



Working Safely for your Community

Health and safety guidelines
for community and voluntary
organisations

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INTRODUCTION: WHO ARE THESE GUIDELINES FOR?

Thousands of community, voluntary and tangata whenua organisations across New Zealand are run entirely by volunteers, with no paid staff.

Many other organisations have only a handful of paid staff, and many volunteers.

Other organisations have a large number of paid staff, and only involve volunteers from time to time in their work activities or in a governance role.

As a community or voluntary organisation, providing a safe and healthy workplace is a key part of protecting the community you serve.

No organisation wants to have its good work undone by a serious accident that injures an employee or voluntary worker. And no-one wants to see precious resources diverted in order to deal with the consequences of a preventable accident.

All voluntary and community organisations also have obligations to provide for the safety of their volunteers and any paid workers under the Health and Safety in Employment Amendment Act 2002 (the Act).

The Act recognises that workplace safety is the responsibility of everyone involved. It encourages teamwork and an active, systematic approach to promoting health and safety in the workplace.

Although the Act recognises that many voluntary activities happen irregularly and are self-supervised, and that voluntary organisations operate with limited resources, it also makes clear that the community sector must think about the health and safety of its workers even when no money changes hands.

The guidelines in this brochure are primarily written for organisations who have little familiarity with health and safety legislation. The guidelines advise organisations on how they are covered by the Act, and how to provide a healthy and safe workplace for their employees and volunteers.

Advice is divided between duties that are **encouraged through good practice** and duties that are **enforceable through the Act**.

Why now?

Changes to the Health and Safety in Employment Act, which aim to reduce work-related accidents and illnesses in New Zealand, came into effect in May 2003.

The changes to the Act extended protection to volunteers, in line with the Government Policy on Volunteering (December 2002) which commits the government to ensuring that volunteers have appropriate protection under the law.

How is my organisation covered by the Act?

For community and voluntary organisations, their level of responsibility under the Health and Safety in Employment Act depends on the relationship they have with their workers (including employees and volunteers).

- Thousands of community, voluntary and tangata whenua organisations across New Zealand are run entirely by volunteers, with no paid staff.
- Many other organisations have only a relatively small number of paid staff, and many volunteers.
- Other organisations have a larger proportion of paid staff, but involve volunteers from time to time in their work activities or in a governance role.

The legal requirements for each sort of organisation are covered in this section.

Organisations with volunteers but no paid staff (non-employers)

If your organisation has no paid staff then your organisation has a **duty of care** to provide for the safety of your volunteers, under the Act. This duty of care, also known as a 'general duty', encourages you to ensure that your volunteers are safe within the workplace.

This means that you should consider, and put in place, plans for safety arrangements that are appropriate to the kinds of activities your organisation is involved in. The '**Explaining good practice**' sections in this booklet provide guidance on how to do this.

No penalty applies to this general duty – that is, it is non-enforceable.

Organisations that have paid staff (employers)

Your employees

If you have paid staff, then under the Act you have **enforceable duties** towards your **employees**. These enforceable duties are:

- a general duty of employers to take **all practicable steps** to provide a safe working environment (set out in sections 6-12 of the Act)
- an obligation to train and supervise employees on health and safety matters (section 13)
- an obligation to ensure employee participation in health and safety decisions and planning (section 19a).

Section 19 places a duty on employees (and volunteers covered by the enforceable duties – see below) to take **all practicable steps** to ensure their own safety, and the safety of others.

Part IV of the Act sets out the **enforcement provisions**. The Occupational Safety and Health Service (OSH) of the Department of Labour is able to enforce the Act through a range of actions, including issuing an improvement notice, issuing a warning, and prosecution (see page 25). Penalties for a breach of duty under the Act are relatively rare.

You have exactly the same **enforceable duties** to people participating in **on-the-job training** and **work experience** programmes as you do to your employees. That's because these people are classed as employees under the Act.

Your volunteers

If you have paid staff as well as volunteers, and your volunteers are:

- working for your organisation and you have approved their voluntary work
- working on an ongoing and regular basis, and
- performing work that is integral to your organisation's 'business'

then, unless they are specifically excluded (see below), they are covered by the **enforceable duties** set out in sections 6-12, 19, and Part IV of the Act.

Volunteers covered by enforceable duties are not covered by the specific training and supervision protections contained in section 13 (see pages 16-17). In most circumstances, however, to meet your obligations under the enforceable duties to provide a safe working environment, you need to ensure that your volunteers are adequately trained and supervised.

Volunteers covered by enforceable duties are also not covered by the employee participation obligations set out in section 19a (see pages 17-19). To enhance workplace health and safety, however, it is good practice to include volunteers in safety planning and decisions where you can.

In practice, this means you have the same responsibility for the health and safety of volunteers covered by the enforceable duties as you do to your employees.

Exceptions to volunteers covered by enforceable duties

If your organisation has paid employees and volunteers, and your volunteers are:

- participating in fundraising
- assisting with sports and recreation for a sports club, recreation club or educational institution
- assisting in any activities for an educational institution offsite, or
- providing care for another person in the volunteer's home

then the volunteers are excluded from coverage under the **enforceable duties**, but are covered by the **duty of care**. This duty encourages you to ensure that your volunteers are safe within the workplace. No penalty applies to the duty of care – that is, it is non-enforceable.

Explaining terms

‘all practicable steps’: The standard of care required by the Act is to take **all practicable steps**. That means doing everything that is reasonable in the circumstances. You should have regard to the harm that might occur, available knowledge about what can be done to eliminate or reduce the hazard, and the cost of doing something relative to the harm that could occur if you do nothing.

Cost alone is not an excuse for failing to take action. The Act makes it clear, however, that you are required only to manage hazards that you know about, or that it is reasonable to expect you to know about.

volunteer: A **volunteer** is a person who works for your organisation, and expects and receives no material ‘reward’ for their work, even when they are performing duties that might otherwise be performed by an employee. (The law recognises that volunteers have the opportunity to gain benefits from their volunteering, such as new skills, and a sense of belonging and achievement. These benefits do not, however, constitute ‘reward’ under the Act.)

workplace: The Act has a broad definition of the **workplace**. Essentially, it is anywhere that work activities are performed, whether inside or outside. It includes places like clubrooms, forecourts and corridors that people may pass through during the course of their activities. Where a vehicle or commercial vessel is used by people doing your business, it is also defined as a workplace, even if they provide their own motor vehicle.

What if the workplace is someone's home?

If a volunteer or employee works from home then their home is also a **place of work**. However, the 'all practicable steps' rule may mean that the measures for preventing harm will be different in a home from in an office or out in the field.

Occupiers of a home are exempt from the duties described in the Act, so the Act does **not** apply to the occupier of a home who engages a person including a volunteer to do work on or in their home.

What if volunteers or employees travel around while working?

The Act covers everyone when they are at work, regardless of where they or their workplace are located. This means that even if employees and volunteers move from place to place to carry out their work, or the workplace itself moves (such as a boat), your organisation is obliged to take all practicable steps to ensure employees and volunteers covered by enforceable duties are safe from harm while they are working.

Getting started

The key to excellent health and safety management is good planning and good communication.

The Act sets out a number of steps that can be taken to keep people safe, and reflect principles of good practice. Here's a checklist of those steps.

- Having a safe working environment, through reviewing your workplace, and identifying and managing hazards effectively
- Providing and maintaining your facilities so that people at work can be both healthy and safe
- Ensuring that your machinery and equipment are designed, made, set up, and maintained to be safe for people at work
- Ensuring that your systems of work do not lead to people being exposed to hazards in or around their place of work
- Providing people in your workplace with good information about the hazards that they may come across in their workplace
- Providing your employees and volunteers with good training and supervision
- Involving your employees and volunteers in health and safety planning and decisions
- Developing procedures for dealing with emergencies that might arise while people are at work.

Managing hazards

Explaining good practice

Hazard management is the step that will make the biggest difference to your workers' health and safety.

A **hazard** is any potential or actual source of harm.

To implement good practice, you should do everything that is reasonable to eliminate, any hazards in the workplace. If elimination is not possible the hazard should be managed to reduce the possibility of harm.

Doing everything that is reasonable requires you to know your business. You should know what harm may occur, and how to eliminate or reduce that harm. You should know the cost of doing something relative to the harm that could occur if you do nothing.

This may involve training and supervision of employees and volunteers, as well as providing safety information so that work is done safely. It may also involve providing suitable protective clothing and equipment.

Some **examples of hazards** are:

- A work process the way machinery, equipment or vehicles are used
- The physical environment working at height; fundraising on busy footpaths; working at high or low temperatures; being exposed to the elements
- The equipment used installation of electrical equipment; brakes on vehicles; the securing of loads during transportation; the maintenance and condition of chainsaws
- An external factor personal safety when door-to-door fundraising or dealing with difficult clients or patients
- An input into the work process toxic cleaning materials

- The way work is organised designing shifts and breaks to minimise fatigue and sleep disruption
- Access to critical information ensuring that instructions are at an appropriate literacy level; warning signs for wet flooring or hidden steps
- The construction of the premises safety of makeshift temporary building structures
- The impairment of an individual ensuring a diabetic gets meals despite work pressures.

In the next section on what the Act requires, you will find some key steps to systematically managing hazards. These also constitute good practice.

What the Act requires

For volunteers covered by the **duty of care**, the Act encourages you to take into account and manage hazards in their workplace.

For employees and those volunteers covered by enforceable duties you must have a **systematic approach to dealing with hazards**.

There are three parts to this:

1. **Identify *all* the hazards in your workplace.**
2. **Identify the *significant* hazards.** Then work out which ones need immediate attention and which are of lesser concern.
3. **Take action to deal with the hazards.** Remove them or at least reduce their impact.

When these things have been done you will then need to:

1. **Review the situation regularly.** Are there new hazards? What do you need to improve?
2. **Adapt processes** as new equipment, processes and people are brought into the workplace.

Your employees and volunteers covered by enforceable duties should be involved in hazard management. Remember: you achieve better results by actively involving your staff, and the Act also requires it.

Explaining terms

How is 'hazard' defined in the Act?

- (a) Means an activity, arrangement, circumstance, event, occurrence or phenomenon, process, situation, or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm; and
- (b) Includes:
 - (i) a situation where a person's behaviour may be an actual or potential cause or source of harm to the person or another person; and
 - (ii) without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour.

What's a 'significant hazard'?

The HSE Act defines a significant hazard as follows:

'Significant hazard' means a hazard that is an actual or potential cause or source of:

- (a) Serious harm; or
- (b) Harm (being harm that is more than trivial) the severity of whose effects on any person depend (entirely or among other things) on the extent or frequency of the person's exposure to the hazard; or
- (c) Harm that does not usually occur, or usually is not easily detectable, until a significant time after exposure to the hazard.

Developing a hazard management plan

A hazard management plan is a best-practice way of ensuring a safe and healthy workplace, and of meeting your legal obligations. The typical hazard management plan has three main steps:

1. Identify hazards

Make a list of all the hazards in your workplace. This is your hazard record.

Think beyond the obvious. Involve your workers (employees and volunteers). They might have a better idea of what hazards there are from their day-to-day knowledge of the organisation.

Some of these will be very obvious physical things such as a piece of potentially dangerous equipment, stockpiles of chemicals or over-stacked high shelves. But you will need to look further and consider hazards that can't necessarily be seen, and hazards that can result from work processes and tasks that:

- are repetitive – e.g. strains from constant lifting of loads, or keyboarding
- build up gradually – e.g. fatigue from long hours of work
- involve working off-site – e.g. sunburn from long hours outdoors.

Also think about hazards which come about from having untrained, new or part-time staff or volunteers, newly installed equipment, and changing tasks or processes for staff.

Update this list regularly.

2. Rate the significance of hazards

Note the hazards that can cause serious harm and deal with these ones first.

To decide which hazards to deal with first, think about:

- Are they what the law would call 'significant'?
- What injuries have people had already?
- Have there been 'near misses'?
- How likely is it to happen?
- How serious could the illness or injury be?

Also consider hazards that your employees and volunteers want to be addressed immediately, and those that will result in good cost/benefit and can be addressed quickly and easily.

3. Deal with the hazards

This is how you will protect yourself, your employees, and your volunteers from getting hurt at work. Dealing with hazards is simply safe work practice.

Your organisation needs to develop a suitable system or action relevant to each specific hazard. You can do this – and meet your legal obligations – by considering these actions in the following order and by making your decisions on the degree of potential harm and the cost or difficulty of resolving the hazard:

(a) Get rid of the hazard altogether (eliminate)

For example:

- replace hazardous chemicals with non-hazardous materials
- remove dangerous machinery
- remove any electric cords lying across walk-ways
- re-assign staff to other work if their current project is stressing them out.

(b) Isolate the hazard

For example:

- store cleaning fluids, solvents and chemicals safely
- put safety guards on sharp tools or moving parts of machinery.

(c) Reduce the likelihood of any harm (minimise)

If elimination or isolation aren't possible or practicable, then you can, for example:

- train staff in safe work procedures
- use personal protective equipment such as earmuffs
- use protective clothing e.g. a sunhat if working outdoors
- ensure workstations are ergonomically designed for staff.

Then have a look at it all again in, say, six months' time. Are your plans and actions as effective as you had hoped? Has anything important changed since you made your plans?

What does a hazard record look like?

A hazard record lists:

- the hazards identified in your workplace
- where they occur
- whether they are significant
- what action you are taking to deal with the hazard (remove, isolate, minimise)
- how often you are monitoring the action and its effectiveness
- when you last reviewed the hazard and how you are dealing with it.

You could also record which staff members helped in developing the record.

Training and supervision

Explaining good practice

Workers, whether they are employees or volunteers, need to be sufficiently experienced to do their work safely, or they need to be supervised by an experienced person.

They also need adequate training in the safe use of any object, substance, equipment or machinery that they may be required to use or handle.

Good practice requires an organisation to do everything that is reasonable to ensure that workers' training and supervision allow them to work safely, without harming themselves, their colleagues, or visitors and passers-by.

It's also good practice to consider health and safety issues when you are introducing new employees and volunteers to the workplace.

For example, they may be using equipment, tools and work practices that are new to them, or different to what they are used to.

Remember to consider the language, culture and literacy needs of all your workers.

What the Act requires (section 13)

If you are an employer, under section 13 your organisation is required to take all practicable steps to ensure your **employees** are:

- sufficiently experienced to do their work safely, or are supervised by an experienced person
- have adequate training in the safe use of all plant, objects, substances, protective clothing and equipment that they are or may be required to use or handle.

Volunteers, whether covered by **enforceable duties** or the **duty of care**, are not covered by this section. In practice, however, you are encouraged to treat volunteers in the same way as employees, with regards to their training and supervision.

Involving workers in safety planning and decisions

Explaining good practice

Being committed to excellent health and safety practices means ensuring that everyone is involved in safety planning and decisions.

Your workers, whether employees or volunteers, will have valuable knowledge and experience that they can contribute to the management of health and safety in their workplace. You should make sure that they have a reasonable opportunity to contribute to the improvement of health and safety at work.

This could, for example, be through having a standing item on health and safety on the agenda of your regular staff meetings. Employees and volunteers should be encouraged to bring up health and safety issues of concern to them, and suggest solutions.

You could also have health and safety representatives amongst your staff who have a special role in facilitating health and safety improvements. They could be either employees or volunteers.

What the Act requires (section 19A)

You are not required by the Act to involve your volunteers in safety planning and decisions, whether they are volunteers covered by **enforceable duties** or the **duty of care**. But if your volunteers are providing ongoing and regular work for you, it would be good practice to involve them in safety planning and decisions.

If you are an employer, your organisation is required to allow your employees **reasonable opportunities** to participate in safety planning and decisions. This depends on the circumstances of the work, the workplace and your existing work arrangements.

Things to take into consideration are:

- the number of employees your organisation has
- the number of different workplaces you have and the distance between them
- the likely potential sources or causes of harm in the workplace
- the nature of the work your organisation carries out and how it is arranged
- the nature of your employment arrangements, including the extent and regularity of employment of seasonal or temporary employees.

At the very least, your organisation should make it clear that employees and volunteers can provide input on health and safety at any time, and that their views are sought and considered when making health and safety decisions.

In some cases the Act requires your organisation, employees and any union representing them to work together to develop a **formal employee participation system**. These are workplaces where:

- the employer employs 30 or more employees (whether at a single workplace or in a number of places); or
- the employer employs fewer than 30 employees, and one of those employees, or a union representing them, makes a request for an employee participation system.

An employee participation system will typically have **trained, elected health and safety representatives**, who play a particular role in representing the views of employees and liaising with the employer on health and safety matters.

For information about developing an employee participation system that suits your workplace, get hold of the Occupational Health and Safety Service's booklet *Involving Employees in Safety at Work*. Call 0800 20 90 20 and ask for a copy, or view at www.workinfo.govt.nz

Reporting injuries and illnesses

Explaining good practice

Organisations should record all work-related injuries, illnesses and near misses that occur to anyone in the workplace, including volunteers.

Building up a history of all small occurrences in a **hazard or accident register** is important information to help you avoid serious problems in the future.

Your register should include:

- who was involved
- the sequence of events leading up to the injury, illness or near miss
- the hazards involved
- the controls that were in place and why they didn't work
- what future action needs to be taken to prevent a similar incident or injury.

You should also feed back the results of this investigation to people in your workplace. For example, you could publish a report on the incident in your internal newsletter, or post it on the staff-room notice-board. That way everyone can learn from the incident.

If there are significant injuries or illnesses as a result of work-related activity, you are usually required to **report** these to the Occupational Safety and Health Service (OSH) of the Department of Labour as soon as possible after you become aware of them (see 'What the Act requires').

What the Act requires (section 25)

If you are an employer, the Act requires you to record in an accident register all events that harm, or might have harmed, people in your workplace (including employees, volunteers, visitors or members of the public). You can use your own forms for your accident register, or use photocopies of OSH forms.

As an employer you **must also report to OSH all cases of serious harm** to your employees and volunteers covered by **enforceable duties**.

Serious harm means work-related activity that causes significant injury or illness, whether permanent or temporary. Examples include broken bones, amputations, burns requiring specialist attention, loss of consciousness caused by exposure to any substance, damage to hearing or eyesight, and poisoning. It also includes any injury or illness that causes a person to be hospitalised for a period of 48 hours over the following week.

You must notify OSH by telephone or fax **as soon as possible** after you are aware of any event that resulted in serious harm. If the serious harm is caused by an accident, do not interfere with the scene (except to prevent further injury or damage) until an OSH inspector has decided what to do.

You must also **provide OSH with written notice** of the circumstances of an event causing serious harm within seven days of the event occurring. You can use a form on the website www.workinfo.govt.nz or provide the same details.

You do not have to report cases of **serious harm** to volunteers covered by a **duty of care** but, in practice, you are encouraged to do so.

Providing information for employees and volunteers

Explaining good practice

Providing information to the people in your workplace is an important way of ensuring their safety.

You should ensure that everyone working for your organisation is informed about:

- emergency procedures and the location of emergency equipment
- all existing and potential hazards they face while working, and
- the results of any monitoring of hazards.

To do this well, you need to ensure you have good communication systems in place, appropriate to the circumstances of your workers. That means taking into account their language, culture and literacy levels.

What the Act requires

Sections 12 and 13 state that employers should keep everyone informed about the emergency procedures, the hazards they face while working, and the results of hazard monitoring.

Employees and volunteers covered by enforceable duties must be provided with hazard and emergency information before beginning work of any kind; using plant (equipment) of any kind; or dealing with a substance of any kind. Your organisation must inform them of:

- emergency procedures
- hazards the employee may be exposed to while at work
- hazards the employee may create while at work which could harm others
- how to minimise the likelihood of these hazards becoming a source of harm to others, and
- the location of emergency equipment.

They must be informed of **all existing or potential hazards**, not only significant hazards.

Organisations must also make the results of workplace health and safety monitoring available to all employees and volunteers covered by enforceable duties.

Volunteers covered by a **duty of care** do not have to be provided with this information. However, in practice this is encouraged to ensure the safety of everyone in the place of work.

Keeping yourself safe: duties of volunteers and employees

Explaining good practice

As an employee or volunteer, good health and safety practice encourages you to think systematically about the actions you need to take to ensure you do not put yourself, or others, at risk.

What the Act requires (section 19)

Under section 19, everyone at work has a part to play in ensuring that work is done in a healthy and safe way, and to make sure nothing they do or fail to do harms themselves or anyone else. This means that as an employee or volunteer covered by enforceable duties you must:

- take all practicable steps to use protective equipment and to wear protective clothing, whether provided by you or your employer
- not undertake work which is unsafe or which involves unsafe practices
- make unsafe work situations safe or, if you cannot, inform your supervisor or manager
- know about and follow your workplace's health and safety practices and procedures, including reporting of work-related accidents, illnesses and injuries, and hazards
- co-operate with the monitoring of workplace hazards and employees' health, and
- comply with any improvement and prohibition notices issued for your workplace.

Your responsibilities do not detract from the duties of your employers, or others. Where there is a breach of law, more than one party may be prosecuted as a result of the incident.

An employee or volunteer may be prosecuted for failing to meet the general duty described above. This usually means that an employee or volunteer will have:

- disobeyed clear instructions
- acted recklessly
- been grossly negligent
- been 'skylarking', or
- wilfully ignored an obvious hazard.

If you are a volunteer covered by a **duty of care**, you do not have any obligation under this provision. However, it makes sense to ensure you keep yourself safe, and that nothing you do harms any other person.

Preparing for emergencies

Plan ahead for emergencies. When the unexpected happens, that is too late to start thinking about who will do what, and what equipment you need. With your staff, plan how you will manage emergencies that might arise in your workplace.

The possible emergencies to plan for include:

- **Natural:** Earthquake, earth movement or slip, flood, heavy snowfall, tsunami, volcanic eruption
- **Man-made:** Armed robbery, bomb threat, chemical spill, fire, gas leak, injury, missing person, power failure, vehicle accident.

Are you well prepared for emergencies?

To see how well you have prepared your workplace for emergencies, ask yourself the following questions.

- Have you and your staff (employees and volunteers) identified the types of emergency situations that your organisation might be exposed to – e.g. fire, explosion, chemical spill, flood, medical emergency?
- Have you and your staff developed procedures to cover the safety of employees, volunteers, contractors, clients, and other visitors in all of these events?
- Have those in charge of emergencies (wardens) been appointed and trained?
- Are evacuation plans and emergency phone numbers on display?
- Are exits well marked and clear at all times, and do doors open easily from the inside?
- Have you held an emergency evacuation drill in the last six months and kept a record of this?
- Do you and your staff regularly check and maintain emergency equipment like smoke detectors, sprinkler systems, fire extinguishers, emergency lighting and first aid kits?

Have you got Civil Defence supplies such as water, blankets, non-perishable food, torch, rope, etc.?

What do you need to do to improve? Who will be responsible for ensuring that happens and when will that action happen?

See your local council or the Fire Service for more about preparing for emergencies.

First aid

Have at least one of your employees or volunteers trained in first aid. You may need more depending on the kind of activities you do.

Make sure first aid kits are well supplied and are accessible to staff. Keep a record of first aid that is provided.

Frequently asked questions

How does the Occupational Safety and Health Service operate?

The Department of Labour's Occupational Safety and Health Service (OSH) has a network of 14 regional offices with health and safety inspectors whose job it is to improve safety at work through:

- providing information
- providing education
- checking compliance, and
- using the variety of enforcement tools available through the Act to ensure compliance, when it can't be achieved by information and education.

OSH also has specialists such as doctors, nurses, scientists, engineers and hygienists who supplement the expertise of inspectors.

How does OSH enforce the Act?

An OSH inspector has the legal right to enter any workplace, to ask questions, gather information and take samples. Once the inspector has ascertained the relevant facts there is a range of options open:

- Take no further action.
- Talk to you about your safety practices.
- Write to you about your safety practices.
- Issue an improvement notice (requiring you to rectify a breach of the Act in a specified period of time).
- Issue a prohibition notice (requiring you to immediately stop a dangerous activity).
- After a warning for the same or a similar matter, issue an infringement notice that imposes a penalty.
- Seek a compliance order from the Employment Relations Authority, requiring you to comply with the employee participation provisions of the Act.
- Prosecute (where a breach is so serious that the inspector decides it is in the public interest to take Court action).

What about my organisation's insurance?

It is **unlawful to insure against a fine** that is imposed if the Act is breached. Allowing for insurance against fines would result in lower or inconsistent health and safety standards being applied in different workplaces. This is because such insurance policies protect insurance holders from the consequences of breaching the law.

Workplace health and safety standards are set by Parliament, and everyone must meet these standards equally. Employers and others are required under the Act to take all reasonably practicable steps to prevent harm from occurring in the workplace.

What should I do if our organisation already has an insurance policy that indemnifies us against a fine under the Act?

If you have an insurance policy that indemnifies you or your company against a fine under the Act, you should contact your insurance company as soon as possible. In some cases, it may be possible to receive a refund of an amount of your premium.

How about insurance for legal costs and the costs of reparation if we are prosecuted?

You can insure against legal costs in defending a prosecution. Being sentenced to pay a fine means that upon conviction for an offence against the Act, the Court will refer to the penalty provisions in the Act and determine a sum of money that you are required to pay the Court. The Court takes a number of factors into account when determining the level of any fine, and these factors are set out in the Act.

You can insure against the cost of reparation. Being sentenced to pay reparation means that upon conviction for an offence against the Act, you are required to pay a sum of money to the party who has suffered loss as a result of your actions. Reparation can only be imposed in particular circumstances and is most likely to be common where a person has suffered loss or damage to property.

Are my volunteers covered under ACC?

A leaflet, *Volunteer Workers: Your Guide to ACC Cover*, is available on the ACC website (<http://www.acc.org.nz>) and details how the ACC scheme relates to volunteers.

Further information and advice

The Occupational Safety and Health Service (OSH) is available with information and assistance to help you understand the HSE Act. Staff can also provide information to help you develop a health and safety plan.

For more information or advice, contact the Department of Labour's Workinfo service: 0800 20 90 20 or www.workinfo.govt.nz

Your nearest OSH centre is listed in the blue pages of your phone book under **Labour, Department of**, then **Occupational Safety and Health Service**.

ACC can also provide information on injury prevention and safety issues: 0800 THINKSAFE or www.acc.co.nz

ACC and OSH have produced a guide to assist small businesses develop health and safety systems, much of which is also applicable to small voluntary organisations. It is titled *Improving Workplace Safety and Health – for small business* and is available from Workinfo or from ACC.

This booklet is a guide only and may not be accurate for all situations. It should not be used as a substitute for legislation or for legal or other expert advice.

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