

Chairperson and Subcommittee Members
AUDIT AND RISK SUBCOMMITTEE

11 FEBRUARY 2016

Meeting Status: **Public**

Purpose of Report: Discussion

HEALTH AND SAFETY QUARTERLY REPORT

PURPOSE OF REPORT

- 1 This report presents the Health and Safety Quarterly Report 1 October 2015 – 31 December 2016 for the Subcommittee’s consideration.

DELEGATION

- 2 The Audit and Risk Subcommittee has delegated authority to consider this report under the following delegation in the Governance Structure, Section C.3.

7. Without limiting the generality of this delegation the Subcommittee has the following functions, duties and powers:

Internal Reporting:

- 7.4 *To review the processes for ensuring the completeness and quality of financial and operational information, including performance measures, being provided to Council.*

Risk Management:

- 7.11 *Assist elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role.*

BACKGROUND

- 3 Quarterly reporting to this Subcommittee on the status and currency of health and safety initiatives within the Council provides the means to ensure that health and safety is taken into account in all high level decision making processes. This furthers the view that health and safety principles and practices are considered paramount in all planning and monitoring initiatives.

CONSIDERATIONS

- 4 The Health and Safety Quarterly Report (Appendix 1) outlines the health and safety initiatives underway for the last quarter 1 October 2015 – 31 December 2015 and the progress of health and safety related matters.
- 5 The Health and Safety Quarterly Report addresses the strategic reporting requirements as identified in the Strategic Health and Safety Plan 2014-2016. An overview of the quarter is provided in the Executive Summary and Key Achievements segments of the report attached at Appendix One of the report. A high level description of the work programme for the second quarter is also in the report.

Policy considerations

6 There are no policy implications.

Legal considerations

7 There are no legal considerations.

Financial considerations

8 There are no financial considerations.

Tāngata whenua considerations

9 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

10 This report does not trigger the Council's Significance Policy.

Publicity

11 There are no publicity considerations.

RECOMMENDATION

12 That the Audit and Risk Subcommittee notes the Health and Safety Quarterly Report for 1 October 2015 – 31 December 2015, included as Appendix 1 to Report CE-16-1811

Report prepared by	Approved for submission	Approved for submission
Jill Dallinger	Dianne Andrew	Tamsin Evans
Health and Safety Advisor	Organisational Development Manager	Group Manager Community Services

ATTACHMENT

Appendix 1 Health and Safety Quarterly Report 1 October 2015 - 31 December 2015

KĀPITI COAST DISTRICT COUNCIL
Health and Safety Quarterly Report to the Audit and Risk Committee
1 October 2015 – 31 December 2015

Executive Summary

The Health and Safety Reform “At Work Bill” comes into effect 4 April 2016. WorkSafe are developing a series of regulations between now and then to support the new Act along with formal guidance to Persons Controlling a Business or Undertaking –PCBU (ie: employers) to support both the new Act and the new Regulations. The Council is continuing to review its current processes, procedures and policies to align with the changes required. This quarter the Council has continued to progress the overall Reform intention of increased Health and Safety functionality and visibility across all levels. A summary of our progress in the priority Reform area is attached as Appendix One to this Report. This information aims to provide clarity around the work we are undertaking during this transition period from the Health and Safety in Employment Act to the new At Work Act.

Under the new At Work Bill, “Officers” of a PCBU are defined as anyone who is able to direct the conduct of the business or undertaking. In our context, Elected Members are classified as Officers, as is the Chief Executive and Group Managers. All others are deemed to be ‘Workers’.

Officers have a due diligence obligation to take reasonable steps to ensure that the PCBU complies with its health and safety obligations at the governance level to see that it stays up to date with health and safety issues, understands the nature of the operations and risks and ensures there are appropriate resources to eliminate or minimise those risks. The role of the Officer is not to directly ensure the health and safety of the Workers but to exercise due diligence to ensure the PCBU meets its health and safety obligations and duty of care. Elected Member Officers are exempt from prosecution for failure to meet their duties as Officers, but they retain the requirement to fulfil their due diligence duty. The H&S Quarterly Report to the Audit and Risk Committee assists Elected Members to fulfil their due diligence. In addition the H&S Advisor and Organisational Development Manager will be attending a SOLGM workshop mid February which will include a section on the key matters for Elected Members with a focus on reporting and monitoring.

In conjunction with the reform changes the Council will complete the ACC Work Safety Management Practices (WSMP) Audit in February/March 2016 with the intention of maintaining its tertiary rating for the 5th consecutive period.

To assist in the delivery of the upcoming work programme, a part time Operational H&S Advisor has been employed for a fixed term until 31 December 2016 to focus on operational day to day H&S service delivery. This will enable the H&S Advisor to dedicate time to the WSMP Audit and the legislation change work.

Jill Dallinger
Health and Safety Advisor

Key Achievements 1 October 2015 – 31 December 2015

- Annual review of the Health and Safety Objectives was completed
- Annual review of all Council Significant Hazard Registers (16 in Total) completed
- Annual Hearing test programme completed for those employees working in safety sensitive roles
- Commenced a review of the Personal Protective Equipment Policy in line with upcoming legislation changes
- Serious event reported to Worksafe NZ with The Council Investigation deemed satisfactory and “No Further Action” required

Work Programme 1 October 2015 – 31 December 2015

- Continue progress on the Personal Protective Equipment policy review
- Continue progressing the draft policy ‘Identifying and Managing Bullying, Harassment and Discrimination in the Workplace’ with timeframe for consultation, education and awareness
- Development of a draft Worker Participation System in line with the reform requirements
- Develop, through consultation a new Employee Participation Agreement within the new reform parameters
- Lodge the Council application for the Work Safety Management Practices (WSMP) Audit (completed)
- Continue preparation relevant to maintaining Tertiary Level within the WSMP Audit process
- Confirm timeline for the Drug and Alcohol Policy review
- Confirm timeline for the review of all Operating procedures against the new Health and Safety Regulations as they are released
- Confirm the timeline and communication timeline to educate all employees on the reform parameters in the lead up to the At Work Bill release in April 2016

Subject	Status	Comment on Subject	Evidence Available
1 Policy and Planning			
Health & Safety Plan	The Council's Health & Safety Plan runs annually from 1 July to 30 June.	The 2015/2016 focus remains on the Health and Safety Reforms and introduction of new legislation in April 2016.	2015/2016 H & S Objectives
New Policy: Identifying and Managing Bullying, Harassment and Discrimination in the Workplace	The Council has broadened its current Harassment policy to include provisions for identifying, managing and preventing bullying and harassment behaviour in the workplace. The Best Practice guidelines provided by the regulator Worksafe NZ are the basis for our new policy.	A policy draft has been completed and is undergoing its first review. Once completed it be presented to the Health and Safety Committee and the Senior Leadership team for comment before Employee consultation and education commences. Once the consultation process is complete the policy will undergo a final review by the Senior Leadership Team before it is approved. The Council is aiming for an expected "go live" date of March 2016.	New Policy: Identifying and Managing Bullying, Harassment and Discrimination in the Workplace
Employee Participation Agreement (EPA)	We currently have an EPA in place which requires revision to incorporate the wider detail required under the new legislation.	The Health and Safety Reforms change the parameters of this document significantly. The At Work Bill strengthens Worker engagement and participation in Health and Safety by requiring that PCBU's must engage with workers on H&S matters and must have effective worker participation practices We are currently undertaking a review of how the new worker engagement participation parameters can be applied to our organization to achieve optimum outcome for the workers. Our aim is to have a draft proposal ready for confirmation by 26 February 2016.	Current EPA
Transition for current HSE Act into the new At Work Bill	Initiatives and policy reviews have commenced	A summary of the status of the priority work is attached as Appendix Two	Appendix Two of this Report

Subject	Status	Comment on Subject	Evidence Available
2 Delivery			
Incident Management	Incident Management is the responsibility of every individual within Council. Current process is well known and effective. Monthly analysis of Trend information by the Health and Safety Committees is reported to the Senior Leadership Team.	This quarter Council recorded: <ul style="list-style-type: none"> • 79 incidents • 46 of these related to Third Party events • 33 were employee related • 4 incidents were categorized as a serious events with a severity rating between 3-5 Analysis: Third Party totals remain consistent with that of previous quarters, employee incident totals are slightly less than for the same period in the previous year.	Incident Statistical Data - Vault Monthly reports to Group Managers
Health and Safety Investigations	All incidents are investigated to the level appropriate to the Severity rating. Severity Rating 1-3 is completed by the Manager and forwarded to the H & S Advisor. Severity Rating 3-5 is carried out by the H&S Advisor/Manager and/or the H& S Representative.	This quarter Council recorded: <ul style="list-style-type: none"> • 72 investigations which were completed from a total of 79 incidents • 4 incidents had a severity rating of 3 – 5 and required high level investigation and reporting directly to the Senior Leadership Team. • One of the significant investigations was reportable to WorkSafe NZ. (refer Serious Harm section under Monitoring for Wellness section. 	Incident Investigation Data
Drug and Alcohol Monitoring	The Council administers a Drug and Alcohol Policy for dual purpose: Hazard Management Employee Wellness	This quarter Council undertook: <ul style="list-style-type: none"> • 19 Pre-employment Tests = all negative • Nil Reasonable Grounds tests • 3 Post Critical Incident tests – all negative 	Drug and Alcohol Testing Data Drug and Alcohol Policy
Health and Safety Training	Health and Safety training provides the direction required by workers to appropriately understand the risks posed in the work they undertake when in the workplace and to implement relevant strategies to mitigate that risk.	Health and Safety Training completed this quarter was: <ul style="list-style-type: none"> • CDEM Phase 2 • Comprehensive First Aid/Refresher First Aid • Disability Responsiveness & Awareness Workshop • Drug and Alcohol Policy Sessions (general staff) • Fire Warden Annual training 	Training Statistics

Subject	Status	Comment on Subject	Evidence Available
3 Monitoring for Wellness			
Serious Harm	<p>The Health and Safety Act directs that all serious harm must be reported to WorkSafe NZ within 7 days in writing.</p> <p>The new legislative provisions provide classification for 'Notifiable Events' that have the ability to cause serious harm, not just serious harm itself. These events are now to be notified to WorkSafe NZ within 48 hours.</p>	<p>This quarter, Council notified WorkSafe NZ of one Notifiable Event. No person was harmed during this event.</p> <p>09/12/15 – Water Reticulation Pump Vehicle parked on a steep gradient in Winara Avenue, Waikanae lost traction when being filled with 3500 litres of water. Vehicle rolled backwards approx. 50metres and stopped when it collided with a house. The incident was investigated by the Police and reported to WorkSafe NZ. An internal Council investigation took place alongside the Police investigation.</p> <p>Findings: Police: Non effective Park Brake – no further action recommended. Worksafe NZ: No Further action. Reticulation Vehicle has now been fitted with new secondary brake system and certified fit. Additional H&S recommendations being worked through and monitored. Revised SOP for parking vehicles on gradients now requires the use of chocks under wheels.</p>	<p>Health and Safety Investigation WorkSafe NZ notification WorkSafe NZ Letter 21/12/15 NZ Police Report CVIU</p>
Wellness	<p>Ongoing monitoring of wellness /sick leave through monthly reporting enables trends to be identified and pre-emptive measures to be put in place.</p>	<p>Data evaluation for this period indicates employee Sick Leave and Sick Leave used to care for Dependents has increased this quarter more significantly than this time last year. Reasons for this increase are known and understood.</p> <p>Trend data identifies the July - September quarter as being the highest Sick Leave quarter annually.</p> <p>Strategies for decreasing Sick Leave in the July 2016 quarter relate to promotion of the Health initiative vaccination programme that currently has an uptake of 21.5% of Council employees.</p>	

Subject	Status	Comment on Subject	Evidence Available
Health initiative uptake	Council continues to further health initiatives for employees under current HSE provisions. Under the new legislation there is a requirement for greater focus on the Occupational Health aspect of Health and Safety where Employers are required to delve further into the longer term aspects of the work undertaken and provide strategies for reducing the impact of those roles.	This quarter the following health initiatives were progressed: <ul style="list-style-type: none"> • 51 Operational employees underwent annual hearing tests. • 6 Workstation Assessments were completed for new employees • 7 eye examinations were approved • 6 hours of EAP used during this period • Nil uptake in the \$30.00 gym contribution • Nil requirement for Hepatitis or Tetanus vaccinations this period. 	
4 Review			
Personal Protective Equipment Policy (PPE)	Council currently has a PPE policy and a PPE Distribution document for the operations areas of Council. The reform parameters make some mention of stronger regulation in this area. We have included this information in our latest policy review with the aim to broaden the PPE policy and incorporate all areas of Council who have the requirement to operate using PPE. We will continue to monitor requirements as the reforms develop.	This policy is working through a draft stage with input from the Health and Safety Committee and Site Managers. It is expected that the draft document will be ready for Senior Leadership Team review by early March 2016 and that changes to current policy will be supported by the new Regulations. PPE will be recorded in the Vault data base for all staff and regulated against the Australia/NZ standards to ensure best practice procurement. Changes to the current policy will be communicated to staff via the intranet, H&S Committee and H&S Representatives.	Draft PPE Policy

Subject	Status	Comment on Subject	Evidence Available
Drug and Alcohol Policy	<p>Council introduced a Drug and Alcohol Policy in December 2012 as a further Hazard Management tool.</p> <p>The Policy has been a valuable tool in setting expectations for what is acceptable behavior in the work place and is well supported by Managers and Employees.</p> <p>The current policy is due for its scheduled review to be completed early 2016.</p>	<p>Council undertakes the following testing procedures: Pre- employment for safety sensitive roles, Reasonable Grounds testing and Post critical incident testing.</p> <p>Random testing is included within the policy provisions but has been deferred up to this point as there has been no evidence to support the organization has a problem in this area which would support a random testing regime at this time.</p> <p>A review of the policy will include a review on the testing parameters applied currently and is likely to begin post ACC Audit so that direction coincides with the new legislation parameters.</p>	Drug and Alcohol Policy

APPENDIX TWO

Summary of current status of priority work for translation from current HSE Act to the new At Work Act.

Item	Current Position	Work Programme resulting from introduction of new legislation – At Work Bill April 2016
Worker Participation	<p>Council has a worker participation process in place that meets some parameters of the new reforms. We need to expand the sections around worker engagement, participation, and representation to ensure it is clearly documented and understood.</p> <p>The regulations and guidelines aim to support the primary duties of the PCBU and therefore the PCBU must: engage with its workers on issues that may affect H&S; and have practices that provide reasonable opportunities for its workers to participate effectively in improving H&S.</p>	<p>How the Council will work within the new participation process parameters will require CE and SLT confirmation to determine what structure will best support the work environment. This will be achieved through consultation and collaboration with employees for the best way forward.</p> <p>There is no set way to comply. We are investigating how we can broaden our current agreement and provide more detail on processes.</p>
Hazard Management	<p>The current processes and procedures in place work well but will require review to ensure they comply with new legislative requirements.</p>	<p>Review of legislation and regulations and cross referencing current hazard management position.</p>
Competency	<p>There will be a greater requirement to ensure and prove employee competency within specific roles that have risk attached than what is undertaken now.</p>	<p>Council has begun some work in this area with operations managers to determine which will be the most effective way forward. Changes will be incorporated into the recruitment process and flow on into the PDP review process.</p>
Standard Operating Procedures	<p>Council has begun building a SOP Manual to cover the wider range of roles and new legislation requirements have been/will be factored into the ongoing work.</p>	<p>There will be a greater requirement to have documented procedures for all areas of risk and to have these communicated to staff formerly. This will be achieved two ways, (1) through a more regulated and monitored induction process that will require step by step sign off from the manager, and (2) through a set process involving continuous training and review.</p>
Personal Protective Equipment Review	<p>Council has a PPE Policy and Distribution Manual that is due for review this year.</p>	<p>Council is required to ensure PPE provisions are as per the regulated requirement and to update the PPE policy.</p>
Policy reviews	<p>A review of all H&S related policies is already underway. The H&S Policy and the Policy Statement will be the most important documents, forming the umbrella for all H&S going forward under the new legislation.</p>	<p>Review of all health and safety policy ongoing.</p>
Volunteer Management	<p>Provisions for volunteer H&S management are now more defined and there is clearer guidance on how volunteers should be managed in the work place. The processes and procedures currently in place will not adequately support the new requirements for volunteer management and work has already begun on improving this area to ensure</p>	<p>The provision of a Memorandum of Understanding/Informal contracts are already underway within the Parks and Recreation team to ensure individual volunteer groups are provided with the necessary H&S information they require when undertaking Council related work. This programme will continue and broaden out to all volunteer groups over the next 6 months with education provided by those staff managing the volunteer groups.</p>

	<p>volunteers have the same protection as that of employees.</p> <p>The key under the new legislation is around the 'definition' of a volunteer. We now are required to differentiate between:</p> <ul style="list-style-type: none"> • Volunteer – a person acting on a voluntary basis (whether or not they receive payment); and • Volunteer Worker - a volunteer who carries out work in any capacity for the PCBU with the knowledge and consent of the PCBU AND on an ongoing and regular basis AND that is an integral part of the business or undertaking 	
Contractor Management	The current processes and procedures in place work well but will require review to ensure they comply with new legislative requirements.	Policy review required then cross reference with current provisions. Once finalized, education to staff and managers.
Training – Up skilling (links back into the Competency provisions)	Currently taken into account through annual PDP review but more specific documentation will be required.	Two main areas for enhanced documentation: For Employees – a requirement for them to ensure they are competent to do the job for which they are employed. For H&S Representatives/Committee Members – a requirement to up-skill knowledge to that of new legislation.
Wellness Initiatives	Current initiatives in place work well but there will be a requirement in the area of longer term health and wellbeing. The new legislation requires employers to have a bigger focus on longer term health impacts.	This will be a target project for the new H&S Committee.