

Hand-arm vibration – information for businesses



CONTENTS

)	Who is this guide for?	2
)	What are the health and safety risks from HAV?	3
	What are symptoms of HAVS and CTS?	3
	What can happen if the symptoms are ignored?	3
)	How can you work out if exposure to HAV is something you need to deal with?	4
	Do you need to manage the risks from HAV?	4
	Are there any tools to help?	7
	How can monitoring be used to identify health risks and check control measures?	8
	When is it recommended to carry out exposure monitoring?	9
	When is it recommended to carry out health monitoring?	9
	What could exposure monitoring and health monitoring involve?	10
	How can you manage the health and safety	
	risks from HAV?	11
	What control measures could you consider?	11
	Put the control measures in place	11
	When should you review and improve	
	your HAV control measures?	13

appendices

Арр Арр	pendix 1: Health and Safety at Work Act 2015 duties pendix 2: So far as is reasonably practicable (section 22 of HSWA)	14 16
App	pendix 3: Working with other PCBUs - overlapping duties (section 34 of HSWA)	17
Арр	pendix 4: Worker engagement, participation and representation (Part 3 of HSWA)	18
tak	ble	
1	Examples of HAV exposure monitoring and health monitoring	10
fig	ures	
1	Symptoms of HAVS and CTS	3
2	Things to consider when working out if your workers are at risk from HAV	6
3	Role of monitoring when managing risk	9
4	Possible control measures	12

ACKNOWLEDGEMENT

Health and Safety Executive (UK) guidance was used in the development of this quick guide.

1.0 Who is this guide for?

This guide is for persons conducting a business or undertaking (PCBUs)¹ that carry out work involving hand-held power tools and machines. It explains how to identify and manage the risks from hand-arm vibration (HAV).

Vibration from tools and machines can be transmitted into workers' hands and arms. Workers can be permanently harmed if they regularly and frequently use hand-held power tools and machines, especially for long periods of time.

As a PCBU, you must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by your work.

You must manage the health and safety risks to workers and others that arise from being exposed to the work carried out by your business.

¹ PCBUs have duties under the Health and Safety at Work Act 2015 (HSWA). For explanations of HSWA and more information about PCBUs, see Appendix 1.

2.0 What are the health and safety risks from HAV?

Workers can develop hand-arm vibration syndrome (HAVS) or carpal tunnel syndrome (CTS) if they **regularly and frequently use** hand-held power tools and machines, especially for long periods of time.

What are symptoms of HAVS and CTS?



The symptoms can come and go, but with continued exposure to HAV, symptoms can become prolonged or permanent. This could happen after only a few months of exposure, but in most cases it will take a few years.

As a result, workers could experience pain, distress and disturbed sleep.

HAV could also make existing hand injuries or illnesses workers have worse.

People who are exposed to noise and vibration at the same time are more likely to lose their hearing than people who are exposed to noise alone.

For information about vibration noise control, see our website: worksafe.govt.nz

What can happen if the symptoms are ignored?

If the symptoms are ignored, the damage can become permanent and disabling. As a result, workers may not be able to do simple tasks like opening jars or using a phone. Workers may have to stop working with vibrating equipment if they can no longer safety handle tools/machines.

FIGURE 1: Symptoms of HAVS and CTS

3.0 How can you work out if exposure to HAV is something you need to deal with?

Different power tools and machines produce different amounts of vibration. Power tools and machines that are older or not well-maintained usually vibrate more.

The use of power tools and machines – typically high vibration ones – is linked to HAVS and CTS. These include using hand-held or hand-guided tools like:

- chainsaws
- jackhammers/demolition hammers/demolition breakers
- hammer drills
- jigsaws
- sanders
- hand-held grinders
- weed whackers/line trimmers
- powered sanders
- pneumatic drills
- powered lawn mowers.

HAVS and CTS are seen in industries such as forestry, metal working, demolition, road repair, construction, heavy engineering and foundries.

Do you need to manage the risks from HAV?

This will depend on how much the power tools and machines workers use vibrate, and how long and how often workers are exposed to the vibration.

There is a recommended maximum daily amount of HAV that workers should not exceed.

- We recommend that workers have a maximum daily exposure limit of 5m/s² (8 hour average).
- We expect you to put control measures in place if your workers are exposed to 'the exposure action value' of 2.5m/s² (8 hour average) or more.

See Section 4 for information about monitoring the amount of vibration workers are being exposed to.

There are many factors that can influence the effects of exposure to HAV. These include:

- the condition of the power tool/machine
- the vibration intensity
- the duration of exposure (time/day, frequency)
- the temperature the work is being carried out in
- operator technique (for example, how hard the worker grips the power tool/machine)
- operator health and medical history (including if they smoke).

To work out whether your workers are at risk, think about:

- the power tool/machine
- how the work is organised
- the task
- your workers.

Figure 2 shows things to consider.

You must engage with workers and their representatives when assessing risks to work health and safety (Appendix 4).

Section 4 describes how monitoring can help to identify or confirm health risks from HAV.

Think about...



The power tool/machine

What is the vibration level of the power tool/machine?

See the manufacturer's user manual or specification.

Is the power tool/machine regularly maintained?

There is greater vibration when power tools and machines are not well maintained.

Blunt tools mean tasks take longer. meaning more exposure to vibration.

Is it a heavy hand-held power tool/ machine?

Tighter grip is needed for heavier power tools and machines. Gripping too tightly increases the chances of developing HAVS or CTS.

Does a large area of the hand contact the power tool/machine?

The larger the areas of contact, the more vibration workers are exposed to.

Does it have a well-insulated handle?

Poorly insulated handles mean workers are exposed to more vibration.



The task

the risk.

Is the power tool/machine the right one for the task?

Using the wrong power tool/machine can mean work takes longer, increasing exposure to vibration.

Using over-powered tools expose workers to higher levels of vibration.

What is the vibration level for the task and how long does the task take?

See the manufacturer's user manual or specification for vibration data.

The higher the vibration, the greater

What is the hardness of the material the power tool/machine will contact (for example, is it concrete, is it wood, is it soft soil)?

The harder the material, the more vibration.

Does the task involve workers lifting power tools overhead or other awkward postures?

Tighter grip is needed for awkward postures. Gripping too tightly increases the chances of developing HAVS or CTS.



How the work is organised

How long are your workers exposed to the vibration?

- How many hours within the shift involve operating the power tool/machinery?
- How often do your workers take breaks?
- How long are they exposed to high levels of HAV versus lower levels?
- How often do they operate the power tool/machine? Every day?

The longer workers are exposed to vibration, the more chance of developing HAVS or CTS.

Is the work in cold environments?

Cold increases the chances of developing HAVS or CTS.



Your workers

Do your workers always use the right power tool/ machine for the job?

Using the wrong power tool/machine can mean work takes longer, increasing exposure to vibration.

Have they been trained how to properly use the power tool/machine? Do they have poor technique (awkward postures) or grip the power tool/machine more tightly than needed?

Gripping more tightly than needed increases the chances of developing HAVS or CTS.

Are they being exposed to HAV above the recommended levels?

See page 4 for recommended levels.

Have workers previously reported symptoms of HAVS or CTS (as described in Section 2)? Have you asked workers recently if they are having any early signs?

Do they smoke?

Smoking decreases blood circulation and increases the chance of HAVS.

How is their general health?

Medical conditions such as diabetes and arthritis, and injuries such as frostbite increases the chances of developing HAVS or CTS.

FIGURE 2: Things to consider when working out if your workers are at risk from HAV

Are there any tools to help?

The Health and Safety Executive (UK) has tools to help work out whether workers could be being exposed to HAV exceeding the exposure action value (2.5m/s² (8 hour average)).

These tools are:

- the ready reckoner: www.hse.gov.uk
- the vibration calculator: <u>www.hse.gov.uk</u>

To use these tools, you will need to know:

- the amount of time your workers use the power tool/machine, and
- the vibration emission levels of the power tool/machine.

Look in the manufacturer's user guide or specification for the emission information.

If you exceed the exposure action value, we recommend:

- implementing control measures first to eliminate/minimise exposure levels (see Section 5 for guidance on this), and
- bringing in a competent person² to measure HAV exposure and the effectiveness of control measures (See Section 4).

Example using the ready reckoner

You have identified the tasks your workers carry out that are a risk for HAV. They use an angle grinder for 1 hour/day and a power drill for half an hour/day. From the manufacturer's guide, the vibration data for the angle grinder is $7m/s^2$ and power drill is $5m/s^2$.

Using the <u>ready reckoner tool</u> the angle grinder corresponds with 98 points and the power drill results in 25 points. Adding them together gives 123 points, which is above the exposure action value total of 100 points.

This means that workers are potentially at an elevated risk, and you should:

- eliminate/minimise the risks of exposure to HAV
- engage a competent person to carry out exposure monitoring of the actual HAV exposures and risk, and
- introduce health monitoring that is carried out by a competent person.

² A 'competent person' is someone who has sufficient knowledge, skills, training and experience in the appropriate techniques and procedures, including the interpretation of results – such as an Occupational Hygienist for exposure monitoring.

4.0 How can monitoring be used to identify health risks and check control measures?

You must ensure, so far as is reasonably practicable,³ the health and safety of workers, and that other people are not put at risk by your work. In some circumstances, this could mean monitoring worker exposure and/or the health of workers.

Exposure monitoring measures and evaluates what your workers are being exposed to while they are at work.

Health monitoring looks at whether a worker's health is being harmed because of what they are being exposed to while they are at work.

Monitoring should be carried out by a suitably qualified person with sufficient knowledge, skills, training and experience.

Monitoring is not a control measure. It does not replace the need for control measures to eliminate or minimise worker exposure to harm.

For more information about exposure monitoring and health monitoring, read our guidance: Exposure monitoring and health monitoring: Guidance for businesses

Exposure monitoring can be used to:

- identify, assess and confirm health risks
- identify where new control measures are needed
- monitor how well existing control measures are performing, and
- identify when control measures need to be reviewed, updated or removed.

Health monitoring can be used to monitor if workers are experiencing injury or illness from exposure.

As shown in Figure 3, monitoring information – along with verifying that your control measures are working effectively – can be used to continually improve how you are managing health risks.

For more information about managing risk, see Section 5.

³ See Appendix 2 for an explanation of what 'so far as is reasonably practicable' means.



FIGURE 3: Role of monitoring when managing risk

When is it recommended to carry out exposure monitoring?

We recommend bringing in a competent person (such as an Occupational Hygienist) to measure worker exposure when the results of your risk assessment indicate an elevated risk of exposure to HAV.

An example of this would be a ready reckoner score of over 100 (see Section 3). Another example is if workers complain of HAV-related symptoms.

When is it recommended to carry out health monitoring?

One aim of the health monitoring is to stop workers developing a disabling loss of hand function.

We recommend health monitoring is carried by a competent person when the results of your risk assessment indicate an elevated risk of exposure to HAV.

As described in Table 1, health monitoring is recommended:

- at the start of employment (to identify workers at increased risk, and to get baseline information)
- within six months of commencing work (to identify any early onset of symptoms) and then on a regular basis (for example, yearly).

What could exposure monitoring and health monitoring involve?

	EXPOSURE MONITORING	HEALTH MONITORING
What does it involve?	Exposure monitoring measures the amount of vibration workers' arms or hands are exposed to using measurement equipment in accordance with standards. Results are measured against the exposure action value and exposure limits value. The risk to worker health is then assessed.	 Health monitoring checks for nerve, muscle or circulation damage in hands, wrists and arms. Health monitoring could involve the following: At the start of employment, workers fill out an initial questionnaire,⁴ and then after six months. Workers then fill out a questionnaire⁴ on an annual basis. If questionnaire results indicate concerns, the worker undergoes a HAVS/CTS health assessment. When HAVS/CTS is suspected, the worker is sent for a full medical assessment/formal diagnosis. Note: Workers must give their informed consent for health monitoring. You must keep any personal information collected during monitoring secure and confidential, and use it for the purposes it has been collected for. For more information: Privacy Act 2020 principles
Who carries it out?	Exposure monitoring should be carried out by a competent person (or person under the supervision of a competent person), such as an Occupational Hygienist. This person should have sufficient knowledge, skills, and experience in appropriate techniques and procedures, including the interpretation of results.	 Health monitoring should be carried out by occupational health practitioners with relevant training, skills and experience in health monitoring. For example: An Occupational Health Nurse reviews the initial and annual questionnaires, and carries out HAVS and CTS health assessments (where needed). If HAVS or CTS is suspected, workers will be referred to an Occupational Physician for a full medical assessment/formal diagnosis. Workers should not be exposed to further HAV until this full medical assessment takes place. As a result of this assessment, you will receive a recommendation as to whether the worker should continue to work with power tools/machines. You should follow this recommendation.

Table 1 shows examples of exposure monitoring and health monitoring.

TABLE 1: Examples of HAV exposure monitoring and health monitoring

You should talk to a suitably qualified person with sufficient knowledge, skills, training and experience to confirm if monitoring is appropriate for you (and if so, what type and how often).

You must engage with workers and their representatives when making decisions about monitoring procedures (Appendix 4). Discuss with workers how exposure to HAV can harm them, and how monitoring can be used to manage health risks.

For more information on monitoring, including setting up monitoring programmes and what to do if monitoring results show workers are being harmed or at risk, read our guidance: Exposure monitoring and health monitoring: Guidance for businesses

⁴ Examples of initial and annual questionnaires can be found here: <u>www.hse.gov.uk</u>

5.0 How can you manage the health and safety risks from HAV?

If you need to manage the risks from HAV, you could:

- reduce the amount of vibration workers are exposed to
- reduce the time workers are exposed to vibration (over each shift, over the time they work for you)

or ideally both.

You must work with other businesses you share monitoring duties with

You must work together with other PCBUs if you share health and safety duties (this could happen when you share a workplace or you are in a contracting chain). A shared duty could include managing shared risks (including those from HAV) or carrying out monitoring of the same worker. For more information about working with other businesses, see Appendix 3.

You must engage with your workers about health and safety matters

Seek the views of your workers and their representatives when identifying and assessing the risks from exposure to HAV, and when making decisions about the ways to eliminate or minimise those risks. For more information about engaging with workers, see Appendix 4.

What control measures could you consider?

You must first try to eliminate a risk so far as is reasonably practicable.

If it is not reasonably practicable to eliminate the risk, it must be **minimised** so far as is reasonably practicable.

You can use the hierarchy of control measures to help you to work out the most effective control measures to use.

Figure 4 describes control measures you could use to eliminate or minimise the risks arising from HAV. Multiple control measures may be needed to deal with a given risk. Give preference to control measures that protect many workers at the same time.

Put the control measures in place

As soon as possible after a decision is made about the control measures:

- put the control measures in place
- instruct and train workers (including new workers) about the control measures, including why it is important to use them and how to apply them.

_				
				IF ELIMINA
			Substitute	Isolate
			 Swap with something that has a lower risk Use power tools and machines that produce less noise and vibration. Use methods of work that produce 	Separa the sou - Mod and prev bein into hanc
			less vibration (for example, use a cut-off saw instead of an angle grinder, use hydraulic rather than compressed air tools).	by a bush hanc redu bein the s
			 Apply administrative cont Use safe methods of work Train workers on choosin capacity for the task and Train users how to corre Organise work to avoid to Maintain power tools and Limit the time workers and rotation, lots of breaks). Discuss with workers how of HAVS and CTS. Tell w Advise workers that nico Reduce exposure to work 	rol measur , procedure ng the righ d work con ctly use the uncomforta d machines re exposed w exposure orkers how other from s tking in the
			IF F	RISK STILL
7		7	Use personal protective en Use or wear items (includi - Keep workers warm and Note: Anti-vibration gloves vibration. However in gene	quipment (ng clothing dry by pro s reduce wo ral, gloves
ا معدا	V offer	rtivo	tighter, increasing the char	ices of dev

Eliminate risks

Remove sources of harm

Use methods that do not require using powered hand tools (for example, use tools operated by remote, use mobile plant-mounted tools rather than hand tools).

FIRST TRY ELIMINATION

- ate people from urce of harm lify power tools machines to ent vibration ng transmitted
- the worker's d (for example, dding a rubber h on the side dle of a grinder ices the vibration g transmitted to supporting hand).

Apply engineering control measures

Change physical components of the plant, structure or work area (for example, machinery, tools, equipment, workplace design) to reduce or eliminate exposure to hazards

- Modify power tools and machines to minimise vibration or reduce vibration moving to the handle.
- Modify power tools and machines to direct cold air (for example, from the tool's exhaust) away from hands.
- Design workstations or workspaces (if outdoor work) to avoid uncomfortable postures or where workers are required to exert a lot of effort to handle tools/machines.
- Design a tool hanger for heavy equipment so that its weight is supported while it is in use.

es

es or processes

- It machine for the job (which has the appropriate size, power and ditions).
- e power tool/machine.
- able postures (for example, reaching overhead).
- s regularly. Repair faults as soon as possible.
- d to vibration and while working in cold conditions (for example, job
- to HAV can harm them, and train them how to identify the symptoms v they can report their symptoms to you.
- smoking restricts blood flow to the fingers.

cold, provide warm/hot drinks, and take breaks in a warm room.

REMAINS - PPE IS THE LAST LINE OF DEFENCE

(PPE)

g) to minimise risks to personal health and safety

oviding the right PPE (for example, provide non-slip gloves).

orker exposure to high frequency vibration but not low frequency can be helpful because they keep your workers' hands warm.

gloves that are not too thick. Thick gloves mean workers have to grip eloping HAVS or CTS.

Most effective

ELIMINATIC

FIGURE 4: Possible control measures

6.0 When should you review and improve your HAV control measures?

Control measures should remain effective, and be fit-for-purpose, suitable for the nature and duration of the work, and used correctly.

With your workers, regularly monitor and review control measures to confirm that the measures are effective.

As discussed in Section 4, exposure monitoring can be used to monitor how well control measures are performing, and to identify when control measures need to be reviewed, updated or removed.

Get advice from a competent person on how often to monitor the effectiveness of control measures.

However you should immediately investigate, and review your control measures when:

- the control measure does not control the risk, or
- a new hazard or risk is identified, or
- workers report symptoms of HAVS and CTS to you, or
- you receive exposure monitoring or health monitoring results that show your workers are being harmed or at risk from HAV (Section 4), or
- there will be a change in the workplace or work (for example, new equipment, new or changed work processes, increased workload, extended hours or additional/changed shifts), or
- your workers or their representatives indicate a review is necessary or request it.

Use the results of these reviews to continually improve how you manage health risks.

Appendix 1: Health and Safety at Work Act duties

The Health and Safety at Work Act 2015 (HSWA) is New Zealand's key work health and safety law.

All work and workplaces are covered by HSWA unless they have been specifically excluded. For example, HSWA does not apply to the armed forces in certain situations.

HSWA sets out the work health and safety duties that duty holders must comply with.

There are four types of duty holder under HSWA:

- a person conducting a business or understanding (PCBU)
- an officer
- a worker
- an 'other person' at the workplace.

Most duties under HSWA relate to **how** work is carried out. However some duties are linked to **where** work is carried out: the workplace.

A **workplace** is a place where work is being carried out or usually carried out for a business or undertaking. It includes any place where a worker goes or is likely to be while at work <u>section 20 of HSWA</u>

DUTY HOLDER	WHO THEY ARE?	EXAMPLES	WHAT ARE THEIR DUTIES?	FOR MORE
Person Conducting a Business or Undertaking (PCBU)	A person conducting a business or undertaking (PCBU) may be an individual person or an organisation	 a business a self-employed person partners in a partnership a government agency a local council a school or university. 	A PCBU has many duties. Key duties are summarised below. Primary duty of care <u>section 36 of HSWA</u> A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work.	Introduction to the Health and Safety at Work Act 2015 Appendix 2 of this guidance for an explanation of 'so far as is reasonably practicable'
	 The following are not PCBUs: officers workers other persons at a workplace volunteer associations that do not have employees home occupiers (such as home owners or tenants) who pay someone to do work around the home section 17 of HSWA 		 Managing risks section 30 of HSWA Risks to health and safety arise from people being exposed to hazards (anything that can cause harm). A PCBU must manage work health and safety risks. A PCBU must first try to eliminate a risk so far as is reasonably practicable. This can be done by removing the source of harm - for example, removing faulty equipment or a trip hazard. If it is not reasonably practicable to eliminate the risk, it must be minimised so far as is reasonably practicable. 	Identifying, assessing and managing work risks
			Overlapping duties: working with other PCBUs section 34 of HSWA A PCBU with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other PCBUs they share duties with.	Appendix 3 of this guidance

DUTY HOLDER	WHO THEY ARE?	EXAMPLES	WHAT ARE THEIR DUTIES?	FOR MORE INFORMATION
			Involving workers: worker engagement, participation and representation Part 3 of HSWA A PCBU must, so far as is reasonably	Appendix 4 of this guidance
			practicable, engage with their workers (or their workers' representatives) about health and safety matters that will directly affect the workers.	
			A PCBU must have worker participation practices that give their workers reasonable opportunities to participate in improving health and safety on an ongoing basis.	
Upstream PCBU	A PCBU in the supply chain	 a designer a manufacturer a supplier an importer an installer, constructor, or commissioner. 	Upstream PCBU sections 39-43 of HSWA An upstream PCBU must ensure, so far as is reasonably practicable, that the work they do or the things they provide to other workplaces do not create health and safety risks.	Introduction to the Health and Safety at Work Act 2015
Officer	A specified person or a person who exercises significant influence over the management of the business or undertaking section 18 of HSWA	 a company director a partner or general partner a chief executive. 	Officer section 44 of HSWA An officer must exercise due diligence that includes taking reasonable steps to ensure that the PCBU meets their health and safety duties.	Introduction to the Health and Safety at Work Act 2015
Worker	An individual who carries out work for a PCBU section 19 of HSWA	 an employee a contractor or sub-contractor an employee of a contractor or sub-contractor an employee of a labour hire company an outworker (including homeworker) an apprentice or trainee a person gaining work experience or on work trials a volunteer worker. 	 Worker section 45 of HSWA A worker must take reasonable care of their own health and safety, and take reasonable care that they do not harm others at work. A worker must cooperate with reasonable policies and procedures the PCBU has in place that the worker has been told about. A worker must comply, as far as they are reasonably able, with any reasonable instruction given by the PCBU so the PCBU can meet their legal duties. 	Introduction to the Health and Safety at Work Act 2015
Other person at the workplace	An individual present at a workplace (not a worker)	 a workplace visitor a casual volunteer (not a volunteer worker) a customer. 	Other person at the workplace section 46 of HSWA An 'other person' has a duty to take reasonable care of their own health and safety, and not adversely affect the health and safety of anyone else. They must comply with reasonable instructions relating to health and safety at the workplace.	Introduction to the Health and Safety at Work Act 2015

Appendix 2: So far as is reasonably practicable

section 22 of HSWA

Certain PCBU duties (the section 36-43 duties including the primary duty of care) must be carried out 'so far as is reasonably practicable'.

What to consider when deciding what is 'reasonably practicable'

Just because something is possible to do, does not mean it is reasonably practicable in the circumstances.

Consider:

- What possible actions can be taken to ensure health and safety?
- Of these possible actions, at a particular time, what is reasonable to do?

Think about the following questions.

WHAT IS KNOWN ABOUT THE RISK?

- How likely is the risk to occur?
- How severe is the illness or injury that might occur if something goes wrong?
- What is known, or should reasonably be known, about the risk?

WHAT IS KNOWN ABOUT POSSIBLE CONTROL MEASURES?

- What is known, or should reasonably be known, about the ways (control measures) to eliminate or minimise the risk?
- What control measures are available?
- How appropriate (suitable) are the control measures to manage the risk?
- What are the costs of these control measures?
- Are the costs grossly disproportionate to the risk? Cost must only be used as a reason to not do something when that cost is grossly out of proportion to the risk.

While PCBUs should check if there are widely used control measures for that risk (such as industry standards), they should always keep their specific circumstances in mind. A common industry practice might not be the most effective or appropriate control measure to use.

If PCBUs are not sure what control measures are appropriate, WorkSafe recommends getting advice from a suitably qualified and experienced health and safety professional.

For more information, see our guidance: Reasonably practicable

Appendix 3: Working with other PCBUs - overlapping duties

section 34 of HSWA

More than one PCBU can have a duty in relation to the same matter. These PCBUs have overlapping duties – this means that the duties are shared between them.



Duties regularly overlap:

- in a shared workplace (for example, a building site or a port) where more than one business has control and influence over the work on site.
- in a contracting chain, where contractors and subcontractors provide services to a head contractor or client and do not necessarily share the same workplace.

A PCBU must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other PCBUs they share duties with so that all PCBUs can meet their joint responsibilities.

A PCBU cannot transfer or contract out of their duties, or pass liability to another person.

However a PCBU can make an agreement with another PCBU to fulfil specific duties. Even if this occurs, all PCBUs are still responsible for meeting their legal duties.

Example

A local hotel contracts out housekeeping services to an agency. The hotel and agency both have a duty to ensure the health and safety of the housekeeping workers, so far as is reasonably practicable. This includes the duty to provide first aid facilities.

The agency reaches an agreement with the hotel – if their workers need first aid while working at the hotel they can use the hotel's first aid facilities.

For more information, see our guidance: Overlapping duties

Appendix 4: Worker engagement, participation and representation Part 3 of HSWA

Engage with workers and enable their participation

A PCBU has two main duties related to worker engagement and participation:

- to engage with workers on health and safety matters that affect or are likely to affect workers, so far as is reasonably practicable, and
- to have practices that give workers reasonable opportunities to participate effectively in the ongoing improvement of work health and safety.



A PCBU can engage with workers by:

- sharing information about health and safety matters so that workers are well-informed, know what is going on and can contribute to decision-making
- giving workers reasonable opportunities to have a say about health and safety matters
- listening to and considering what workers have to say at each step of the risk management process
- considering workers' views when health and safety decisions are being made
- updating workers about what decisions have been made.

A PCBU must engage with workers during specified times, including when identifying hazards and assessing risks.

A PCBU must have clear, effective, and ongoing ways for workers to suggest improvements or raise concerns.

Worker representation

Workers can be represented by a Health and Safety Representative (HSR), a union representing workers, or a person that workers authorise to represent them (for example, a community or church leader, or another trusted member of the community).

HSRs and Health and Safety Committees (HSCs) are two well-established methods of participation and representation. If workers are represented by an HSR, worker engagement must also involve that representative.

For more information

WORKSAFE GUIDANCE

Good practice guidelines

Worker engagement, participation and representation

Interpretive guidelines

Worker representation through Health and Safety Representatives and Health and Safety Committees

Pamphlets

Worker representation Health and Safety Committees Health and Safety Representatives

Notes	

Acknowledgements

WorkSafe would like to acknowledge and thank the stakeholders who have contributed to the development of this guidance.

Disclaimer

This publication provides general guidance. It is not possible for WorkSafe to address every situation that could occur in every workplace. This means that you will need to think about this guidance and how to apply it to your particular circumstances.

WorkSafe regularly reviews and revises guidance to ensure that it is up-to-date. If you are reading a printed copy of this guidance, please check <u>worksafe.govt.nz</u> to confirm that your copy is the current version.

ISBN 978-1-98-856777-8 (online)

Published: March 2021

PO Box 165, Wellington 6140, New Zealand

worksafe.govt.nz



Except for the logos of WorkSafe, this copyright work is licensed under a Creative Commons Attribution-Non-commercial 3.0 NZ licence.

To view a copy of this licence, visit http://creativecommons.org/licenses/by-nc/3.0/nz

In essence, you are free to copy, communicate and adapt the work for non-commercial purposes, as long as you attribute the work to WorkSafe and abide by the other licence terms.



ISBN 978-1-98-856777-8 (online)

Level 6, 86 Customhouse Quay PO Box 165, Wellington 6140