

## 9. OCCUPATIONAL SAFETY & HEALTH ISSUES

<b>General Manager responsible:</b>	General Manager Human Resources
<b>Officer responsible:</b>	Health and Safety Auditor
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### PURPOSE OF REPORT

1. The purpose of this report is to report on audit checks and balances on OSH issues including risks associated around staff, a list of legislation under which the Council operates and to report on Councillors' vulnerabilities

### EXECUTIVE SUMMARY

2. The Council has a comprehensive programme for managing health and safety risk that is subject to external audit verification. This has confirmed that our processes operate to a very high standard, which has resulted in significant ACC premium cost saving for the Council.

### FINANCIAL AND LEGAL CONSIDERATIONS

3. None

### BACKGROUND ON OCCUPATIONAL SAFETY & HEALTH ISSUES

#### Health and Safety Risks & Audit Balances

4. The four life threatening hazards for employees are working on the roads, confined spaces (sewers), falls from heights and assault. All staff receive training, certification (where applicable), information and protective equipment to minimise the hazard causing harm. The most commonly reported injuries across the Council are sprains from manual handling, neck and arm discomfort from computer and library work and bruises from slips and trips.
5. The Council qualified to join the ACC Partnership Programme in July 2000. This programme requires eligible employers to take responsibility (both financial and organisational) for their own workplace injury management including rehabilitation and claims management of employees' work injuries.
6. An independent auditor, accredited by ACC, audits the Council on an annual basis. The audit reviews safety management practices, injury management (which includes rehabilitation and claims administration) and case studies to confirm systems in action. Within the audit there are three measurable levels of performance. These levels are Primary (the Programme entry level requirement), Secondary, and Tertiary.
7. The Council progressed through these levels over a period of three years and has remained at Tertiary level for four years.
8. The Council employs two specialist staff members in the area of Health and Safety, based in Human Resources Group. The Health and Safety Auditor undertakes audits of health and safety management in Units and also Contractor health and safety performance. Units have health and safety teams, there is a strong commitment from management and there is very good employee participation in health and safety matters.

#### Legislation

9. Relevant legislation:

Health and Safety in Employment Act 1992  
Injury Prevention, Rehabilitation and Compensation Act 2001  
Hazardous Substances and New Organisms Act 1996

## **Councillors' Vulnerabilities**

10. Under the Health and Safety in Employment Act 1992, which is the key piece of legislation, the main responsibility is on the employer to ensure the safety of employees at work, so in terms of the Council structure this is the responsibility of the Chief Executive.
11. Section 56 of this Act (Offences by Bodies Corporate) extends guilt and conviction to directors or agents who directed or authorised the failure leading to a prosecution. It would be possible but extremely unlikely for this duty to be extended to Councillors. It would have to be very serious and clear that the Councillors' decision led to the failure (against staff advice). In the 12 years of the Act's existence, there have only ever been two prosecutions under this section and no convictions.
12. Insurances and indemnity clauses against fines under the Health and Safety in Employment Act are unlawful and of no effect.