

Chairperson and Subcommittee Members
AUDIT AND RISK SUBCOMMITTEE

5 MAY 2016

Meeting Status: **Public**

Purpose of Report: For Discussion

HEALTH AND SAFETY QUARTERLY REPORT

PURPOSE OF REPORT

- 1 This report presents the Health and Safety Quarterly Report 1 January 2016 – 31 March 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

- 7 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

- 8 The Health and Safety Quarterly Report (Appendix 1) outlines the health and safety initiatives underway for quarter 1 January 2016 – 31 March 2016 and the progress of health and safety related matters.
- 9 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.
- 10 The attached report brings the following key points to the Sub Committee's attention:

- 11 Council has successfully maintained its tertiary rating following completion of the Work Safety Management Practices Audit for the 5th consecutive time;
- 12 The Council is and continues to put significant effort into the transition into the new Health and Safety at Work law.

Policy considerations

- 13 There are no policy implications.

Legal considerations

- 14 There are no legal considerations.

Financial considerations

- 15 There are no financial considerations for the period January – March 2016 however with upcoming legislation changes the resourcing and education delivery options for Council compliance with the new legislation are currently under consideration regarding future potential financial implications.

Tāngata whenua considerations

- 16 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

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

Publicity

- 18 There are no publicity considerations.

RECOMMENDATION

- 19 That the Audit and Risk Subcommittee notes the Health and Safety Quarterly Report for 1 January 2016 – 31 March 2016, included as Appendix 1 to Report CE-16-1884.

Report prepared by	Approved for submission	Approved for submission
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Health and Safety Advisor	Organisational Development Manager	Group Manager Regulatory Services

ATTACHMENT

Appendix 1 Health and Safety Quarterly Report 1 January 2016 – 31 March 2016

APPENDIX 1

KĀPITI COAST DISTRICT COUNCIL
Health and Safety Quarterly Report to the Audit and Risk Committee
1 January 2016 – 31st March 2016

Executive Summary

1. On the 3rd March 2016 Council successfully passed its 5th consecutive ACC Work Safety Management Practices (WSMP) Audit to maintain its Tertiary rating. For comparison purposes, the rating criteria for a WSMP award are:
 - Primary rating: Health and Safety entry level requirement met
 - Secondary rating: Consolidation of good practice evident
 - Tertiary rating: Best practice framework with continuous improvement
2. Achievement of a tertiary rating is reached by assessing detailed evidence of the organizations health and safety framework over 10 elements. Maintaining a tertiary rating is done through systematically assessing the organizations improvement strategies of the 10 elements over and above that which was assessed at the previous audit, improvement being the key. For Council to continue to retain its tertiary rating, uninterrupted, is testament to the organization's commitment to improving health and safety for all parties, at all times. It also means that Council is better placed to adjust to the introduction of new Health and Safety Law on the grounds that current practice is of a high standard already. The WSMP auditor comment was that Council had very clear processes to facilitate continuous improvement that were evident, along with a strong desire to enact change for health and safety improvement.
3. The Health and Safety at Work Act (HSWA) 2015 became law on the 4th April 2016. To ensure Council remains informed and on track with this new law it continues to seek guidance on the Act interpretation from Local Government NZ (LGNZ), Society of Local Government Managers (SOLGM), Worksafe NZ and Simpson Grierson who are currently partnering with SOLGM to deliver information workshops to Council Managers and Elected Members. These agencies direct focus to the following at this point for the new law:
 - The development of Worker Participation systems as per the HSWA.
 - Review all H&S policies and procedures using the application of NZ standards as the basis;
 - Identification of critical risks and development of action plans for dealing with these;
 - Ensure organizational competence to manage the critical risks; and
 - Provide education across all levels on all facets of the new law.
4. Worker Participation is a key component of the new legislation. The premise for this change is to ensure that a Person Conducting a Business or Undertaking (PCBU) involves their workers in work place health and safety - a safe work place is more easily achieved when everyone involved in the work communicates with each other to identify hazards and risks. There are two related duties for PCBU's: to engage with workers who carry out work on matters that directly affect them, and to have practices that give workers

reasonable opportunities to participate in improving health and safety in the business.

5. We currently have an effective worker participation process that has been in place for some time. However, to meet the legislated changes in this area we are required to engage, consult, educate and collaborate with all workers and their representatives for the development of an agreed Worker Participation process or, at the very least reach agreement that the current process meets the new requirements. The Senior Leadership Team will be leading this process of consultation, cooperation and collaboration in the next quarter as the agreed Worker Participation structure will be fundamental in further reform development from this point.
6. In enacting the new H&S law, Officers must exercise due diligence to ensure that the PCBU is meeting its health and safety obligations. This is a positive duty but not a primary duty as the primary duty falls to the PCBU, as far as is reasonably practicable. What is clear is that Officers and PCBUs have differing duties and differing tasks. To further clarify this, Samantha Turner from Simpson Grierson is booked to provide a briefing to all Elected Members on 30th June 2016. This briefing will cover the presentations from the SOLGM H&S Roadshow events currently circulating around the country, clarifying information on the roles and responsibilities of all parties with specific emphasis on the “*Due Diligence*” aspect for Elected Members.
7. This session will allow for robust discussion to enable Elected Members to feel well informed about their role and the way forward. The SLT have completed their briefing, council managers will undergo a similar briefing in the April Leadership Forum.

To recap, Officer’s due diligence obligations are to:

- Keep up to date with health and safety matters;
- Understand the nature of the business and its hazards and risks;
- Ensure the PCBU has appropriate resources and process to eliminate or minimize risks to health and safety;
- Ensure there are appropriate reporting and investigation process in place;
- Make sure there are appropriate processes – monitor;
- Verify.

This quarterly report is attestation of the progress Council is making towards meeting the Reform expectations.

January – March 2016 Key Achievements

- Work Safety Management Practices Audit completed – Tertiary rating maintained.
- Worker Participation briefing paper completed.
- Drug and Alcohol Policy review briefing paper completed.
- Completed consultation on the draft Preventing and Responding to Workplace Bullying Policy.
- Commenced the Standard Operating Procedure review project for Infrastructure Services Operations areas.
- Reported 1 x Serious Harm event to Worksafe NZ.

- Commenced education to all workers on Health and Safety At Work Act changes.
- Commenced discussions with Communication team to collaborate on effective communication of key messages around legislative changes to achieve maximum impact.

April – June 2016 Work Programme

- Further Worker Participation process via engagement with all workers and define work groups for Health and Safety Representation.
- Complete Senior Leadership Team's review of Drug and Alcohol Policy.
- Complete the key submission document following consultation on the Preventing and Responding to Bullying in the Workplace Policy for submission to the Senior Leadership Team.
- Continue to progress the Standard Operating Procedure project to ensure council is aligned with Codes of Practice and Best Practice Guidelines.
- Continue working through the Worker Participation process and define the organisation's critical risks and attach action plans to each.
- Continue the policy review of all Health and Safety Policies.
- Continue information sharing and education on continuous improvement as new law changes become embedded.

Jill Dallinger
Health & Safety Advisor

Subject	Status	Comment on Subject	Evidence Available
1 Policy and Planning			
New Policy: Preventing Bullying in the Workplace	The council has broadened its current Harassment policy to include provisions for identifying, managing and preventing bullying behavior in the work place. The Worksafe NZ Best Practice Guidelines provide the fundamental basis for this policy.	<ul style="list-style-type: none"> • Draft policy completed and put out for worker consultation • Submissions received are being collated into a key submission document to be presented to the Senior Leadership Team with recommended policy enhancements/changes • Once the policy has been approved it will be communicated to all workers. Expected Release date by the end of May 2016. 	Draft policy Key Submission Issues Table
Policy review: Drug and Alcohol Policy	The Council introduced a Drug and Alcohol Policy in 2012. The last review of this policy occurred in 2013 with a recommendation that the current testing parameters within the policy be reviewed to determine their ongoing compliance with health and safety legislation.	<ul style="list-style-type: none"> • Briefing Paper to SLT completed outlining the rationale for any recommendations. 	Draft Drug and Alcohol Policy Drug and Alcohol Policy review Submission
Health and Safety Policy Framework Review	All H&S polices have a life period of 3-5 years before review. New law requires that all H&S polices undergo review now to ensure compliance.	<ul style="list-style-type: none"> • There are 16 specific H&S Polices • This legislative review schedule has already commenced • H&S Policy portfolio review is expected to be completed prior to the end of the 2016 calendar year • Policies may be reviewed within the 3/5year time frame pending situational or contextual requirements. 	All H&S Policy

Subject	Status	Comment on Subject	Evidence Available
Employee Participation Agreement (EPA)	<p>Current EPA agreement is reviewed 2 yearly in consultation with Union's as workers representatives.</p> <p>The new Health and Safety Law requires a PCBU to review their Worker Participation Process and re define their EPA agreements.</p>	<ul style="list-style-type: none"> • A briefing paper outlining the legislative changes to Worker Participation has been completed and will be presented to SLT in April 2016 • Consultation will begin with Workers regarding the following: <ul style="list-style-type: none"> ○ Work Group definition (type of work and site of work) ○ Preferred process for H&S provision/representation • Develop Employee Participation Agreement • Commence elections for Health and Safety Representatives. 	WPP Briefing Papers
2 Delivery			
Drug and Alcohol testing	Council applies Drug and Alcohol testing under agreed parameters to assist both hazard management and Employee Wellness functions.	<p>This quarter Council undertook:</p> <ul style="list-style-type: none"> • 6 Pre-employment tests completed – negative result for all • Nil reasonable Cause Testing • Nil Post Critical Incident Testing. 	<p>Drug and Alcohol Testing Data</p> <p>Drug and Alcohol Policy</p>
Health and Safety training	Health and Safety Training provides the competency assurance to council that employees are provide with the appropriate education with which to undertake their work tasks. It is a legislative requirement.	<p>This quarter Council Undertook:</p> <ul style="list-style-type: none"> • First Aid Training • Drug and Alcohol Awareness for Managers • WREMO Introduction. 	Training Data
Incident Management	Incident reporting and analysis is a requirement of each organisation in order to address mitigation strategies to prevent further harm.	<p>This quarter Council recorded:</p> <ul style="list-style-type: none"> • 99 recorded incidents • 64 from this 99 relate to third Party events within the Library and Aquatic areas • 35 incidents relate to employee's • 1 Serious Harm event Incident records remain consistent with that of previous quarters. 	<p>Incident Statistical Data</p> <p>Vault Data</p>

Subject	Status	Comment on Subject	Evidence Available
Incident Investigation	All incidents require investigation under the Health and Safety At Work Act 2015. Council applies a severity rating 1-5 and applies scaled investigation against the rating. All investigations at Level 3 and above are reported through to SLT.	<p>This quarter (at time of writing):</p> <ul style="list-style-type: none"> • 92 completed investigations • 6 incident investigations currently underway • 1 investigation referred to Worksafe NZ under the Serious Harm Criteria. – 	Investigations Statistical Data and Repots - Vault
3 Monitoring for Wellness			
Serious Harm Event	<p>Under the new legislation, Serious Harm has been broadened out to what is to be now referred to as a Notifiable Event. The new regulations encapsulate the following with prescribed actions attached to each. The following events are now reportable to Worksafe NZ</p> <ul style="list-style-type: none"> • Notifiable Death • Notifiable injury • Notifiable Illness • Notifiable Incident 	<ul style="list-style-type: none"> • This quarter Council notified Worksafe NZ of a Notifiable injury sustained by an employee during the course of undertaking work. The employee fell from a ladder, when the ladder lost traction and slipped. The employee sustained a fractured humerus and dislocated shoulder and required surgery. • An internal investigation was completed and recommendations have already been actioned where practicable. Worksafe were satisfied with the Council investigation and advised no further action on their part. The employee has undergone surgery and is recovering at home. A return to work plan is currently under consideration with the employee as part of their rehabilitation process. 	Incident Investigation Worksafe NZ Notification response

Subject	Status	Comment on Subject	Evidence Available
Health Initiatives	Council continues to further health initiatives for employees. The new legislation provides an expectation that organisation's will explore further the "Health" component of Health and Safety and increase the awareness of non-direct health aspects that have an impact on the employee's ability to carry out their duties.	<p>This quarter Council undertook the following health initiatives:</p> <ul style="list-style-type: none"> • 6 workstation Assessments • 11 eye examinations • 12 hours of EAP utilised by 6 employees • Gym contribution discontinued this quarter due to low usage. Alternative options being explored by the Health and Safety Committee • Nil requirement for Hepatitis or Tetanus vaccinations this quarter • 87 Influenza Vaccinations scheduled for April • 6 Pre-employment Drug and Alcohol tests completed – negative results. 	Health recorded Data - Vault
Wellness	Trend analysis of wellness leave continues in order to identify areas of concern and apply strategic resolutions.	<p>Wellness leave for this quarter identifies usage this quarter is greater than the same quarter for the 2015 year. However the Jan-March 2016 quarter is lower than the annual average for sick leave entitlement; this trend is consistent when compared against previous years.</p> <p>All other wellness data is remains consistent with no outstanding concerns noted.</p>	Health Leave Statistical Data
4 Review			
Audits	Council undertakes regular audits at all levels in order to ensure compliance with legislation. Audits are seen as a valuable tool and are reported to the Health and Safety Committee and Managers concerned.	<ul style="list-style-type: none"> • Infrastructure Services Operations areas undertake 2 site audits per month • Aquatics undertake 2 site audits per month • Non Operational areas are audited 1 x 3 monthly • SLT undertake one site audit per quarter. 	Audit data

Subject	Status	Comment on Subject	Evidence Available
WSMP ACC Audit	<p>The ACC Work Safety Management Audit is a 2 yearly comprehensive audit that measures an organisations safety systems and practices against the NZ/Australian standard. Council has participated in this process five times and continues to maintain the highest rating at Tertiary Level.</p>	<p>The Council maintained its tertiary rating for the 5th consecutive time in our 2016 WSMP Audit. In achieving this successful result, the Auditor made mention of only 4 minor improvement recommendations. These were for us to:</p> <ul style="list-style-type: none"> • More clearly document the requirement to accurately report and record incidents and accidents into the performance appraisals for senior managers • Consider consolidating the processes used for obtaining external specialist advice into one procedure • Continue to encourage near miss reporting • Ensure that all Safety Data Sheets are no more than five years old. 	WSMP Audit Report
Contractor Management	<p>As it is obligated to do under the Act, Council has an effective grading system in place with which to accurately assess the H&S management systems of those companies wishing to undertake work for the Council. All approved Contractors are placed on an approved register for a period of 2 years; they must then re-apply for approved status and re-submit evidence of their continuous improvement.</p>	<p>The Contractor process has undergone review by the Health and Safety Committee to ensure it is fit for purpose. The outcome of this review indicated that the process was working well, contractors were compliant and the number of approved contractors continues to increase slowly.</p> <p>Refresher training for contractor managers will be undertaken in May in order to maintain current momentum and understanding.</p>	Contractor Register