

# HOW TO BE COMPLIANT AND REMAIN SANE

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## Why do we need legislation?

### *Keeping it in perspective*

#### *Industry general*

1 accident every 2 minutes, 24x7  
6,000 back injuries cost \$286 million  
37,000 slips and trips injuries  
100 eye injuries reported a day  
60% claims, 16-23 age group

#### *Agriculture*

11 claims a day  
1 death every 2-3 weeks  
\$50 million per year cost to ACC  
Many victims are children

Recognise the costs of non-productive downtime to employees or machinery. These can be measured: a change in the weather, the cost of losing that critical day. Apply the costs of downtime to common sense and you have a sound reason for manage risks.

Unfortunately common sense can be perceived at different levels. Is the glass half empty or is it half full? Therefore we require standards, voluntary, industry or mandatory.

Consider the high risk of driving on the roads. Standards have been set to prevent accidents:

Competencies – License  
Rules – Speed limits  
Precautions – Airbags, WOF, signage

Why should the workplace be different?

Competencies – Training  
Rules – Operating procedures  
Precautions – First aid, facilities, P.P.E.

## What is required of an employer?

Consider the OSH in the Employment Act  
Employer commitment spelling out expectations  
Identification and managing risks

Emergency preparedness  
Control of contractors  
Accident reporting and management  
Employee competency levels

## What the Act says

### **General duties of employers (Section 6)**

“Every employer shall take all practicable steps to ensure the safety of employees while at work” (This is further defined).

Amended to avoid doubt: “The practicable steps in respect of circumstances that the person knows or ought reasonable to know about”.

### **General duties of employees**

Every employee shall take all practicable steps to ensure their own safety while at work and that no action or inaction of the employee while at work causes harm to any other person.

Clearly no-one is exempt.

## Risk identification and management

Broken into different exposure areas:

Workshops: Welding, bench grinders, electric tools, electricity

Livestock: Cow shed, handling facilities, effluent, zoonosis, ATVs

Cropping: Agric chemicals, machinery, irrigators, silos, manual handling.

**Eliminate** the risks that can be eliminated. **Isolate** what is practical. **Minimise** accepted risks by introducing control standards.

Management control standards are based on: your own experience, others’ experiences, industry standards, manufacturers’ directions.

Make it known to all persons on your property. Review your controls periodically to ensure they are effective.

## Emergency procedures

Be prepared for any eventualities that may affect your environment:

Accidents – first aid facilities

Fire – fire equipment/fire ratings

Environmental – containment/clean up

Natural disasters – Civil Defence

Consider the following:

Who will be responsible for what?

Emergency contact numbers

Farm plan – highlight positions of risk areas

Make this information available to any person on your property

## **Contractor controls**

You may assume contractors are the experts in their field. Do you have proof of this?

When carrying out tasks, are they complying with legal and industry standards?

Should events go wrong on your property, you could be held responsible and liable.

Contractors should sign an agreement acknowledging compliance of these issues. The agreement should be reviewed annually.

## **Accident/Incident reporting**

Good business practice to be aware of trends

Causes of injury and downtime

Address potential problem areas

Consider emotional and psychological consequences

1. The Act requires all incidents to be reported and recorded by the employer
2. OSH must be notified of serious harm incidents as soon as possible by phone or fax
3. The scene of a serious harm incident or a fatality should be made safe but not disturbed without authority from OSH
4. The report must be sent through to the OSH office within 7 days on the prescribed form

**NB. ACC is not responsible for reporting workplace injuries to OSH – the employer is.**

### **Training of staff**

What we do not need after an event is for anyone under our umbrella to claim, We did not know

Employees should be involved with the development of standards

Competencies are paramount to productivity

Incompetence could be costly to machinery, processes and the wellbeing of others

Technology keeps changing. Are we up there?

Ensure employees are trained to carry out the best operating practices

Keep training records

There are a number of commercial training organizations

### **Summary**

1. Spell out your commitment and expectations to your staff
2. Identify and record all your known risks and how you intend to manage them
3. Be prepared if things do go wrong
4. Control contractors
5. Report, investigate and record all incidents
6. Ensure all staff are familiar with their tasks and are competent to do them
7. Professional assistance may be a less frustrating option