

BACKGROUND

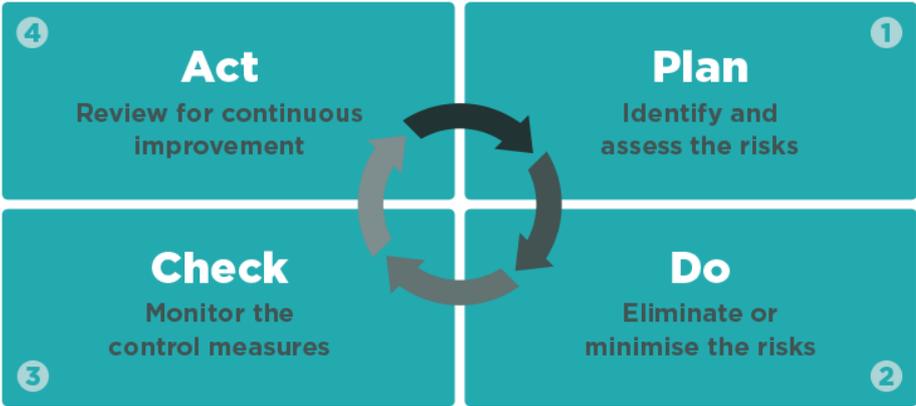
- 1. HSWA is now well-established with opportunities to review case law and related precedents. Since the last Committee meeting on 16 December 2020 there have been no significant changes to legislation affecting health and safety in the workplace, although there have been several media releases and learnings from investigations.
- 2. Our focus continues to be on critical health and safety risks, staff wellbeing, and building a culture where all our workers feel supported, understand the risks associated with their work, and the controls needed to mitigate these.

DISCUSSION and OPTIONS

- 3. Council recognises that a well-functioning health and safety system relies on participation, leadership and accountability. HSWA sets out the principles, duties and rights in relation to workplace health and safety. A guiding principle of HSWA is that workers and others need to be given the highest level of protection from workplace health and safety risks, as is reasonable.

Identified Health and Safety critical and operational risks

- 4. Healthy and safe work starts with identifying and understanding what our work-related health and safety risks are. It then involves doing what is reasonable and practicable to eliminate those risks. Where the risk cannot be eliminated, it must be minimised so far as is reasonably practicable.
- 5. Our focus is on critical risks before managing less serious risks. Teams are required to review work activities on an ongoing basis to identify any new risks that need to be managed.
- 6. We follow the "Plan-Do-Check-Act" four-step model to help manage our work health and safety risks:



7. Staff have identified their operational risks, and these together with controls, are reviewed on an annual basis or post any incident/accident. To support this work we have implemented a Business Partnership Model where the HomeSafe team collaborate and review team risks developing minimum risk guidelines for staff and contractors to follow.
8. A list of 28 critical risks have been identified, highlighted and reviewed at regular Central Organising Roopu (COR) meetings. All but one have now been closed off, the remaining outstanding risk is planned to be completed in the near future (delayed due to COVID-19/specialist Auckland based contractor availability).
9. Our top nine identified operational risks are:
 - Conflict, violence and aggression
 - Falls from heights
 - Driving and vehicle safety
 - Working in the road corridor
 - Contractor management
 - Confined spaces and access
 - Isolated, remote, lone working
 - Hazardous substances
 - Asbestos.
10. From early February 2020, the HomeSafe and Risk teams were focused on developing Council's Pandemic Plan in preparation for COVID-19. We developed a high-level Pandemic Plan, which will be reviewed to incorporate lessons learned. HomeSafe continues to participate in Council's Crisis Response Team (CRT) dealing with the two resurgences of COVID-19 in 2021 which have seen Gisborne move to Level 2 on two occasions.
11. Summer students have now completed their summer placements and had high health and safety compliance and 'buy in' throughout their stay with Council.

Compliance

12. Workplace health and safety is not just about compliance with every letter of the law. It is about making sure our basic proposition about workplace health and safety is cemented in our organisation's culture. To this end, several further compliance initiatives are under way.
13. Several recent WorkSafe New Zealand (WorkSafe) investigations have highlighted the need for continued robust contractor management processes around overlapping duties. Contractor management has been identified as a critical risk with operation protocols in place to support this. A recent gas pipe rupture during Olympic Pool project work reportable to the regulator (notifiable incident) highlighted the need for close collaboration and regular reviews.

14. Council continues to play a key role in the local Te Tairāwhiti Asbestos Liaison Protocols where Council, Hauora Tairāwhiti, Fire & Emergency New Zealand and WorkSafe jointly support the reduction of occupational and public health risks associated with the exposure to asbestos.

Contractor management

15. Much of Council's high-risk work is undertaken by contractors. Before becoming a Council approved contractor, a health and safety assessment is undertaken with high-risk contractors required to undertake a pre-qualification check of their health and safety systems using our pre-qualification Safety, Health and Environment (SHE) system. This system helps us make smarter health and safety decisions, all backed by data and supported by rigorous processes. Council staff who engage high-risk contractors then undertake a check of any qualifications, licensing, safety plans and associated documentation before they commence work. In most cases monthly monitoring of any contractors undertaking physical work is required by the person who engaged them, or a suitable project consultant, with this monitoring reviewed by the HomeSafe team.
16. Working closely with approved contractors includes regular meetings where health and safety is reviewed, including accident and incident data. The benefits of collaboration not only ensure Council complies with requirements under Section 34 of HSWA (overlapping duties) but also achieves benefits when exchanging learnings.
17. Data, trends and information from the Tairāwhiti Economic Support Programme (TESP) and Provisional Growth Fund (PGF) initiatives are currently being reviewed. Transfer of data and information to support the ongoing development and management of Council contractors going forward will significantly contribute to our contractor management and new project tendering process.

Due diligence by officers

18. HSWA outlines who is an 'Officer' and what their duties are. In councils, 'Officers' include mayors, councillors and chief executives. An officer must exercise due diligence to ensure that Council complies with all its duties or obligations under HSWA.
19. To ensure all elected members fulfil due diligence in their capacity as an officer, health and safety reports to the Audit & Risk Committee will also be included in the subsequent Council agenda. The updates to the Governance Structure and Terms of Reference (Council Report **20-219**) will mean that such information in the future will be accompanied by any recommendations from the Audit & Risk Committee.
20. Part of the role of an Officer of a PCBU¹ under section 44 (Due Diligence) is to ensure that there is a safe workplace and that Council has required resources available to manage identified risk. We achieve this in several ways:
 - COR (including the chief executive) meet weekly and discuss health and safety. Regular reviews of health and safety risks are undertaken – including general data, trends, accident data, critical risks and changes to guidance, standard operating procedures and health and safety Information.

¹ Person in Control of a Business or Undertaking

- The chief executive and COR ensure sufficient finance is made available.
- Directors attend monthly Health and Safety Committee meetings.

Keep up-to-date with Health and Safety matters

21. Due diligence includes taking reasonable steps to acquire, and keep up-to-date, knowledge of work health and safety matters Section 44(4)(a) of HSWA. Recent notifications from WorkSafe include:

National Buckle Up Campaign

22. WorkSafe is advising industries to buckle up after an analysis of vehicle-related fatalities found that nearly half those that occur on farms could have been avoided if a seatbelt was being used.
23. The data analysis, completed by WorkSafe, revealed that not wearing seatbelts while on the job was the largest single factor contributing to fatal work-related accidents. Notably, driving and vehicle safety is identified as one of Council's top 9 operational risks.
24. WorkSafe have a current focus on work-related transportation in all industries, including the use of seatbelts. Council has a significant number of vehicles in its fleet, including side-by-sides, and has reinforced this message to staff and non-compliant Council contractors.

Whakaari/White Island

The next hearing date of 5 March 2021 will be of interest to all workplaces across New Zealand. There are ten organisations charged under the HSWA. Nine face a section 36 charge (failure to ensure the health and safety of workers and others) and one faces either a section 36 or a section 37 (duty of a PCBU that controls a workplace) charge. Each charge carries a maximum fine of \$1.5m.

There are three individuals charged under section 44 of the Act which requires directors, or individuals with significant influence over a company to exercise due diligence that the company is meeting its health and safety obligations under the Act. Each charge carries a maximum fine of \$300k.

Worker participation

25. One of the key requirements of health and safety legislation is mandatory worker engagement, participation and representation. We formally apply this in two key ways:

- By having nominated Health and Safety representatives who cover a specific work group. Currently each representative operates in this role for a period of three years. Proposals to change to a two-year rotation are currently being reviewed. Health and Safety representatives are consulted on worker health and safety matters, involved in investigations, meet quarterly and are given a variety of training opportunities during their term.
- All workers are encouraged to report accidents, incidents and near misses through the VAULT system (our health and safety management platform). We also have a VAULT app available, allowing mobile access and reporting.

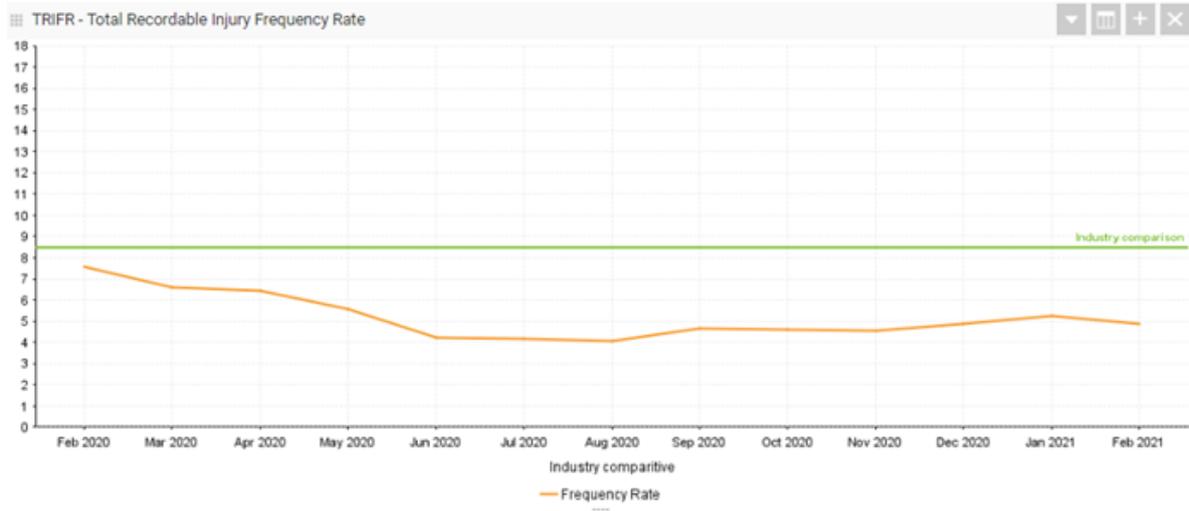
Our key processes

26. Facilitate the **Employee Participation** process in line with HSWA regulations.
27. Manage the **VAULT health and safety system** which aligns with AS/NZ 4801 Occupational Health and Safety Management systems and provides a repository for all health and safety information, hazard registers, risk registers, compliance registers and monitors improvement actions and investigations.
28. Lead the **Health and Safety Risk Management** process which is a core function of the VAULT system. The risk module has a sophisticated structure that fully integrates with all outputs of VAULT where risk assessments and controls are reviewed, monitored and continuously improved.
29. Contribute to the **BOPLASS Mahi Tahī LG Collaboration Portal** which provides a shared resource where Council health and safety policy, guidance and related material is freely available and members meet on a quarterly basis.
30. Coordinate the **Audit and Review Process** from within VAULT. Scheduling and improvement actions are applied to individuals and monitored until closeout.

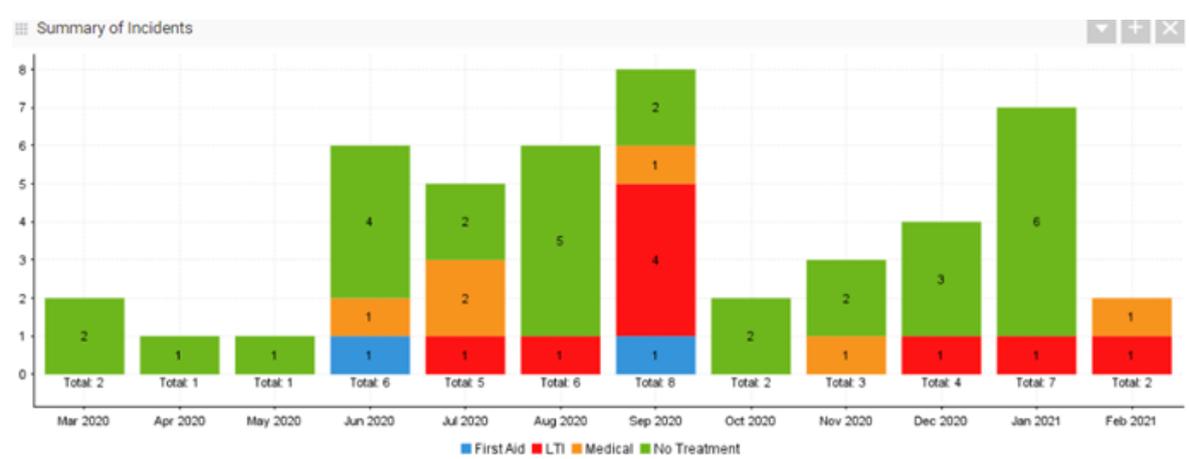
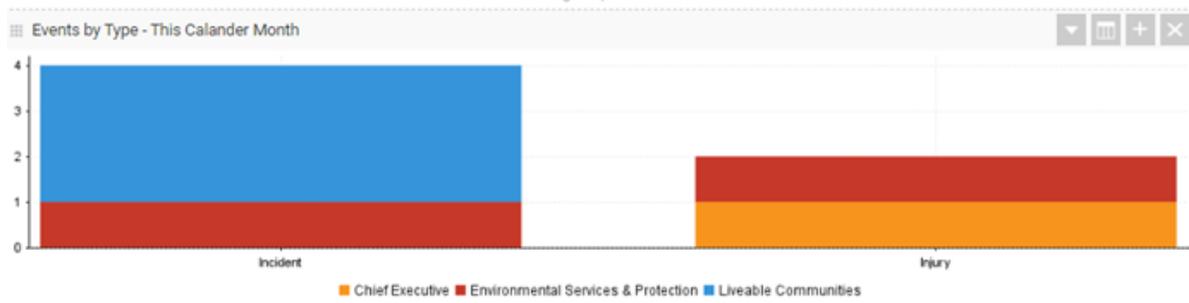
Process gaps/improvement opportunities

31. A number of gaps and improvement opportunities have been identified including:
 - Some aspects of VAULT are not well understood or utilised. Additional and ongoing training is required targeting managers and their teams.
 - Health and wellbeing initiatives require further development and implementation.
 - Health and safety culture recognition and rewards scheme requires formalisation.
 - Audit and review of major contractors is ongoing and requires further enhancement.
 - Accountability – annual health and safety KPIs assessment and review requires completion following year-end.

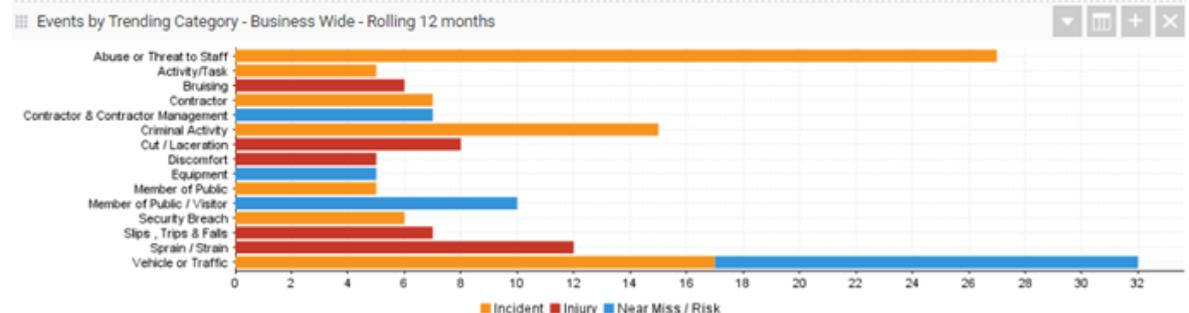
Accident and incident statistics



Drag a report here



Drag a report here



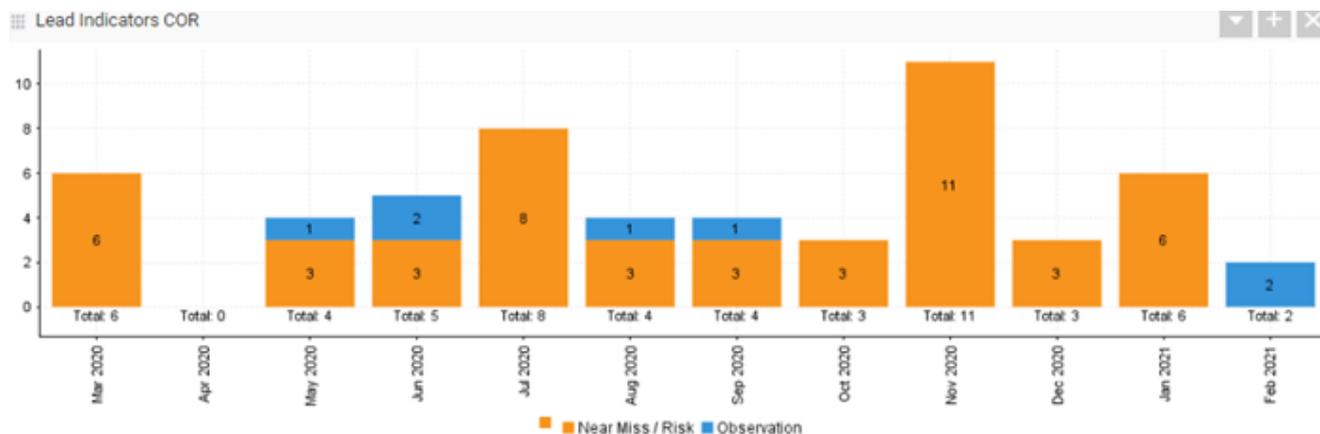
Key:

No treatment = reported accident requiring no first aid, medical treatment or time off.

First Aid = minor accident requiring first aid.

MTI = Medical Treatment Injury - injury or disease requiring treatment by General Practitioner (GP).

LTI = Lost Time Injury - workplace injury where worker requires time off (GP certified).



Key/explanation:

- **Total Recordable Injury Frequency Rate (TFIFR):** Shows our performance gauged against similar organisations. It is an industry standard reporting calculation based on (recorded incidents x 200,000) / Total number of hours worked.
- Note the downward trend reflects the COVID-19 Level 4 and 3 situations.
- Events by trend (last 12 months) highlight top three events as vehicle and driving, conflict and aggression and slips, trips and falls.

Notifiable events

32. WorkSafe have been notified once in the past 12 months for Council worker injuries - slips, trips and fall - knee laceration requiring surgery.

Notifiable incidents

33. During excavation at the Olympic Pool development, a contractor has struck and ruptured a gas pipe. While no one was injured, the event met the threshold of reporting to WorkSafe. This incident is presently under investigation.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

34. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT

35. While no tangata whenua engagement was required to complete this report we are respectful when partnering with our community and organisations and ensure Te Tiriti o Waitangi - The Treaty of Waitangi is recognised in our daily work.
36. The HomeSafe team actively promote the principles of Te Tiriti o Waitangi - The Treaty of Waitangi.

COMMUNITY ENGAGEMENT

37. No community engagement was required to complete this report. All teams, including the HomeSafe team, are responsible for the safety and wellbeing of our workers and community. Contractor management and requests for service from our community may require input and guidance from the HomeSafe team.

CLIMATE CHANGE – Impacts/Implications

38. There are no impacts or implications on climate change.

CONSIDERATIONS

Financial/Budget

39. Any financial implications relating to this report will be met from within existing budgets.

Legal

40. The HSWA and its associated regulations were introduced in 2016 and have now had a chance to acclimatise. Significant fines have been in the media for PCBUs who have not taken all reasonably practicable steps to mitigate health and safety risks. Any notifiable events investigated by the government regulator WorkSafe have the potential to be investigated.

POLICY and PLANNING IMPLICATIONS

41. There are no policy and planning implications to consider. Health and safety is inherent in all areas of Council work.

RISKS

42. HSWA and its associated regulations require a PCBU to take all reasonably practicable steps to ensure the safety of its workers. There remains a risk to workers, Council reputation and regulatory censure due to any unidentified or unknown risks, or failure of workers to follow safe work procedures. The vast majority of known critical risks identified have been closed off.

NEXT STEPS

Date	Action/Milestone	Comments
23 June 2021	Next Health & Safety Update Report	N/A