

3 March 2016

CIRCULAR NO 1601

TO: THE SECRETARY, ALL TOTALISATOR CLUBS AND KINDRED BODIES

FROM: EDWARD RENNELL, CHIEF EXECUTIVE

SUBJECT: HEALTH & SAFETY UPDATE – MARCH 2016

On 4 April 2016, the Health and Safety at Work Act (HSWA) comes into force bringing new responsibilities for everyone in the workplace. The new law is part of a reform package aimed at reducing the number of serious work-related injuries and deaths in New Zealand by at least 25 percent by 2020.

The requirements for Clubs to be compliant with HSWA were covered off in the workshops held late last year and all Clubs have access to the required guidelines and templates at:

<http://www.hrnz.co.nz/industry-information/health-and-safety>

It is important that Club Committees and Executive are fully aware of their obligations and HRNZ will require Clubs to formally advise that the Club has prepared and adopted their new Health and Safety Plan to comply with the HSWA Act. Please email confirmation to Leanne Holdem at leanne@hrnz.co.nz prior to Thursday 24th March.

To assist in this regard, we have highlighted some of the major legislative requirements below.

(1) Responsibilities

Where a Club has a duty or obligation under the Act, an officer of the Club must exercise due diligence to ensure that the Club complies with that duty or obligation.

Due diligence includes taking reasonable steps to:

- a) Ensure that the Club has and implements processes for complying with any duty or obligation of the Club under the Act;
- b) Acquire appropriate knowledge and keep up to date on all work health and safety matters;
- c) Gain an understanding of the nature of the operations of the Club and the hazards and risks associated with those operations;
- d) Ensure that the Club has available for use and uses appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of racing and associated activities, and any non-racing activity conducted by the Club;
- e) Ensure that the Club has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information.

The duties of a Club include:

- eliminating or minimising risks to health and safety;
- reporting notifiable incidents;
- consulting with workers;
- ensuring compliance with notices issued under the Act;
- ensuring provision of appropriate induction, training and instruction to workers about health and safety matters;
- verify or audit the provision and use of the resources and processes.

(2) Health and Safety Plan

It is critical that all Clubs have updated, or prepared a Health and Safety plan to include at the very least the following points:

a) Duty to identify hazards

A Club, in managing risks to health and safety, must identify hazards that could give rise to reasonably foreseeable risks to health and safety.

b) Duty to maintain effective control measures

A Club who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is effective, and is maintained so that it remains effective, including ensuring that the control measure is and continues to be effective.

c) Duty to review control measures

A Club must review and, as necessary, revise control measures implemented so as to maintain, so far as is reasonably practicable, a work environment that is without risks to the health and safety of staff and other people that attend the venue.

d) Club liaison on a raceday

Each raceday will see many different PCBU's working together. It is essential to ensure that each of these understand their responsibilities to ensure that no one is exposed to any health and safety risk.

(3) When Two or More PCBUs Work Together, They May Have Overlapping Duties

Each PCBU:

- retains responsibility for their duties;
- cannot transfer their duties;
- must discharge their duties to the extent to which it has the ability to influence and control that matter;
- has an obligation to consult, cooperate and coordinate with the other PCBUs with overlapping duties.

The Club running the meeting must ensure that all PCBUs on the raceday have been inducted, are aware of the hazards and risks and understand their health and safety duties and responsibilities.

Some examples of raceday PCBUs include:

- The Club (Committee, Staff and Volunteers);
- The RIU; (Stewards, Investigators, Vet, Swabbing Attendants);
- JCA;
- Trainers;
- Drivers;
- Raceday Vet;
- Farriers;
- Starter;
- Barrier Attendants;
- Finish Lynx Operators;
- Judges;
- Catering Companies;
- Float Companies;
- Security Companies;
- Contractors, including Security and Entertainment Providers;
- NZRB (Staff, Tote Staff, Trackside, Commentator).

Because of the unique nature of the relationship between Clubs and the NZRB, the code bodies, based on legal advice, are drafting up a specific agreement for use between the Club and the NZRB called the “**Health and Safety Co-operation Agreement**”. This is currently with the NZRB for their input and will be circulated to Clubs once finalised.

(4) Other Health and Safety Matters for Clubs to be Aware of

a) Contractor engagement agreement

Every contractor that does any work at the Club, (e.g. Electrician, Plumber, Caterer) must have an agreement with the Club.

b) Employee induction, training and Health and Safety representation

A Club must ensure, so far as is reasonably practicable, that every worker who carries out work of any kind, uses plant of any kind, or deals with a substance of any kind that is capable of causing a risk in a workplace has adequate knowledge and experience to ensure that the worker carrying out the work, using the plant, or dealing with the substance is not likely to adversely affect the health and safety or cause harm to the worker or any other person.

c) First Aid

A Club must ensure that:

- appropriate first aid equipment is provided for the workplace;
- each worker at the workplace has access to the first aid equipment;
- workers have access to an appropriate facility for the administration of first aid.

The Club must also ensure that an adequate number of staff/workers are trained to administer first aid at the workplace; or workers have access to an adequate number of other persons who have been trained to administer first aid.

d) **Employee Health and Safety meetings**

Under HSWA, the Club has two related duties to engage with staff/workers and enable them to participate in improving health and safety.

- the Club must ensure that staff/workers views on health and safety matters are asked for and taken into account;
- the Club must have clear, effective and on-going ways for workers to suggest improvements or raise concerns on health and safety matters on a day-to-day basis.

Together with your workers, the Club must determine the best way to meet these two related duties. What is reasonable and practicable will depend on workers' views and needs, the size of your Club and the nature of the Club's risks.

e) **Board reporting**

Every Board/Committee must have adequate reporting processes in place, following the guidelines discussed at the Health and Safety seminars and detailed in the templates provided.

f) **Incident reporting log**

All near misses, accidents and notifiable events must be notified to the Club's Chief Executive/Manager immediately and in the case of a serious accident/injury notified to the local WorkSafe office. If in doubt report the incident to WorkSafe and they will advise if they will investigate the incident or not.

All near misses, accidents and notifiable events must be recorded in the Accident/ Incident Register.

If practical, the scene of a notifiable event must be left undisturbed until inspected by an authorised WorkSafe Inspector.

In the case of a race/trial meeting incident it is unlikely, for practical reasons (that being the continuation of the race/trial meeting) the scene can be 'left undisturbed', so it will be important to secure all related reports e.g. RIU Report and all video footage from the various Trackside cameras.

g) **Adequate signage**

The Club must erect appropriate signs in any area where there is a potential risk to health and safety. Signage should warn stakeholders/patrons/visitors/workers of the danger within the specified area and where necessary exclude nominated people from entry to these areas.

Further examples of appropriate health and safety signage will be provided over the coming weeks.

(5) Health and Safety Declaration - ALL CLUBS

All Clubs will need to confirm that they have updated or replaced their Health and Safety Plan to comply with the HSWA Act.

Please email confirmation by Thursday 24th March to Leanne Holdem at leanne@hrnz.co.nz

(6) Race Meetings – Health and Safety Co-ordination with the RIU

The RIU are now reporting on Health and Safety matters from all race/trial meetings.

The Club must advise the RIU, as soon as the RIU arrive oncourse, who the Club's nominated Health and Safety representative is for the day.

When a hazard/issue is identified by the RIU during a race/trial meeting the RIU will complete the required documentation and will hand this documentation to the Club on the day and send a copy to HRNZ.

From there the role of the Club will be to investigate how they can best manage the hazard/issue reported ahead of their next race/trial meeting and HRNZ will provide support as required.

If you have any queries about the new legislation or the documentation provided, don't hesitate to contact either myself, Darrin Williams or:

Stuart Cashen
cashen@actrix.co.nz
027 223 6726

Edward Rennell
Chief Executive