



Health and Safety:

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Check your blind spot

The Agricultural industry makes up a majority of the workplace incidents reported across New Zealand.

Given the wide spread of this industry in North Canterbury it is important employers and employees are aware of their responsibilities in order to keep incidents to a minimum.

Under the Health and Safety at Work Act 2015 (the Act), anyone that runs a workplace has a duty-of-care to ensure the health and safety of those in that workplace.

The duty extends to not only employees of the farm, but also anyone who enters that farm in the course of business.

In cases where accommodation is provided as part of employment, which we often see in North Canterbury, the duty-of-care may also apply to the use of that accommodation.

The duty-of-care only requires the employer to go as far as "reasonably practicable" to prevent risks to health and safety. What is "reasonably practicable" will change depending on the nature of the work.

The standard may be higher for those working out on the farm compared to those primarily managing the admin.

Anyone running a farm will need to think about possible risks that could cause harm and take actions to eliminate, minimise, or manage those risks.

Action must be taken in regards to any recognised risks, it is not enough to merely

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acknowledge the risk in order to avoid committing an offence under the Act. It is also important that anyone running a farm in North Canterbury is thorough with their risk assessments as an offence can be committed under the Act by failing to consider a risk in the first place.

Not all duties fall on the employer. Under the Act, employees and other persons entering the farm must take reasonable care for their own health and safety.

In a practical sense this will mean that employees need to engage with any policies put in place by the employer, listen to any rea-



sonable instruction with regard to health and safety (such as wearing safety gear), and not act in a way which unnecessarily puts themselves in danger.

The Act introduced new penalties for workplaces who breach this duty-of-care. These penalties impose hefty fines for employers and in extreme cases can include prison time.

In the last two years WorkSafe has imposed fines on employers in the Agriculture industry of upwards of \$200,000 for breaches that could have arguably been avoided.

The most common breaches of the duty-

of-care on farms across North Canterbury come down to poorly maintained equipment and poorly trained staff.

Some of the easiest things an employer can do to help ensure they will not be liable for any fines is to make sure the equipment, including vehicles, are regularly checked and maintained, and to ensure staff are attending regular training on use of equipment and ways they can protect themselves, especially those working very physical jobs.

If you have any questions about your obligations under the Act, we advise you speak to a solicitor.