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Health and Safety
健康和安法规

November 2015

What we will cover today

1. The changes in the health and safety legislation
健康和安法规更新
2. Getting investment
如何投资安全与健康
3. Due diligence and accountability
尽调和问责制
4. What is the risk?
什么是风险?
5. The legal side of due diligence
法律尽职调查
6. What you can do to make a difference – integrating H&S
你可以做什么改变
7. Getting started
开始实施

The changes in the H&S legislation

健康和安法规更新

Greater emphasis on
engagement of officers and
due diligence
更加重视管理层参与和尽职调查

Introduction of the PCBU
Increased collaboration and
management of contractors
介绍负责人,加强承包商合作
和管理

Prescribed worker
participation
明文规定工人如何参与

Move from a hazard
management approach to a
risk management approach
从具体事故管理的方法转移到
危机管理方法

Enhanced regulations
法规方面的增强

Getting the right investment

如何投资安全与健康

H&S management is not about satisfying the minimum to meet regulatory requirements. It is an active system requiring continual improvement. Management must demonstrate ownership of H&S in order for it to be successful. Before asking what needs to be done, identify why it needs doing and how it could be achieved.

Why 为什么

Good H&S management is good business. It's about people and organisations need people to succeed.

良好的健康和安全管理体系才能确保业务良好运营。这是关于人的管理，组织需要人才能成功。

How 怎么做

Getting the right awareness, investment & ownership for H&S.

掌握关于健康和安全的正确意识。

What 什么

Developing and implementing good H&S management systems that are believed and owned by everybody.

发展和实施被大家认同的良好健康与安全管理体系。

Due diligence & accountabilities

调查和问责制

Do you feel comfortable that your organisation's Officers are compliant with their H&S obligations under the new Health and Safety at Work Act?

你觉得你公司的管理层都遵守新的健康与安全工作法吗？

Are the Officers of your organisation aware of their obligations & accountabilities in the organisation?

你的公司的管理层是否认识到自己在组织的责任和义务？

What is the risk? – obvious risk

什么风险?

Offence 以下触犯法律	Officer 管理层	PCBU 负责人	Worker 工人
Reckless breach with risk of death or serious injury/illness 鲁莽违反造成死亡或严重伤害/疾病	5 years and/or \$600,000	\$3,000,000	5 years and/or \$300,000
Breach with risk of death or serious injury/illness 违反可能造成死亡或严重伤害/疾病	\$300,000	\$1,500,000	\$150,000
Mere breach 仅仅违反	\$100,000	\$500,000	\$50,000

What is the risk? – opaque risk

什么风险?—隐性风险

Chance of enforcement

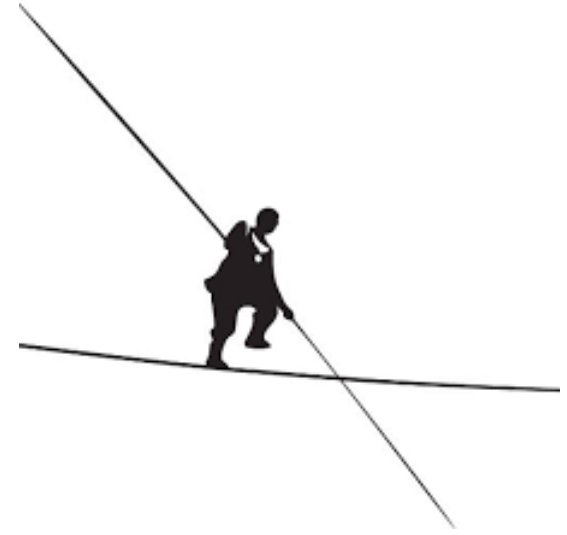
违法方面的考虑

- Pike River
- WorkSafe New Zealand 工作安全部
- Greater obligations
- Private prosecution

Other risks to consider:

其他风险考虑

- *Briscoe Group Ltd*
- Insurance cost or legal fees and reparations (i.e. ACC top ups) 保险费或法律费用和赔偿 (即ACC 充值)
- Insurance gaps and exclusions (i.e. asbestos, fines, individuals covered) 保险差和豁免
- Other enforcement penalties (spot fines, improvement notices, etc) 其他执法处罚 (罚款, 改善通知书等)
- Shutdown costs (i.e. \$900,000 for 3-day prohibition notice) 停工费用
- Reputational damage 声誉受损
 - Public sector and NZX 公共部门和NZX
 - Staff costs (recruitment, morale, productivity) 员工成本 (招聘, 士气, 生产力)
 - Future profits (tendering impact) 未来的利润 (招标影响)



The legal side of due diligence

尽职调查法律

Due diligence:

尽职调查

- Similar to *Feltex* standard 类似 *Feltex* 标准
- Importance of evidence (i.e. re recklessness) 证据的重要性（即有关疏忽）
- Duty includes: 职责包括：
 - **Understand** the systems in place 了解系统
 - **Approve** the systems are fit for purpose and being used 批准该系统适合相关目的和应用
 - **Verify** the above and continuously improve 验证以上内容及不断更新
 - **Resourcing** appropriately 合理的配置资源

Australian experiences:

澳洲经验

- *Kenoss* case – officer needs to make decisions or **participate** in making decisions that affect the business 官员需要做出决定或参与制定影响业务决策
- Guidance – Verification occurs partly through internal (annually) and external audits (every 3 years) – but changes based on risk 指南 - 审计验证一般内部审计，（每年一次）和外部审计(每3年)，但基于风险而变化



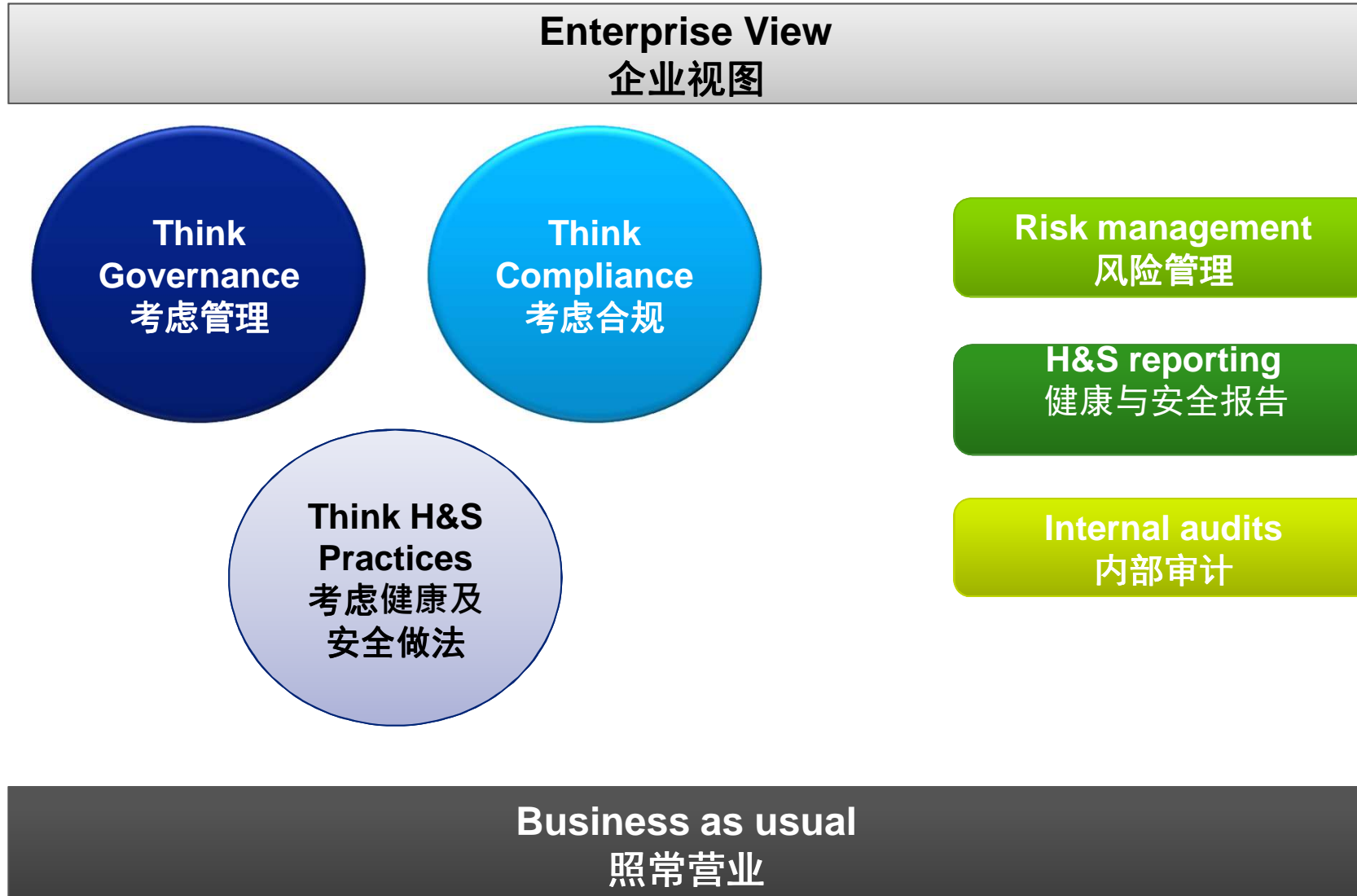
Getting started – framing the issue

开始实施

- Scaremongering vs good practice 危言耸听 vs 好习惯
- Upsides to the reform 改革好处
- 80/20 principle 80/20原则
- Assessing a multi-disciplinary market 使用各方面的支持
 - Consultants 顾问
 - Lawyers 律师
 - Technicians 技术工程师



What you can do to make a difference 你可以做什么改变



Integrating H&S

综合健康和安

To have success, H&S needs to be integrated in business processes.



Getting started – benchmarking/scoping

准备开始



- Internal and external workflows
内部和外部的 workflows
- PCBU, officer, worker accountabilities
负责人, 官员, 工作人员问责制
- Physical risks types (technicians)
实际风险类型 (技师)
- Compliance, legal, commercial risk types (lawyers and consultants):
合规, 法律, 商业风险类型 (律师和顾问)
 - *i.e. contractual indemnifications and/or procurement*
 - *i.e. insurance review (reserves, exclusions, employee cover)*
 - *i.e. legal privilege and reports*
 - *i.e. employment, union empowerment, job descriptions*

Any Questions

任何问题



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