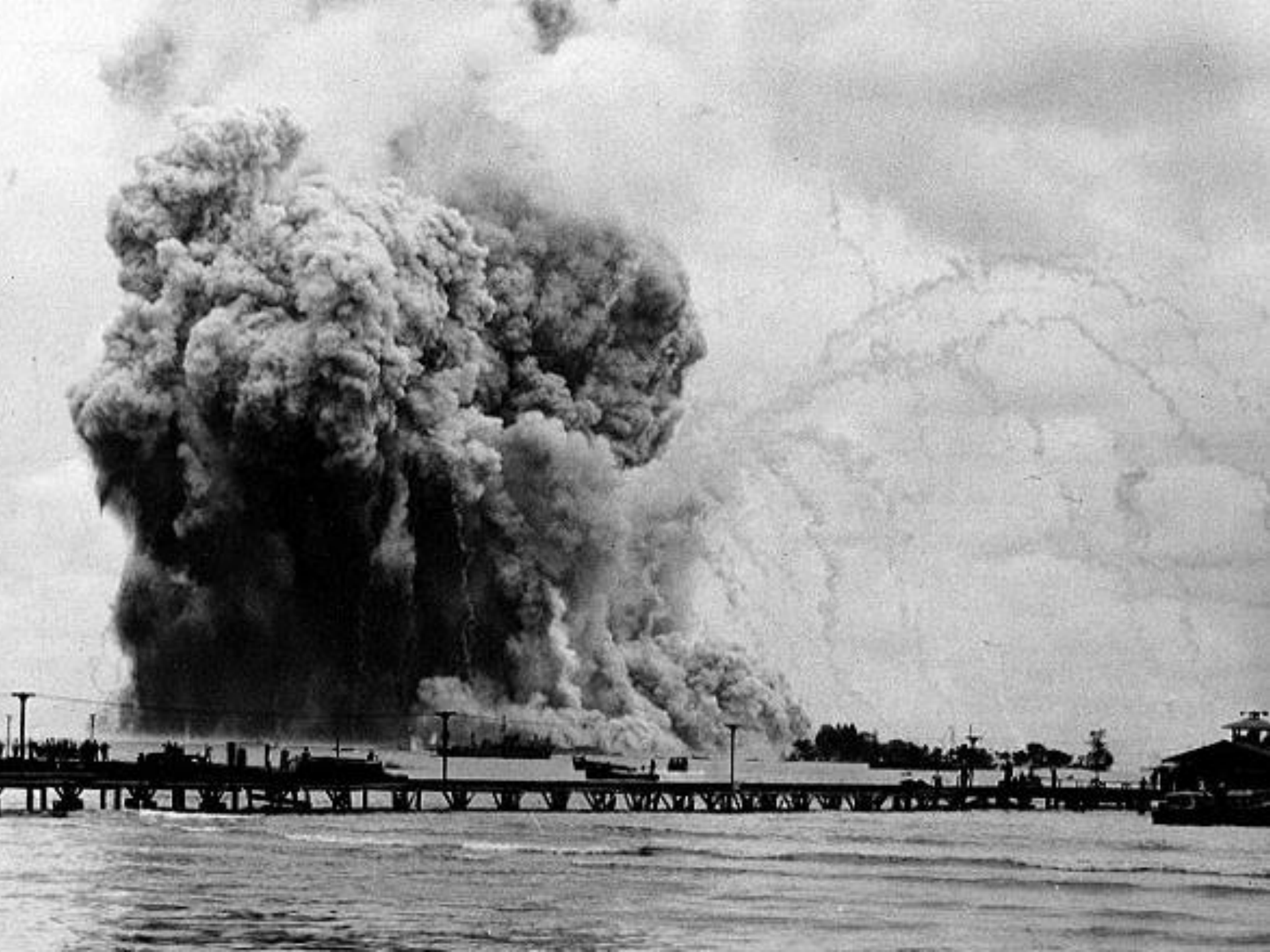


YACHTING NEW ZEALAND Commodores Conference

Health and safety.

June 2016

Hamish Kynaston



- *Good operators will comply without much change*
- *'3 Es' – education, engagement and enforcement*
- *How businesses think about 'workers' is vital*
- *Leadership – active enquiry*
- *Worker engagement – do 'with' not 'to'*
- *Duties not absolute – prioritise*
- *Health and safety*

Busting some myths

- If someone gets hurt anywhere, anytime, I'll cop a huge fine or go to prison
- There will be LOADS of extra paperwork
- It will be expensive to comply
- Paper cuts are now a big deal
- On 4 April WorkSafe inspectors will launch an inspection blitz as the 'health and safety police'



HSWA – a new way of thinking about health and safety



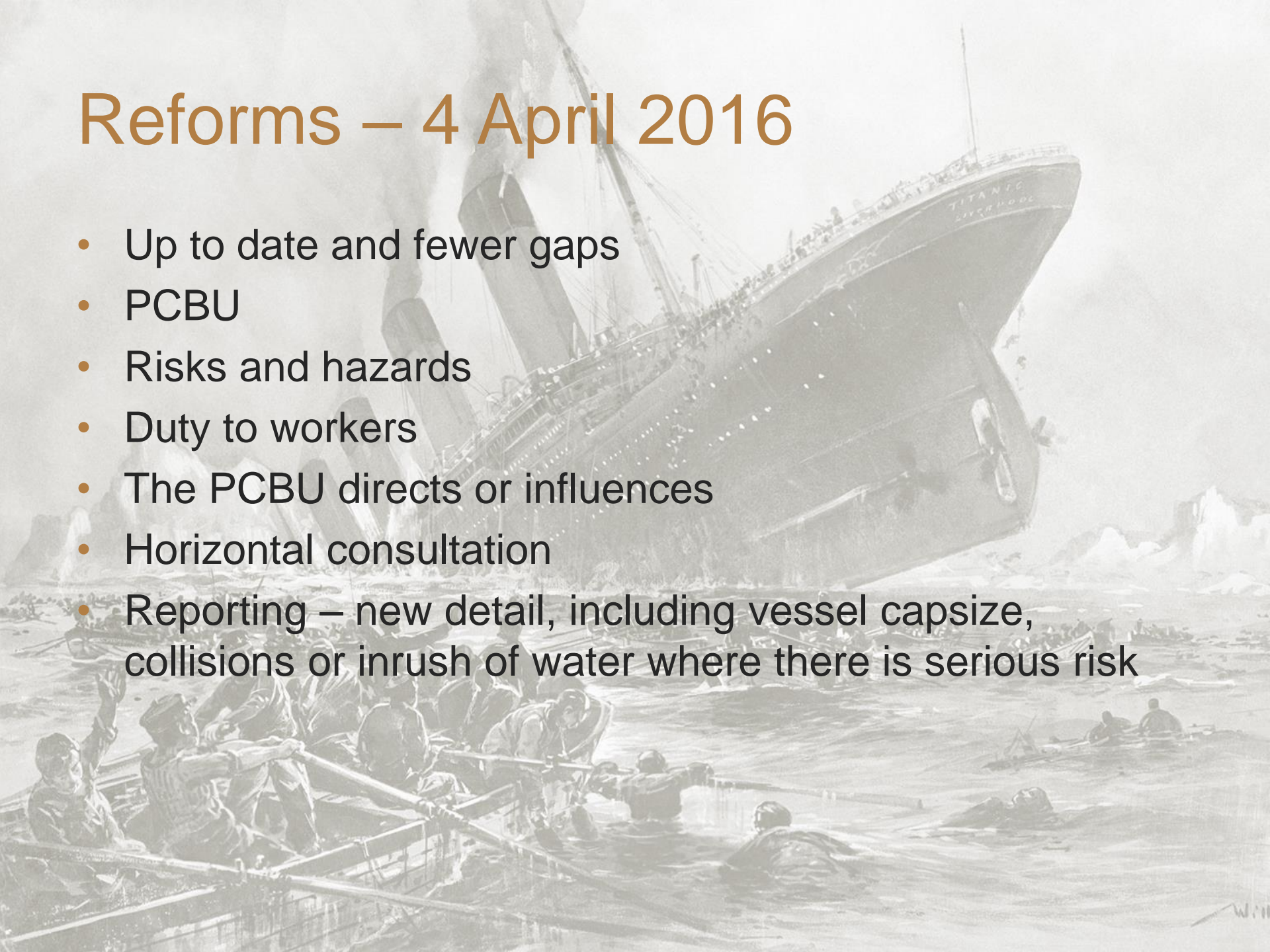
Do I have a duty?



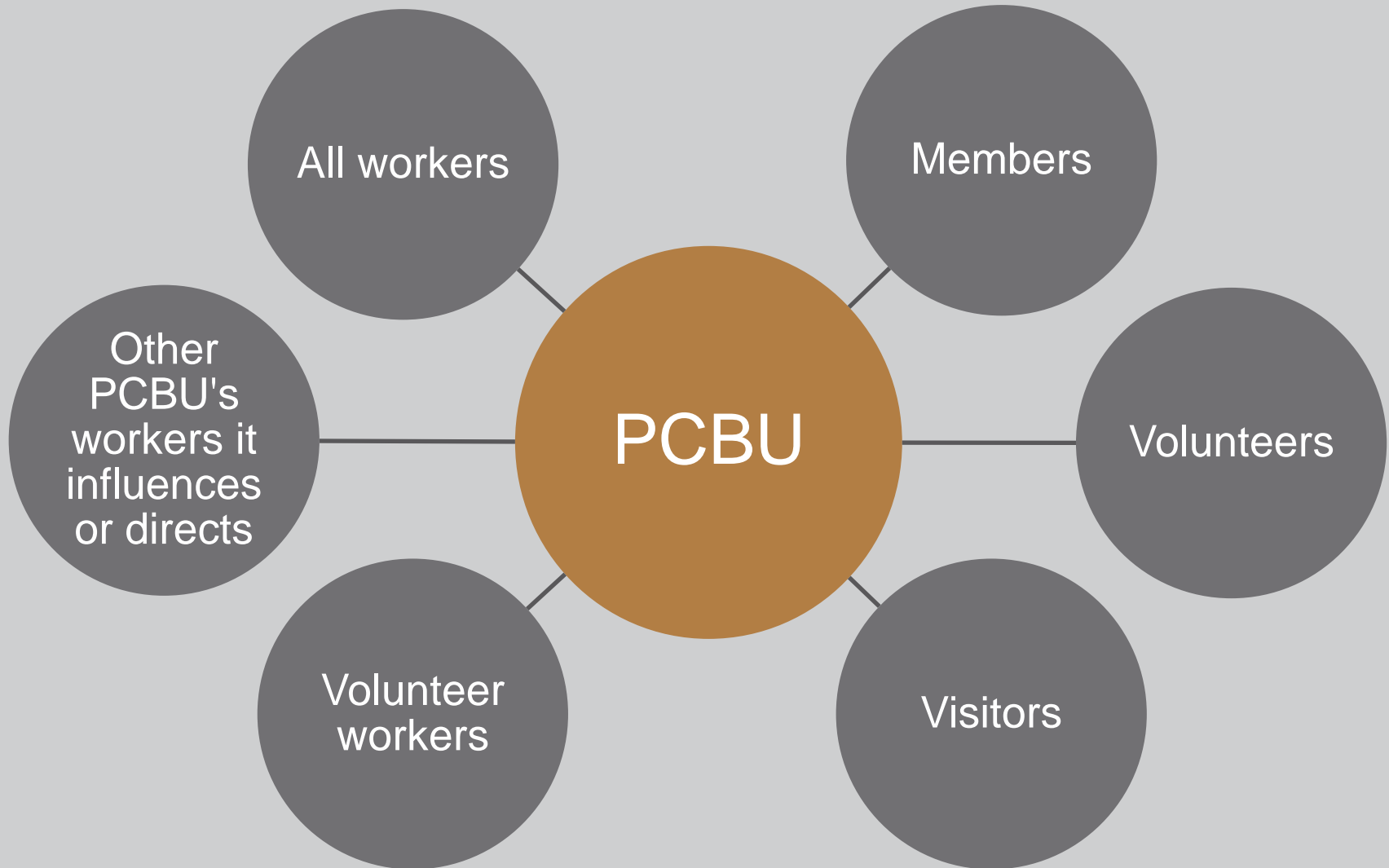
What is my duty?

Reforms – 4 April 2016

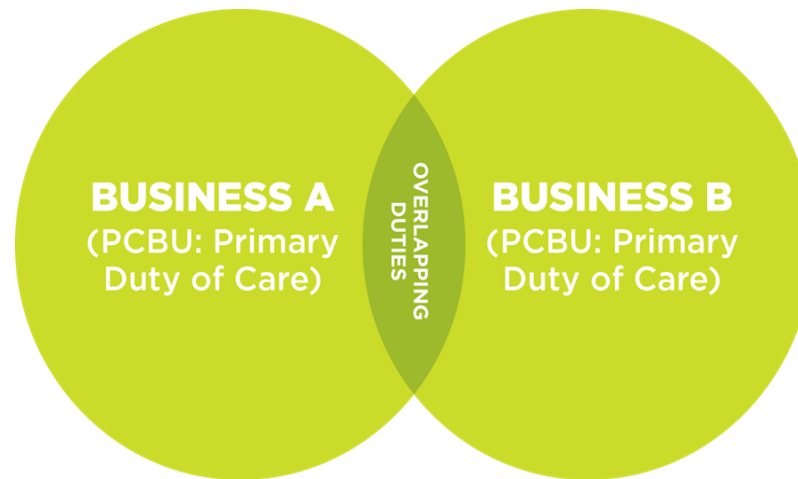
- Up to date and fewer gaps
- PCBU
- Risks and hazards
- Duty to workers
- The PCBU directs or influences
- Horizontal consultation
- Reporting – new detail, including vessel capsizes, collisions or inrush of water where there is serious risk



Who will be owed a duty?



PCBU has a duty to consult, cooperate and coordinate



PCBUs must discharge their duty to the extent possible
based on ability to influence and control the matter

Be clear about respective responsibilities

Volunteers

- Volunteer associations not PCBUs
- Volunteer officers have due diligence duty but not liable
- Volunteer workers are workers
- 'Casual' volunteers are not workers – PCBUs are still responsible for their safety

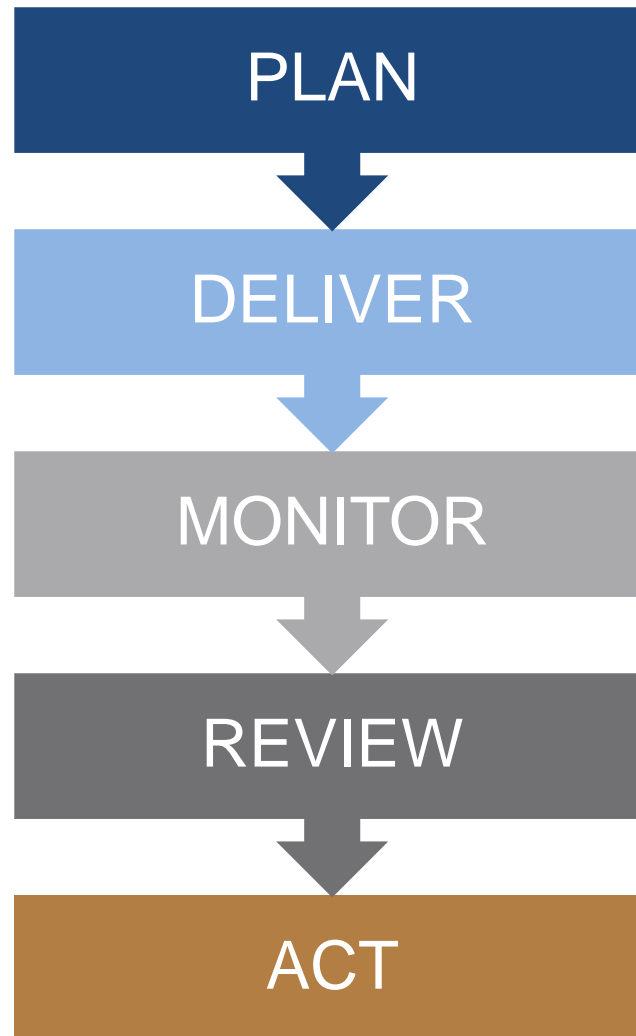
Officers

New due diligence duty

Due diligence

*Informed confidence,
support and oversight*

IOD/MBIE Good Governance Practices Guideline



Due diligence in practice

- Satisfy yourself there is an effective system
- Regular agenda item
- Reporting – 'lead' and 'lag'
- Accountability – eg KPIs
- H&S an express consideration
- Assign responsibility to individuals – Board & management
- Review
- Visible commitment - leadership

Documents

- Risk management plans
- Accident/incident reporting
- Board/club charter
- Policy
- Signs
- Contracts with providers
- Venue hire agreements
- Membership forms
- Job descriptions and performance measures

Increased penalties (x6)

	Maximum for organisations	Maximum for individuals	Prison
HSE Act	\$500,000	\$500,000	2 years
	\$250,000	\$250,000	
HSW Act	\$3 million	\$600,000	5 years
		\$300,000	
	\$1.5 million	\$300,000	
		\$150,000	

Questions.

www.buddlefindlay.com

Auckland . Wellington . Christchurch