



## **Special Olympics New Zealand Health & Safety Policy**

Special Olympics New Zealand (SONZ) is committed to ensuring the health and safety of its Workers as well as Other Persons in the workplace, and as a PCBU (Person Conducting a Business or Undertaking), meeting its obligations under the Health and Safety at Work Act 2015 (HSWA).

A guiding principle of the HSWA is that Workers and Other Persons should be given the highest level of protection against harm to their health, safety and welfare from work risks, as is reasonably practicable.

Successful workplace health and safety requires proactive engagement by all parties including the ongoing identification and understanding of work related risks, and maintaining an up to date awareness of health and safety requirements. This policy addresses the responsibilities of SONZ, its Officers, Workers and Other Persons.

For the purposes of this Policy:

- Officer includes SONZ Board Members, CEO and any person who exercises significant influence over the management of SONZ.
- Worker includes SONZ employees, Volunteer Workers (SONZ registered volunteers – refer s19(3) of HSWA) and Contractors.
- Other Person includes workplace visitors; athletes and casual volunteers (participating in Special Olympics training and competition).

A person may have more than one duty (eg a person can be an Officer and a Worker) and more than one person may have the same duty. HSWA key provisions can be found in Appendix 1.

### **Responsibilities**

#### **PCBU (SONZ) will:**

- Ensure so far as is reasonably practicable, the health and safety of:
  - Workers who work for SONZ, while the workers are at work; and
  - Workers whose activities in carrying out work are influenced or directed by SONZ, while the workers are carrying out the work.
- Ensure, so far as is reasonably practicable, that the health and safety of others persons is not put at risk from work carried out.
- Establish practices that give their workers reasonable opportunities to participate effectively in improving health and safety on an ongoing basis (Worker Engagement and Participation). Excludes Volunteer Workers.

**WORKERS, while working will:**

- Take reasonable care for his or her own health and safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- Comply, as reasonably able, with any reasonable instruction that is given by SONZ to allow SONZ to comply with the Health and Safety at Work Act (2015) or regulations; and
- Cooperate with any reasonable policy or procedure of SONZ relating to health and safety at the workplace that has been notified to workers.
- Ensure compliance with any future amendments to the HSWA as relate to Worker Responsibilities.

**OFFICERS will:**

Exercise due diligence to ensure that SONZ complies with its duties/obligations under the HSWA.

**OTHER PERSONS:**

Any other person at a workplace, other than a volunteer worker or employee must:

- Take reasonable care for his or her own health and safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of others; and
- Comply, as far as he or she is reasonably able, with any reasonable instruction given by SONZ to allow SONZ to comply with the HSWA or regulations.

Thank you for helping make Special Olympics New Zealand (including Clubs) a safe and healthy workplace.

Signed:

Date: April 2016



Kathy Gibson  
CHIEF EXECUTIVE OFFICER

## Useful Links

Worksafe New Zealand  
<http://www.business.govt.nz/worksafe/>

Health and Safety at Work Act 2015  
<http://www.legislation.govt.nz>

## HSWA Key Provisions

### 17 Meaning of PCBU

(1) In this Act, unless the context otherwise requires, a person conducting a business or undertaking or PCBU—

- (a) means a person conducting a business or undertaking—
  - (i) whether the person conducts a business or undertaking alone or with others; and
  - (ii) whether or not the business or undertaking is conducted for profit or gain; but
- (b) does not include—
  - (i) a person to the extent that the person is employed or engaged solely as a worker in, or as an officer of, the business or undertaking;
  - (ii) a volunteer association;
  - (iii) an occupier of a home to the extent that the occupier employs or engages another person solely to do residential work;
  - (iv) a statutory officer to the extent that the officer is a worker in, or an officer of, the business or undertaking;
  - (v) a person, or class of persons, that is declared by regulations not to be a PCBU for the purposes of this Act or any provision of this Act.

(2) In this section, volunteer association means a group of volunteers (whether incorporated or unincorporated) working together for 1 or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.

### 18 Meaning of officer

In this Act, unless the context otherwise requires, **officer**, in relation to a PCBU,—

- (a) means, if the PCBU is—
  - (i) a company, any person occupying the position of a director of the company by whatever name called;
  - (ii) a partnership (other than a limited partnership), any partner;
  - (iii) a limited partnership, any general partner;
  - (iv) a body corporate or an unincorporated body, other than a company, partnership, or limited partnership, any person occupying a position in the body that is comparable with that of a director of a company; and
- (b) includes any other person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking (for example, a chief executive); but
- (c) does not include a Minister of the Crown acting in that capacity; and
- (d) to avoid doubt, does not include a person who merely advises or makes recommendations to a person referred to in paragraph (a) or (b).

### 19 Meaning of worker

(1) In this Act, unless the context otherwise requires, a worker means an individual who carries out work in any capacity for a PCBU, including work as—

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the business or undertaking; or
- (e) an outworker (including a homeworker); or
- (f) an apprentice or a trainee; or
- (g) a person gaining work experience or undertaking a work trial; or
- (h) a volunteer worker; or
- (i) a person of a prescribed class.

(3) In this Act, a volunteer worker—

- (a) means a volunteer who carries out work in any capacity for a PCBU—

- (i) with the knowledge or consent of the PCBU; and
  - (ii) on an ongoing and regular basis; and
  - (iii) that is an integral part of the business or undertaking; but
- (b) does not include a volunteer undertaking any of the following voluntary work activities:
- (i) participating in a fund-raising activity;
  - (ii) assisting with sports or recreation for an educational institute, sports club, or recreation club;
  - (iii) assisting with activities for an educational institute outside the premises of the educational institution;
  - (iv) providing care for another person in the volunteer's home.

## 20 Meaning of workplace

- (1) In this Act, unless the context otherwise requires, a **workplace**—
- (a) means a place where work is being carried out, or is customarily carried out, for a business or undertaking; and
  - (b) includes any place where a worker goes, or is likely to be, while at work.
- (2) In this section, **place** includes—
- (a) a vehicle, vessel, aircraft, ship, or other mobile structure; and
  - (b) any waters and any installation on land, on the bed of any waters, or floating on any waters.

## 22 Meaning of reasonably practicable

In this Act, unless the context otherwise requires, reasonably practicable, in relation to a duty of a PCBU set out in subpart 2 of Part 2, means that which is, or was, at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters, including—

- (a) the likelihood of the hazard or the risk concerned occurring; and
- (b) the degree of harm that might result from the hazard or risk; and
- (c) what the person concerned knows, or ought reasonably to know, about—
  - (i) the hazard or risk; and
  - (ii) ways of eliminating or minimising the risk; and
- (d) the availability and suitability of ways to eliminate or minimise the risk; and
- (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

## 36 Primary duty of care

- (1) A PCBU must ensure, so far as is reasonably practicable, the health and safety of—
- (a) workers who work for the PCBU, while the workers are at work in the business or undertaking; and
  - (b) workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are carrying out the work.
- (2) A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- (3) Without limiting subsection (1) or (2), a PCBU must ensure, so far as is reasonably practicable,—
- (a) the provision and maintenance of a work environment that is without risks to health and safety; and
  - (b) the provision and maintenance of safe plant and structures; and
  - (c) the provision and maintenance of safe systems of work; and
  - (d) the safe use, handling, and storage of plant, substances, and structures; and
  - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
  - (f) the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
  - (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.
- (4) Subsection (5) applies if—
- (a) a worker occupies accommodation that is owned by, or under the management or control of, a PCBU; and
  - (b) the occupancy is necessary for the purposes of the worker's employment or engagement by the PCBU because other accommodation is not reasonably available.

- (5) The PCBU must, so far as is reasonably practicable, maintain the accommodation so that the worker is not exposed to risks to his or her health and safety arising from the accommodation.
- (6) A PCBU who is a self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

#### **44 Duty of officers**

- (1) If a PCBU has a duty or an obligation under this Act, an officer of the PCBU must exercise due diligence to ensure that the PCBU complies with that duty or obligation.
- (2) For the purposes of subsection (1), an officer of a PCBU must exercise the care, diligence, and skill that a reasonable officer would exercise in the same circumstances, taking into account (without limitation)—
- (a) the nature of the business or undertaking; and
  - (b) the position of the officer and the nature of the responsibilities undertaken by the officer.
- (3) Despite subsection (1), a member of the governing body of a territorial authority or regional council elected in accordance with the Local Electoral Act 2001 does not have a duty to exercise due diligence to ensure that any council-controlled organisation (as defined in section 6 of the Local Government Act 2002) complies with its duties or obligations under this Act unless that member is also an officer of that council-controlled organisation.
- (4) In this section, **due diligence** includes taking reasonable steps—
- (a) to acquire, and keep up to date, knowledge of work health and safety matters; and
  - (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and
  - (c) to ensure that the PCBU 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 the business or undertaking; and
  - (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
  - (e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
  - (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

#### **45 Duties of workers**

While at work, a worker must—

- (a) take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- (c) comply, as far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or regulations; and
- (d) co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.

#### **46 Duties of other persons at workplace**

A person at a workplace (whether or not the person has another duty under this Part) must—

- (a) take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- (c) comply, as far as he or she is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or regulations.