

HAZARDOUS SUBSTANCES TRAINING FOR APPROVED HANDLERS

All employers need to be aware of requirements for hazardous substances. It is possible for interim certificates (valid for two years) to be issued for highly experienced and competent workers. The regulations are however, prescriptive and expect verification by a Test Certifier of the following details and the Test Certifier may rely on certification from NZQA and written confirmation from employers. The following tests should be applied by Test Certifiers:

1. Candidate has formal training. E.g., NZQA 20645, 3062, 18412 or LTSA or growsafe.
2. Candidate has at least two years of experience unless a lesser term is approved by ERMA.
3. Proof of competence. This can be verbal or written confirmation from existing and previous employers.
4. Establish that the individual has experience in emergency planning and has good understanding of emergency management.
5. Candidate knows and is able to describe hazard classifications for those substances for which he or she is to be an approved handler.
6. Candidate knows and is able to describe the adverse effects that could be caused by each of those substances (normally the main ones).
7. Candidate knows and is able to describe the controls that are imposed under the act in respect of those substances, eg packaging, containment, identification, labelling, signage, segregation, storage, distances.
8. Candidate knows and is able to describe his or her obligations and liabilities as an approved handler, - including
 - The purpose and principles of the Act
 - Offence and defence provisions of the Act
 - The penalties and liabilities imposed by the Act
 - The effect of a compliance order
9. Candidate knows and is able to describe which regulations apply and where those regulations can be obtained.
10. Candidate knows and is able to describe any conditions of his or her test certificate as an approved handler.
11. Candidate knows and is able to describe the content of each code of practice relating to the substances used at the site.
12. Candidate knows and is able to describe the precautions required to prevent injury to a person or damage to the environment by any of the substances used at the site.
13. Candidate knows and is able to describe the procedures to adopt in an emergency involving the substances that are used at the site.
14. Candidate knows and is able to demonstrate a working knowledge of the operating equipment (including protective clothing and equipment) necessary to manage the hazardous substances at the site.
15. Candidate knows and is able to show a written record that is signed by the provider of a course of instruction OR a work supervisor; and describes the method used to assess a person's knowledge and practical skills and the results of the assessment sufficient for a Test Certifier to decide whether or not to issue a test certificate as an approved handler to the candidate.
16. Please contact Summit for details of approved training courses for Approved Handlers.



Consultant Name _____
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News & views from Summit Spring 2004



WARNING TO ALL EMPLOYERS PART 2 OF 3

A person who received a recent newsletter from us has given a hostile email response. This person is a former OSH Manager and has had a huge number of dealings with employers. He wrote the following:

Your writings appear to be one of anti-worker protection (I don't know what is wrong about giving workers an extra week's leave), anti Government and pro employer. Why single out one employer with 4 PGs? Was it the employer or the workers? There are thousands of firms that have never had a PG against them. I don't really believe that this is where Summit Systems is coming from.

This is an example of a former senior Government servant who does not actually understand what is going on in the real world.

In the Christchurch Press of 1 May 2004, it was reported that the Christchurch City Council is currently facing 19 claims for personal grievance. Please ask the question – is the Council a very bad employer or does it have about 3 lawyers and 3 HR experts yet still faces a totally unbalanced system where the employee can win 95% of the time without even trying.

Why do lawyers call the present employment legislation their "killing field". What they mean is that it is so extremely easy for them to go out there and shoot as many employers as they want to.

We know that there are about 300 lawyers and that they handle about 3 cases per week and that this comes to 45,000 claims per annum which is totally different to the 1000 actually reported as going to court.

We again make our offer to all our clients. If you want help to stop this happening, please ring us for free advice. If you want help to gradually move to independent contractors instead of employees please ring our office on 03 33 888 20.



We had a meeting with a mediator this week to try and find out just what they are up to and to help them become aware of the situation facing employers. It seems to us that the main problem is that employers are getting into situations that are tantamount to dismissal and that NATURAL JUSTICE is being ignored.

This means that even though you have a camera taking photographs of a worker stealing money or materials, you cannot sack the person on the spot. You must call a formal meeting and allow the worker to have a support person present. You also need a witness to support your views. All exchanges of information must be recorded and signed off by all people present.

Whatever you do, do not allow a worker to trap you into getting angry and sending him or her home. Even if you intend to suspend a person on full pay (never suspend without full pay), ensure that you call a formal meeting with witnesses for both parties and record the information. You can then call us for advice on how to go about the dismissal process. Ask for Rebekah.

EXAMPLES OF AN ORGANISATION'S EXTERNAL ENVIRONMENT

Many or most decisions in business are destined to fail unless they have taken into account all of the environmental influences.

ECONOMIC – Possible changes in the general economy affecting prices, employment levels and so on.

POLITICAL AND LEGAL – The likelihood that Government decisions, including pending legislative changes, will materially affect the nature and scope of the organisation's programs and operations. This includes all of the safety laws and environmental laws eg HSE RMA, BWO, Fire, HSNO, Food etc.

COMMUNITY – Changes in community needs and wants as well as changes in the demographics of clients or communities to be served. Community also includes the business community and the stakeholders of an organisation.

COMPETITION – Competitor activities, competition for resources, such as managerial talent, skilled personnel and funds, from either the private sector or from within government.



TECHNOLOGY – Changes in demand and supply of technology and information and their effects on programs

SUPPLIERS – Changes in the labour supply and unionism that may restrict or expand opportunities and options for operations.

PHYSICAL – Changes in stock levels, single processing or manufacturing facilities, site, location, weather, terrain and access that could materially affect operations.

BI ANNUAL EXTERNAL AUDITS ARE ESSENTIAL

ACC requires bi annual audits of all employers and this is what they actually demand for admittance to the Workplace Safety Management Practices and Accredited Employer Programmes. If one looks at the standard NZS 4801 it is clear that bi annual audits are required to meet the standard.

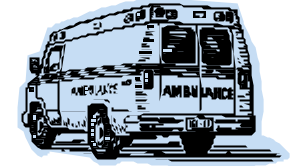
What this means is that clients who do not have regular audits are running a serious risk of prosecution when they actually have a serious accident. In plain language "ensure that you have an external audit at least every two years and preferably every year".

LEGAL CASE NOTES FROM THE COURTS

- **Cresta Mushrooms Ltd** was fined \$10,000 under s.16(1)(b)(v) after two men were overcome by hydrogen sulphide gas while cleaning a 25,000 litre tank. Both lost consciousness and by the time they were rescued, one remained unconscious and was on life support for 3 days. He was hospitalised for 8 days and his friend for 6, and both were awarded \$4000 of the fine. The tank had not been identified as a hazard.

- **After a farm manager** died when caught in the poorly guarded power take-off shaft of an effluent spreader, Bryce Webber and Dianne Webber were each fined \$4000 under s.6. The victim had been towing the spreader behind a tractor and climbed from the still-moving vehicle to make an adjustment. His clothing became caught and trapped him, dragging him some 30m before a bystander was able to stop the tractor.

- **Bar operator** Three Generations Ltd was convicted under s.16(2)(b)(ii) and ordered to pay \$14,000 in compensation to a man permanently paralysed after falling down a unlit stairway leading to the men's toilets.



SOME FORMER CUSTOMERS THINK THAT TIME STANDS STILL

It is disappointing for us to observe that we lose about 25% of our old clients over a period of years due to the total misconception that our system was the best around in 1995 but they never followed us and in the meantime they have been able to manage it all themselves.

We can easily prove that we do not stand still and that our technology grows by about 48% per annum. This means that as part of the knowledge industry we keep up to date and in many cases we outstrip the industry we are in.

Just one example: In 1995 we had about 30 sets of safety rules for industries that we were able to assist. This grew to about 1000 sets currently and this is about 48% per annum compound growth.

Not only do we achieve this in terms of hazard sets. We try and do the same in relationship to the number of training courses that we are able to offer.

Also our expertise does not stand still. In the last few years we have found ways in which to make it somewhere between difficult and impossible for OSH to succeed in a prosecution against one of our clients.

I recently asked a contractor in South Waikato how valuable it would be to become 99% bullet proof from OSH. His immediate response was "very valuable". I then asked him another question. "How valuable would it be if I could teach you three methods of tendering so that you can work out the exact price required within maybe \$1000"? His immediate response was "very valuable indeed".