

September - October 2014 Essential Update

Helpful Hint

We don't have serious accidents – yeah right!

Jonah arrived at work and in his hurry to reach his workstation on time didn't notice a box left on the floor by his colleague. His trip broke his leg and caused six weeks off work. Returning to his job, an old fire door one floor up, from pre-earthquake days, came unhinged and fell on him, causing serious concussion and another four weeks off. By the time he was back again his work had seriously backed up and he got stuck into it – but the exhaustion from working late over an extended period of time, and the related stress of always being behind his boss' expectations, soon took its toll... and he was back in hospital again.

Three times this simple workplace would have had to notify OSH (WorkSafe), and three times it could have been investigated. If the company did not have the right H&S processes in place, each time they could have been fined over \$50,000! OK, so Jonah may be fictitious, but the fines companies receive are most certainly not.

We all know that health and safety in the workplace needs to be taken seriously, no matter what kind of work place you're in – whether farming or construction, or in an entirely office-based environment. But I often find that, in more "low-risk" environments, only a cursory look at health and safety takes place. This is largely because of the belief (consciously or unconsciously held) that the workplace is unlikely to cause anything more than a paper cut. If only this was the case!

Even in the most low risk office space, serious accidents can still occur - you don't have to be outdoors or operating heavy machinery to get hurt, and hurt badly.

Without the right processes in place to address anything that could cause harm in your workplace (including and especially things that have caused harm in the past), there is absolutely no way that any good employer could positively say that harm is unlikely to occur in their workplace. This means exploring below the surface too, it's not just physical harm that's important to minimize, it's also psychological and emotional harm. Do you have a workplace culture that encourages people to act in an unsafe manner? What do you do to ensure the psychological health of your employees? How do you respond to claims of bullying or harassment?

Don't risk a fine. Don't risk injury (serious or otherwise) to your workers. With changes to Health and Safety legislation on the horizon, **NOW** is the time to take a look at your health and safety policy and procedures, and the culture of your workplace towards health and safety. *Want to make use of this idea? Contact us and we can help you plan. See Essential Essentials on the next page.*

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This month's update has a focus on

Included in this month's update:

- **Helpful Hint** – We don't have serious accidents
- **Essential Essentials** – New H&S laws
- **Did You Know?** – DIY Drug tests
- **Legal Latest** – A variety!

For more information

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Essential HR News

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At least once per week we will post a short informative post on the website. You may subscribe to our weekly blogs using the "Subscribe" button on the "Keeping you posted" page, <http://www.essentialhr.co.nz/news/>.

In the last two months I have posted on:

- **Quad Bikes – she'll not be right!**
- **Employment Frustration**
- **90-day Trial Notice**
- **Restraint of Trade Clauses**
- **Dismissed for "Liking" on Facebook**
- **Older workers are more accident-prone – False**
- **BYOD!**
- **Social Media at work**
- **Latest CPI increases**

Mike's Whereabouts

Ashburton: November 6th, 12th, 19th, 25th

Did you Know?

A report has come out of Australia about companies doing their own drug/alcohol testing to save on cost. Well – it doesn't; unless you have certified testers who follow accredited standards. Using a cheap testing kit as a base for firing someone will be challengeable.

Legal Latest

Health and Safety – For some examples of recent cases refer my previous update. Instead, this month I have some other interesting tidbits.

Full and Final Settlements:

You may be aware that when you have reached a settlement with an employee over any sort of dispute or grievance you need to get it in “full and final settlement of all issues arising from the employment relationship” (or from this incident). In a recent case the company had held this discussion, but not had the words included in any documentation (let alone signed). While hearsay evidence would possibly be good enough, it is risky relying on such.

Always get such settlements signed, and generally use advisors to vet the wording.

90-day Trials (again):

Just how picky can courts be? Very! A company has recently fallen foul of the law by paying someone out in lieu of notice when dismissing under the 90-day trial. Apparently the law doesn't allow for this, so please, always make them work it out – at least for the time being.

Bullying is a workplace hazard:

The WorkSafe Bullying and Harassment Guidelines make it quite clear that bullying is considered to be a hazard and should be controlled via the hazard register. Obviously not yet a court decision but best to avoid it if possible.

So if you want wording for a bullying hazard for your hazard register and control, approach us or your H&S consultants.

Latest CPI adjustments:

In case you missed my Blog on this – the latest figures are running at 1.0% per annum, with wage costs running at 1.8%. I am sure Canterbury rates will be higher, but this should give useful food for thought for those seeking to award salary increases.

Equal Pay:

You may have heard the hype this week about “victory for caregivers seeking pay parity with industry groups that are not female dominated”. You need not lose sleep over it at this stage. The Courts have really done little more than confirm the principle that women should not be paid less just because they are women. The Court has said that principles for cross-industry comparison will need to be worked out ... and that may prove to be nigh on impossible.

For the moment just make sure you do not discriminate internally. If you need more guidance let me know.

Working Healthily

Get your ergonomics right

The right chairs/desk/computer setup and lighting can make a huge difference to employee comfort and avoid RSI. Jane Cowan-Harris at WorkspaceIQ has served me well in this area for a number of years. Check her out: <http://workspaceiq.co.nz/>

Essential Essentials

Preparing for new H&S laws

So you've heard all about it – the new H&S legislation will almost certainly be effective May next year. But what does this mean for you?

If you have a top notch H&S system in place, probably not much – a few tweaks here and there – and making sure you adhere to your system.

But if, like so many small businesses, you do not (perhaps because you believe your staff won't have a serious accident) – the new legislation will result in more chances you will be prosecuted and greater potential fines.

So **NOW** is when you need to do something about it – and for most of you it doesn't need much:

- Assess your current H&S system
- Get a hazard register and controls in place
- Set up a basic H&S process
- Train staff in the system
- And **do it NOW!**

Leave it until after one serious (albeit genuine) accident and it will be too late and you will be up to \$100,000 poorer.

The general excuse I hear is that a business doesn't have the time to do “all this”. So don't try and do it all yourself. Engage us (or similar) and we can provide:

- A checklist to help your assessment
- A basic system to customise
- Oversight to get it installed
- And specialist contacts if you need them

What you cannot avoid is the hazard assessment; putting in place controls if needed; and briefing staff.

And if you think you are probably OK, why not ask us or ACC to check it out?

Believe me – the cost is worth it.

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