

Health and Safety Legislation and Regulations

Objective

To provide key information on the HSE Act and corresponding regulations.

Introduction

Key points: Some of the many management concerns and activities of transport companies in the years leading to 2000 — Competition, efficiency, control of loss, managing for productivity, quality outcomes, rapid developments in equipment and business traditions, environmental impact control, managing risk and prevention of loss to people, property and process.

The thrust of his conference and its key presentations relate strongly to developments in improved plant and equipment now being made available to all types of operators in the NZ road transport business sector.

As the OSH representative, I intend to deal with the people side of business management and development.

Accident Causation and Sources of Loss

It is widely recognised that approximately 80% of all occupational accidents and harm to people, equipment and products primarily result from the actions (or inaction's) of people. The remaining loss springs from equipment failure (18%) and acts of God (02%). One could argue the last 20% of failures resulting in harm and loss still has much to do with actions of people and organisations as they still are ultimately calling the shots as to what they are doing, what equipment they are using and when and where they are going to be working.

Ratio of Risk and Loss

It is widely recognised that serious harm type events are just the tip of the iceberg in the total picture of loss. Damage to plant, equipment, products and near miss events are often the other real results of lack of management systems of control. For every LTI/serious harm accident, there will likely have been 10 minor injuries, 30 events in which equipment and property was damaged or destroyed, and 600 near miss events. Control of loss means people managing all aspects of this spectrum at all times.

This short presentation strongly focuses on the roles of people and work organisation in the management of hazardous work situations. This clearly is in line with the purpose and intent of the HSE Act—**Prevention of Harm to Employees and Other Persons in Places of Work**. If you're preventing harm to people, it follows that other forms of losses to equipment, property and process will follow.

The Road Transport Industry Striving for Excellence and the Competitive Edge

NZ IN THE GOOD OL DAYS: Fell off the back of the truck, she'll be right, good enough for a country job, informal work management and practices and a relaxed attitude towards safety.

NZ IN THE FREE MARKET DAYS: Excellence, continuous improvement, ISO Standards, self-management, industry codes of practice and self-regulation, heavy and stiff competition locally and internationally, all of which relate to recognised legislation which provide significant penalties for non-compliance.

The HSE ACT 1992: Managing Health and Safety as part of operating a successful business.

OSH'S SIX POINT PROGRAMME FOR MANAGING HEALTH AND SAFETY

- Commitment to health and safety
- Hazard Identification and Control
- Hazard information, training and supervision
- Accident and Loss Information and Investigation
- Emergency preparedness
- Principal and Contractor health and safety agreements

Health and Safety Regulations, 1995

You may be surprised to discover that relatively few specific regulations have been created under the HSE Act. As described already, the main thrust of this legislation has been to allow employers/employees and their employer/worker associations to manage their own health and safety requirements in ways which suit their business and industry. "Manage your own" has been one of the by-words of the HSE Act. However, I have selected a couple of specific examples of HSE driven regulations and guidelines which are typical of the "all practicable steps" philosophy of the act.

- Duties of Designers, manufacturers, suppliers and sellers of plant.
- Work with compressed air and high-pressure equipment.
- Lifting heavy loads.
- Restrictions relating to young people.

Accident Alert

Some examples (accident case notes) of what and why things go wrong, failures noted, recommendations for improvements

- FORKLIFT ACCIDENT
- TORQUE MULTIPLIER ACCIDENT
- FALL FROM CONTAINER FATAL ACCIDENT
- AUTOMOTIVE PARTS WASHER EXPLOSION
- MINI-EXCAVATOR FATAL ROLL OVER

Conclusion and Summary

The Health and Safety in Employment Act 1992 has been designed to be less prescriptive than the 36 or so previous bits of NZ health and safety legislation. The intent of this act is to allow employers to take ownership for the management of hazards in their place of work. OSH's role in ensuring that the HSE Act is working is to:

- Provide information and advice to the community
- Carry out compliance audits and systems assessments
- Provide specialist advisors (engineers, scientists, economists, medical specialists, inspectors, consultants), etc.
- Provide for national policy and guidelines/regulations where necessary
- Carry out investigations
- Follow-up complaints, and information from the public

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