

GOVERNANCE DUTIES – HEALTH & SAFETY AT WORK
(Compliance from 4/4/2016)

1. Policy Statement

The [xxx Insert name of NGO] acknowledges that Governance Board Members of its organisation have a duty of due diligence duty under the Health & Safety at Work Act 2015.

2. Definitions & Guidelines

The Health and Safety at Work Act 2015 includes a due diligence duty which imposes a duty on those people who are in governance roles to proactively manage health and safety in their organisations.

All Governance Board Members are deemed to be “officers” for the purposes of the Act.

MBIE has issued a “Good Governance Practices Guideline for Managing Health and Safety Risks” (the **Guideline**).¹ The Guideline is targeted at, but not limited to, organisations with 20 or more employees.

The [xxx Insert name of NGO] has noted and adopted the intent of the issued Guidelines.

The Board of Governance of the [xxx Insert name of NGO] notes that the duty of Officers under the Act is a personal duty which cannot be delegated, modified or transferred. It requires officers to be proactive – not reactive by waiting for staff to raise a health and safety problem.

3. What Due Diligence means for Governance Board Members (Officer) in practical terms.

In summary each officer is to:

¹ The Guideline can be accessed at <https://www.iod.org.nz/Publications/Healthandsafety.aspx>.

Governance Duties- Health & Safety in the Workplace Compliance

- (a) acquire and keep up-to-date knowledge on health and safety to enable informed decision making;
- (b) understand the risks arising from running [xxx Insert name of NGO] and also understand the control measures to ensure Health and Safety;
- (c) ensure that [xxx Insert name of NGO] is adequately resourced (human and financial) in order to eliminate or minimise risks to health and safety;
- (d) monitor the performance of [xxx Insert name of NGO] in relation to health and safety; (e.g. report from Manager/Health & Safety representative should be provided at each meeting).
- (e) ensure compliance with all legal obligations, regulations, codes of practices, etc.; and
- (f) verify the performance of the [xxx Insert name of NGO] (e.g. reviews, audits, safety observations).

4. Key Elements and “Best practice” for Governance

The Officers of [xxx Insert name of NGO] will implement and maintain its obligations under the Act by:

4.1 Policy and planning:

- (g) Develop, approve, and publish a safety vision and beliefs statement that will express a commitment to health and safety.
- (h) Establish targets for tracking effectiveness in implementing the board's health and safety strategy and goals.
- (i) Determine a board charter that will describe the board's own role and that of individual Officers in leading health and safety in [xxx Insert name of NGO].

Governance Duties- Health & Safety in the Workplace Compliance

- (j) Apply a performance review process to leadership roles within the [xxx Insert name of NGO] which includes health and safety responsibilities and accountabilities.

4.2 Deliver:

- (k) Ensure that management develops, implements, audits and regularly reviews and updates an effective management system consistent with accepted standards.
- (l) Review management reports on reviews and audits of systems and control plans.
- (m) Become personally aware of the organisation's hazards and control systems. Review risk registers.
- (n) Ensure that management has sufficient personnel with the right skill mix, supported by specialists as required, to operate the business safely.
- (o) Ensure that plant and equipment is provided that is fit for purpose, well maintained and supported by training and safe operating procedures.
- (p) Provide sufficient funds for effective implementation and maintenance of the health and safety management system and for improvement programmes.

4.3 Monitor:

- (q) Specify clear requirements regarding reporting and timeframes for significant events in the board's charter.
- (r) Review serious incidents, including serious non-compliance and near misses, and be personally satisfied with the adequacy of management actions in response.

Governance Duties- Health & Safety in the Workplace Compliance

- (s) Ensure that improvement goals are developed annually by, and with, management and that regular progress reports are received by the Board.

4.4 Review:

- (t) Specify arrangements for the formal review of health and safety in the board's charter including in relation to frequency, who is involved, and how and what input is required.
- (u) Ensure that input into the formal review includes audits (internal and external), system reviews, performance results, significant incidents, organisational changes and benchmark data.
- (v) Determine an action plan and track progress as an outcome for the review.

Date Approved:	[insert date]
Review Date:	[insert date]

Chairperson: _____ **Date:** _____