

OMICRON –

Your rights at work

**The Health and Safety at Work
Act 2015. (HSWA)**

I will cover:

The **duties of your employer** – their **MUST DO's**?

Your duties as workers?

Risk assessment and managing risk.

Worker engagement, participation and representation.

The power of workers.

The powers of the HSR.

Your employer's MUST DO's:

Include:

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- Ensure the health, safety and welfare of workers and others.
- Provide a safe work environment
- Provide adequate facilities for welfare
- Provide information and training
- Monitor health of workers

Facilities: (these are must do's)

- Omicron is an **airborne contaminant**, so:
- **suitable and sufficient ventilation**
- facilities to control Omicron as closely as possible to its source and to treat it or vent it off. (Make sure AC is not recycling air)
- AC/air purifiers have to be in good working order. Employer? Building manager/owner?

Your employer's MUST DO's: (Cont'd)

- **Engage with you:**
- If you are affected by any H&S matter.
- (Risk management!!)

Means:

- Sharing information.
- Allowing you to express your views. (P2, N95, RAT's)
- Taking your views into account. Advising you of the outcome of the engagement.
- **Your employer MUST involve your HSR.**

What can your HSR do?–

- They represent you.
- The employer **has to engage** with them.
- They **monitor** how the employer is managing risk.
- They assist harmed workers **returning to work.**

The employer's obligations to HSRs

- **Must engage** – can't ignore.
- Have to kōrero when asked to by the HSR.
- Allow them to be present at interviews.
- **Provide them with resources (time).**
- Allow them to be assisted by their union

The Risk Management Process:

A 4 step process:

1. ID the hazard – Omicron.

2. Assess the risk to workers and others.

3. Control the risks.

4. Monitor the effectiveness of the controls.

Likelihood and Severity of Harm

		Severity of harm (injury and illness)				
		Minor No injury or illness or minor first-aid	Moderate First-aid or medical treatment and/or restricted work for 28 days or less.	Serious Injury or illness requiring hospitalisation up to 48 hours. And/ or restricted work more than 28 days. And/ or lost time two weeks or less.	Major Life threatening injury or disease or permanent disability. And/ or hospitalisation 48 hours or more. And/or lost time longer than two weeks.	Catastrophic Fatality or multiple fatalities from injury or illness. Or multiple major injuries
Likelihood of harm (injury and illness)	numeric	1	2	3	4	5
Almost Certain Occurs frequently	5	Moderate 5	Moderate 10	High 15	Extreme 20	Extreme 25
Likely 50/50 chance of occurrence Expected to occur	4	Moderate 4	Moderate 8	High 12	High 16	Extreme 20
Possible Known to occur in similar circumstances	3	Low 3	Moderate 6	Moderate 9	High 12	High 15
Unlikely Not likely to occur in usual circumstances	2	Low 2	Moderate 4	Moderate 6	Moderate 8	Moderate 10
Remote Not known to occur and unlikely to occur even in changed circumstances	1	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

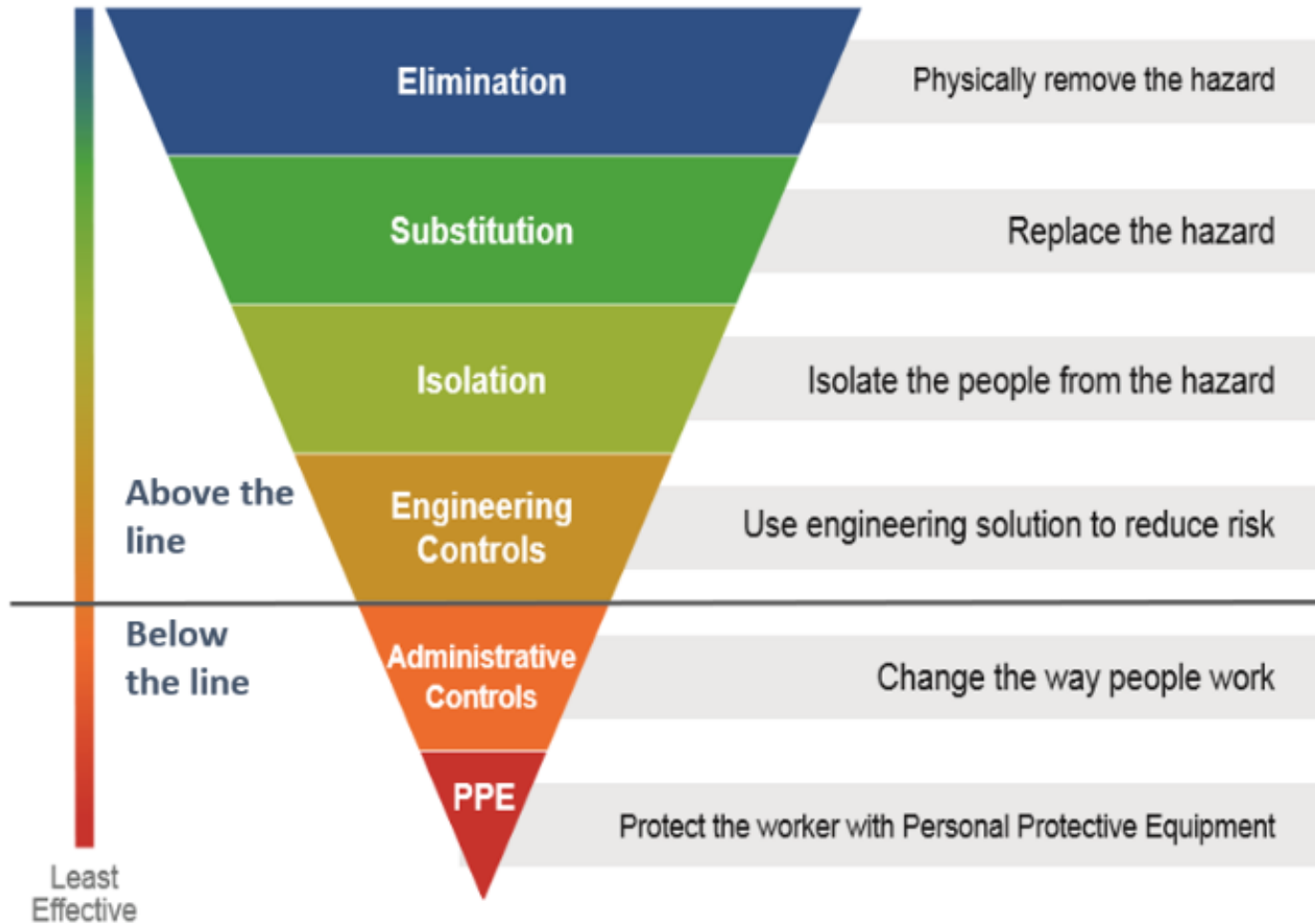
Risk level and recommendation

Risk Level and Recommended Action:

Risk Level	Recommended Actions
Low 1-3	<ul style="list-style-type: none">• Work can proceed with controls in place and monitored.
Moderate 4-10	<ul style="list-style-type: none">• Risk must be reviewed and managed with controls – existing controls are not managing the risk to an acceptable level.
High 11-19	<ul style="list-style-type: none">• Unacceptable risk under existing conditions requires immediate action to eliminate or minimise risk so far as is reasonably practicable. This can include stopping work immediately until the risk is brought down an acceptable level.
Extreme 20-25	<ul style="list-style-type: none">• Immediate action required to control the risk, regardless of cost.• Work must cease until the risk is controlled.

Most effective

Hierarchy of Controls



From the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (Part 1-Clause 6).

Your duties - worker

- Look after your own H&S.
- Make sure what you do/don't do doesn't harm anyone else.
- Follow reasonable instructions and procedures.

Your power - worker:

- **You** can cease work if you **believe** you are at risk of **serious harm** by being:
- Exposed to a hazard **right now**, or
- You **will be** exposed to the hazard if you are asked to do certain work.
- Must **kōrero** with the employer to try and sort it.
- Remain available for other safe work.

3 key powers of the HSR.

- Write a recommendation to the employer.
- Issue a Provisional Improvement Notice - PIN
- Direct workers to cease unsafe work.

Recommendation

- Is a written statement from the HSR.
- Tells the employer what the workers want the employer to do and in what time frame.
- Employer has to comply or give a written statement saying why they won't.

PIN – Provisional Improvement Notice

- Issued by a trained HSR (formal notice).
- Requires the employer to fix a breach of the HSWA within a set time – 8 days +
(A/c recycles air – P2/N95 masks, RATs)
- Requires the employer to ask WorkSafe to review the PIN if they don't agree with it.
- Ask within 7 days.

Direct unsafe work to cease.

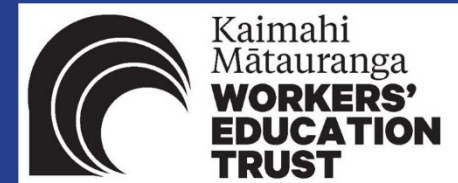
- HSR **believes** workers are at risk of serious harm by being exposed to a hazard
- Either right now, or
- They will be exposed to the hazard if they are asked to do certain work.
- Must kōrero with the employer to try and sort it.
- Workers affected remain available for other safe work – within scope of employment agreement

WorksafeReps

- WorksafeReps is owned and operated by the Workers' Education Trust, established by the PPTA, PSA, RMTU, NZNO, DWU and the NZCTU to **provide education courses in health and safety at work.**
- To book a course, or for more information:

www.worksafereps.co.nz

0800 336 966



Worksafe
Reps

So, key points from the HSWA-

- Your employer **must engage** with you.
 - Risk assessment
- As well as duties, you have powers – cease work.
- An HSR has important powers for workers
- HSRs – 20 or more workers, tell the employer you want to have an HSR(s)