**Health and Safety at Work Act 2015 (HSWA). Notes for Rotarians.**

The primary piece of legislation governing health and safety practices in New Zealand is the Health and Safety at Work Act 2015 (HSWA). The legislation places a personal due diligence duty on officers of a PCBU, to ensure the organisation complies with its health and safety duties and obligations.

A PCBU is a ‘person conducting a business or undertaking’. A PCBU may be an individual person or an organisation. A ‘business’ is generally a profit making entity, whereas an ‘undertaking’ may not be commercial in nature.

A PCBU must ensure, so far as is reasonably practicable, the health and safety of:

> workers who work for the PCBU, while the workers are at work in the business or undertaking

> workers whose work activities are influenced or directed by the PCBU while the workers are carrying out the work.

A PCBU must also ensure, so far as is reasonably practicable, that the health and safety of other people is not put at risk from work carried out as part of the business or undertaking. While volunteer associations do not have enforceable health and safety duties under HSWA, as they are not classed as PCBUs, they nevertheless have a duty of care obligation to ensure the health and safety of all those involved with the undertaking.

Officers who perform their duties on a voluntary basis, ie they do not receive payment or reward, are volunteer officers. Volunteer officers have a due diligence duty to ensure the PCBU complies with its duties and obligations, including its health and safety duties.

While officers who are volunteers have a due diligence duty to ensure the PCBU complies with its duties and obligations, they do not commit an offence if they fail to meet it. This immunity ensures that voluntary participation at a leadership level is not discouraged.

However, volunteer officers may be prosecuted as ‘other persons’ at the workplace if they fail to take reasonable care of their own, or another person’s health and safety while at the workplace, or fail to comply with reasonable instructions about health and safety given by the PCBU.

Due diligence includes taking reasonable steps to:

* so far as is reasonably practicable, eliminate or minimise the risks that may arise from the undertaking.
* Get advice from a suitably qualified person about the hazards and risks associated with the undertaking. Discuss health and safety with volunteers and other workers.
* Understand the organisation’s risks and needs, make sure resources are provided and processes are implemented.
* Develop processes for reporting incidents, hazards and risks, then identifying if action is required to eliminate or minimise the risks (so far as is reasonably practicable). Review incident data and identify trends. Identify how the system can be improved.
* Make sure everyone in the organisation understands the health and safety processes and their obligations. Talk about health and safety at meetings and record resolutions. Conduct worker site meetings before commencing activities.

Rotary H&S Consultant Ian Clark has produced a comprehensive Health & Safety Plan to assist clubs who are undertaking activities, this document will be sent to all clubs – and on the District website when the Club Runner sites is established.

Worksafe fact sheets are available on their website:

<http://www.business.govt.nz/worksafe/information-guidance/all-guidance-items/hswa-fact-sheets/>