The farming sector and the Health and Safety at Work Act

The Health and Safety at Work Act is part of the Government’s Working Safer package of reforms which aim to address New Zealand’s unacceptable workplace injury and death rates, including in the farming sector.

- Since 2008, 120 people have died from work-related farm injuries on New Zealand farms.
- 220,000 work days are lost annually due to farm-related injuries.
- 20 people were killed in workplace accidents on farms in 2013.

The Act also addresses the recommendations of the Royal Commission on the Pike River Coal Mine Tragedy and the Independent Taskforce on Workplace Health and Safety.

The Act’s key emphasis is that everyone in the workplace is responsible for health and safety. The main requirements are:

- Every Person Conducting a Business or Undertaking (a PCBU – usually a company) has a duty to do what it can within its influence and control to ensure the health and safety of workers and people affected by its work
- The Act creates a new due diligence duty for officers to take reasonable steps to ensure that the PCBU is meeting its health and safety obligations
- It contains obligations on workers to take reasonable care and follow reasonable instruction
- The Act requires every PCBU to have effective worker participation practices and to engage with its workers.

Changes to the Health and Safety Reform Bill

The following changes were made to the Health and Safety Reform Bill when it was before Parliament.

These changes are included in the Health and Safety at Work Act.

Clarifying scope of “workplace” – the Bill was unclear about the extent of a PCBU’s duties in relation to land or premises that it uses for work.

- Parliament’s Transport and Industrial Relations Committee which considered public submissions on the Bill has recommended that the scope of a workplace be clarified to only be where work is being undertaken or usually takes place. This has been further clarified in the case of farms, where the duty of farmers’ managing or controlling workplaces will only extend to the farm buildings and structures necessary for the
operation of the business and the areas immediately surrounding them. Other parts of the farm are not a workplace, apart from when farm work is being carried out in that part of the farm at the time.

- The Act also clarifies that the farm workplace does not include the family home.
- The Act also makes it clear that the duty to manage and control a workplace won’t extend to people who are there for unlawful purposes.

**Recreational users of farm land**

- These changes mean that the farmer’s duty to manage and control the farm doesn’t apply to recreational users coming onto farm land, apart from when farm work is being carried out in that part of the farm at the time.

**Clarifying responsibility for the management of risk**

- The Act clarifies that a duty holder’s obligations to manage risk are limited to doing what is in their ability to control and manage, along with what is reasonably practicable for them to do to manage the risk.

Read a detailed summary of the changes to the legislation here [http://www.business.govt.nz/worksafe/about/reform](http://www.business.govt.nz/worksafe/about/reform)