum total number of days' paid leave that PCU is required to allow to be taken	1-5	2	6-50	6	51-280	1 day for every 8 workers or part of that number	281 or more	35 days plus 5 days for every 100 workers or part of that number
Workers as at specified date in year (1 April)	Maximum total number of days' paid leave that PCU is required to allow to be taken										
1-5	2										
6-50	6										
51-280	1 day for every 8 workers or part of that number										
281 or more	35 days plus 5 days for every 100 workers or part of that number										
Due diligence	<p>The duty on officers to take reasonable steps to:</p> <ul style="list-style-type: none"> <li>• know about current work health and safety matters</li> <li>• understand the hazards/risks associated with the workplace operations</li> <li>• make sure there are resources and processes for managing risks</li> <li>• ensure there are processes for receiving and reviewing information on and responding to incidents, hazards and risks</li> <li>• ensure workplace health and safety processes and resources are being used.</li> </ul>										
Hazard	<p>A hazard arising from a work activity can be defined as a situation or thing that has the potential to cause death, injury or illness to a person. Eliminating a hazard will also eliminate any risks associated with that hazard.</p> <p>Hazards generally arise from the following aspects of work and their interaction:</p> <ul style="list-style-type: none"> <li>• physical work environment</li> <li>• work tasks and how they are performed</li> <li>• equipment, materials and substances used</li> <li>• work design and management</li> <li>• people's behaviour in the workplace.</li> </ul>										
Health and safety committee	<p>A health and safety committee brings together workers (including health and safety representatives) and management to develop and review health and safety policies and procedures for the workplace.</p>										
Health and safety representative	<p>A person is eligible for election as a health and safety representative for a work group if they:</p> <ul style="list-style-type: none"> <li>• are a worker who is a member of that work group</li> <li>• are willing to act as an HSR</li> <li>• work sufficiently regularly and for a sufficient amount of time to be able to carry out the functions and to exercise the powers of a health and safety representative effectively.</li> </ul>										

Hierarchy of control measures	<p>There are a number of ways to control risks. They can be ranked from the highest level of protection and reliability to the lowest.</p> <p>The most effective way of controlling risks is to eliminate a hazard, for example, by removing trip hazards on the floor or safely dispose of unwanted cleaning products.</p> <p>If elimination is not possible, then minimise the risks by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• substitute the hazard with something safer</li> <li>• isolate the hazard from people or prevent people from coming into contact with the hazard - this involves physically separating the source of harm from people by putting distance between them or using barriers, eg, storing cleaning chemicals in a secure place or taking down a broken swing</li> <li>• using engineering controls (eg modifications to tools, plant or equipment) – (note: these are unlikely to be often needed in an ECE setting).</li> </ul> <p>If, after taking these steps, the risk still remains, it must be minimised by using administrative controls, that is work methods or procedures that are designed to minimise exposure to a hazard (eg, procedures, signage).</p> <p>If the risk still exists after implementing administrative controls, then it must be minimised by using suitable personal protective equipment (PPE) (eg, ear muffs, dust masks, gloves, aprons and protective eyewear). PPE limits exposure to the harmful effects of a hazard, but only if workers and other people wear and use the PPE correctly.</p>
Notifiable event	<ul style="list-style-type: none"> <li>• the death of a person</li> <li>• a notifiable injury or illness</li> <li>• or a notifiable incident (ie, a near miss) that arises from work</li> </ul>
Notifiable incident	<p>An unplanned or uncontrolled incident in the workplace that exposes a worker or any other person to a serious risk to that person's health or safety arising from an immediate or imminent exposure to a variety of hazards including:</p> <ul style="list-style-type: none"> <li>• an escape, spillage or leakage of a substance</li> <li>• an implosion, explosion or fire</li> <li>• an escape of gas, steam or a pressurised substance</li> <li>• electric shock</li> <li>• the fall or release from a height of any plant, substance or thing</li> <li>• the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations</li> <li>• the collapse or partial collapse of a structure.</li> </ul>
Notifiable injury or illness	<p>In relation to a person, is one that requires the person to:</p> <ul style="list-style-type: none"> <li>• have immediate treatment (other than first aid) for any of the following: <ul style="list-style-type: none"> <li>» amputation of any part of his or her body</li> <li>» serious head or eye injury, or a serious burn</li> <li>» separation of his or her skin from an underlying tissue (such as degloving or scalping)</li> <li>» a spinal injury</li> <li>» the loss of bodily function</li> <li>» serious lacerations</li> </ul> </li> <li>• be admitted to hospital for immediate treatment</li> <li>• have medical treatment within 48 hours of exposure to a substance.</li> </ul> <p>A notifiable injury or illness also includes any serious infection to which the carrying out of work is a significant contributing factor.</p>

Officer	<p>A person who holds a senior leadership position and has the ability to significantly influence the management of a business or undertaking. A business or undertaking can have more than one officer.</p> <p>Officers are:</p> <ul style="list-style-type: none"> <li>• company directors (even if they do not have ‘director’ in the title)</li> <li>• any partner in a partnership (other than a limited partnership)</li> <li>• any general partner in a limited partnership</li> <li>• any person who holds a position comparable to a director in a body corporate or an unincorporated body</li> <li>• any person who exercises significant influence over the management of the business or undertaking (eg, the Chief Executive).</li> </ul> <p>Every officer has a duty – it is not a joint duty. Officers have a duty because they make policy and investment decisions that can affect workers’ health and safety.</p>
Other person	<p>Anyone at the workplace who is not a worker or an officer of the PCBU. This can include visitors, volunteers, general public and anyone who may be put at risk by the work of the PCBU. It does not include people who unlawfully enter the premises.</p>
Overlapping duties	<p>The PCBU also has a duty to consult, co-operate and coordinate activities with other PCBUs where they have a duty in the same manner.</p>
PCBU	<p>This stands for ‘person conducting a business or undertaking’ and includes:</p> <ul style="list-style-type: none"> <li>• a company</li> <li>• a legal or corporate business entity (eg. non-profit organisation)</li> <li>• a sole trader</li> <li>• a self-employed person operating their own business.</li> </ul>
Personal Protective Equipment (PPE)	<p>Protective clothing or equipment includes anything used to protect against the effects of contamination or physical harm. The use of PPE is recommended when it is not possible to minimise the risk to an acceptable level. PPE limits exposure to the harmful effects of a hazard, but only if workers and other people wear and use the PPE correctly. Some typical examples in an ECE setting are wearing sunscreens, hats, and long sleeved clothes when doing outside activities such as excursions and wearing high visibility jackets for road crossing patrol or on excursions.</p>
Plant	<p>Plant has an all-encompassing meaning under the Act – it includes machinery, vehicles, equipment (including personal protective equipment), appliances, containers, implements and tools. Examples of plant and equipment in an education context may include boilers and incinerators, electrical equipment, playground equipment and vehicles.</p>
Reasonably practicable	<p>That which is, or was, at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters. See more on this in WorkSafe New Zealand’s factsheet <a href="#">Reasonably Practicable</a>.</p>
Suitable duties	<p>Work that is suited to the worker’s current capacity, taking account of their medical condition, age, skills, work experience and their pre-injury or illness employment. They should always be useful work that is valuable to the organisation. They are temporary duties that the returning worker is able to do and will assist their recovery. These duties may be similar to the worker’s usual duties, but they don’t have to be.</p> <p>There are two types of suitable duties:</p> <ul style="list-style-type: none"> <li>• modified duties – where the worker’s usual duties and/or the equipment they use are adjusted</li> <li>• alternative duties – where the worker performs completely different tasks from those they usually do.</li> </ul>
Risk	<p>The likelihood that death, injury or illness might occur when a person is exposed to a hazard (source of harm).</p>

Volunteer	A person who is acting on a voluntary basis, whether or not the person receives out-of-pocket expenses.
Volunteer association	A group of volunteers (whether incorporated or unincorporated) working together for 1 or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association. An organisation cannot be prosecuted for a breach of the HSWA if it only has volunteers.
Volunteer worker	A person who regularly works for an organisation, with the consent and knowledge of the organisation, on an ongoing basis and are an integral part of the operations. This does not include participating in a fundraising activity or assisting with sports, recreation or activities outside the education institution. The PCBU has the same duty of care to volunteer workers as it does to every other worker, except it is not obliged to have worker engagement or participation processes for its volunteer workers. Volunteer workers cannot require the PCBU to elect a health and safety representative. The PCBU does need to ensure its volunteer workers understand the hazards and risks of their work and are competent to work safely. That means they need appropriate training, or to be supervised.
Worker	An individual who carries out work in any capacity for a PCBU. The broad definition is designed to encompass a number of relationships that are typical in a work environment (such as employees, contractors, subcontractors, employees of contractors or subcontractors, volunteer workers, people on work experience and trainees).
Workgroup	A defined group of workers who are represented by one or more health and safety representatives. The workgroup may be defined by physical location, a business group or group of workers who have common risks.
Workplace	A place where work is being carried out, or is customarily carried out, for a business or undertaking. Includes any place where a worker goes, or is likely to be, while at work. A "place" can include a vehicle, vessel, aircraft, ship, or other mobile structure; and any installation on land or water.



# Part 4:

## Toolkit

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## Tool 1: Checklist for engaging with workers on health and safety

You might find this checklist helpful when you need to consult with your workers on health and safety matters.

	Activity	Yes	No
1	Venue <ul style="list-style-type: none"><li>• Is the venue convenient and a suitable size for the numbers attending your meeting?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
2	Timing <ul style="list-style-type: none"><li>• Has the meeting been scheduled at a suitable time for people taking part?</li><li>• Has sufficient meeting time been allocated for discussion and to exchange points of view?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
3	Information <ul style="list-style-type: none"><li>• Are people clear about the purpose of the meeting?</li><li>• Has the relevant information been distributed to people before the meeting?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
4	Goals <ul style="list-style-type: none"><li>• Are the health and safety issues for consultation clearly defined?</li><li>• Does everyone feel there is a full consultation process and they have involvement in the process?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
5	Methods <ul style="list-style-type: none"><li>• Do those who wish to express their views and raise health and safety concerns have the opportunity to do so?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
6	Recording <ul style="list-style-type: none"><li>• Are all health and safety needs and ideas clearly recorded?</li><li>• Are people's contributions recognised?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
7	Decisions <ul style="list-style-type: none"><li>• Are all decisions made after options are fully explored?</li><li>• Are all decisions reported to the PCBU?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
8	Actions <ul style="list-style-type: none"><li>• Are the plans for action fully documented, and reported to the PCBU?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>
9	Monitoring <ul style="list-style-type: none"><li>• Do the plans for action include a means of monitoring implementations?</li><li>• Are review dates decided on, and relayed to all participants?</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>



### Tool 3: Health and safety committee agenda template

You can use the following agenda template:

- to keep track of issues from meeting to meeting
- as a template for writing up the minutes
- to publicise meeting dates and times
- to publicise issues to staff
- as a template for reports to the early learning organisation's board/governance
- if you need to report back to your PCBU.

#### Health and Safety Committee

Meeting to be held on [date] in [location]

#### Agenda

1. Present
2. Apologies
3. Minutes of last meeting (circulated before the meeting)
4. Matters arising (if not on this meeting agenda)
5. Regular reports from (if applicable):
  - » management
  - » health and safety representative
  - » health and safety coordinator, if applicable
6. Outstanding issues from previous meetings
7. Review of actions from previous meetings
8. Requests or issues to be considered by management
9. Progress on any internal or external reviews of policies, processes and procedures
10. Progress on health and safety improvements
11. Scheduling next meeting – timing and location

## Tool 4: Health and safety committee meeting minutes template

Agenda item 1: Topic title		
Discussion points:		
Action(s):	Person responsible	Proposed completion date
1.		
2.		

Agenda item 2: Topic title		
Discussion points:		
Action(s):	Person responsible	Proposed completion date
1.		
2.		

Agenda item 3: Topic title		
Discussion points:		
Action(s):	Person responsible	Proposed completion date
1.		
2.		

## Tool 5: Risk register template

This template will help you consider the hazards/risks at your early learning organisation or service, and the controls needed.

The template is organised by areas of work and activity typical to an early learning service (eg, administration, food preparation, working with children), and under each of these you might consider risks relating to people, activity, environment, equipment, and design, plus any others relevant to your service and wider organisation.

[NAME OF SERVICE] RISK REGISTER

The content of this risk register has been reviewed by [name of PCBU / officers] on [date].

The next review is scheduled to take place on [date].

Signed: [signature of authorised person/s]

Name: [name of authorised person/s]

RISK REGISTER FOR [Service name]

COMPLETED BY [name]

DATE [ / / ]

HAZARD IDENTIFICATION		RISK ASSESSMENT			CONTROL METHOD			REVIEW	
Hazard	Description of likely injury or illness	Likelihood of injury or illness	Consequence	Risk rating	Eliminate, Minimise, Other control	How the control will be put in place	By whom  By when	Review date	Control effective?  Further control needed?
<b>ADMINISTRATION</b>									
eg. interactions with hostile parents	Could lead to stress and/or physical harm	rare	moderate	moderate	Minimise by administrative controls	Have a procedure Staff training	All staff  Ongoing	Annual & after incidents	
<b>WORKING WITH CHILDREN / PROFESSIONAL DUTIES</b>									
eg. high noise levels		likely	moderate	high	Minimise by administrative &/or engineering controls	Monitor noise levels throughout the session  Install noise monitor tech	All staff  Ongoing		
<b>INDOOR</b>									
eg. storage of resources	Hit by falling objects	unlikely	minor	moderate	Eliminate	Ensure no frequently used objects are stacked or stored above head height. Install restraints to prevent objects falling from open shelves		01.01.16	Yes. No incidents reported



## Tool 6: Hazard checklist template

This checklist template for hazard checking for children could be modified to include any workplace hazards to all people that should be considered on every day of operation. The person completing the checks should initial the boxes. See the list of common potential hazards for early learning services.

DAILY HAZARD CHECKLIST		Week Beginning:							
Items to Check	Mon	Tue	Wed	Thu	Fri	Hazard noted Action needed	Notes		
Gates/Fences	eg, JD								
Rubbish/Animal droppings	JD								
Sandpits	JD								
Bark areas									
Swings									
Mobile equipment									
Poisonous plants, weeds									
Sheds									
Water hazards									
Rubbish bins									
Hazardous substances									
Kitchen/Toilets Storeroom									
Inside play area									
Electrical hazards									
Access to exits and fire equipment									
Broken equipment									
Hazards from any building or repair work									
Windows/areas of glass									
Others... [insert rows]									
							Checked and signed by:		
							Date:		

## Tool 7: Risk management checklist

This checklist might help get you started when considering risk management at your workplace.

Does our organisation have:	Yes	No
A hazard identification process?	<input type="checkbox"/>	<input type="checkbox"/>
A risk assessment process for significant hazards?	<input type="checkbox"/>	<input type="checkbox"/>
A process to develop and implement the appropriate controls for each risk?	<input type="checkbox"/>	<input type="checkbox"/>
A process to regularly monitor and review risk controls?	<input type="checkbox"/>	<input type="checkbox"/>
A risk register that records how risks are managed?	<input type="checkbox"/>	<input type="checkbox"/>
Evidence of employee consultation or participation in risk management?	<input type="checkbox"/>	<input type="checkbox"/>
A process for issuing, renewing and maintaining any safety equipment including personal protective equipment?	<input type="checkbox"/>	<input type="checkbox"/>
A process for managing risks associated with new equipment or new work processes?	<input type="checkbox"/>	<input type="checkbox"/>
A system for undertaking baseline monitoring of health in identified areas, and notifying the results to employees?	<input type="checkbox"/>	<input type="checkbox"/>
A process for reporting significant risks to management?	<input type="checkbox"/>	<input type="checkbox"/>
A process for inducting visitors, which covers risks and emergency procedures?	<input type="checkbox"/>	<input type="checkbox"/>
Provision of appropriate personal protection equipment for visitors, if required?	<input type="checkbox"/>	<input type="checkbox"/>
Budget put aside to put controls in place, such as for personal protective equipment?	<input type="checkbox"/>	<input type="checkbox"/>

Approved by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Next review date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Tool 8: Worker training and information checklist

This checklist may help you determine what information, training and processes you have in place for your workers.

Does our organisation have:	Yes	No
A worker health and safety induction checklist?	<input type="checkbox"/>	<input type="checkbox"/>
Health and safety information that is available to all workers?	<input type="checkbox"/>	<input type="checkbox"/>
A record of health and safety training needs for specific roles, tasks or areas of work?	<input type="checkbox"/>	<input type="checkbox"/>
A health and safety training plan for delivering the identified training?	<input type="checkbox"/>	<input type="checkbox"/>
A designated person for supervising new staff?	<input type="checkbox"/>	<input type="checkbox"/>
Criteria for selecting suitable health and safety trainers?	<input type="checkbox"/>	<input type="checkbox"/>
A list of trainers available, including experience and qualifications?	<input type="checkbox"/>	<input type="checkbox"/>
Signed employee training records?	<input type="checkbox"/>	<input type="checkbox"/>

Approved by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Next review date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Actions arising from checklist:

## Tool 9: Worker health and safety training plan and record template

You may like to use this template to record the training plan for each of the workers at your early learning organisation.

\*\* Don't forget to keep a copy of your teachers'/educators' first aid certificates, and ensure they are still valid. First aid certificates need to be renewed every two years.

Name:

Site/Dept:

Date:



Skill/Knowledge	Planned date	Delivered by	Employee signature	Refresher	
				Planned date	Completed date
Health and safety responsibilities					
Risk identification and management					
Incident recording and reporting					
Safe work procedures					
Safe use of plant and equipment relevant to the worker's duties					
Use and maintenance of any personal protective equipment					
Safe use and storage of hazardous substances					
Emergency procedures, including evacuation procedures and use of emergency equipment					
First Aid **					
OOS prevention					
Stress management					
Managing extreme behaviour					
Safe handling and lifting					

## Tool 10: Injury and incident reporting checklist

This checklist may help you ensure your early learning service or organisation knows how to respond when injuries, illness or incidents occur.

Does our early learning service/organisation have:	Yes	No
An injury and incident reporting procedure?	<input type="checkbox"/>	<input type="checkbox"/>
An injury and incident register (that covers adults and children)?	<input type="checkbox"/>	<input type="checkbox"/>
A procedure for reporting notifiable events to WorkSafe New Zealand?	<input type="checkbox"/>	<input type="checkbox"/>
A procedure for investigating injuries and incidents?	<input type="checkbox"/>	<input type="checkbox"/>
A process to show that when an investigation identifies deficiencies corrective actions are undertaken?	<input type="checkbox"/>	<input type="checkbox"/>
A record to show that staff understand notifiable injuries and illnesses and notifiable incidents?	<input type="checkbox"/>	<input type="checkbox"/>
A process for educating staff, and visitors on injury and incident reporting?	<input type="checkbox"/>	<input type="checkbox"/>
A process for collating all injury and incident data for analysis?	<input type="checkbox"/>	<input type="checkbox"/>
A process to review the causes of injuries and incidents and remedy them?	<input type="checkbox"/>	<input type="checkbox"/>
A process to ensure workers know who has been trained in first aid?	<input type="checkbox"/>	<input type="checkbox"/>

Approved by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Next review date: \_\_\_\_/\_\_\_\_/\_\_\_\_

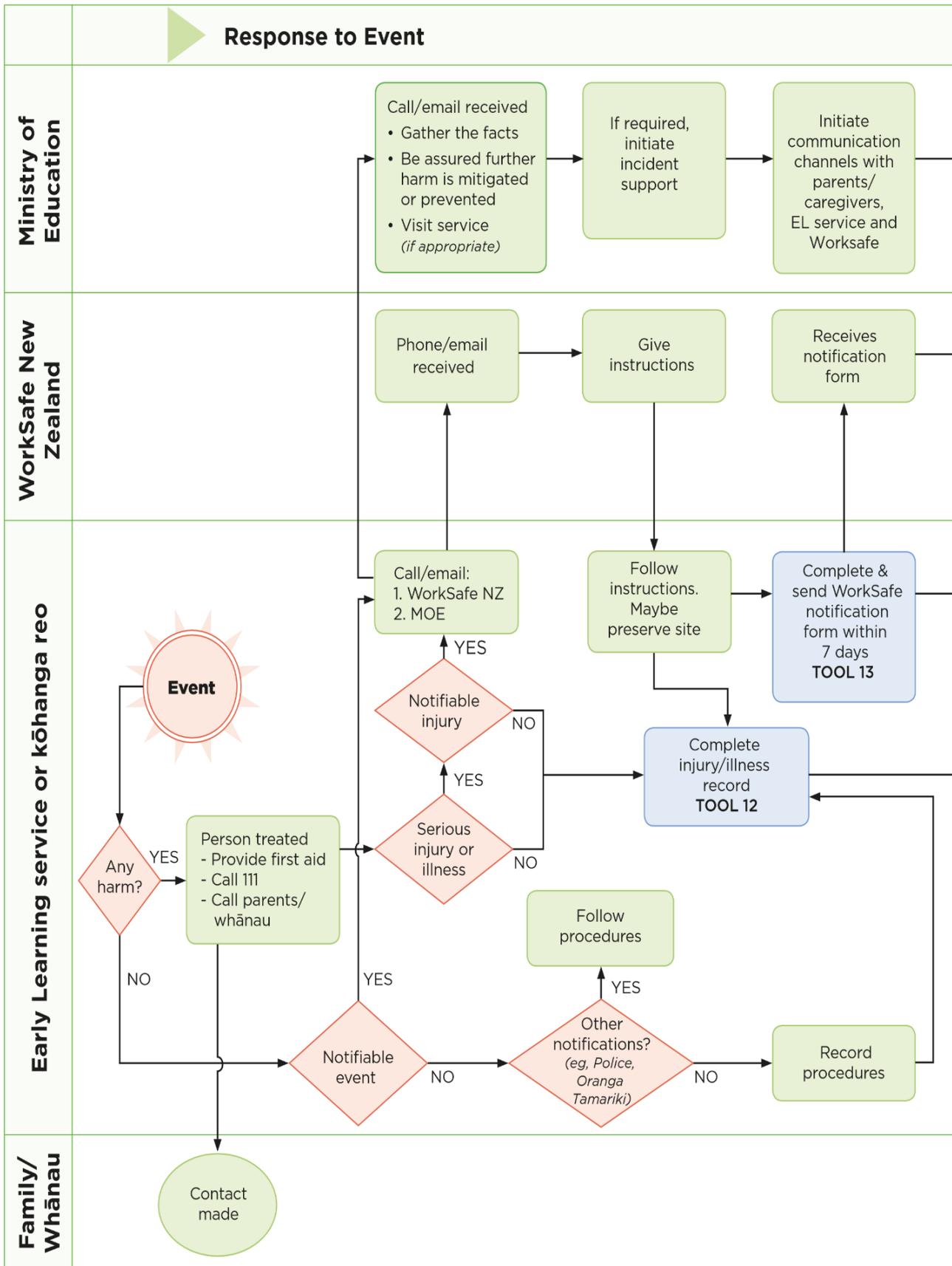
Actions arising from checklist:

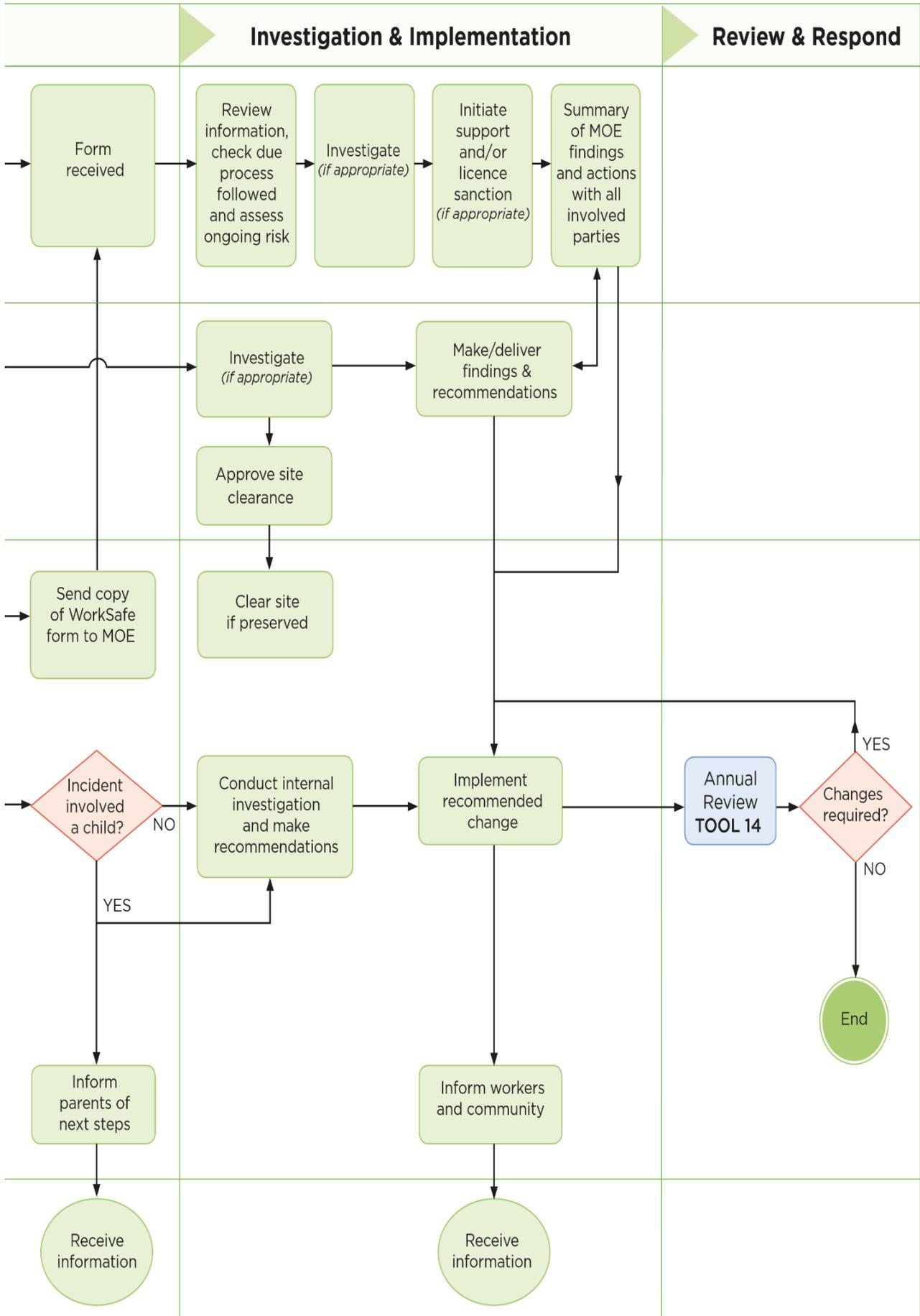


## Tool 11: Injury and incident procedure flowchart\*

This flowchart sets out the decisions and actions to be taken in the event of injury or incident.

\*This flowchart was updated in July 2020.





## Tool 12: Injury and incident record

Use this form to record any injuries or incidents at your service. Fill out one form for each person involved in an incident.

Note: If you are filling this form out for a child: the ECE licensing criteria require that all injuries to children are recorded, parents are notified and parents are required to sign the form as proof of notification.

Name of service.....

Injury or incident details:

Date of injury or incident:	Time:	Location:	Date reported:
-----------------------------	-------	-----------	----------------

Personal details of person involved:

Name:  Address:  Phone number:	If you are filling this form out for an enrolled child, you don't need to include their address and phone number
--	--

Injury type:

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Strain/sprain  | <input type="checkbox"/> Bruising          | <input type="checkbox"/> Dislocation    | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Fracture       | <input type="checkbox"/> Scratch/abrasion  | <input type="checkbox"/> Internal       |  |
| <input type="checkbox"/> Laceration/cut | <input type="checkbox"/> Amputation        | <input type="checkbox"/> Foreign body   |  |
| <input type="checkbox"/> Burn/scald     | <input type="checkbox"/> Chemical reaction | <input type="checkbox"/> Stress/fatigue |  |

The injury:

Describe what happened (space overleaf for diagram – essential for vehicle injuries) and briefly describe injuries.
What were the causes of the injury or incident?

How serious was the injury or incident?

<input type="checkbox"/> Very serious	<input type="checkbox"/> Serious	<input type="checkbox"/> Moderate	<input type="checkbox"/> Minor	<input type="checkbox"/> Negligible
---------------------------------------	----------------------------------	-----------------------------------	--------------------------------	-------------------------------------

What is the risk of it happening again?

<input type="checkbox"/> Very likely	<input type="checkbox"/> Likely	<input type="checkbox"/> Moderate	<input type="checkbox"/> Unlikely	<input type="checkbox"/> Rare
--------------------------------------	---------------------------------	-----------------------------------	-----------------------------------	-------------------------------

What action will be taken to prevent a recurrence?

Action:	Actioned:	By whom:	When:
	<input type="checkbox"/>		

Injury treatment:

Treatment type: ie, medical, first aid	Name of person giving first aid	Doctor or hospital (if required)

Investigator:	Date:
---------------	-------

WorkSafe advised: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date advised:
--	---------------

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Staff  Staff Representative

Dated: \_\_\_\_\_

Parent name:

Signature:

Dated:

## Tool 13: Reporting notifiable events

If a notifiable event occurs, you must notify WorkSafe using the fastest means available to you.

As defined in the HSWA, a notifiable event means any of the following events that arise from work:

(a) the death of a person; or (b) a notifiable injury or illness; or (c) a notifiable incident.

You can notify WorkSafe New Zealand by:

1. Telephone on 0800 030 040
2. Completing and submitting the online [Notifiable Event notification form](#)
3. Downloading and completing the [Notifiable Death, Injury or Illness Form](#)

Be prepared to provide as much detail as possible about what has happened. You will receive an acknowledgement that the notification has been received.

## Tool 14: Injury and incident report template

This form would be helpful for your early learning service/organisation to use as part of your planned self-review.

For the period \_\_\_\_\_ to \_\_\_\_\_

	Workers	Children	Others (eg, visitors)	Total
Number of minor injuries or incidents needing on-site treatment only:				
Number of injuries or incidents resulting in doctor or other medical visits:				
Number of notifiable events (reported to WorkSafe New Zealand):				
Causes:				
Comments on notifiable events/analysis/corrective actions:				
Trends				

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Next review date: \_\_\_\_\_

