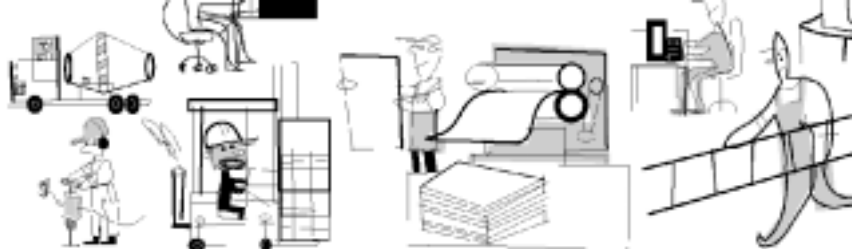




fact sheet



20 Dec 2002

Hazard Notices

Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

Hazard notices

The employee participation provisions in the Act are intended to promote communication between employers and their employees. The hazard notice provisions only apply when an employer and a trained health and safety representative cannot agree on a way to resolve a potentially hazardous situation in a workplace. A hazard notice is a formal notification of a lack of agreement as to whether a situation is hazardous or if it is how best to manage the hazard.

FAQs

Below are the answers to some frequently asked questions, which illustrate how the Act applies to hazard notices:

Q: What is a hazard notice? Who can issue it?

A: A hazard notice is issued to an employer by a trained health and safety representative when they believe there is a hazard in the workplace that requires systematic management.

The hazard notice is in a prescribed form and it may set out suggested ways to deal with the hazard.

Only a trained health and safety representative can issue a hazard notice. For more information on the role and duties of a health and safety representative, refer to **Factsheet - Health and Safety Representatives**.

Hazard notices are intended as a means of communication between trained health and safety representatives and their employers and they are not enforceable.

Continued on next page

Hazard Notices, continued

Q: When can a hazard notice be issued?

A: If a trained health and safety representative believes on reasonable grounds that they have identified a hazard in the workplace, they must first discuss the issue with the employer.

If the employer refuses to discuss the hazard, refuses to take steps to manage the hazard within an agreed time, or there is a disagreement on the steps that should be taken, the trained health and safety representative may issue a hazard notice.

Q: Will I have to pay a fine if I receive a hazard notice?

A: No, there is no penalty for receiving a hazard notice.

A hazard notice may, however, count as a prior warning for an infringement offence. For more information on infringement offences and notices, refer to **Factsheet - Infringement Notices**.

Q: What should I do if I receive a hazard notice?

A: It is important to understand that a hazard notice may only be issued if:

- A trained health and safety representative believes on reasonable grounds that a hazard exists; and
- The employer and the trained health and safety representative have discussed the issue in good faith; and
- The parties cannot agree on how to deal with the hazard, or a timeframe within which to deal with it.

If all of the above steps apply and an employer has consequently been issued a hazard notice, then they may wish to call an inspector to provide assistance and information.

Further information

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

For further information, call Workinfo on 0800 20 90 20, or visit their website at: www.workinfo.govt.nz
