

January 2018

Role of the regulator

WorkSafe is New Zealand's primary work health and safety regulator. It's our aim that every Kiwi who goes to work comes home healthy and safe.

Our aim as the regulator

Getting you home healthy and safe is what we're working for. To achieve this aim, we need people to comply with the requirements outlined in the Health and Safety at Work Act 2015 and in health and safety regulations. In practical terms, we need 'duty holders', or people who have a duty to protect the health and safety of themselves and others, to take appropriate steps to eliminate or minimise workplace risks.

But our job isn't just about compliance with the rules. We also aim to promote and embed positive health and safety practices around the country, and to do this, we collaborate with persons conducting a business or undertaking (PCBUs), workers, health and safety representatives, and industry bodies.

Our functions as the regulator

EDUCATE

WorkSafe Inspectors:

- Inform people about their responsibilities and rights, as set out in the law.
- Talk people through guidance materials.

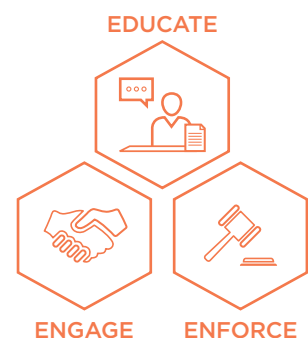
The wider WorkSafe team:

- Develop guidance materials.
- Run workshops, seminars and other educational events.
- Provide a Contact Centre to answer general questions about workplace health and safety issues. Call 0800 030 040 during business hours.

ENGAGE

WorkSafe Inspectors:

- Assess health and safety practices.
- Investigate events (eg if there is a fatality or a serious injury in a workplace).
- Review and resolve health and safety issues (eg issues that arise when unsafe work stops).



The wider WorkSafe team:

- Engage with industry bodies, unions, employer organisations and so on – to promote improvements in health and safety practice.

ENFORCE

WorkSafe Inspectors:

- Take steps to remedy unsafe situations – if the Inspector reasonably believes laws have been breached, or people face an immediate risk to their health and safety.

Enforcement tools

WorkSafe Inspectors can use the following tools for enforcement and compliance.

Directive advice

Requiring certain directive steps to be followed, with these steps outlined verbally or in a letter. WorkSafe keeps a record of the advice given, in case there is a similar breach in future.



Notices

- **Improvement notices** – requiring changes to be made to improve a risky situation, within a certain time period.
- **Infringement notices** – requiring the responsible party to pay a fine for breaching specified health and safety obligations.
- **Prohibition notices** – requiring activities that pose a serious risk to people's health and safety to be stopped immediately, until the problem is resolved.
- **Non-disturbance notices** – requiring a worksite to remain undisturbed for a set amount of time, if a notifiable event has happened (eg if a worker has been killed or seriously injured).



Remedial actions

Requiring the responsible party to take remedial actions to make a workplace safe where a prohibition notice has not been reasonably complied with.



Enforceable undertakings

This is an alternative to prosecution. When WorkSafe agrees, a person can voluntarily enter into a binding agreement to settle the alleged breach of the health and safety law, and remedy the harm caused.



Prosecutions

WorkSafe may bring a prosecution for breach of health and safety laws. If convicted the Court can order the responsible party to pay a fine, complete an order (eg publicise the outcome of the prosecution), or impose a term of imprisonment.



Further information

For more information about the role of WorkSafe, see the *Introduction to the Health and Safety at Work Act 2015*.

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