Technical Corner: The weight of responsibility

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In a new three-part series about regulations, the Crane Association of New Zealand's Past President, Scott McLeod, outlines the hierarchy of control measures in this month's The Technical Corner.

It's a mouthful – Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

But it is a regulation that shouldn't be overlooked, especially in the crane industry, because there are a number of interesting things to note since it came into force, Scott says.

Persons conducting a business or undertaking (PCBUs) have duties to ensure, so far as is reasonably practicable, that the workplace is without risks to the health and safety of any person.

According to WorkSafe, PCBUs have a general duty to engage with workers. In addition, PCBUs must engage with workers when:

- identifying hazards and assessing risks to health and safety
- proposing changes that may affect workers' health or safety
- making decisions about:
    - ways to eliminate or minimise health and safety risks
    - procedures for resolving health or safety issues
    - whether facilities for workers' welfare are adequate
    - procedures for engaging with workers
    - procedures for monitoring workers' health
    - procedures for monitoring workplace conditions
    - procedures for providing information and training for workers
    - developing worker participation practices, including when
    - determining work groups
    - carrying out any other activity specified in regulations.

Scott says it's crucial for companies to understand that the regulation places greater responsibility on PCBUs when eliminating risks to workers' health and safety.

Additionally, they must minimise the risks to health and safety and implement control measures in accordance with this regulation.

"Under the old regulations, we used to say that we eliminate, isolate or minimise. Now we must eliminate and minimise under the new regulations, which also gives us ways of minimising it via substitution, isolation, engineering, administration and personal protective equipment.

"But the crux of this story is to point out the change that most people don't pick up on, and that is it's the PCBU who needs to do this, that is the company.

"By that I mean it's not about the worker on site. It will certainly help if the worker on site is looking for hazards and following task analysis or lift plans, but ultimately the entity held to account is the PCBU."

For example, should a worker on site be doing a lift plan, the PCBU has an obligation to manage the risks.

The PCBU should put systems and processes in place to make sure the worker knows how to complete or read a lift plan, and then must ensure they are checking this is being completed correctly and changing behaviours if it is not, Scott says.

He often sees hazard registers that state workers must do 'x, y, and/or z', but he believes that is the wrong approach.

Instead, it falls to what the PCBU is going to put in place using the hierarchy of risk control measures to ensure the worker remains safe.

"We have to move our thinking from the employee to the PCBU.

"They're the ones who should be giving workers the right tools or setting up and laying the foundations for good health and safety right from the top.

"In the past, we tended to, I guess, pass on the weight of responsibility to the employee to eliminate, isolate or minimise any hazard that they came across.

"But the law is actually focused on the PCBU – the company – and what the company will do to eliminate and minimise the risk.

"We must think as the PCBU about the risk and how the PCBU will manage it. A good place to start in this approach is by thinking about the lifecycle – how you plan the work, do the work, check the work, and change your processes for the next reiteration."

Scott says there are four key principles to this lifecycle: Plan, do, check and change.

If we take this approach and think about your risk register as a PCBU, he adds, you should be establishing what controls you can put in place at the planning stage such as appropriate training and competency.

"That also goes for what controls should be in place at the doing phase such as lift plans, appropriate equipment and exclusion zones, and your process to check that these required controls are in place and working.

"This may be through weekly or monthly audits using a safety representative or a site manager combined with feedback, suggestion for improvements etc."

Scott acknowledges he's seeing some great workplace cultures created with discussions or feedback mechanisms allowing the improvement cycle to naturally occur.

He adds that people should move away from the mindset that it's not about what someone has done wrong, but how the PCBU is creating a safe workplace – and thus begins a great discussion.

Scott's last message is a reminder – that the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 is the "actual rulebook".

That tells you what the law is – so, brush up on it, because everyone wants to work in safe environment.

ENDS