

Carry on Camping

The new Health and Safety at Work Act comes into force on 4 April 2016 bringing new responsibilities and clearer duties for everyone in the workplace. WorkSafe New Zealand Sector Engagement Manager Bryce Fleury explains there's no need to panic.

There has been plenty of discussion around what the new law means for various organisations and industries. This is a good thing because first and foremost people need to think and talk about health and safety. But with the discussion has come speculation and misinformation around supposed costs, responsibilities, enforcement and penalties.

In the education sector, there is some concern about the penalties under the new Act and how this could discourage Education Outside the Classroom (EOTC) experiences. But little should need to change as schools are already required to have effective health and safety and risk management programmes in place for EOTC and other activities. I understand the Ministry of Education is working with NZSTA and a school's Sector Reference Group to update the existing EOTC guidelines. This will help principals and schools prepare for the requirements of the new Act.

I note Christian Camping New Zealand, as a responsible provider of EOTC experiences, publically states its commitment to a safe experience at all of its sites. The new law not only supports such a responsible approach, it clarifies the duties of the schools using those facilities to help ensure they are working with providers to ensure a healthy and safe experience for students.

Simple, practical and reasonable

The good news is that doing the right thing should be straightforward. The new law is a good opportunity for schools, and those providing outdoor activities for kids, to review their health and safety practises and culture and, if needed, revise how they manage critical risks that could cause illness, injury or even death. Think of it this way, just because the law has changed it doesn't mean your risks have.

It's about doing what is 'reasonably practicable' and proportional; balancing the level of risk, the chance of an incident happening and how much control you have in preventing it. And despite what you may have heard, the new law does not mean lots of extra paperwork and compliance costs. If you are already taking a considered approach to health and safety then little will need to change.

So who is responsible for health and safety?

The short answer is - everyone; but with clear levels of responsibility. The new law makes it clear that the organisation (e.g. a school's board as a legal entity) has the primary duty of care to ensure the safety of its workers and anyone affected by its work – for schools that includes its pupils and visitors (e.g. parents).

Board of Trustee members are responsible for ensuring the school is doing the right thing to meet its health and safety responsibilities. School Boards as part of good governance already oversee financial and educational responsibilities, so giving health and safety similar priority isn't onerous. Workers must also take reasonable care for their own and their fellow workers' health and safety. Everyone has a role to play.

It's about collaboration and this includes when the work of two or more organisations overlap. For example, when a school takes its pupils camping its duties will overlap with those of the organisation running the camp. Together they will need to make sensible arrangements to ensure risks are managed. Christian Camping New Zealand already promotes risk management planning as part of its engagement with schools. This is already happening elsewhere as a matter of course for responsible EOTC providers and schools.

A quick word on volunteers helping out with school camps

Volunteers are a vital part of the support network for schools, particularly in the area of EOTC. The new law won't get in the way of parents and caregivers playing their part to help kids experience the great outdoors. People volunteering to support a school camp will be classed as 'casual volunteers' under the Act – a category that applies to people volunteering for educational, sports or recreational institutions. The duties between a school, the ETOC provider and these volunteers are effectively the same as exist under the current law.

WorkSafe are not the 'fun police'

As a regulator, WorkSafe is not all about enforcement. In fact our over-riding focus is to embed good workplace health and safety culture and best practice in New Zealand. To do that we're working with organisations and workers to **educate** them about their responsibilities and **engage** them in making changes that reduce the chances of harm. As part of our educating/engaging role WorkSafe will be providing ongoing information and guidance to help ensure people are up to speed before the Act comes into force.

WorkSafe will of course enforce where it has to for those who fail in their duties. While we'll hold those to account where we need to, as a regulator we aim to be proportionate and fair. WorkSafe is not trying to catch people out or pounce on small oversights with minimal consequences. We're helping tackle the major focus areas where the significant number of workplace serious harms and deaths occur.

WorkSafe are not the 'fun police', we're not cancelling sausage sizzles, cake stalls, fairs or school camps and we're definitely not getting in the way of the excellent work organisations such as Christian Camping New Zealand provide to the youth of New Zealand. Prosecution is seen as a last resort not a first step and is not a decision taken lightly. Regulation and enforcement alone are blunt instruments unless matched with engagement and education.

If you believe some of the stories you hear, health and safety is all about stopping any activity that might possibly lead to harm. This is not our vision of sensible health and safety - we want to save lives, not stop them.

This is the beginning of necessary change in New Zealand's workplace health and safety. The question is no longer "do I have a responsibility for workplace health and safety?", but "What is my responsibility for workplace health and safety?" Everyone who goes to work – and school - deserves to come home healthy and safe.

What happens next?

Between now and when the new law comes into force on 4 April, WorkSafe, working with other regulatory bodies and business, will provide information material to help business make sure they are up to speed. Formal guidance as a result of regulations will be issued from late 2015. Keep informed by visiting www.worksafe.govt.nz and sign up to the Health & Safety at Work Act subscriber updates.