

Warning signs or signals from employees

The employee has an accident that appears to be caused by stupidity or lack of concentration. The next stage is that the employee wants to have extra time off and repeated doctor visits and stand downs and time out.

Another sign is that the employee is taking sick leave at the rate of one day per week. This can mean that the worker is on drugs and trying to arrange sick leave to hide the problem.

Another sign is that the employee wants to have another copy of the contract documents and this is a signal that the employee wants to have it for the purpose of contacting an employment adviser for free advice and to see what amount of money might be "screwed".

You also need to be aware that if an employee resents or resists reasonable commands or jobs to do in the set sequence it may be that the employee is testing you out to see how far s/he can "buck the system without giving the game away".

We recently heard about an employer in Paihia that had 6 workers make claims at the same time and this caused the employer to lose all equity in the business. On top of this he had to pay the "Queen Street lawyers". He now has to find six new workers he can trust.

Yet another sign is that the employee wants to go to her or his doctor in the event of an accident and the purpose of this is to get the ACC claim extended as far as possible.

Finally, you will find that one of your employees may try to stop you introducing performance management as part of a human resource system. The purpose of this is to allow the worker to shelter behind other employees that are superior and to be obvious as a follower rather than a dissenter.



SSL Manager Name _____

Telephone/Fax _____

All information in this newsletter is to the best of our knowledge true and accurate. No liability is assumed by the author, or publisher, for any losses suffered by any person relying directly or indirectly upon this newsletter. Please call Head Office for specialist advice.

HEAD OFFICE ADDRESS: 77 Tarewa Road, Morningside, Whangarei 0110
TELEPHONE 09 438 7555 or 7550, FACSIMILE 09 438 7556, MOB 021 070 9141
EMAIL safetynz@xtra.co.nz gpaul_134@hotmail.com www.summitsystems.co.nz
ARCHIVED NEWS - Go to Summit Systems Ltd website, click on newsletters



News & views from Summit Systems September 2016



SOME EMPLOYEES CAN BE SERIOUSLY HAZARDOUS

1. Most employees are reasonable and trustworthy people. In the last century you could virtually trust your life with them. We live in changing times however.
2. The laws of NZ have been modified by recent Governments so that the employees have more legal rights than the employers. This might sound hard to believe or even vindictive - but nonetheless it is true. Under Australian law, it is believed that employees do not have special rights unless the company has a considerable number of employees. We think that the number is 50 but it may even be 100.
3. What this means is that an employee in NZ can become aggrieved or have hurt feelings or can become upset with the employer or can feel threatened by the behaviour or discussions of the employer. The worker can then create a grievance or employment claim and get help to punish the employer. The claim can have several legs on it.
4. We could give you a thousand examples of what happens and how the employer can end up finding \$5,000 or more in a hurry to keep the employee happy. Unfortunately, we are not joking. The Dept of Labour or MBIE will assure you that there are just 2000 cases per annum. Our research has revealed that there are more like 45,000 cases per annum and 90% of them would not have happened in Australia.
5. In plain language this means that an employee can be threatening to your business and can cause the demise of your business if you are not watchful. You must have a high quality employment contract. You must do reference checking before engagement. You must look for gaps in the string of employment engagements. You must track back any strange lapses or periods of what appears to be non employment.
6. If you happen to think that you have equal rights then we are sorry to say that this is a nice idea of lawyers that would have you believe you can counterclaim effectively and come out winning. Our information is that your counterclaim will be limited to the amount that the employee is claiming and that if the damage is higher than the amount of the employee claim, that is just "bad luck".
7. We need to discuss some situations that can arise and you need to become aware of. It is also important to take advantage of our offer of two free copies of our document called "Liberty & Freedom from ERA". We strongly recommend that you seriously consider having a few independent contractors that will assist you retain control of the performance of your business. In this newsletter we will discuss some warning signs to be aware of and what to do if you face these issues.

2.

ESSENTIAL INTERNAL AUDITOR TRAINING COURSES

We are delighted to advise clients that we now have two high quality courses for middle managers. The courses are considered to be essential for managers who wish to avoid prosecutions from Worksafe. Clients will be aware that the Health and Safety at Work laws came into force on 4 April 2016. Most clients will not be aware that the existing world standards for Health and Safety will be updated in December 2016. This means that all world standards will be substantially replaced with new ones early next year.

At the same time, we need to reflect on the advice we are receiving that most of the NZ managers are not following the intention of the law to appoint Safety Reps where indicated and where there is hazardous work. We further learn that most managers are not too keen on the concept of Safety Committees as they were not legislated for in 1992.

The implications are that Safety Reps are likely to advocate for the workers and take a union role or orientation as this is what is to be expected. In Australia, the legislators decided to ensure that the Safety Reps would be balanced by Safety Officers who would be appointed to represent the views of management and to provide for a democratic committee.

To the best of our knowledge, no Safety Officer has ever been prosecuted in NZ and we expect that this trend will continue. At least, we will endeavour to promote this.

The two courses are (a) Workplace Health & Safety Officer (WHSO) and Internal Compliance Auditor (ICA) – ISO 45001; (b) Safety Supervisor (SS) and Internal Compliance Auditor (ICA) – ISO 19011. The WHSO ICA course is one day and the SS ICA is 1.5 days in duration. The fees are \$399 + GST and \$699 + GST respectively. The lesson plans are 90 pages and there are 55 colour slides for each of the auditor segments. There are four exercises and they take 5-10 hours for completion.

We are delighted to advise that all employers that belong to the Regional Partnership Scheme will be eligible for 50% subsidy on application. We help clients get registered. In addition, we are asking the Minister of ACC for some token funding to assist the sites that are "strapped for cash".

Current SSL clients who have completed Safety Officer courses within the last 5 years will be able to "tack on" the auditor segment and this will reduce their costs by 50%.



FREE PLAN - NYC WORKERS

We have developed a free plan for existing clients to make available to challenged workers that may have basic learning difficulties. It is called "Ten steps for workers to Understand".

Order your copy from Head Office or your local Consultant. The booklet is about 15 pages and the course takes about one hour and has a simple comprehension check.



LEPTOSPIROSIS AWARENESS AND CONTROL

<http://www.business.govt.nz/worksafe/information-guidance/all-guidance-items/leptospirosis/leptospirosis2007.pdf> Lepto is dangerous. Make sure you read this.

LIBRARY OF ANSWERS TO TRY AND SATISFY WORKSAFE

Summit is pleased to advise that we now have about 30 memos relating to Worksafe NZ. The focus is to ensure that you have the things in place to satisfy NZG Officials. Half of the memos are about things to do so that you get favourable investigation results & positive outcomes for the site. The other ones are internal audit formats to ensure that you can check out your operations in a systematic manner with a high degree of certainty of reaching / maintaining standards.

INTERNATIONAL STANDARD ISO/DIS 45001 FOR 2017

This standard will be finalised in December 2016, then ratified early 2017. It will replace or over-arch most or all of the current global standards for health and safety. It will become a hallmark for the laying of information in NZ Courts.

It has three chapters that contain a new approach with some different emphasis compared to all of the existing standards. There are three chapters of significant importance:

8. Operations (all aspects of ops)
9. Performance evaluation / audit
10. Improvement & top level reviews

