



# Keeping Safe at Work

A GUIDE FOR EMPLOYEES



PLA 11447A JUN 11





Department of Labour

TE TARI MAHI



## ⇒ About the Department of Labour

The Department of Labour provides information and investigates problems to do with employment and workplace health and safety. We can help employers and employees with:

- › employment conditions
- › minimum legal requirements
- › problem resolution
- › health and safety
- › ways to work better
- › labour market information.

## More information

[www.dol.govt.nz](http://www.dol.govt.nz)

0800 20 90 20

Information, examples and answers to your questions about the topics covered here can be found on our website [www.dol.govt.nz](http://www.dol.govt.nz) or by calling us free on 0800 20 90 20.

### Disclaimer

The content of this document is a general summary only. It will not answer every question and should not be used as a substitute for legislation or legal advice. The Department of Labour takes no responsibility for the results of any actions taken on the basis of the information in this document, nor any errors or omissions.

ISBN 978-0-478-36057-8  
June 2010  
© Crown copyright 2010

Department of Labour  
PO Box 3705, Wellington  
New Zealand  
[www.dol.govt.nz](http://www.dol.govt.nz)



## → Contents

What the Health and Safety in Employment Act 1992 means for you .....	2
Definitions .....	2
Creating a safe and healthy workplace is a basic part of the relationship between you and your employer .....	3
What does your employer have to do under the Health and Safety Act 1992? .....	3
You have a right to the information and equipment you need to be safe at work .....	4
What do you have to do as an employee? .....	5
If you're concerned about a safety issue, make your concern heard so it can be fixed before problems occur .....	6
Reporting hazards and accidents is everyone's responsibility .....	7
You have a right to refuse unsafe work .....	7
You have a right to be involved in improving health and safety .....	8
For help .....	9



## → What the Health and Safety in Employment Act 1992 means for you

### ■ We all have a role to play in making a safe and healthy workplace

Employers and employees need to set goals around health and safety and then work together as a team to achieve them.

Health and safety in the workplace should be at the front of everyone's minds.

## → Definitions

**Serious Harm** – an incident resulting in death, permanent loss of bodily function, or temporary severe loss of bodily function

**Health and Safety Representative** – someone you can go to when you have any problems around health and safety, they will work with your employer to find a solution

**Good Faith** – Sincere and honest intention, trust between two parties

**Hazards** – an object or event which can cause injury or damage

**Near miss** – an incident which did not result in injury, illness or damage, but could have potentially done so

**Safety System** – Employers and employees working together to prevent and control hazards in the workplace

**A Workplace** – Anywhere your employer requires you to be as part of your job, whether on-site or off-site. This includes places like the lunchroom, the car park, any motor vehicle you drive as part of work, and any equipment you use such as a crane or a ladder. Your vehicle is also a workplace while you drive from job to job.



## → Creating a safe and healthy workplace is a basic part of the relationship between you and your employer

### ■ Two laws support this relationship:

- › The Employment Relations Act 2000 promotes good faith relationships among employers, employees and unions.
- › The Health and Safety in Employment Act 1992 requires employers and others in the workplace to control hazards so no one is harmed as a result of work.

## → What does your employer have to do under the Health and Safety Act 1992?

Employers must:

- › be responsible for providing a safe working environment
- › ensure you are properly trained and supervised so you can work safely
- › work with you to:
  - identify hazards in the workplace, and
  - ensure that those hazards are eliminated, isolated or minimised.

eliminate hazards where possible, depending on how much harm it could cause and how difficult and expensive it would be. Where a hazard cannot be eliminated you have the right to know about the hazard and what you need to do (or not do) to work safely.

The aim is to do things better in order to achieve a safe and healthy workplace – not just because that's what the law says, but because it's better for everyone.

Problems that can happen are not only to do with an injured or sick person. A serious injury can also:

- › create financial and emotional problems for families
- › leave workmates traumatised or feeling guilty
- › cause employers to suffer lost production and profit, and
- › create emotional and economic costs for the whole community.



## → You have a right to the information and equipment you need to be safe at work

A workplace is anywhere your employer requires you to be as part of your job, whether on-site or off-site. This includes places like the lunchroom, the car park, any motor vehicle you drive as part of work, and any equipment you use such as a crane or a ladder. Your vehicle is also a workplace while you drive from job to job.

Your employer must:

- › provide you with information about any hazards and how to protect yourself from them. For example, you should be told how to deal with any hazardous chemicals you are using, any effects they could have on you or others, and how to get help if there are problems
- › ensure that you have, and use the right protective equipment or clothing. You can choose to provide your own protective clothing, but if you make that decision your employer must ensure it is good enough for the job, and
- › record and investigate any accidents or “near misses” to you, your fellow employees and visitors to the workplace. When a person suffers serious harm, the Department of Labour must be advised.

Your employer needs to constantly manage health and safety and keep systems and processes for informing and involving staff up-to-date. You can contribute to this.



## → What do you have to do as an employee?

As an employee, you have responsibilities for keeping yourself and others safe.

You can make your workplace safer by:

- › being involved in processes to improve health and safety
- › sticking to correct procedures and using the right equipment
- › wearing protective clothing and equipment
- › helping new employees, trainees and visitors to the workplace understand the right safety practices and why the practices exist, and
- › communicating any safety concerns to your employer.

### **Are you a hazard to others at work?**

If you are:

- › tired
- › stressed because of family or work reasons, or
- › under the influence of alcohol or other drugs

your practices may become unsafe, putting yourself and others at risk.

### **Avoid behaviour that puts you or others at risk.**

Tell your employer or health and safety representative about anything that might affect your ability to perform your work safely. That's in the best interests of everyone.

**Never think “just this once, because the job has to be done”.**  
**Taking a risk once is once too often.**



## → If you're concerned about a safety issue, make your concern heard so it can be fixed before problems occur

All jobs have hazards, although some may be taken for granted because they are so familiar, or overlooked in order to “get the job done”.

The way to make workplaces safe is to prevent harm by controlling hazards. This is often known as a “safety system”, and both employer and employees need to make the system work.

If you see a hazard in your workplace that you feel hasn't been addressed, you should raise it immediately. You should also be alert for:

- › unsafe premises or equipment
- › inadequate or misused safety equipment
- › bad work practices and
- › lack of adequate information about equipment or processes.

You can help to solve the problem before people are harmed. A good health and safety system at work will make sure you know who to tell and your concerns are taken seriously. This will usually be your supervisor, and/or your health and safety representative.

Sometimes workplace hazards can lead to illnesses, not just accidents. If you become aware of a possible problem such as a pattern of illnesses among the staff, let the right person know.



## → Reporting hazards and accidents is everyone's responsibility

Everyone has a part to play in improving the health and safety of New Zealand workplaces. Reporting hazards or accidents (including near misses) is part of this shared responsibility.

Any accident in your workplace, either to an employee or to a visitor, must be recorded by your employer. These records are important to identify patterns of injury or illness so that safety can be improved.

Take responsibility for making sure your employer knows about any accidents you are involved in or aware of. Reporting processes should be explained to you when you first start a new job.

## → You have a right to refuse unsafe work

Where you have genuine concerns about your immediate safety you have the right to refuse unsafe work. This should only happen when other avenues to deal with the problem have not been successful. During the time your concerns are being investigated, you may be required to perform other duties in the workplace.



## → You have a right to be involved in improving health and safety

Because every workplace is different, employees are in a unique position to know how they and others in the workplace can be kept safe. That's why the law gives you the right to be involved in health and safety issues at work and gives you access to information and training.

With your fellow employees, you may elect a health and safety representative for your workplace. This is someone that you can go to when you have any problems around health and safety and they will work with your employer to find a solution. In larger workplaces, you may elect the employees' representatives on a health and safety committee that also includes representatives of your employer.

Your health and safety representative can have a number of roles. These could include:

- › working with your employer on health and safety issues
- › maintaining effective communication within the workplace on health and safety matters
- › being a point of contact for other employees who have health or safety concerns
- › talking to the employer about those concerns and trying to find an agreed solution
- › talking with the union, the Department of Labour or other relevant authorities to seek solutions to problems
- › helping to induct and train other employees on health and safety issues
- › being a member of a health and safety committee if there is one.

Everyone benefits when employees and their unions help to develop health and safety systems, and when those systems are part of the daily life in the workplace.

When that happens, the employer, the employees and the whole community are better off. An investment in safety is an investment in the well-being of the business and its employees.



## → For help

### ■ **Your health and safety representative:**

Name:

Phone:

Email:

Further information and assistance is available from the Department of Labour's website: [www.dol.govt.nz](http://www.dol.govt.nz), calling us on 0800 20 90 20 or from your union



## More information

[www.dol.govt.nz](http://www.dol.govt.nz)

0800 20 90 20

Information, examples and answers to your questions about the topics covered here can be found on our website [www.dol.govt.nz](http://www.dol.govt.nz) or by calling us free on 0800 20 90 20.

