

45 (g) CHANGES IN DISPOSITION OF PLANT OR MACHINERY Prefix POM

- POM1 All workers must take due care to ensure that PM (preventive maintenance) cycles are attended to at the correct frequency and comprehensiveness to ensure that the machinery or plant is being kept available at optimum effectiveness / reliability.
- POM2 All workers must immediately report any machinery or plant that is showing signs of aggravated wear or tear and/or is making unusual noises or showing vibrations or abnormal responsiveness to standard operations. The same applies to control panels.
- POM3 All workers must ensure that they switch off and unplug machines or power tools that are the subject of blade or disk replacement. When disks or blades are being replaced they must be of the correct type and fitting and be double checked prior to return to normal operations.
- POM4 Where there is a one person operation for example to change the height of ledge in hydraulic press then another worker must not interfere in a manner that could cause serious accident to himself or the other person.
- POM5 All workers must ensure that they keep the workplace or workshop reasonably tidy at all times and will make sure that cabs, benches or workstations are not cluttered in a manner that could engender a serious harm to one or more workers.
- POM6 All workers must switch off taps or switches of gas bottles or electric welding plant when not in use and the workers must make sure that screens are put in place in a effective manner to give best protection to other workers in the vicinity.
- POM7 All workers must exercise diligence with cutting tools and not force them beyond the manufacturer recommendations unless in an extreme situation approved by and supervised by management.
- POM8 Where it is necessary to remove a guard from a saw bench or cutting device for the purpose of bevel or differential work, the guard must be returned to its protective position as soon as practicable after the specialised work is completed.

NOTE This is edition one of three parts over consecutive months.

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IMPORTANT ANNOUNCEMENT – SUMMIT IS PUTTING CASE TO EW SELECT COMMITTEE FOR MAJOR CHANGES TO HEALTH & SAFETY @ WORK ACT STATEMENT OF CASE FOR THE PROPOSAL (3 EDITIONS)

It is respectfully submitted that the current Act does not comply with its own section 3 which is about purpose and intent plus the achievement of purpose and intent. The achievement is sadly lacking in details for worker duties and obligations. It is extremely low quality in terms of coverage and adequacy.

The current Act does not provide for an Approved Code of Practice ACOP from the Minister to provide workplaces with sufficient guidance to compile their own lists of hazards and harms as an essential training guide for their workers.

Section 3 (2) states that regard must be had to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from hazards and risks arising from work or from specified types of plant as is reasonably practicable.

Unfortunately the present Act gives the lowest possible detail to help workers understand the meaning and intention of the law with respect to their duties and obligations. This matter is now being addressed and rectified.

It is respectfully stated that if the 1992 Act has been put into force as clearly stated in its section 5 then it may not have been necessary to make such changes as were eventually required by the 2015 Act and the further changes that are now required.

For the information of the Committee we have visited more than 80 medium sites in Northland and North Auckland over the last 100 days. About 5000 workers were consulted at meetings on site. Only one site did not want to do something in the near future and less than 10 of the workers were seeking to delay their consideration.

99% of the workers are most unhappy with the current HSAW Act 2015 no 70 and this is for two very good reasons. They consider that the worker rights have been completely ignored and they are worried that any serious accident at work could easily result in closure of the company due to a huge fine on Managers. Secondly they want to have the role of safety observer written into law and in full detail and they want the reluctant workers who cannot be bothered to be forced to take positive action to prevent all potential accidents by intervention wherever possible.

We know that there have been thousands of accidents that have resulted in thousands of fines on employers and Owners Directors and Managers (PCBU) but we know of only two workers being fined over the last 25 years.

2.

SUMMARY OF OBJECTIVES

1. To provide for a balanced set of duties for both a) Owners, Directors and Managers known as PCBU and for b) Workers and Other Parties. Currently there are about 10 pages of duties for PCBU and a few lines for workers.
2. To provide sufficient detail for the prevention of serious accidents and harms so that workers and managers can set about having a group of safety rules that can be operated in a successful manner for their site to stop serious harms.
3. To provide for a modest fine of up to \$3,000 or instant penalty on a worker who fails to exercise due diligence or who cannot be bothered and does not wish to prevent an accident and is not interested in the role of safety observer. Believe it or not, 99% of workers are believed to be in favour of this. NB: It is likely that the Safety Committees will by unanimous vote call an inspector to request an instant fine for the problematic workers.
4. To provide a platform for the Minister of request or require the formulation of an Approved Code of Practice for Officials to compile a detailed compendium or mammoth collection of historical accidents and also the potential ones that could easily occur at their place of work.
5. To make it possible for a target of 50% less serious harms to be a serious possibility and not remain in the "never never land". The most stringent efforts over the last 15 years have never achieved better than a 10% reduction.
6. Workers need to become empowered and wish to play a meaningful role and this will make it possible for great things to be achieved. From 1995 to about 2008 we helped some 31,000 sites in the South Island achieve a reduction of 70% accidents on average - this claim was independently checked / verified.

Section 45 Duties of Workers Add new subsection (e)

Accept and discharge reasonable accident awareness / prevention duties and obligations that apply to their position as well as the role of Safety Observer.

The Act will provide examples of duties that are critical for the avoidance of deaths and serious harms in the places of work in New Zealand.

NB: the next four sections would immediately follow as 45 (f) (g) (h) (i)



3.

45 (f) CHANGES IN WORKER HEALTH STATUS OR COMPETENCY. Prefix HSC

- HSC1. All workers under medical treatment or surveillance that could impinge on their reliability at the place of work must inform the management so that precautions can be taken to ameliorate the risks involved.
- HSC2. Any worker who considers that another worker is no longer able to exercise due responsibility and reliability must make his or her concerns known to the Safety Officer or Supervisor of the site.
- HSC3. No worker should attempt to operate complex new equipment or procedures that are not well proven unless special precautions are put in place to reduce the risks.
- HSC4. All workers that are experiencing domestic or private circumstances that could adversely affect their alertness at the place of work must make this situation known to the Safety Officer or Supervisor of the site or the relevant portion of the site.
- HSC5 All workers must ensure that personal protective equipment that is no longer suitable for the protective role designed for must arrange for replacement of the worn out or defective PPE before it becomes a significant hazard.
- HSC6. No worker shall without approval use tools or machines or plant for which he or she has not been properly trained or is not fully competent to operate the items.
- HSC7. All new workers should be appointed under the care and attention of a senior experienced worker who is able to predict and prevent risks or events that could cause injury or harm to the worker.
- HSC8. All workers must produce evidence of driving licences or qualifications that are claimed for and they must be willing to demonstrate or otherwise prove their skills in a practical manner upon request.
- HSC9. All workers must participate in annual or 6 monthly interview or assessment to discover the degree of competency in relationship to critical equipment or process/es.
- HSC10. All workers must participate in an annual or 6 monthly review by management of the number, scope and type of imminent dangers, significant hazards or portending risks that could cause deaths or major harms at the place of work.
- HSC11. All workers who have limited capacity or capability as determined by a qualified Medical Doctor or Practitioner (or those with certificates that indicate inability to use certain types of personal protective equipment) will be entitled to have surveillance by another person to compensate for their inability to defend or protect themselves.