

Working Together on Health and Safety

CPD WORKSHOP - LEGISLATION

Presented by High Hazard Unit - Extractives



Today we'll be covering:

- 1. WorkSafe update**
- 2. Health and Safety Legislation**
- 3. Notifiable Events**
- 4. Regulations**
- 5. Safe Work Instruments & Guidance**
- 6. Hazardous Substances**
- 7. WorkSafe Website**
- 8. Safe Plus**
- 9. Board of Examiners**

1 WorkSafe Update

Health and Safety at Work Strategy

The Health and Safety at Work Strategy sets out the Government's vision on improving health and safety at work across New Zealand over the next 10 years.



Be A Safe Guy

Our 'be a safe guy' campaign is focused on reducing workplace injuries and fatalities for young workers



Be A Safe Guy



WorkSafe Operations

High Hazard Unit Extractive Team

- Mining
- Quarrying
- Tunnelling

Within our team we have Electrical, Mechanical, Geotechnical, Adult Education and Health & Safety Qualifications.

Certificates of Competence for Site Senior Executive, Coal, Metalliferous, Mechanical and A Grade Quarry Managers.

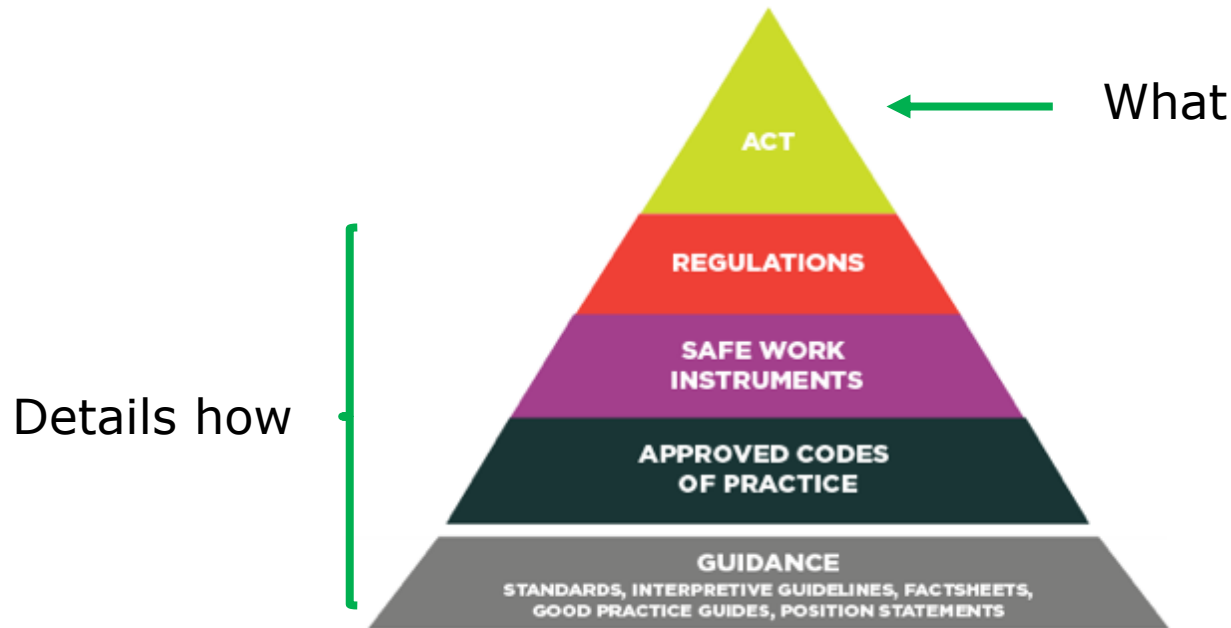
Work across teams – Energy Safety, Technical Services,
Major Hazard Facilities, and General Assessment



2 Health and Safety Legislation

The Legislative Framework

The Robens Model - Those that create the risk should manage it.



What are your duties?

HSWA Primary duty of care

Section 36 -A PCBU must ensure so far as is reasonably practicable the health and safety of workers and that other people are not put at risk by its work.

The primary duty of care includes providing & maintaining

- A safe work environment
- Safe plant and structures
- Safe systems of work
- Adequate facilities for welfare

Providing information, training and supervision

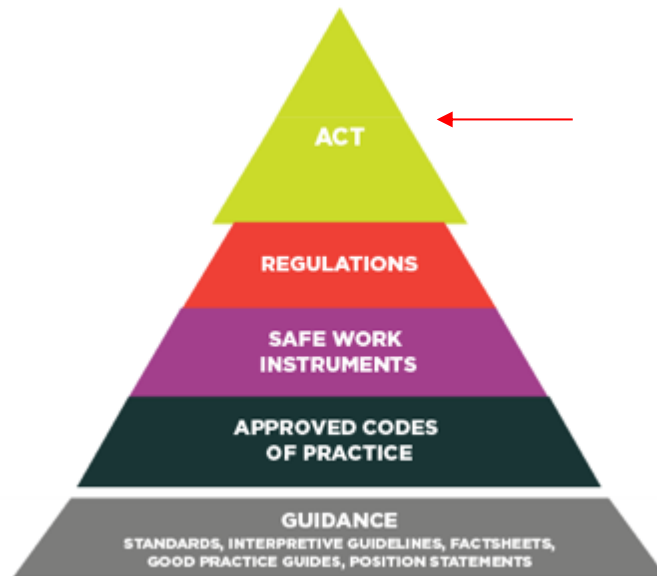
Monitoring health of workers and workplace conditions.



What you need to be aware of ?

HSWA Section 30 – Management of Risks

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



Section 22 – Meaning of Reasonably Practicable

Practicable or Practical ?

It's not what you think that matters; what does the law say?

- ✓ **Likelihood**
- ✓ **Degree of harm**
- ✓ **Knowledge**
- ✓ **Cost**



So Far as is Reasonably Practicable

Meaning of reasonably practicable

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, including—

- (a) the **likelihood** of the hazard or the risk concerned occurring; and
- (b) the **degree of harm** that might result from the hazard or risk; and

Linkage to Risk Assessment

0 – 5 = Low Risk		Severity of the potential injury/damage				
		Insignificant damage to Property, Equipment or Minor Injury	Non-Reportable Injury, minor loss of Process or slight damage to Property	Reportable Injury moderate loss of Process or limited damage to Property	Major Injury, Single Fatality critical loss of Process/damage to Property	Multiple Fatalities Catastrophic Loss of Business
6 – 10 = Moderate Risk						
11 – 15 = High Risk						
16 – 25 = extremely high unacceptable risk						
Likelihood of the hazard happening	Almost Certain 5	5	10	15	20	25
	Will probably occur 4	4	8	12	16	20
	Possible occur 3	3	6	9	12	15
	Remote possibility 2	2	4	6	8	10
	Extremely Unlikely 1	1	2	3	4	5

Knowledge

what the person concerned knows, or **ought reasonably to know**, about—

(i) the hazard or risk; and

(ii) **ways** of eliminating or minimising the risk; and

(d) the **availability and suitability** of ways to eliminate or minimise the risk; and





Cost

(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost **associated** with **available ways** of eliminating or minimising the risk, including whether the cost is **grossly disproportionate** to the risk.

3 Notifiable Event

HSWA & Notifiable Events

What is a Notifiable Event – Section 25

A notifiable event is any of the following events that arise from work:

- a death
- a notifiable illness or injury or
- a notifiable incident

Notifiable events trigger requirements to preserve the site, notify the regulator and keep records.



Section 23 Notifiable Injury or Illness

1. Admitted to hospital
2. A serious head injury
3. A serious eye injury, the loss of an eye or vision, object or substance entering the eye
4. A serious burn that requires intensive or critical care such as a compression garment or skin graft.
5. A spinal injury that requires injury to the vertebrae, including discs and spinal cord. Not back strain or bruising.
6. Loss of a bodily function through electric shock or acute reaction to a substance used at work
7. Serious lacerations - deep cuts that cause muscle, tendon, nerve or blood vessel damage, or permanent impairment.
8. Skin separating from an underlying tissue (degloving or scalping)
9. Serious infection - micro-organisms
10. Diseases caught from animals
11. An injury or illness that requires medical treatment within 48 hours of exposure
12. An illness or injury declared in regulations to be a notifiable injury or illness



Section 24 Notifiable Incidents

HSWA Act, Section 24

The Health and Safety at Work Act 2015 (HSWA) requires that WorkSafe is notified if someone has been **exposed to a serious and immediate risk of harm** because of a workplace incident.

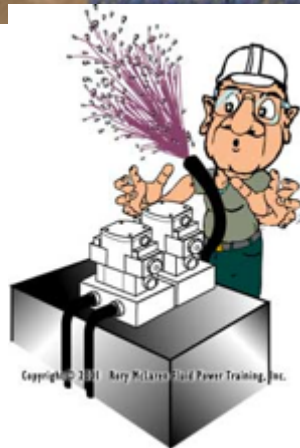
WorkSafe website has a report that provides a high level summary of the types of incident that are being reported, where in the country they are occurring, and in what industries.

MOQO Schedule 5

Injuries, illnesses, and incidents declared to be notifiable events under Act for **Mining** Operations.

What are Notifiable Incidents ?

- (a) an escape, a spillage, or a leakage of a substance; or
- (b) an implosion, explosion, or fire; or
- (c) an escape of gas or steam; or
- (d) an escape of a **pressurised substance**; or
- (e) an **electric shock**; or
- (f) the **fall or release from a height** of any plant, substance, or thing; or
- (g) the collapse, overturning, failure, or malfunction of, or damage to, **any plant** that is required to be authorised for use in accordance with regulations; or
- (h) the collapse or partial collapse of a **structure**; or
- (i) the collapse or failure of an **excavation** or any shoring supporting an excavation; or
- (j) the inrush of water, mud, or gas in workings in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) a collision between 2 vessels, a vessel capsize, or the inrush of water into a vessel; or
- (m) any other incident declared by regulations to be a notifiable incident for the purposes of this section.



Notifiable Events – What to do

The PCBU who manages or controls the workplace must take all reasonable steps to ensure the site of a notifiable event is **not disturbed** until authorised by an Inspector (ie an Inspector gives permission for normal work to resume at the site of a notifiable event)

Exceptions are if the disturbance is:

- to help an injured person
- to remove a deceased person
- essential to make the site safe or to minimise the risks of a further notifiable event
- by or under direction of a police officer
- permitted by the regulator or an Inspector.



Notifiable Events – What to do

To ensure that the site is not disturbed:

- The work set-up should **not** be changed
- Any plant, substances or other things involved in the event should stay where they are
- Work that could interfere with the scene of the event should stop
- No alterations should be made to the plant, vehicles, or structures involved.

Work can continue in other parts of the workplace.





Notifiable Events – what to do

The regulator must be notified by the fastest means possible given the circumstances.

The person giving the notification must provide details about the notifiable event.

If someone has been killed as a result of work, notify WorkSafe immediately by phone:

0800 030 040

call an Inspector if you need assistance.

Use the online Notification Tool.



Notifiable Events

Online Notification Tool

Incident

PROGRESS

Step 1	Step 2	Step 3	Step 4	Step 5	Review & Submit	
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Get Started

The following questions will help determine whether or not you need to notify WorkSafe. You only need to notify us if the event is work-related **and** it is serious.

In some instances we may direct you to a different form to ensure we are connecting you with the right technical specialists.

These initial questions will only take a few minutes to complete.

Note: All questions require an answer unless marked 'optional'.

Notifiable Events

Online Notification Tool

Was the event work-related or in a place of work? ?

☒ Yes ☐ No

Did the event involve any of the following? ?

Select the option most relevant to the injury, illness or incident. If none apply, select 'None of these'.

Asbestos

Amusement device

Gas or Electricity

Geothermal

MHF ?

Mining and tunnelling operations

Petroleum

Pressure equipment, cranes and passenger ropeways

Quarry & alluvial mines

None of these

4 Regulations

Regulations

Often deal with technical or administrative matters or where a higher level of prescription is required because of the level of risk.

HSWA Regulations Expand on the duties found in HSWA.

It is an offence to breach regulations.

E.g.

- Mining Operations and Quarrying Operations
- General Risk and Workplace Management
- Major Hazard Facilities
- Asbestos
- Worker Engagement, Participation and Representation
- Hazardous Substances



Regulations And Risk Management

Mining Operations and Quarrying Operations (MOQO) Regulations

Regulation 13 – Manager of Mining Operation

Regulation 14 – Manager of Quarrying operation

Regulation 16 – Manager must hold certificate

Regulation 54 – Risk Appraisal

Regulation 55 – Risk Assessment

Regulation 66 – Identify principal hazards and have principal hazard management plans in place

Regulation 68 – Content of principal hazard management plan

Review and audit requirements



Regulations And Risk Management

Mining Operations and Quarrying Operations (MOQO) Regulations

Part 4 prescribes the matters that must be considered in relation to **principal hazards**.

i.e. provides a framework for expectations regarding the state of knowledge and controls for principal hazards

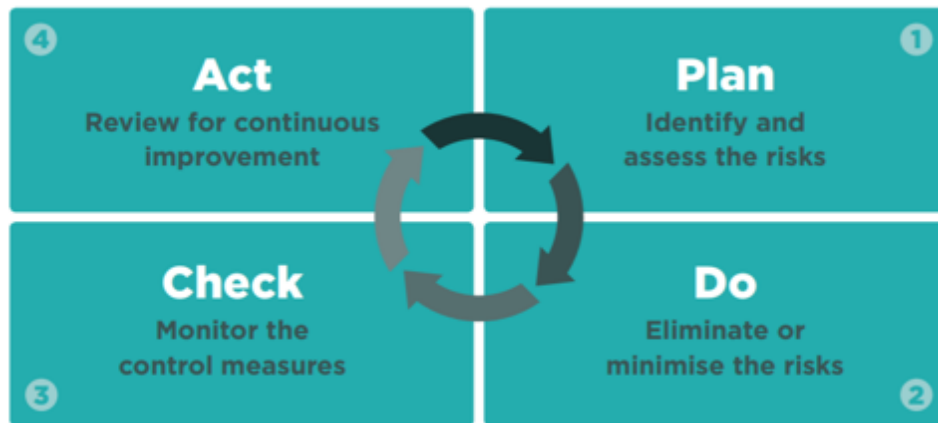
e.g.

- Ground or strata – a geotechnical assessment must be completed by a competent person
- PHMPs must include a description of the emergency preparedness for a principal hazard



Regulations and Risk Management

General Risk and Workplace Management (GRWM) Regulations



Regulations And Risk Management

General Risk and Workplace Management (GRWM) Regulations

Regulations 4-8 specify Risk Management Processes to be followed

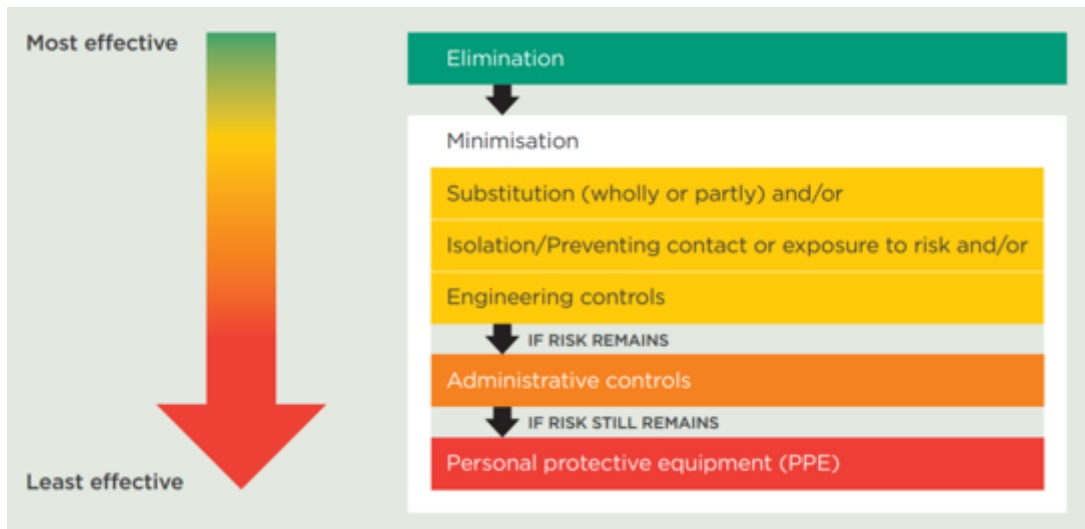
- Duty to Identify Hazards (Broad brush)
- Hierarchy of Control Measures
- Duty to maintain effective control measures
- Duty to review control measures.



Regulations And Risk Management

Regulation 6

Hierarchy of control measures







2 Recapping

What have we covered so far?

- ✓ Legislative Framework – The HSWA Act and Regulations
- ✓ So far as reasonably practicable
- ✓ Risk Management
- ✓ Regulations
- ✓ Notifiable Events – death, illness, injury or notifiable incident.



Regulations And Risk Management

General Risk and Workplace Management (GRWM) Regulations

1. Facilities
2. First Aid
3. Emergency Management
4. PPE
5. Managing risk of a certain type e.g. risks associated with working under raised objects
6. Health Monitoring & Exposure Monitoring
7. Young People



5

Safe Work Instruments & Guidance

*This is still part of the HOW
to achieve the Act.*

Safe Work Instruments

Technical documents

Examples:

Asbestos

Hazardous Substances



Approved Codes of Practice

Practical guides to achieving standards required under HSWA and regulations

These are available on the WorkSafe Website.

Examples:

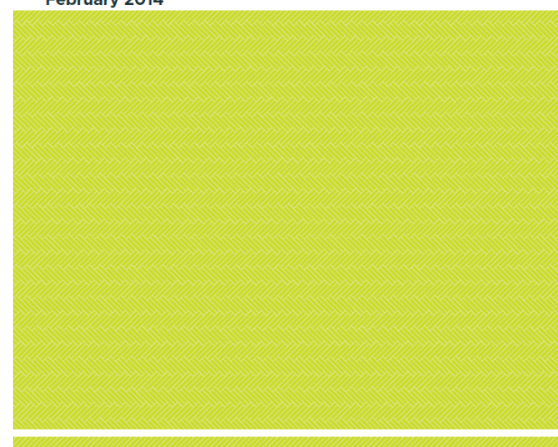
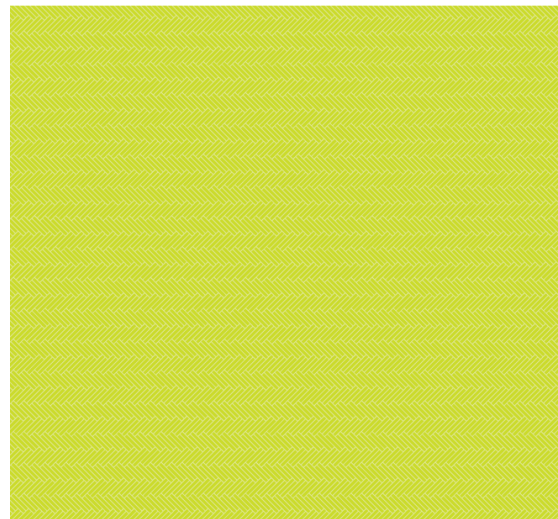
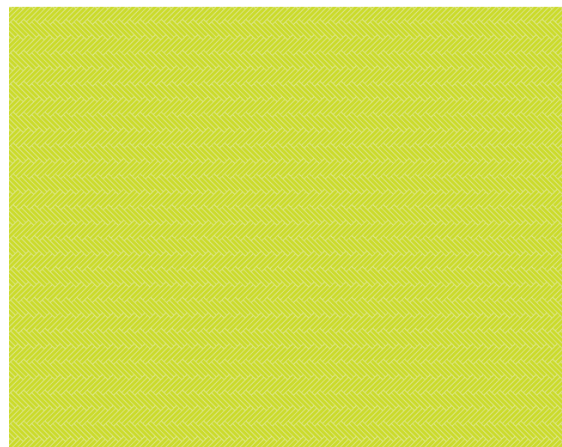
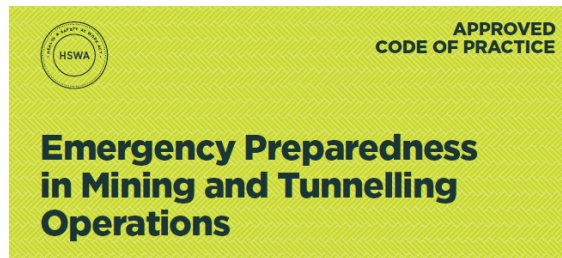
Emergency Preparedness

Fire and Explosion

Air Quality



Approved Codes of Practice



Guidance

Provides information on the legislation to assist duty holders with compliance

Includes:

- **Good practice guides** – describes current good practice to help duty holders understand and apply their duties
- **Interpretive guidelines** - how WorkSafe interprets the law
- **Fact sheets** – single issue reports about workplace safety



Good Practice Guidelines

S2 – Planning for Excavation

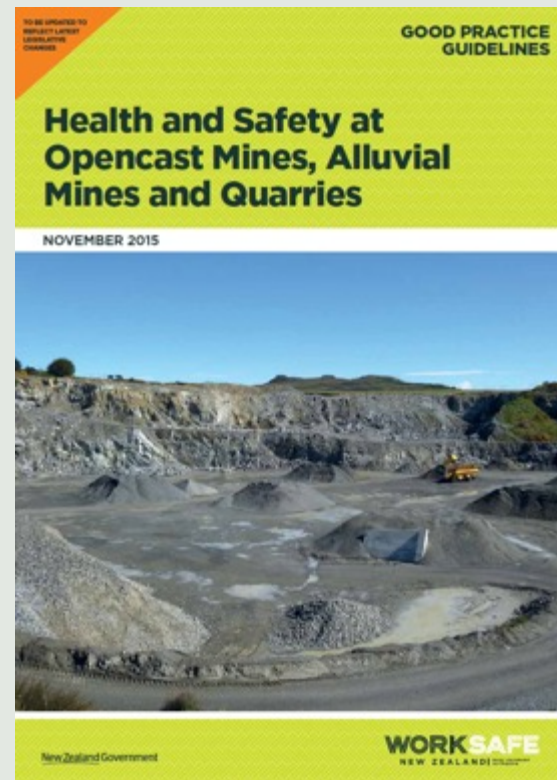
S3 – Planning for tips, ponds and voids

S7 – Controlling Ground Instability in Excavations

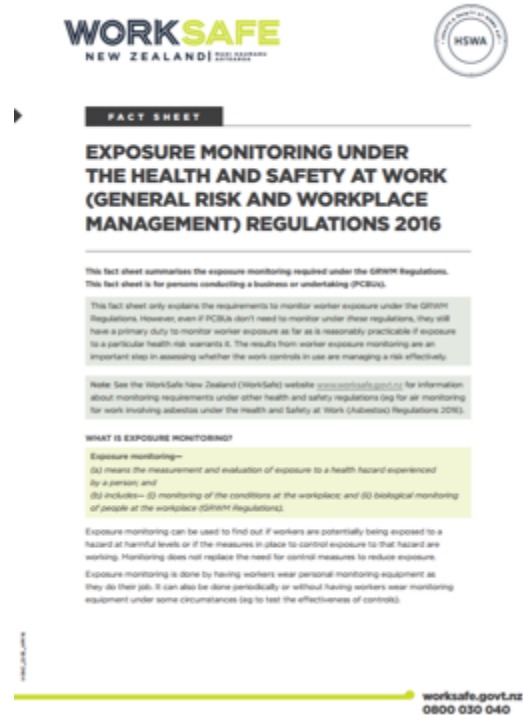
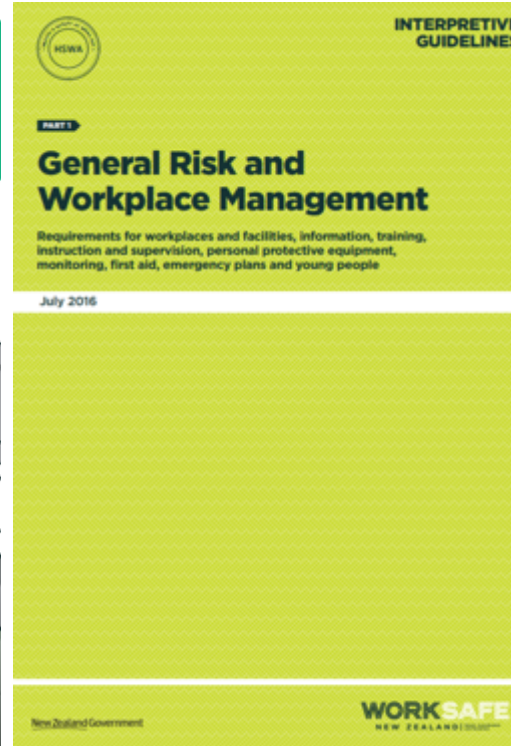
S8 – Tipping

S9 – Water based mining

S10 – Water or Tailings Storage



Guidance and Risk Management



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Hazardous Substances Toolbox

Hazardous Substances

**HAZARDOUS
SUBSTANCES CAN
CAUSE LONG-TERM
HEALTH DAMAGE**

Hazardous Substances Toolbox



HAZ SUBS Calculator
Video 1:
What it is and how it helps you

Hazardous Substances

What do you need to have ?



7

WorkSafe Website

Case Studies

WorkSafe NZ [Case Studies](#) link

Home | The Toolshed | Case studies



WORK-RELATED HEALTH CASE STUDIES

These case studies provide great examples of what New Zealand businesses are doing to manage the impact work can have on people's health.



WORKER ENGAGEMENT AND PARTICIPATION CASE STUDIES

Find out how these New Zealand businesses are improving workplace health and safety by finding innovative ways to involve workers in workplace health and safety.



KEEPING HEALTHY AND SAFE AT WORK

These case studies provide great examples of keeping healthy and safe at work.



d/case-studies/wepc-c From life-changing workpla... X

New Zealand's official we... New Zealand's official we... Suggested Sites View All Details Web Slice Gallery

MENU WORKSAFE SEARCH

Notify WorkSafe

Home | The Toolshed | Case studies | Worker engagement and participation case studies | From life-changing workplace accident to life-changing workplace attitude

Case studies

Work-related health

Worker engagement and participation case studies

MDA Experiences - putting Manaakitanga at the heart of business

Timpack Industries - in tune with engaging workers in health and safety

Positive worker engagement on the Rydges airport hotel development

Building relationships to 'supercharge' health and safety representatives' role

Getting to grips with health and safety - Andrew Morrison, Beef + Lamb NZ

Kimberly Contractors on what health and safety means to them in forestry


Coaching colleagues cuts injury rates and boosts productivity

From life-changing workplace accident to life-changing workplace attitude

Involving everyone in learning reaps benefits

From life-changing workplace accident to life-changing workplace attitude

After his own life-changing workplace accident, Doug Healey hasn't so much changed the health and safety culture at his company as introduced a whole new one.



Doug Healey, an Auckland regional branch manager with a nationwide transport and freight company, is proud to work in an environment where managers lead health and safety by example.

"We haven't so much changed our health and safety culture in recent years as introduced a whole new culture," says Doug.

"Our people are everything to us. Without them, we wouldn't have a business. Their safety and their mental and physical health are important. If someone has a problem, then they know they can come and talk to me and we'll work out a solution together. If they need to work fewer hours, then we'll work that out.

"That change has been driven from the top. When hazard identification and

12:31 p.m.
21/02/2019

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SafePlus Online Tool

About SafePlus

SafePlus is a free health and safety improvement tool designed for small and medium-sized businesses.

- Run free health and safety assessments tailored to your organisation.
- Get actionable guidance and practical advice based on how your organisation is performing.



About SafePlus



Summary of resources

- ✓ Safe Plus
- ✓ Case Studies
- ✓ Hazardous Substances
- ✓ Safe Work Instruments & Guidance



WORKSAFE

New Zealand Mining Board of Examiners - BoE



Why was the BoE established?

Specific response to the Royal Commission into the Pike River Coal Mine Tragedy recommendation that the regulator should have a greater role in **setting** and **assessing competencies**

WorkSafe was required to establish the BoE under clause 27 of Schedule 3, of the Health and Safety at Work Act 2015



BoE Board Members



Bernie O'Leary



Dave Stewart



Garth Elliott



Gordon Laing



Marianne Rogers



Michelle Crompton



Paul Hunt
CHAIR



Rory Bishop



Stephen Bell



Steve Ellis



Timothy Kennedy



What are the functions of the BoE?

Clause 28 of Schedule 3, of the Health and Safety at Work Act 2015 specify the functions of the BoE which are:

- *advise WorkSafe on **competency requirements** for extractives workers*
- *examine applicants, or have applicants examined, for certificates of competence*
- *issue, renew, cancel and suspend certificates of competence*
- *any other function relating to training and competence requirements for participants in extractives industry conferred on the BoE by regulations made under the Act.*



What are the functions of the BoE?

The BoE's Terms of Reference also require the Board to...

- *Have an association with its Australian counterparts*
- *Assess and advise on continued professional development*
- *Have association with MITO or other relevant training organisations*
- *Advise the Board of WorkSafe on training, competency and certification of workers*

Certificates of Competence

The Health and Safety at Work(Mining Operations and Quarrying Operations) Regulations 2016, Part 2 Safety-critical roles and competency requirements, states the following safety critical roles require a certificate of competence:

- Site senior executive
- First-class mine manager
- First-class coal mine manager
- A-grade opencast coal mine manager
- B-grade opencast coal mine manager
- **A-grade quarry manager**
- **B-grade quarry manager**
- A-grade tunnel manager
- B-grade tunnel manager
- Coal mine deputy
- Electrical superintendent
- Mechanical superintendent
- Coal mine underviewer
- Mine Surveyor
- Ventilation officer
- Winding engine driver
- **Manager to manage the quarrying operation specified in the certificate**

Certificate of competence and continuing professional development requirements

- *As required by regulation WorkSafe's certificate of competence and continuing professional development requirements are set out in gazette notices*
- *A gazette notice is a notification that is required by legislation to be published*

The screenshot shows the WorkSafe New Zealand Gazette website. The header includes navigation links: HOME, HOW TO SUBMIT, FEES, FIND A NOTICE, ABOUT US, CONTACT US, DEADLINES, CUSTOMER PORTAL. Below the header is a search bar with options for 'Search all notices', 'Advanced search', and 'Find a specific notice'. The main content area displays the title 'Notice of Requirements for Granting of Certificates of Competence Under the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013'. A sidebar on the left shows a list of tags: 'Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations', 'Codes of practice', and 'WorkSafe New Zealand'. The main text area includes a date stamp '18 AUG 2013', a section for 'Interpretation', and a 'Commencement and revocation' section.

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B-grade quarry manager CoC requirements as set out in gazette notice and regulations

- **Unit standards** (NZQA record of achievement)
- **First aid certificate** (including unit standards 6400, 6401 and 6402)
- Have experience in the workings of an opencast mine or quarry for at least two years. At least nine months of the applicants experience must be
 - drill and blast
 - load and haul
 - processing or stockyard layout
 Experience is demonstrated in a **logbook** and approved by a logbook committee formed of BoE members
- Be a **fit and proper person**
 - Ministry of Justice criminal conviction check
- Pay a fee
- An application form and proof of ID is also required as part of the application process

* Note: NZQA record of achievement, first aid certificate, ID and Ministry of Justice criminal conviction check needs to be certified

Unit standard	Title
8902	Prepare and implement safety plans for surface and benching operations
8905	Construct and maintain access roads within surface extraction sites
8909	Maintain working surfaces at surface extraction sites
8922	Conduct safety checks prior to requirement usage at extractives sites
16686	Conduct incident investigation at an extractives site
21153	Demonstrate and apply knowledge of dewatering, pump maintenance and cleaning settling ponds at extractives sites
21155	Review consent conditions and demonstrate knowledge of the use of water at surface extractives sites
21156	Plan, implement and describe surface extraction production to minimise environmental impacts
26856	Carry out the risk management processes at an extractives site
28742 or 7142	Explain the health and safety legislation and supporting documents, applicable to an extractives website or Demonstrate knowledge of application of regulatory requirements to manage an extractives website

B-grade quarry manager CPD requirements as set out in gazette notice and regulations

- *A CoC holder must comply with the CPD requirements prescribed by WorkSafe*
- *An application for renewal of a CoC must be accompanied by evidence of compliance with the CPD requirements*

CoC	Hours required	Competencies	Learning
B-grade quarry manager	5 year total: 60 hours 12 hours per year minimum	Minimum of 8 hours over 5 years for each competency <ul style="list-style-type: none">• Operating and safety systems• Legislation• Emergency management• Leadership	Formal: minimum of 8 hours per year Informal: up to a maximum of 4 hours per year

CPD Review Workshop Schedule

Submissions close 1 August and analysis completed 9 August.

30 May	Dunedin	18 June	Matamata
5 June	Christchurch	19 June	Whanganui
6 June	Invercargill	20 June	Napier
10 June	Auckland	25 June	Nelson
11 June	Whangarei	26 June	Greymouth

Oral exam

Once the applicant's application is considered complete and has been approved by a logbook committee the applicant will be required to attend an oral exam

- *Examiners are a panel of **3** senior colleagues from within the extractives industry*
- *Opportunity for applicant to **demonstrate the practical application** of what they have learnt in their studies and on the job through answering scenario based questions*
- *Scenarios asked are based on the **4 competencies***
 - *Operating and safety systems*
 - *Legislation*
 - *Emergency management*
 - *Leadership*
- *Is approximately an hour long*

When and where do the BoE meet?

Every second month, generally at the WorkSafe offices in Wellington

A newsletter is published on the website after each meeting



BoE Secretariat

It's their job to help you!

Contact them with any questions or queries on CoC's, CPD or any other BoE matters on:

Ph: 04 901 4980

Email: BoE_Secretariat@worksafe.govt.nz



An aerial view of a large open-pit mine. The mine is characterized by deep, terraced levels of earth and rock, creating a stepped appearance. Winding dirt roads are visible, connecting different levels of the mine. Several pieces of heavy machinery, including excavators and trucks, are visible on the lower levels and roads, indicating active mining operations. The terrain is rugged and shows signs of significant excavation.

QUESTIONS?

**Getting you home healthy and safe.
That's what we're working for.**

WORKSAFE
NEW ZEALAND | HAKI HAUWARI
AOTEAROA