

4.

### PRIVACY ACT LAWS NOT UNDERSTOOD

Almost invariably it is necessary to try and contact a friend or person you have known or used or recall and wish to find them for a perfectly valid reason.

You simply ring the business where they worked or you understood that they worked and you were confident that they would help you. You get firmly and frankly told that "we do not issue phone numbers of our staff". If you ask them "why is this?" they will promptly tell you "it is because of the Privacy Act".

This is total nonsense and has got nothing to do with the Privacy Act and is more to do with their obstructive attitude. They need to get a copy of the Privacy Act. Any information that is in the public domain is not excluded from passing to other people and if phone numbers are in the phone book or a directory then are then NOT private they are public. The same applies to email addresses. People are contactable - otherwise they should live on Mars.



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2 Peter 3:9 .The Lord is not slack concerning his promise, as some men count slackness; but is longsuffering to us-ward, not willing that any should perish, but that all should come to repentance.

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### HOW TO GET GUIDANCE AND OR PRACTICAL SOLUTIONS

What we often find in the best run companies is a total willingness to seek good advice from a wide variety of sources and then to evaluate them in a careful manner. In our view, many or most of our Managers and CEOs have a willingness to consult and engage is a positive way.

It is however common for most managers to forget about the resource that they have at the front line vis the workers. We therefore advocate in favour of involving workers not only for the purposes of compliance with the legal statements in the Workplace Health and Safety laws relating to consultation, but also because of the need to get the best possible performance.

We believe that one of the best sources of information and guidance and solutions is to be found at the front line where the workers do the actual work. All Safety Officers and Internal Auditors are strongly encouraged to consult with workers at the front line for the purpose of getting to know solutions and systems that may be essential for business success.

Many of the sites have a suggestions box but we have never yet found such a box to actually carry out its intended purpose and for some reason the staff have no confidence in them.

We regret to say that many NZ Managers are not confident of their abilities and surround themselves with people who are partly competent and who do not pose a threat to the continuity of the reign of the CEO. In our opinion it is much better to have qualified Safety Officers and Internal Auditors to make for maximum efficiency and effectiveness.

One easy to understand reason for involvement of senior staff in particular is the "buddy system" where the senior staff person should be appointed to coach and supervise the new employee to make sure that the new person does not fall into traps that were unsuspected.

Another method of consultation with staff is to have general meeting and to use the Fish Bone Theory (develop the existing networks) or Mind Mapping (exploration of nearby ideas) or Brain Storming sessions (finding 100 crazy ideas to get the best solution) . You need to involve all of your staff to toss up their ideas and suggestions for consideration even if "off the wall" or "far out".

2.

### GOOD NIGHT NURSE

It is with considerable dismay that we now write to advise that we may be on the road to a major currency crash and this could be the 90 year crash that follows on from 1929.

Nearly all politicians are very good at spending money and they always rejoice at every opportunity to spend somebody else's hard earned money to create friends for themselves.

The problem is that there is always a day of reckoning when you have borrowed just too much and have added the straw to break the camel's back. Unfortunately there are now several of the major countries that have overborrowed to the hilt and we will all pay the consequences.



### MAJOR CAUSES OF COMPANY FAILURE

Recently I have been working in the field with prospective clients and to my astonishment I have found that there are three things that are causing most of the companies severe distress or probable failure in the near future.

ONE They do not understand the 30% rule which means that if one or more parts of your business is locked into one product, one client, one region, one team or one .method then you are at great risk. The most common one is to have one large client plus several small ones. This is madness and must be changed at full speed ahead.

TWO Human resource failures and inadequate HR systems or just having a HR manager who does not have back up to CCH services or the Bills Service. The HR manager is a nice person who will ensure regular large payments.

THREE Health and Safety failures and inadequate systems and failure to take obligations seriously.

### BRILLIANT BUSINESS MADE BETTER SCHEME

The new scheme is a collection of several of our top business performance systems that have been well proven over almost 30 years. The new scheme is probably 5-10 times the scope of what we have done in previous years but we are confident that we can make the scheme essential for small or medium clients. This means that as they grow their business with us.

They can "plug in" the systems and gains to achieve the results on a "win as you go" basis. In our view the first step should be to appoint Safety Officers and Internal Auditors and get them qualified. They need to be empowered and invited to assist management with initiatives to go for reductions in accident rates and to go for discounts from ACC or subsidies or experience rating bonus.

3.

### LEGOSH HEALTH AND SAFETY LAWS EN FRANCE DIRECTORS

Directors prosecuted for backdated failures to attend to obligations.

#### **4.1 Duty to ensure the health and safety of employees.**

**Summary/citation:**The employer shall take all the necessary measures to ensure safety and protect the physical and mental health of workers. These measures shall include:-Actions to prevent occupational hazards;-Provision of information and training;-Implementation of specific OSH system and means. The employer shall ensure the adaptation of these measures to the workplace and take into account the changes of circumstances to achieve improvements.

#### **Nine OSH principles underpinning the application of the above measures**

1. Avoid risks;
2. Assess the risks that cannot be avoided;
3. Combat risks at source;
4. Adapt the work to the persons, especially in the design of workstations and the choice of work equipment; to methods of work and production, particularly in order to limit the repetitive work & clocked work & reduce the impact of these
5. Take into account the state of technical development;
6. Replace the dangerous by not dangerous or less dangerous;
7. Create a prevention plan by integrating coherently technology, organization of work, working conditions, social relationships, environmental factors, including risk of bullying and sexual harassment.
8. Take collective protection measures giving priority over individual measures.
9. Give appropriate instructions to workers.

**Remarks / comments:** In 2009, two Court of Cassation rulings recognized that moral harassment could occur even without malicious intent on the part of the perpetrator and considered that certain management methods constituted moral harassment when they consisted of repeated actions against an employee. The Court of Cassation considered that the strict nature of the obligation to ensure safety at work implied that the occupational risk should never have occurred. In light of the framework-directive 89/391/EEC dated 12 June 1989, the Court of Cassation also ruled on 28 February 2006 that employers are not only under a strict obligation to ensure and protect the health of workers in the workplace, but are also liable for guaranteeing its effectiveness.

•[Ordonnance n 2007-329 du 12 mars 2007 relative au Code du travail \(partie législative\)](#). (Art. L4121-1, Art. L4121-2, Art. L1152-4)

