



Health and safety not a mystery

Some smaller businesses are worried about the new health and safety law.

The Health and Safety at Work Act came into force earlier this year, replacing an Act that had been in place for nearly 25 years.

The new law is better than the one it replaced. It is clearer about responsibilities for health and safety, and it is based on a simple set of principles rather than being a list of rules and directives.

The reason why it is concerning some small businesses is because a change to a principles-based law takes a bit of time to get your head around.

Instead of working with a checklist of rules and directives, there is now the freedom to set up your own health and safety practices at work - as long as they are consistent with the new Act's principles.

There are a couple of key principles in the Act –

First, you have to do *“everything that is reasonably practicable”* to achieve safety in your workplace.

Second, *“everyone must be involved”* in achieving safety in the workplace.

The fundamental thing is to work out how to build a health and safety system in your workplace that complies with those principles.

First – doing *“everything that is reasonably practicable”* to achieve safety.

This basically comes down to identifying and dealing with risks.

If you can't eliminate risks (as far as is reasonably practicable), then you must minimise them (so far as is reasonably practicable).

What is reasonably practicable?

The Act's definition basically comes down to *doing everything that's reasonably able to be done*, in identifying risks and the harm they might cause and eliminating or minimising the risks.

The cost of doing this must be reasonably practicable too - not grossly disproportionate to the risk.

And your actions must also be reasonably practicable in terms of how much influence or control you actually have over the area of risk.

Working through this principle of “*doing everything that is reasonably practicable*” is a big change from simply following rules and directives as in the old Act.

But once this principle is internalised – once everyone at work understands and commits to doing everything practicable for safety – we will be better placed to achieve safe workplaces.

The other big principle of the new Act – “*everyone must be involved*” – also requires an attitude shift.

The previous health and safety act was not clear about where all responsibilities for safety lie, while tending to impose responsibility on a narrow group of people – managers and safety reps.

In contrast, the new Act assigns overall responsibility to the person in charge of the business unit, but also requires responsibility by everyone else involved in the work, including owners, directors, managers, workers, contractors, and so on.

The new Act contains serious penalties for unsafe actions - not only for directors and those who are in charge of the business unit, but for workers also.

Every workplace must now make provision for staff to participate in improving health and safety on an ongoing basis. There is a lot of freedom around how this can be done, whether by having safety reps and a health and safety committee, or some other way of involving staff.

Businesses operating in lower risk occupations that have fewer than 20 employees are not required to have a health and safety committee but have to consult workers in matters of health and safety, and workers must be able to contribute to decision making on health and safety.

Again, once this principle is internalised – “*everyone must be involved*” – we will be better placed to achieve safe workplaces.

Some smaller businesses have expressed fears about being able to understand and comply with the new Act, given the penalties for serious infringement are stronger than before.

However the new Act is not only tougher on safety; it also provides better assurance to business people that they will not be held unfairly liable for accidents in the workplace.

If someone in the workplace is hurt, and the employer has done everything reasonably practicable to make the workplace safe, he or she will not be liable.

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