WORKSAFE
Mahi Haumaru Aotearoa

HSWA

QUICK GUIDE

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What events need to be notified?

The health and safety regulator must be notified when certain work-related events (notifiable events) happen. This guide provides information about what a person conducting a business or undertaking (PCBU) needs to do if a notifiable event happens.

What must a PCBU do?

A PCBU must make sure the regulator is notified as soon as possible after becoming aware that a notifiable event arising from the conduct of the business or undertaking has happened.

This allows the regulator to immediately investigate or follow up on events that cause, or have the potential to cause, death, serious injury or illness (serious health and safety risks).

Who is the regulator?

The regulator is either WorkSafe New Zealand (WorkSafe), or another government agency designated to carry out health and safety regulatory functions for certain work.

For ships and workplaces and work aboard ships, the regulator is Maritime New Zealand. Maritime New Zealand is also the regulator for New Zealand's 13 major ports.

For work preparing aircraft for imminent flight and aircraft in operation, the regulator is the Civil Aviation Authority.

See the WorkSafe website Roles and responsibilities for information on how to contact these agencies.

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Note: While this guide describes the notification requirements under the Health and Safety at Work Act 2015 (HSWA), for certain work, there are other notification requirements prescribed in regulations, for example:

- the Health and Safety at Work (Adventure Activities) Regulations 2016
- the Health and Safety at Work (Asbestos) Regulations 2016
- the Health and Safety at Work (Major Hazard Facilities) Regulations 2016
- the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016
- the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016.

See the WorkSafe website Notifications for information about these requirements.

What is a notifiable event?

A notifiable event is any of the following work-related events:

- a death
- a notifiable injury or illness or
- a notifiable incident.

Only serious events are intended to be notified. These trigger requirements to preserve the site, notify the regulator and keep records.

The notifiable incident, injury, illness or death must arise from the conduct of the business or undertaking. It could be due to the condition of the work site, the way the work activity is organised, or the way equipment or substances are used.

Notifiable events may happen inside or outside the actual work site.

Deaths, injuries or illnesses that are unrelated to work are not notifiable events, for example:

- a diabetic worker slipping into a coma at work
- a worker being injured driving to work in their private car when the driving is not done as part of their work
- injuries to patients or rest home residents that are triggered by a medical reason, for example, injuries from a fall caused by a stroke
- a worker fainting from a non-work related cause.

What is a notifiable injury or illness?

A notifiable injury or illness is a specified serious work-related injury or illness.

All injuries or illnesses that require (or would usually require) a person to be admitted to hospital for immediate treatment are notifiable.

Admitted to a hospital means being admitted to hospital as an inpatient for any length of time – it does not include being taken to the hospital for out-patient treatment by a hospital's Emergency Department, or for corrective surgery at a later time, such as straightening a broken nose.

Other types of injuries and illnesses that also require notification are set out in the following table (Table 1).

TRIGGER	EXAMPLES
The amputation of any part of the body that requires immediate treatment (other than first aid)	Amputation of: – a limb, for example, an arm or leg – other parts of the body, for example, hand, foot, finger, toe, nose, ear.
A serious head injury that requires immediate treatment (other than first aid)	– fractured skull – a head injury that results in losing consciousness – blood clot or bleeding in the brain – damage to the skull that may affect organ or facial function – a head injury that results in temporary or permanent memory loss.
A serious eye injury that requires immediate treatment (other than first aid)	– injury that results in, or is likely to result in, the loss of an eye or vision (total or partial) – injury caused by an object entering the eye, for example, metal fragment, wood chip – contact with any substance that could cause serious eye damage. Does not include: – exposure to a substance or object that only causes discomfort to the eye.
A serious burn that requires immediate treatment (other than first aid)	A burn that needs intensive or critical care such as a compression garment or skin graft. Does not include: – a burn treatable by washing the wound and applying a dressing.
Skin separating from an underlying tissue (degloving or scalping) that requires immediate treatment (other than first aid)	– skin separating from underlying tissue where the tendons, bones, or muscles are exposed.
A spinal injury that requires immediate treatment (other than first aid)	– injury to the cervical, thoracic, lumbar or sacral vertebrae, including discs and spinal cord. Does not include: – back strain or bruising.
Loss of a bodily function that requires immediate treatment (other than first aid), for example, through electric shock or acute reaction to a substance used at work	Loss of: – consciousness (includes fainting due to a work-related cause, for example, from exposure to a harmful substance or heat) – speech – movement of a limb – function of an internal organ – senses, for example, smell, touch, taste, sight or hearing. Does not include: – a sprain, strain or fracture that does not require admission to hospital (except for skull and spinal fractures).
Serious lacerations that require immediate treatment (other than first aid)	– serious deep cuts that cause muscle, tendon, nerve or blood vessel damage, or permanent impairment – tears to flesh or tissue – this may include stitching or other treatment to prevent loss of blood or bodily function and/or the wound getting infected. Does not include: – superficial cuts treatable by cleaning the wound and applying a dressing – minor tears to flesh or tissue.
An injury or illness that requires (or would usually require) medical treatment within 48 hours of exposure to a substance (a natural or artificial substance in any form, for example, solid, liquid, gas or vapour)	– burns from skin exposure or inhalation of toxic chemicals that require medical treatment.

TRIGGER	EXAMPLES
Contracting a serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor including any infection due to carrying out work: – with micro-organisms – that involves providing treatment or care to a person – that involves contact with human blood or bodily substances – that involves handling or contact with animals, their hides, skins, wool or hair, animal carcasses or waste products or – that involves handling or contact with fish or marine mammals.	– *E. coli* infections or diseases caught from animals, for example, leptospirosis – Legionnaire's Disease caught from working with soil, compost or potting mix.
An injury or illness declared in regulations to be a notifiable injury or illness	– Any injury or illness listed in Schedule 5 of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016. – An injury sustained or illness acquired by a person in connection with an adventure activity that requires, or would usually require, the person to have medical treatment within 48 hours of the injury being sustained or the illness being acquired.

In this table:

- 'Medical treatment' is considered to be treatment by a registered medical practitioner, for example, a doctor.
- 'Immediate treatment' is urgent treatment, and includes treatment by a registered medical practitioner, registered nurse practitioner or paramedic.
- If immediate treatment is not readily available, for example, because the injury happened at a remote site, the notification must still be made.

TABLE 1: Other notifiable injuries and illnesses[1]

What is a notifiable incident?

A notifiable incident is an unplanned or uncontrolled work-related incident that exposes the health and safety of workers or others to a serious risk arising from immediate or imminent exposure to:

- a substance escaping, spilling, or leaking
- an implosion, explosion or fire
- gas or steam escaping
- a pressurised substance escaping
- electric shock from anything that could cause a lethal shock, for example, it would not include shocks due to static electricity, from extra low voltage equipment or from defibrillators used for medical reasons
- the fall or release from height of any plant, substance, or thing
- damage to or collapse, overturning, failing or malfunctioning of any plant that is required to be authorised for use under regulations
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or any shoring supporting an excavation
- the inrush of water, mud, or gas in workings in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel
- a collision between two vessels, a vessel capsize, or the inrush of water into a vessel

[1] Based on the SafeWork Australian document *Incident Notification Information Sheet November 2015*.

- any other incident declared in regulation to be a notifiable incident, for example, those listed in:
  - regulation 19A of the Health and Safety at Work (Adventure Activities) Regulations 2016
  - regulation 6 of the Health and Safety at Work (Asbestos) Regulations 2016
  - regulation 33 of the Health and Safety at Work (Major Hazard Facilities) Regulations 2016
  - Schedule 5 of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016
  - regulation 70 of the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016.

Notifiable incidents do not include controlled activities that form part of the business or undertaking, for example, the controlled release of water from a dam.

A notifiable incident is where someone's health or safety is seriously endangered or threatened. People may be put at serious risk even if they were some distance from the incident, for example, from a gas leak.

WorkSafe relies on PCBUs to work out whether an injury, illness or incident is notifiable. For help to do this, use our Notify WorkSafe tool on our website. The tool will guide you through the notification process and determine whether the event is a notifiable injury, illness or incident.

What must a PCBU do if a notifiable event happens?

1 A PCBU must preserve the site where the notifiable event happens

The PCBU who manages or controls the workplace must take all reasonable steps to make sure the site of a notifiable event is not disturbed until an Inspector gives permission for normal work to resume at the site of a notifiable event.[2]

WHAT ARE THE EXCEPTIONS TO THIS REQUIREMENT?

Exceptions are if the disturbance is:

- to help an injured person
- to remove a deceased person
- essential to make the site safe or to minimise the risk of a further notifiable event
- by or under direction of a police officer
- permitted by the regulator or an Inspector.

Regulations can also exclude particular sites from this requirement in particular circumstances. (**Note**: There are none at present.)

WHAT SHOULD THE PCBU DO?

To make sure that the site is not disturbed:

- the work set-up should not be changed
- any plant, substances or other things involved in the event should stay where they are
- work that could interfere with the scene of the event should stop
- no alterations should be made to the plant, vehicles, or structures involved.

CAN WORK CONTINUE?

Work can continue in other parts of the workplace.

[2] This does not apply if the event is being investigated under the Armed Forces Discipline Act 1971 or the Transport Accident Investigation Commission Act 1990.

2 A PCBU must notify the regulator as soon as possible

A PCBU must make sure the regulator is notified as soon as possible after it becomes aware of a notifiable event arising from the conduct of the business or undertaking. This notification must be done even if emergency services attend. Only one notification is required for each notifiable event.

IF THERE ARE MULTIPLE PCBUS, WHO IS RESPONSIBLE FOR NOTIFYING?

If multiple PCBUs are involved in the work, one PCBU should be nominated to notify the regulator. However, all PCBUs are responsible for ensuring a notification is made.

HOW DOES A PCBU NOTIFY?

The regulator must be notified by the fastest way possible in the circumstances.

The person giving the notification must provide details about the notifiable event as requested by the regulator.

For phone notifications, the regulator will send an acknowledgement that the notification has been received.

REGULATOR	CONTACT
WorkSafe	If someone has been killed as a result of work, notify us immediately by phone: 0800 030 040 (24/7). In the case of emergency, phone 111. For all other notifications, go to the WorkSafe website and select 'Notify WorkSafe'.

3 A PCBU must keep records of notifiable events

The PCBU must keep records of notifiable events for at least five years from the date the regulator was notified about the event.

WHAT WILL HAPPEN AFTER A NOTIFICATION IS MADE?

All notifications to WorkSafe are referred to WorkSafe's Notifications team. Each notification is looked at to decide what WorkSafe will do.

WorkSafe has a range of options available, including conducting an investigation or inviting the duty-holder to participate in an assisted review of their health and safety system. If no action is required, WorkSafe will confirm this.

DO PCBUs NEED TO INVESTIGATE NOTIFIABLE EVENTS?

Although HSWA does not explicitly state that PCBUs must investigate notifiable events,[3] investigations of notifiable events form part of good practice to identify and manage work risk.

After notifiable events PCBUs should consider:

- investigating what happened
- working out what can be changed to prevent it happening again
- making those changes.

[3] **Note**: Some health and safety regulations do require notifiable events to be investigated, for example, the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016.