**Cook Islands Workplace Health and Safety Reform**

**Policy:**

**Workplace Health and Safety**

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# Preamble

Purpose

This policy sets out the Government of the Cook Islands’ approach to priority Workplace Health and Safety (WHS) issues, based on the National WHS Policy.

Commitment

The Government of the Cook Islands is committed to providing a clear policy and regulatory framework for WHS that supports public and private employers to provide healthy and safe workplaces. This includes establishing enabling WHS legislation and providing the resources needed to implement and enforce the law.

Aims

This policy aims to further the aims of the National WHS Policy by providing a clear framework for dealing with priority WHS issues, namely:

* Workplace WHS consultation requirements;
* Accident register requirements;
* Risk management requirements;
* How the risk management requirements apply to:
	+ Hazardous substances
	+ Asbestos;
	+ Working arrangements, including job design, bullying and sexual harassment;
	+ Plant, particularly mobile plant;
	+ Manual handling;
	+ Working at heights (including use of ladders).

Scope

This policy:

* Applies to all workplaces – Government and private sector, large and small, on land or at sea.
* Applies to all workers – full time, part time, casual, local or migrant, paid or volunteer.
* Covers both occupational health and occupational safety and recognizes that an integrated approach to WHS is critical. In particular, attention to the role of work in addressing non-communicable diseases (NCDs) is essential in the Cook Islands.

Definitions

The WHS Regulations will include clear definitions of key terms used in the regulations, including the following definitions:

* **ACM**: asbestos containing material.
* **Competent person**: a person who has the relevant knowledge, qualifications, skills and experience of asbestos removal industry practice.
* **Exposure standard**: the airborne concentration of a particular substance or mixture that must not be exceeded in order to protect people in a workplace from harm to health.
* **Hazardous substance**: a substance, mixture or article that satisfies the criterial for a health hazard class in the Globally Harmonised System of Classification and Labelling of Chemicals, Fourth revised edition, published by the United Nations.
* **SDS**: Safety Data Sheet prepared under either Australian or New Zealand legislation.

# Workplace WHS Consultation Requirements

The Government of the Cook Islands will promote workplace consultation arrangements as a foundation for effective WHS policy. The WHS Act will provide for the right of workers to elect another worker to represent them on WHS issues; a cornerstone of contemporary WHS legislation around the world. Employee representation is a reflection of a worker’s right to have a say over their own WHS. It also recognises that no inspectorate can possibly be in all workplaces at all times, so a way to encourage effective local scrutiny is necessary.

Health and safety representatives (HSRs)

The WHS Act will provide for Health and Safety Representatives (HSRs). HSRs will not have specific WHS duties or responsibilities in addition to their duties as employees. Their role will be to represent workers, deal with and raise WHS issues with employers.

Any worker will have the right to notify their employer that they want to arrange elections to appoint one or more HSRs in a workplace or workplaces. Upon receiving such notification, an employer will be required to cooperate with their employees to arrange elections for HSRs. An inspector can be requested to provide advice and assistance in making these arrangements.

The mechanisms for electing HSRs will be defined in the WHS Act.

Multiple employer workplaces

Some workplaces have multiple employers, e.g. construction sites, and shopping centres. By agreement between the multiple employers and workers, the work groups for HSRs in such workplaces can include workers employed by any participating employer. The criteria for defining the work groups are as set out in the WHS Policy.

Regulations will specify that the agreement establishing this arrangement shall include the following matters:

* The employers participating in the agreement.
* A commitment to cooperate in workplace consultation.
* A commitment to equitably sharing the cost of resourcing HSR(s) between participating employers.
* The defined work group(s) that will elect HSR(s).
* Any specific arrangements that the parties to the agreement determine to be needed.

HSR rights and powers

The WHS Regulations will provide further specific rights and powers to HSRs, namely:

* To choose an HSR training course from amongst those approved by INTAFF and delivered by an accredited training provider, in consultation with their employer.
* With the consent of the worker(s) concerned, to attend an interview about WHS between a worker(s) represented by the HSR and an inspector or the employer or the employer’s representative.

Employer obligations

Regulations will specify that employers will be required to:

* Maintain an up to date list of the names and contact details of all HSRs for workgroups in their employment;
* Make this list readily accessible to employees in the relevant workgroups and to the regulator upon request;
* Provide HSRs with any information about health and safety related to their work groups that is relevant to their rights and powers, including about hazards to which their work groups may be exposed;
* Consult with HSRs in advance of any planned workplace changes that have the potential to impact on health and safety of their work groups;
* Provide HSRs with the time and resources they need to properly fulfil their function.

HSR resourcing

Regulations will specify that employers will be required to provide the following resources to HSRs:

* Access to somewhere to meet and consult with the workers they represent
* Access to the relevant parts of the workplace during working hours.
* Access to office equipment needed to carry out their role, e.g. a photocopier, a telephone, a computer with internet connection.
* Access to somewhere secure to store their records, materials and equipment.
* Time off, with pay at the rate they would have earned had they been at work, to attend a training course on how to fulfil their role, delivered by an accredited training provider and that has been approved by INTAFF, at their employer’s expense (including the cost of the course and any reasonable travel expenses).

WHS committees

The WHS Act will also allow for joint worker-management committees where requested by employees or as an initiative of the employer. Regulations will specify that, where a joint worker-management WHS committee has been established:

* One of the members appointed by the employer to the committee must be authorized by the employer to make decisions on behalf of the employer on health and safety issues;
* At least half of the members on the committee must be workers and must not have been nominated by the employer;
* Health and safety representatives are eligible to be members of the WHS committee and should be automatically included as worker representatives on the committee with other representatives elected by workers as necessary to fulfil the minimum membership requirement; and
* It must meet regularly, as agreed by members of the committee, but at least once every 3 months and at any other reasonable time on the request of a majority of committee members.

# WHS data

The Cook Islands Government is committed to improving the quality of WHS data available in the Cook Islands. Currently, the Cook Islands lacks reliable and comprehensive data about work-related ill-health, an important support to good decision-making about WHS. In workplaces, knowing where incidents are occurring helps identify where risks exist, even if injuries and diseases have not yet resulted. For the whole nation, data about the extent of occupational ill-health and the nature of serious incidents will help to prioritise inspectorate attention and the provision of specific guidance and information as well as determine what kinds of regulations should be developed.

Register of Accidents

The WHS Act will require employers to keep a Register of Accidents and the WHS Regulations will specify the information that must be recorded in the Register. Employers will be encouraged to also record incidents that could have but did not result in harm to people in the workplace to help identify the potential for harm to occur. In particular, the WHS Act will require employers to use the Register of Accidents to monitor and respond to emerging WHS issues and to make it available to inspectors when they visit workplaces.

Suitable guidance as to the form this Register should take will be provided in guidance material.

Required information

The Regulations will require that the Register of Accidents must include the following information:

* The name of the worker(s) involved;
* Their occupation or job title;
* The time and date of the accident;
* The exact location of worker(s) at the time of the injury;
* A precise description of how any injury was sustained;
* The nature of injury and the body part/s affected;
* Names and positions of witnesses to the injury, if any;
* The date of entry in register;
* The name and position of the person making the entry; and
* What action has been taken or is proposed in order to prevent a recurrence of the injury.

# Risk management requirements

The new WHS Act will specify duties for all of those with a role in providing a safe and healthy workplace. For employers, these duties will include the obligation to control the risks to health and safety in the workplace by seeking to eliminate risks so far as reasonably practicable. If risks cannot be eliminated, then they must be reduced to as low a level as it is reasonably practicable to achieve. The Regulations will set out the process by which this obligation can be met.

Identifying hazards

Employers will be required to identify hazards that could give rise to reasonably foreseeable risks to health and safety in the workplace, in consultation with HSRs.

Hierarchy of control

Employers are required to eliminate risks so far as reasonably practicable. If it is not reasonably practicable to eliminate the risk, employers will be required to minimize risks so far as reasonable practicable by taking one or more of the following actions, in consultation with HSRs:

* Substitute the hazard that gives rise to the risk with something that gives rise to a lesser risk;
* Isolate the hazard giving rise to the risk so that no person can come into contact with it;
* Implement engineering controls.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of personal protective equipment.

Workers have the responsibilities to:

* Cooperate with their employer in WHS management.
* Not intentionally or recklessly interfere with WHS equipment or strategies.
* Use protective equipment and devices provided properly in accordance with the training provided.

Maintaining control measures

Employers who implement control measures to eliminate or minimise risks to health and safety will be required to ensure that the control measures are effective, and are maintained so that they remain effective, including by ensuring that the control measures are and continue to be:

* Fit for purpose;
* Suitable for the nature and duration of the work; and
* Installed, set up, and used correctly.

Reviewing control measures

Employers will be required to review and as necessary revise control measures so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety. In particular, they will be required to review and as necessary revise control measures in the following circumstances:

* The control measure does not control the risk it was implemented to control so far as is reasonably practicable;
* Before a change to the workplace that is likely to give rise to a new or different risk to health or safety that the measure may not effectively control;
* A new relevant hazard or risk is identified;
* The results of consultation by the employer indicate that a review is necessary;
* A new and more effective risk control measure becomes available which may be reasonably practicable to implement;
* A health and safety representative requests a review because one of the above circumstances affects or may affect the health and safety of a member of the work group represented by the health and safety representative.

# Risk management requirements for specific risks

The Regulations will provide clarity about how the general risk management obligations apply to five high priority risks:

* Hazardous chemicals (including asbestos);
* Working arrangements, including job design, bullying and harassment;
* Plant, particularly mobile plant;
* Manual handling; and
* Working at heights (including use of ladders).

Hazardous substances

Risk management requirements for hazardous substances will require actions by suppliers of hazardous substances and by employers of workplaces that handle, use or store hazardous substances. These will be specified in the Regulations, with detailed guidance provided in a Code of Practice.

Suppliers duties

Suppliers of hazardous substances must:

* Ensure that hazardous substances containers will prevent escape of the hazardous substances (no leaks); will not be adversely affected by the hazardous substance; and are sturdy enough to withstand normal handling and to prevent potentially hazardous incidents.
* Ensure that hazardous substances containers are labelled with the manufacturer or importer label and that the labels are legible and durable.
* Provide Safety Data Sheets (SDS) with the hazardous substances and upon request. SDS that are compliant with New Zealand or Australian regulatory requirements will be acceptable, with the inclusion of local Cook Island emergency contact details for the supplier.
* Ensure that SDS are revised whenever new information about the hazardous substance becomes available and reviewed at least every five years.

Employers duties

Employers of workplaces that handle, use or store hazardous substances must:

* Ensure that hazardous substances containers are labelled with the manufacturer or importer label and that the labels are legible and durable.
* Obtain SDS for all hazardous substances in the workplace.
* Prepare an inventory that lists all of the hazardous substances that are handled, used or stored in the workplace and make the inventory accessible to workers who use, handle or store hazardous substances. The inventory should include:
	+ the product or chemical name and UN number of each hazardous substance
	+ the maximum amount of each hazardous substance likely to be at the workplace
	+ the location of the hazardous substances
	+ specific storage and segregation requirements and
	+ the current SDS for each hazardous substance or a condensed version of the key information from the SDS.
* Implement the risk controls specified on the SDS for each hazardous substance in the workplace or risk controls that provide a higher level of control.
* Ensure that no person at the workplace is exposed to a substance in an airborne concentration that exceeds the exposure standard for the substance.
* Manage the risks to health and safety associated with using, handling or storing hazardous substances at the workplace, in accordance with the general risk management requirements.

Asbestos

Because asbestos is a carcinogen and asbestos containing material (ACM) is common in the Cook Islands, specific regulations for work with asbestos are warranted. These will rely on the New Zealand Health and Safety at Work Asbestos Regulations 2016, particularly for licensing of removalists of different categories.

Definitions

* **ACM**: Asbestos containing material
* **Asbestos exposure standard**: an average concentration over any 8-hour period of 0.1 respirable asbestos fibres per millilitre of air.
* **Competent person:** a person who has the knowledge, experience, skills, and qualifications to carry out a particular task under these regulations.
* **Health monitoring:** monitoring of an individual to identify any changes in his or her health status because of exposure to asbestos.

Employers’ duties

Employers must not carry out, or direct or allow a worker to carry out, work involving asbestos, unless the work involving asbestos is any of the following:

* genuine research and analysis,
* sampling and identification in accordance with the regulations,
* removal or disposal of asbestos or ACM, including demolition work, in accordance with the regulations,
* the transport and disposal of asbestos or asbestos waste in accordance with the regulations,
* demonstrations, education, or practical training in relation to asbestos or ACM,
* fire-fighting,
* a response to an emergency,
* maintenance and servicing work involving ACM in accordance with the regulations,
* rectifying work to ACM undertaken in accordance with the regulations,
* display, or preparation or maintenance for display, of an artefact or thing that is, or includes, asbestos or ACM,
* work that disturbs asbestos during mining operations that involve the extraction of, or exploration for, a mineral other than asbestos, or
* laundering asbestos-contaminated clothing in accordance with the regulations.

Employers must also:

* Not use or direct or allow a worker to use the following on asbestos or ACM:
	+ Compressed air; or
	+ High pressure water spray (apart from fire fighting or to clear or prevent blockages in waste water and water pipes); or
	+ Power tools that do not include wet processes or integrated dust extraction systems; or
	+ Brooms; or
	+ Anything which releases airborne asbestos into the atmosphere.
* Ensure that health monitoring is provided to workers who are undertaking asbestos work where there is a risk of exposure to asbestos. Health monitoring should commence within four weeks of commencing the work. Health monitoring is not required of workers who undertake Class B asbestos removal work for a total of not more than 4 weeks in any 12-month period.
* Provide training to workers who might be involved in asbestos-related work, covering identifying, safe handling of and effective risk control measures for asbestos and ACM. Records of the training should be kept while the worker is employed by the employer and for 5 years after the worker leaves the employer.
* Notify INTAFF if either of the following two notifiable incidents occur:
	+ events trigger the need for emergency demolition of a structure or plant that contains asbestos;
	+ recorded respirable asbestos fibre levels at an asbestos removal area are at or above 0.02 fibres/ml.
* Provide information to prospective employees who would undertake asbestos-related work, namely:
	+ the health risks and health effects associated with exposure to asbestos; and
	+ the need for, and details of, health monitoring of a worker carrying out asbestos-related work.
* Keep asbestos-related work areas separate from other work areas, with clear signs and physical barriers.
* Ensure that a competent person carries out air monitoring of the asbestos-related work areas and that the reports of air monitoring results are available to workers and others who visit the workplace.
* If the results of air monitoring show that the exposure standard has been exceeded, determine who was present in the work area at the time (workers and others) and warn them about possible exposure to respirable asbestos fibres.
* Establish a decontamination system and make facilities available to decontaminate the asbestos-related work area, any plant and personal protective gear used in that area and workers who undertake asbestos-related work and their clothing.
* Dispose of asbestos waste and contaminated equipment and personal protective gear in a place approved by Infrastructure Cook Islands for disposal of asbestos waste.

Duties of those who manage or control a workplace

Those who manage or control a workplace must ensure that—

* exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable;
* if it is not reasonably practicable to eliminate exposure to airborne asbestos, exposure is minimised so far as is reasonably practicable;
* the exposure standard for asbestos is not exceeded at the workplace;
* so far as reasonably practicable, all asbestos or ACM giving rise to risk at the workplace is identified and clearly signposted. If material cannot be precisely identified, but there is reason to believe that it is asbestos or ACM, then it should be assumed to be asbestos or ACM.
* if asbestos or ACM is identified at the workplace, an Asbestos Management Plan is prepared in consultation with HSRs, including the risk control actions that have been and will be taken, emergency procedures for incidents involving asbestos or ACM, information and training that has been and will be delivered to affected workers, roles and responsibilities of the different duty holders, and health monitoring that has been and will be conducted.
* the Asbestos Management Plan is readily accessible to other impacted employers (e.g. a labour hire company that provides short term labour to the employer) and all affected workers and their HSRs.
* the Asbestos Management Plan is reviewed and, if necessary, revised, if there is a review of a control measure; asbestos is removed from, or disturbed, sealed, or enclosed at, the workplace; the plan is no longer adequate for managing the risk arising from asbestos or ACM at the workplace; a HSR requests a review; 5 years have passed since the plan was last reviewed.

Demolition and refurbishment of structures and plant

Hazardous exposure to asbestos is most likely when demolishing or refurbishing structures or plant that contain asbestos or ACM. For this reason, the regulations will have clear requirements for demolition and refurbishment of structures or plant that are known to contain asbestos or are likely to contain asbestos because of their age.

The employer who will undertake the demolition or refurbishment must:

* arrange for a competent person to inspect the structure or plant to determine whether there is or assumed to be asbestos or ACM contained in the structure or plant;
* if asbestos is identified or assumed, inform the employer in management or control of the workplace or, if the workplace is a home, the owner and occupier of the home;
* identify all of the asbestos likely to be disturbed by demolition or refurbishment of a structure or plant and so far as reasonably practicable remove it in accordance with the Regulations before demolition or refurbishment.

Asbestos removal

Removing asbestos safely is a specialist skill that in most jurisdictions can only be undertaken by licensed removalists. Rather than establish its own licensing regime, the Cook Islands Government will recognize the New Zealand and Australian licensing regimes. This means that asbestos removal in the Cook Islands will only be able to be undertaken by removalists who have been licensed by the New Zealand or the Australian regulators, with the exception of removing small amounts of asbestos. A licensed removalist is not necessary if the amount to be removed is 10 m2 or less of non-friable asbestos or of it is asbestos containing dust associated with removing that amount of asbestos or if it is asbestos containing dust not associated with any removal and causing only minor contamination. The removalist must nevertheless be a competent person and the removal must be undertaken in such a way as to minimise the generation of dust or the exposure of people.

Licensed removalists will be required to ensure that removal work is undertaken under the following conditions:

* Supervision by someone who has been nominated to the Labour and Consumer Division of the Ministry for Internal Affairs;
* Trained workers only to undertake the removal work and the licensed removalist to keep records of the training;
* Following an asbestos removal control plan that details how the removal will be carried out;
* Instructions to be provided to the removal workers that are specific to the type of workplace and the work to be undertaken;
* Notification to the Labour and Consumer Division of the Ministry for Internal Affairs of the asbestos removal at least 5 business days before work commences;
* In unforeseen circumstances where asbestos removal or cleanup is required and issues of potential risk mean that it is impractical to provide 5 days notice, the Labour and Consumer Division of the Ministry for Internal Affairs must be advised as soon as possible prior to the commencement of the work;
* Notification to the employer who manages or controls a workplace where asbestos removal will be undertaken before commencing the work;
* Signage and barriers to clearly delineate the asbestos removal area;
* Appropriate decontamination facilities are available and no contaminated items are removed from the asbestos removal area; and
* Asbestos waste is placed in a sealed container and marked clearly before being disposed of at a facility approved for disposal of asbestos waste.

Licensed removalists will be required to inform prospective employees of the health risks of asbestos removal work and the need for health monitoring of asbestos removal workers.

For removal of friable asbestos, which requires a Class A license, the following extra conditions will be required of the Class A licensed removalist:

* Air monitoring by an independent asbestos assessor and provision of the air monitoring results to potentially affected people;
* If the respirable asbestos fibre levels recorded at the asbestos removal area exceed trace level but are below 0.02 fibres/ml, the licensed removalist must investigate the cause of the elevated level, implement controls to prevent further exposure and prevent further release of respirable asbestos fibres;
* If the respirable asbestos fibre levels recorded at the asbestos removal area are at or above 0.02 fibres/ml, the licensed removalist must immediately cease the removal work, notify the Labour and Consumer Division of the Ministry for Internal Affairs, investigate the cause of the elevated level, implement controls to prevent further exposure and prevent further release of respirable asbestos fibres. The asbestos removal work must not resume until air monitoring shows that the recorded respirable asbestos fibre level is at or below trace level;
* Enclosing the area where the friable asbestos is being removed, either using negative pressure or glove bags to prevent release of respirable asbestos fibres; and
* Using a wet method or some other suitable dust suppression method of removal.

To achieve these requirements, the Cook Islands Government will adopt the requirements of *Part 3 Asbestos removal* and *Part 4 Class A licences and related air monitoring requirements* of the New Zealand *Health and Safety at Work Asbestos Regulations 2016* to regulate asbestos removal in the Cook Islands. Functions specified for WorkSafe in those requirements will be fulfilled by the Labour and Consumer Division of the Ministry for Internal Affairs.

Working arrangements

Working arrangements have a significant impact on occupational injuries and diseases. Effective working arrangements enhance good WHS management and support elimination and control of risks. Conversely, poor job design can result in physical injury, as well as psychological ill-health. Workplaces which tolerate bullying and sexual harassment can cause mental ill-health, including increased use of drugs and alcohol as a coping strategy, which can increase the risk of injuries at work. Stressful work is a known risk factor for cardiovascular disease, as well as depression (LaMontagne et al, 2006). Given the significance of non-communicable diseases (NCDs) in the Cook Islands, the WHS regulations will provide clarity about how the general risk management obligations should be applied to working arrangements.

Definitions

* **Bullying**: repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.
* **Sexual harassment**: any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

Identifying hazards

Employers will be required to identify hazards that exist in the working arrangements in their workplaces, in consultation with their workers, through HSRs where they exist. They will be required to consider organisational factors, environmental factors and individual factors. Guidance on how to consider these factors will be provided in a Code of Practice.

Hierarchy of Control

Employers will be required to eliminate risks that exist in working arrangements, so far as reasonably practicable, for example, eliminating excessive work demands by establishing workloads that are consistent with staff numbers and skills. If it is not reasonably practicable to eliminate the risk, employers will be required to minimise risks so far as reasonable practicable by taking one or more of the following actions, in consultation with HSRs:

* Substitute the hazard that gives rise to the risk with something that gives rise to a lesser risk, for example, by increasing the control workers have over their work pace;
* Isolate the hazard giving rise to the risk so that no person can come into contact with it, for example, by enclosing the source of nuisance noise;
* Implement engineering controls, for example by providing barriers between workers and customers to minimise the risks of personal assault.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls. This includes having relevant policies and procedures, for example, having a policy on bullying and sexual harassment and making sure that the policy is put into practice.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of personal protective equipment, for example, personal duress alarms.

Usually, employers will need to use a combination of risk controls to minimise the risks that arise from working arrangements.

Plant

Plant includes—

* any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement, or tool; and
* any component of any of those things; and
* anything fitted or connected to any of those things.

Plant can cause serious injuries. Potential injuries include:

* Amputations and crushing injuries from moving parts of unguarded machinery;
* Crushing injuries from being hit by mobile plant;
* Fractures caused by falls from plant; and
* Burns and electrocutions from plant that is not adequately guarded or isolated.

For this reason, employers will be required to apply the general risk management obligations to plant.

Identifying hazards

Employers will be required to identify hazards that are associated with plant in their workplaces, in consultation with their workers, through HSRs where they exist. They will be required to consider:

* installation, including erection,
* commissioning,
* operation,
* maintenance, and
* decommissioning and dismantling.

Hazard identification can be undertaken for a class of plant, rather than individual items of plant, where:

* all the plant in the class have similar functions and productive capacity; and
* the identification carried out for the class of plant does not result in any person being subject to a greater, additional or different risk to health or safety than if the identification were carried out for each individual item of plant.

Hierarchy of Control

Employers will be required to eliminate risks that exist as a result of the use of plant in the workplace, so far as reasonably practicable, for example, replacing hazardous plant with plant that does the same work but doesn’t entail the risks of the old plant. If it is not reasonably practicable to eliminate the risk, employers will be required to minimise risks so far as reasonable practicable by taking one or more of the following actions, in consultation with HSRs:

* Substitute the hazard that gives rise to the risk with something that gives rise to a lesser risk, for example, by using pedestrian operated lifting trucks (‘walkie stackers’) rather than forklifts;
* Isolate the hazard giving rise to the risk so that no person can come into contact with it, for example, by using operating booths that allow plant to be controlled remotely;
* Implement engineering controls, for example by installing guards and barriers.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls. This includes using warning signs, lock-out/tag-out systems and work procedures.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of personal protective equipment, for example, high visibility vests, hearing protection, hard hats and protective eye wear.

Usually, employers will need to use a combination of risk controls to minimise the risks that arise from the use of plant in workplaces.

Mobile plant

Mobile plant is plant that has a form of self-propulsion (e.g. a motor) and is under the direct control of an operator. When identifying hazards associated with the use of mobile plant in a workplace, employers will be required to consider hazards which could cause:

* the plant overturning;
* things falling on the operator of the plant;
* the operator being ejected from the plant;
* the plant colliding with any person or thing;
* mechanical failure of pressurised elements of plant that may release fluids that pose a risk to health and safety.

To contribute to controlling these risks, employers will be required to ensure, so far as reasonably practicable, that:

* The mobile plant is fitted with appropriate operator protective devices (e.g. roll-over protective structure) and that these are maintained;
* The operator is fully competent to operate the mobile plant safely;
* No passengers are carried on the mobile plant unless the passenger has the same level of protection as the operator; and
* Traffic management systems are put in place to as far as reasonably practicable separate the operations of mobile plant from pedestrians while the plant is in operation.

In addition, employers will be required to ensure that the plant does not collide with pedestrians or other powered mobile plant. If there is a possibility of such a collision, employers will be required to ensure that the plant has a warning device that can alert people who may be at risk from movement of the plant (e.g. reversing beeper).

Manual handling

Manual handling is part of every job – everything we do at work involves using our body to exert force on some other object. It includes lifting and carrying, but also activities such as typing and using tools. Manual handling becomes hazardous when it involves one or more of the following:

* Repetitive or sustained force;
* High or sudden force;
* Repetitive movement;
* Sustained or awkward posture;
* Lifting, carrying or manoeuvring very heavy objects;
* Exposure to vibration.

Hazardous manual handling can cause serious injuries. Potential injuries include:

* Muscle sprains and strains;
* Back injuries;
* Soft tissue injuries; and
* Chronic pain.

For this reason, employers will be required to apply the general risk management obligations to hazardous manual handling.

Identifying hazards

Employers will be required to identify hazards that are associated with manual handling in their workplaces, in consultation with their workers, through HSRs where they exist. They will be required to consider:

* postures, movements, forces and vibration relating to the hazardous manual tasks; and
* the duration and frequency of the hazardous manual tasks; and
* workplace environmental conditions that may affect the hazardous manual tasks or the workers performing it; and
* the design of the work area; and
* the layout of the workplace; and
* the systems of work used; and
* the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual tasks.

Hierarchy of Control

Employers will be required to eliminate risks that exist as a result of hazardous manual handling in the workplace, so far as reasonably practicable, for example, automating tasks so people do not need to manually do the work. If it is not reasonably practicable to eliminate the risk, employers will be required to minimise risks so far as reasonably practicable by taking one or more of the following actions, in consultation with HSRs:

* Substitute the hazard that gives rise to the risk with something that gives rise to a lesser risk, for example, by reducing the weight of the loads that need to be manually handled;
* Isolate the hazard giving rise to the risk so that no person can come into contact with it, for example, by isolating operators from vibrating mobile plant by providing independent seating;
* Implement engineering controls, for example by using lifting equipment to handle heavy objects.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls. This includes rotating workers through different tasks.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of personal protective equipment, for example, heat resistant gloves for handling hot items.

Usually, employers will need to use a combination of risk controls to minimise the risks that arise from hazardous manual handling in workplaces.

Working at heights

Falls from heights are a common cause of deaths and serious injuries around the world. Given the importance of the construction industry in the Cook Islands, it is important that the Regulations provide guidance on how to prevent falls from heights.

Identifying hazards

Employers will be required to identify hazards that are associated with working at heights in their workplaces, in consultation with their workers, through HSRs where they exist. They will be required to consider whether the following circumstances occur in their workplaces:

* Work in or on an elevated workplace from which a person could fall; or
* Work in the vicinity of an opening through which a person could fall; or
* Work in the vicinity of an edge over which a person could fall; or
* Work on a surface through which a person could fall; or
* Work in any other place from which a person could fall.

Hierarchy of Control

Employers will be required to eliminate risks that exist as a result of working at heights in the workplace, so far as reasonably practicable, for example, by using long-handled tools from ground level. If it is not reasonably practicable to eliminate the risk, employers will be required to minimise risks so far as reasonably practicable by taking one or more of the following actions, in consultation with HSRs:

* Substitute the hazard that gives rise to the risk with something that gives rise to a lesser risk, for example, by building structures at ground level and then lifting them into position;
* Isolate the hazard giving rise to the risk so that no person can come into contact with it, for example, by installing edge protection or scaffolding;
* Implement engineering controls, for example by using a scissor lift to access the task.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls. This includes ensuring that the sequencing of work minimises the need to work at heights.

If a risk remains, employers will be required to minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of personal protective equipment, for example, providing a fall arrest system.

Usually, employers will need to use a combination of risk controls to minimise the risks that arise from working at heights in workplaces.

Safe use of ladders

The Regulations will specify that ladders do not provide fall protection and so should only be used in low risk settings and for short durations. Guidance on how to use ladders safely will be provided in a Code of Practice.

# References

LaMontagne AD, Shaw, A J, Ostry A, Louie AM, and Keegel T. (2006). *Workplace Stress in Victoria: Developing a Systems Approach*. Melbourne: Victorian Health Promotion Foundation, Freely available at [www.vichealth.vic.gov.au/workplacestress](http://www.vichealth.vic.gov.au/workplacestress).