



Mobility Wheelchair Accessible Vehicle
Health and Safety Requirements 2021

Provider Responsibilities

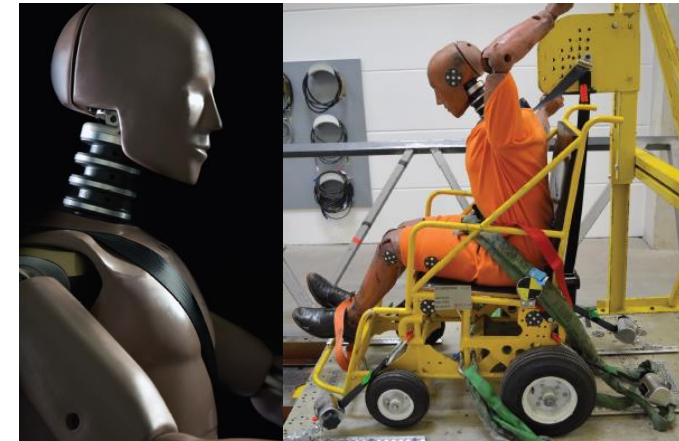




Agenda:

- Overview
- Operator / Owner Health and Safety Requirements and Responsibilities
- Auto Transforms Responsibilities
- Certification Requirements for Compliance
- Next steps / check list

Important: Auto Transform are not an authorized OSH consultant. However, we are responsible to highlight the requirements and duty of care. It is highly recommended you take this up with your organisations Health and Safety department.



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*Being the leader in
creating high-quality
mobility equipment comes
with a sense of
responsibility...*

Mobility solutions to reduce risk

Are you covered in the event of an accident?



”

*Because we want you
to perform at your best...*



Overview

What is this all about?



STANDARDS



INNOVATION

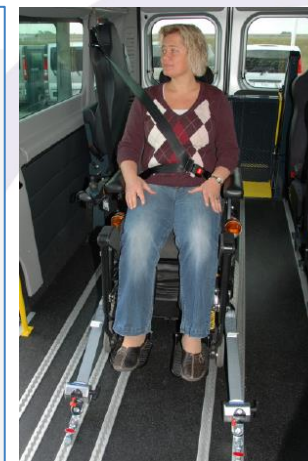


TRAINING

- To get compliance on a Mobility vehicle today it is important that the operator / owner fully understand their responsibility under **Health and Safety Act** to provide a safe work environment for there employees and customers / person under there care.



*Servicing Mobility
Equipment can be
frustrating...*





Video:

- <https://www.youtube.com/watch?v=IRMK2vKOnbo>
- <http://www.amsvans.com/mobility-equipment/wheelchair-tie-downs>





Video:





Work Safe New Zealand

- Health and Safety legal framework NZ Health and Safety in Employment Act (1992) and its Amendments focus on the prevention of harm arising out of work activities.
- Primary responsibility is placed on the employer, who has a general duty to ensure as far as is reasonably practicable steps to prevent harm to all persons in the vicinity of a workplace. It is important to note that this includes principle contractors, subcontractors and self employed. WorkSafe NZ is New Zealand's workplace health and safety regulator. WorkSafe NZ work closely with employers, employees and others to educate them about their workplace health and safety responsibilities, engage them in making changes that reduce the chances of harm and enforce workplace Health and Safety legislation.





Company motor vehicles are an extended place of work

- Company vehicles are considered workplaces for those employees who drive as part of their work duties. Employers must take all practicable steps to ensure their employees are safe from harm while they are working. Concerning driving, 'all practicable steps' would include having processes for ensuring every vehicle used for work purposes is roadworthy and warranted, adequately and appropriately insured, and loaded and used only within its specified capability.





Company car policies

- We recommend that our customers consider having a robust Company Vehicle Policy as currently advised by the Ministry of Business, Innovation and Employment as well as the NZ Transport Agency. Some of the Health and Safety topics you might want to consider including in your Company Vehicle Policy are;
- Requirements to observe road safety code;
- Health and Safety obligations on drivers including driver fatigue, speed control, drink and drug driving, use of safety belts, dealing with distractions, taking breaks, use of mobile phones, reporting accidents and incidents;
- Any checks you might need to conduct prior to allocating a vehicle (e.g. licence, criminal convictions);
- Any disciplinary procedures triggered as a result of breaching the Company Vehicle Policy.
- Other non-Health and Safety related topics you may want to consider including are:
- Guidelines on how the company uses its vehicles;
- Outline of how and when drivers are entitled to use the company vehicles;



Company car policies

- Allocation and replacement of vehicles;
- Insurance and maintenance costs, cost of damages in case of incidents / accidents;
- Parking costs, fines and use of fuel cards.





NZ Health and Safety Reform Bill

- The NZ Health and Safety Reform Bill has recently been reported to Parliament after having gone through the NZ Transport and Industrial Relations Select Committee. When passed, this Bill will become the Health and Safety at Work Act (HSW Act).
- It is anticipated that the Reform Bill will come into force on 4 April 2016. Amongst different anticipated changes are workers engagement and participation in Health and Safety, duties of Officers conducting business or undertaking and volunteer workers.
- WorkSafe New Zealand has confirmed that there will be an education and information campaign to support all businesses in their preparation for the new legislation before it comes into force.





H and S Govt links

- [Employment Workplace Policies](#)
- [NZTA](#)
- [ACC](#)





Operator / Owner Health and Safety Requirements and Responsibilities

Your Incumbent Duty of Care

1. You must have included in your Health and Safety policy a section on Mobility vehicle safety and usage
 - It is important that provision of adequate access space without the risk of tripping or other such hazards. Other applicable aspects are removing risks where possible such as having fold away seats which cannot physically be deployed while a wheel-chair is present (in order to avoid potentially “trapping” seated occupants).
 - If occupants and caregivers cannot move about in the vehicle with relative ease, then the configuration is not possible.
2. Staff Training on correct usage / methods of the equipment
3. Have an equipment maintenance plan on equipment

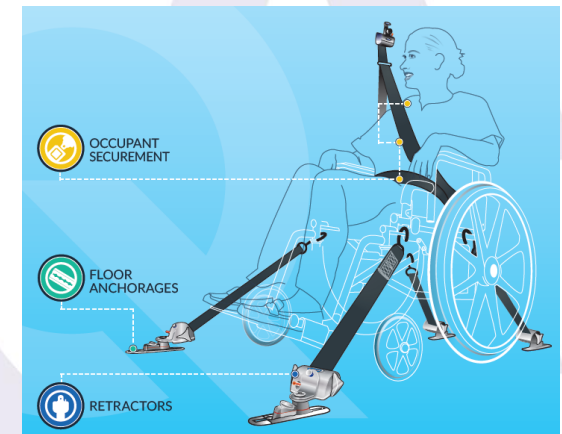
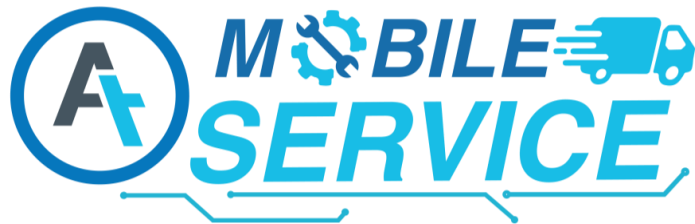




Auto Transforms Responsibilities

Our Duty of Care

1. To provide Mobility users and their customers fully compliant safe to use Mobility Vehicle Solutions.
2. Detailed floor plan user instruction placed on vehicle internal wall.
3. Training on correct usage / methods of the equipment.
 - This includes a user certificate
4. Provide equipment maintenance plan on mobility equipment and reporting.
 - Auto Transform offer this on a 36month contract





Certification Requirements for Compliance

Certifier Duty of Care

- The certifier is engaged by Auto Transform as a 3rd party to ensure vehicles and installations are completed to the standard and signed off.
 - Low Volume certification form set for Disability Transportation (FS040):
- A lot of detail is gone into during this process including photographs right throughout the vehicle build. This includes the following checks:
 - 2.6(3) Sufficient space exists around the wheelchair position for care-giver to secure wheelchair.
 - 2.6(4) Sufficient clear-space exists forward of the wheelchair position to minimise wheelchair occupant contact with other occupants or seating during a collision.





Certification Requirements for Compliance

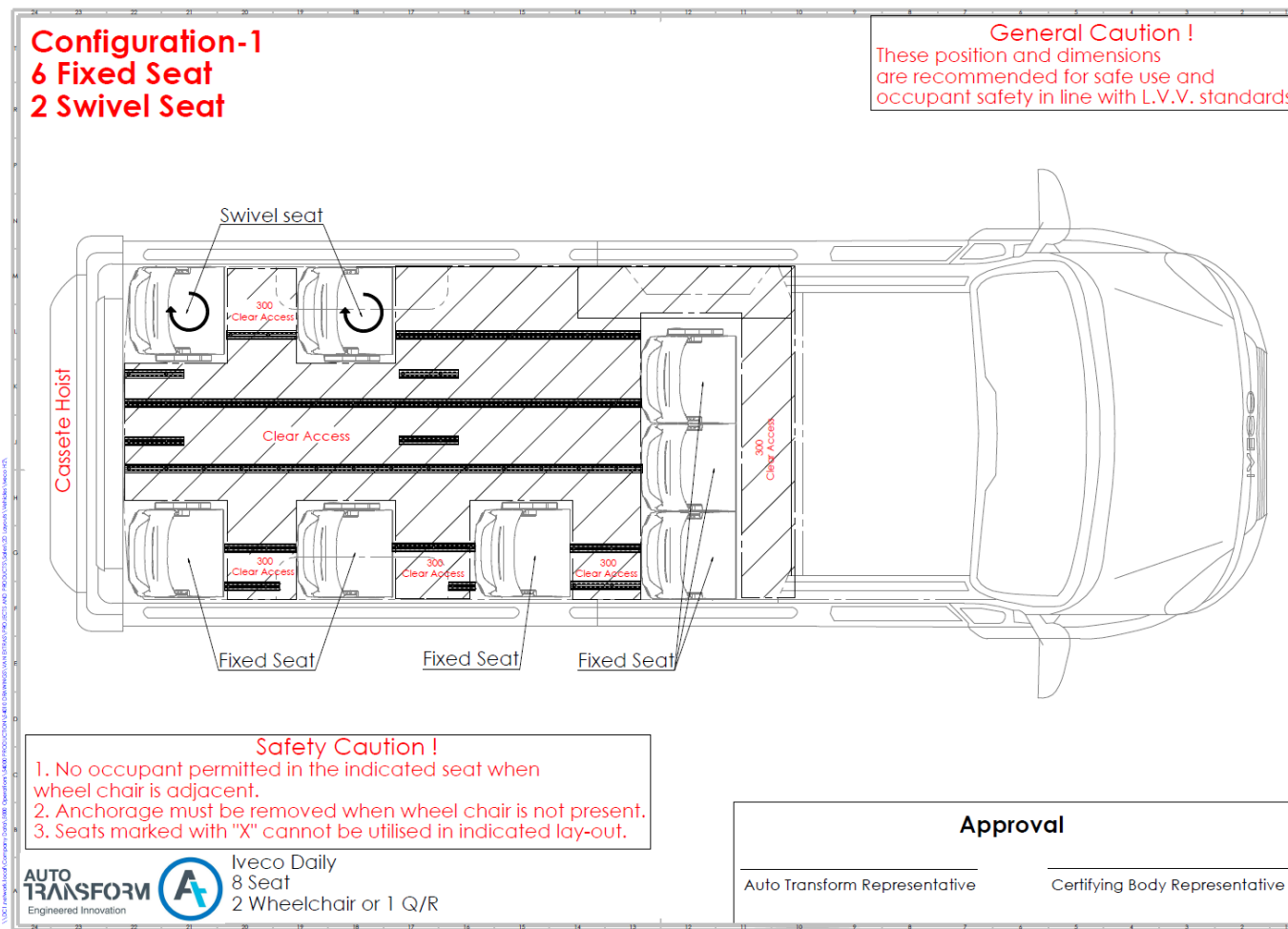
Certifier Duty of Care

- 2.8(5) Restraint straps are not positioned such that a wheelchair could obstruct an emergency exit.
- 2.8(6) Restraint straps are installed per manufacturers instructions.
- 2.1(3) A ready means of exit, with an operable interior door handle, is available to all wheelchair positions.
- 2.3(27) Vehicle drives in a safe and satisfactory manner and taking into consideration additional weight of the wheelchair hoist and other systems and equipment.



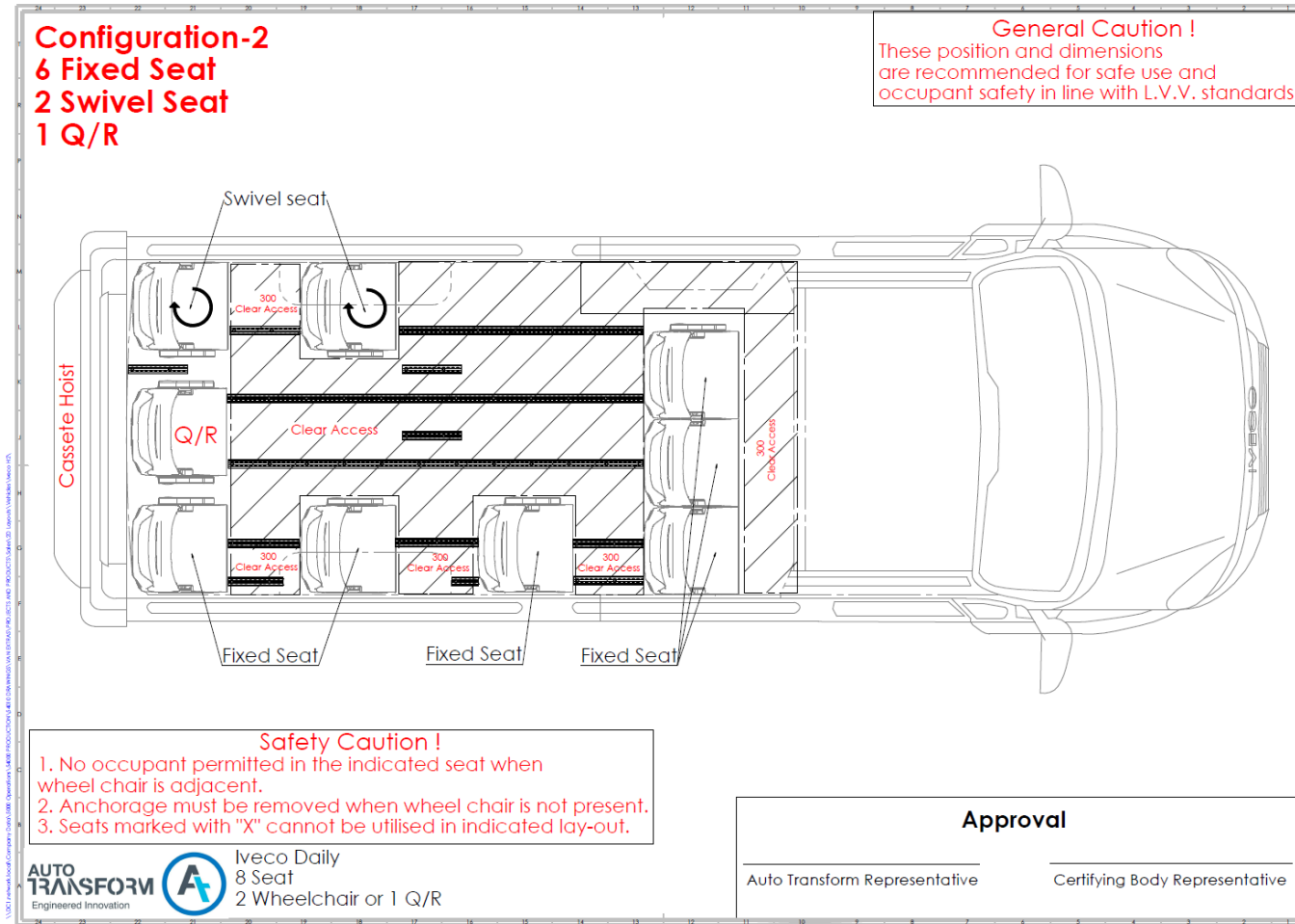


Floor Plan 1



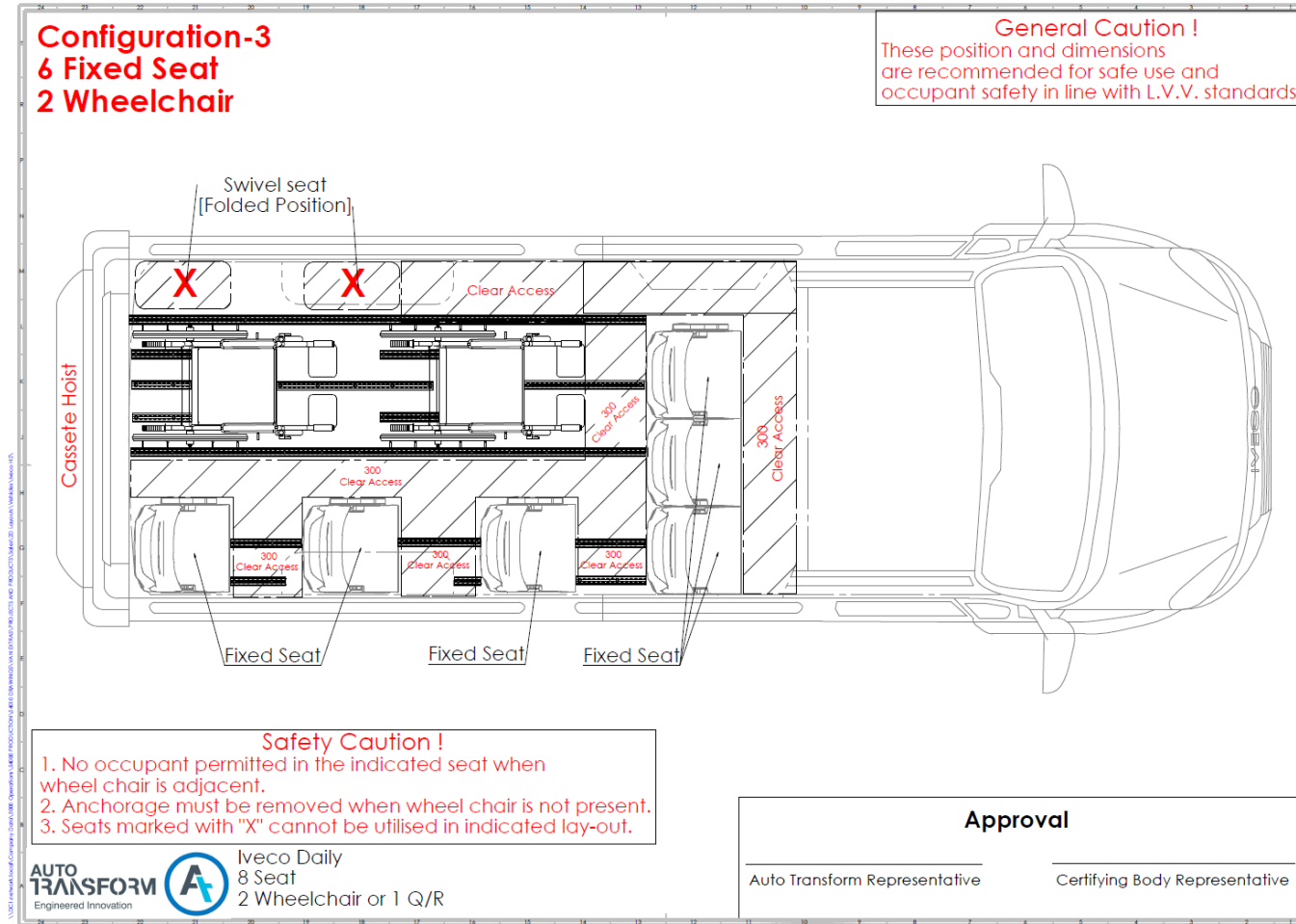


Floor Plan 2





Floor Plan 3





Next steps / check list

Conversations to be had



STANDARDS



INNOVATION



TRAINING

- Go over the 3 points below with your Directors and Health and Safety department to make sure the organisation has this risk covered in the event of an accident or a Health and Safety inspection.
 1. What is your Health and Safety policy on Mobility vehicle safety and usage?
 2. Are your staff Trained on correct usage / methods of the equipment?
 3. Do you have an equipment maintenance plan on mobility equipment and reporting?





We Can help



TRAINING



On-site Staff Training during service time:

- ☐ Operator safe use training
- ☐ Hoist
- ☐ Restraints
- ☐ Personal certificate valid for 3 years



Work Safe New Zealand

Mani Haumaru Aoteroa

OFFENCES AND PENALTIES UNDER THE HEALTH AND SAFETY AT WORK ACT 2015

This fact sheet outlines the offences and penalties under the Health and Safety at Work Act 2015 (HSWA). There are a range of offences and penalties under HSWA and regulations. Imprisonment is reserved for the most serious offences.

Penalties depend on the offence and what type of duty holder the offender is, ie:

- An individual who is not a person conducting a business or undertaking (PCBU) (eg a worker or other person at the workplace)
- An individual who is a PCBU (eg self-employed) or an officer of a PCBU, or
- Any other person, such as an organisation that is a PCBU (eg a company, government department or non-profit organisation).



Work Safe New Zealand

Mani Haumaru Aoteroa

In addition to court-imposed penalties, infringement notices can be issued by a regulator for specified offences against HSWA or regulations. The person receiving the infringement notice is required to pay an infringement fee or may appeal against the notice in court.

The following sections describe offences and penalties under HSWA.





HEALTH AND SAFETY DUTY OFFENCES IN RELATION TO SECTIONS 36 TO 46 OF HSWA

The most serious offences under HSWA are for failures to comply with health and safety duties under sections 36 to 46 of HSWA. These cover the duties of PCBUs, officers, workers and other persons at workplaces. These offences are described below.





RECKLESS CONDUCT IN RESPECT OF DUTY (SECTION 47 OF HSWA)

This is the most serious offence under HSWA. The maximum penalties, which include imprisonment, reflect the severity of the offence. The maximum penalties are shown in Table 1.

A duty holder commits this offence if:

- They have a health and safety duty under sections 36 to 46 of HSWA, and
- They engage in behaviour that causes someone to be put at risk of being seriously injured, made seriously ill or killed (including where death or serious injury or illness actually occurred), and
- The person put at risk is a person to whom the duty holder owes the health and safety duty, and
- The duty holder is reckless about the risk of injury, illness or death, and
- They do not have a reasonable excuse for their behaviour.

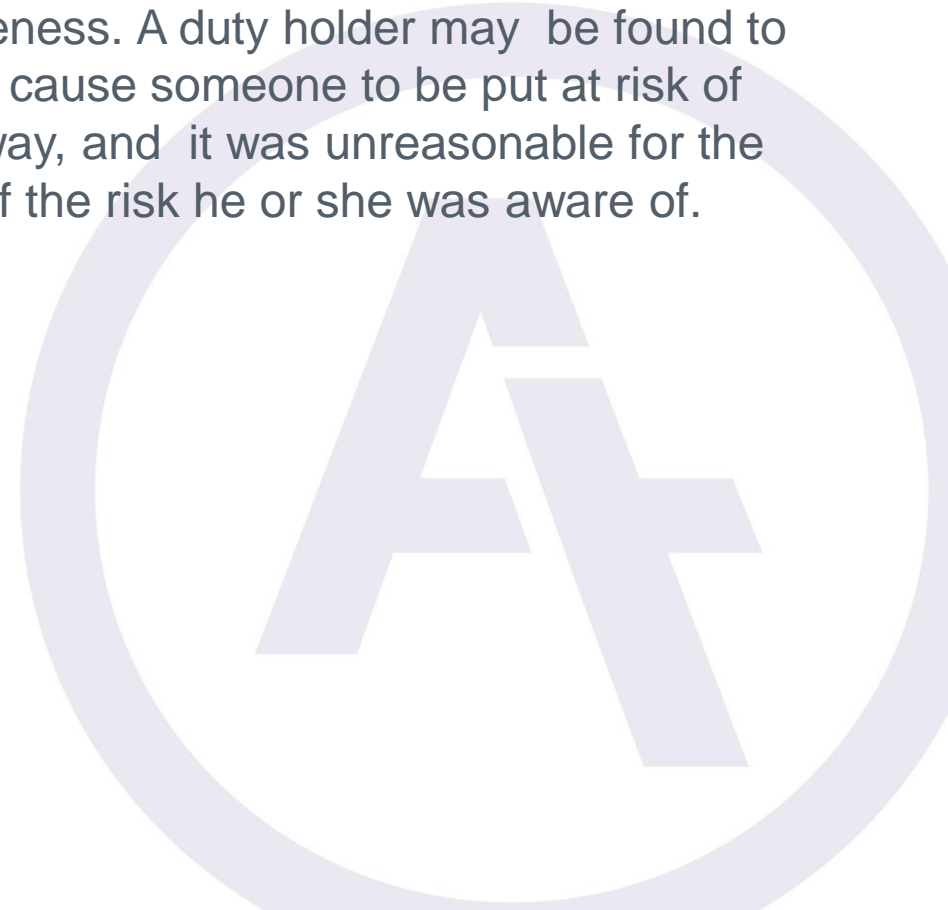


RECKLESS CONDUCT IN RESPECT OF DUTY (SECTION 47 OF HSWA)

The prosecution must prove this beyond reasonable doubt.

Recklessness does not necessarily mean that the duty holder intended to cause someone

to be put at risk of injury, illness or harm; the emphasis is on awareness. A duty holder may be found to have been reckless if he or she was aware that their actions could cause someone to be put at risk of death, or serious illness or injury, but took the relevant action anyway, and it was unreasonable for the duty holder to take the action, given the seriousness and nature of the risk he or she was aware of.





FAILURE TO COMPLY WITH A DUTY THAT EXPOSES AN INDIVIDUAL TO A RISK OF SERIOUS INJURY, SERIOUS ILLNESS OR DEATH (SECTION 48 OF HSWA)

A duty holder commits this offence if:

- They have a health and safety duty under sections 36 to 46 of HSWA, and
- They fail to comply with the duty, and
- Their failure causes someone to be put at risk of being seriously injured, made seriously ill or killed (including where death, or serious injury or illness actually occurred).

The prosecution must prove beyond reasonable doubt that a duty has not been carried out, which caused a risk of serious injury, illness or death. They do not need to prove that the offender was aware that their actions may cause a risk to someone's health and safety. The maximum penalties are shown in Table 1.



FAILURE TO COMPLY WITH A DUTY (SECTION 49 OF HSWA)

A duty holder commits this offence if they owe a health and safety duty under sections 36 to 46 of HSWA and fail to comply with it.

The prosecution must prove this beyond reasonable doubt. Unlike the two other offence-creating provisions above, there is no need to prove an individual was exposed to serious injury or illness. The maximum penalties are shown in Table 1.

EXAMPLE

Anne, Alan and Bill are on the board of directors at Endless Aisles supermarket. They are officers of the PCBU (the supermarket). They have a duty to exercise due diligence to ensure that the supermarket is operating in a healthy and safe way.

They have not exercised due diligence to ensure Endless Aisles complies with HSWA including by failing to ensure Endless Aisles has processes for:

- Assessing incidents or near misses
- Carrying out risk assessments.

This is a failure to carry out their due diligence duty and an offence under section 49 of HSWA



FAILURE TO COMPLY WITH A DUTY (SECTION 49 OF HSWA)

Table 1: Maximum penalties for health and safety duty offences

OFFENCE	INDIVIDUAL WHO IS NOT A PCBU OR OFFICER (EG A WORKER OR OTHER PERSON AT A WORKPLACE)	OFFICER OF A PCBU OR AN INDIVIDUAL WHO IS A PCBU (EG SELF-EMPLOYED)	ANYONE ELSE (EG AN ORGANISATION THAT IS A PCBU)
Section 47 (reckless conduct in respect of duty that exposes an individual to a risk of serious injury, serious illness or death)	Five years in prison or \$300,000 fine, or both	Five years in prison or \$600,000 fine, or both	\$3 million fine
Section 48 (failure to comply with a duty that exposes an individual to a risk of serious injury, serious illness or death)	\$150,000 fine	\$300,000 fine	\$1.5 million fine
Section 49 (failure to comply with a duty)	\$50,000 fine	\$100,000 fine	\$500,000 fine



OFFENCES THAT APPLY TO OTHER OBLIGATIONS

There are offences under HSWA for failing to meet or comply with other obligations. These are highlighted as follows.

OFFENCES IN RELATION TO CHARGING WORKERS

PCBUs must not impose a levy on or charge workers for doing or providing anything that the PCBU is required to do or provide under HSWA. For example, PCBUs who are employers need to provide employees with personal protective equipment (PPE) if it is needed to carry out work. The PCBU must not charge for this or require employees to provide their own PPE at their own cost.

It is an offence to impose a levy on or charge workers for anything done or provided under HSWA (section 27 of HSWA). The maximum penalties are shown in Table 2.



OFFENCES THAT APPLY TO OTHER OBLIGATIONS

Table 2: Maximum penalties for charging workers

OFFENCE	INDIVIDUAL PCBU (EG A SELF-EMPLOYED PCBU)	OTHER PCBU (EG AN ORGANISATION THAT IS A PCBU)
Section 27 (PCBUs must not levy workers)	\$5,000 fine	\$25,000 fine



OFFENCES IN RELATION TO NOTIFIABLE EVENTS

Notifiable events include someone's death, a notifiable injury, illness or incident. The PCBU must:

- Inform the regulator of any notifiable event (section 56 of HSWA)
- Keep records of notifiable events for at least five years (section 57 of HSWA)
- Take all reasonable steps to ensure the site where the notifiable event has occurred is preserved until an Inspector releases it (applies only to PCBUs who manage or control the workplace; section 55 of HSWA).

A PCBU commits an offence if it fails in these duties. The maximum penalties are shown in Table 3.



OFFENCES IN RELATION TO NOTIFIABLE EVENTS

Table 3: Maximum penalties for notifiable event offences

OFFENCE	INDIVIDUAL PCBU (EG A SELF-EMPLOYED PCBU)	OTHER PCBU (EG AN ORGANISATION THAT IS A PCBU)
Section 55 (duty to preserve sites)	\$10,000 fine	\$50,000 fine
Section 56 (duty to notify notifiable events)	\$10,000 fine	\$50,000 fine
Section 57 (requirement to keep records)	\$5,000 fine	\$25,000 fine



OFFENCES IN RELATION TO AUTHORISATIONS

Some work needs to be authorised by WorkSafe New Zealand (WorkSafe). Authorisations can relate to workplaces, plant, substances, work types, and worker qualifications or experience. Authorisations may contain conditions that need to be met.

It is an offence to:

- Conduct a business or undertaking, or direct or allow a worker to carry out work, at a workplace that needs to be authorised, without an authorisation (section 204 of HSWA)
- Use plant or substances requiring authorisation without an authorisation, or, if a PCBU directs or allows a worker to use them without an authorisation (section 205 of HSWA)
- Do work that needs authorised workers without authorisation, or, if a PCBU directs or allows unauthorised workers to do work that needs authorisation (section 206 of HSWA)
- Do work that needs qualified workers without qualifications, or, if a PCBU directs or allows unqualified workers to work (section 207 of HSWA)
- Do work that needs qualified supervision without qualified supervision, or, if a PCBU directs or allows unqualified supervisors to supervise work (section 207 of HSWA)
- Fail to comply with the conditions on an authorisation (section 208 of HSWA).

The maximum penalties are shown in Table 4.



OFFENCES IN RELATION TO AUTHORISATIONS

Table 4: Maximum penalties for authorisations offences

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU OR WORKER)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 204 (requirements for authorisation of workplaces)	\$50,000 fine	\$250,000 fine
Section 205 (requirements for authorisation of plant or substances)	\$20,000 fine	\$100,000 fine
Section 206 (requirements for authorisation of work)	\$20,000 fine	\$100,000 fine



OFFENCES IN RELATION TO AUTHORISATIONS

Table 4: Maximum penalties for authorisations offences

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU OR WORKER)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 207 (requirements for prescribed qualifications or experience)	\$20,000 fine	\$100,000 fine
Section 208 (requirements to comply with conditions of authorisation)	\$20,000 fine	\$100,000 fine



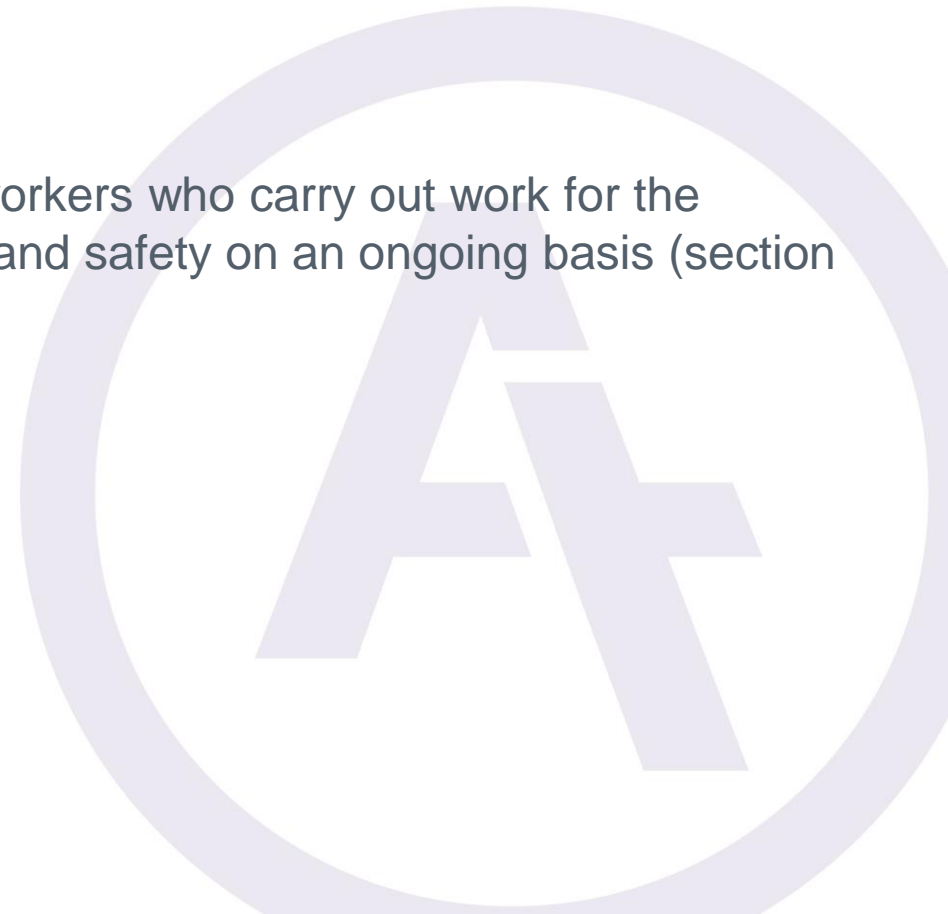
OFFENCES IN RELATION TO WORKER ENGAGEMENT AND PARTICIPATION

Engaging with workers (excludes volunteer workers and prisoners and the armed forces for certain provisions)

It is an offence if PCBU's do not:

- Engage with workers when required (section 58 of HSWA)
- Have practices that provide reasonable opportunities for workers who carry out work for the business or undertaking to participate in improving health and safety on an ongoing basis (section 61 of HSWA).

The maximum penalties are shown in Table 5.





OFFENCES IN RELATION TO WORKER ENGAGEMENT AND PARTICIPATION

Table 5: Maximum penalties for worker engagement and participation offences

OFFENCE	INDIVIDUAL PCBU (EG A SELF-EMPLOYED PCBU)	OTHER PCBU (EG AN ORGANISATION THAT IS A PCBU)
Section 58 (duty to engage with workers)	\$20,000 fine	\$100,000 fine
Section 61 (duty to have worker participation practices)	\$20,000 fine	\$100,000 fine



OFFENCES IN RELATION TO HEALTH AND SAFETY REPRESENTATIVES (HSRs)

A PCBU who receives notification seeking election of one or more HSRs, and does not initiate an election (where no exception applies) commits an offence. A PCBU also commits an offence if it fails to give notice that an exception applies (section 62 of HSWA).

If there is an HSR in the workplace the PCBU must:

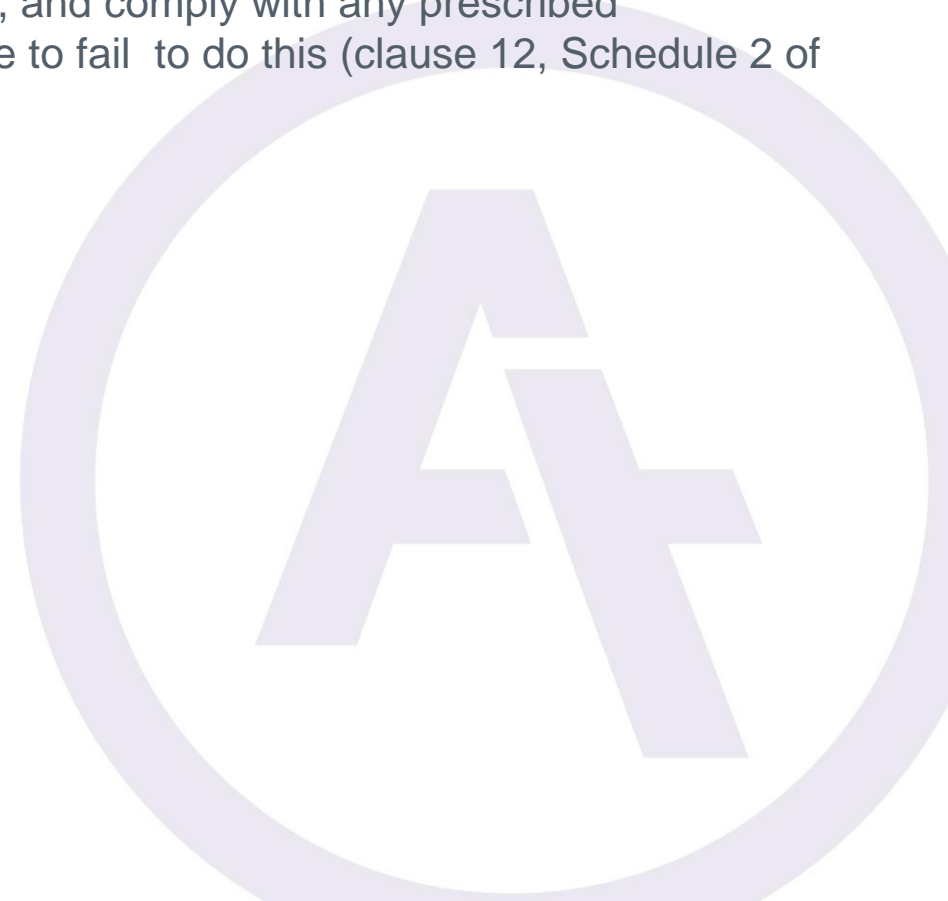
- Consult the HSR so far as reasonably practicable, about health and safety matters
- Confer with an HSR when requested, for the purpose of ensuring the health and safety of the workers in the work group
- Give the HSR a reasonable amount of time to carry out their HSR role
- Give the HSR information they need to carry out their HSR role
- Allow the HSR to attend interviews about health and safety matters between workers and the PCBU or an Inspector
- Give the HSR reasonable resources and assistance to carry out their HSR role
- Allow someone assisting the HSR access to the workplace
- Allow the HSR to join an Inspector when inspecting the workplace
- If the HSR makes a recommendation about health and safety, either adopt the recommendation or provide a written statement setting out the reasons for not adopting it.



OFFENCES IN RELATION TO HEALTH AND SAFETY REPRESENTATIVES (HSRs)

It is an offence to fail in these duties (clause 10, Schedule 2 of HSWA). It is an offence to provide an HSR with a worker's personal information without the worker's consent (clause 11, Schedule 2 of HSWA).

A PCBU must allow an HSR paid leave to attend health and safety training, and comply with any prescribed requirements around access to training (including payment). It is an offence to fail to do this (clause 12, Schedule 2 of HSWA). The maximum penalties are shown in Table 6.





OFFENCES IN RELATION TO HEALTH AND SAFETY REPRESENTATIVES (HSRs)

Table 6: Maximum penalties for health and safety representative offences

OFFENCE	INDIVIDUAL PCBU (EG A SELF-EMPLOYED PCBU)	OTHER PCBU (EG AN ORGANISATION THAT IS A PCBU)
Section 62 (election of HSR)	\$5,000 fine	\$25,000 fine
Clause 10, Schedule 2 (obligations of PCBU to HSR)	\$10,000 fine	\$50,000 fine
Clause 11, Schedule 2 (exceptions to clauses 4(1) and 10(1))	\$10,000 fine	\$50,000 fine
Clause 12, Schedule 2 (requirements to allow HSR to attend certain training)	\$10,000 fine	\$50,000 fine



OFFENCES IN RELATION TO PROVISIONAL IMPROVEMENT NOTICES (PINs)

Trained HSRs can issue PINs. A PIN requires the person to whom it is issued to fix a health and safety problem by a certain date.

If a PIN is issued, it is an offence if:

- The person does not display it in a prominent place where the work affected by the notice is done (section 76 of HSWA)
- Any person removes, destroys, damages or defaces a PIN that is displayed while the PIN is in force (section 76 of HSWA)
- The person does not comply with it in the time required (section 78 of HSWA).

The maximum penalties are shown in Table 7.



OFFENCES IN RELATION TO PROVISIONAL IMPROVEMENT NOTICES (PINs)

Table 7: Maximum penalties for provisional improvement notice offences

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU OR WORKER)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 76 (display of PIN)	\$5,000 fine	\$25,000 fine
Section 78 (offence relating to breach of PIN)	\$50,000 fine	\$250,000 fine



OFFENCES IN RELATION TO HEALTH AND SAFETY COMMITTEES (HSCs)

HSCs help PCBU's and workers to co-operate to improve workers' health and safety. PCBU's must decide whether to establish an HSC if requested by an HSR or 5 or more workers, unless an exception applies (section 66 of HSWA).

PCBU's must:

- Consult with an HSC, so far as is reasonably practicable, about health and safety matters
- Allow its members reasonable time to carry out their role
- Provide the HSC with information they need to carry out their role
- If the HSC makes a recommendation about health and safety, either adopt the recommendation or provide a written statement setting out the reasons for not adopting it
- Provide the HSC with a worker's personal information only with the worker's consent (clause 21, Schedule 2 of HSWA).

It is an offence to fail to comply with these duties. The maximum penalties are shown in Table 8.



OFFENCES IN RELATION TO HEALTH AND SAFETY COMMITTEES (HSCs)

Table 8: Health and safety committee offences

OFFENCE	INDIVIDUAL PCBU (EG A SELF-EMPLOYED PCBU)	OTHER PCBU (EG AN ORGANISATION THAT IS A PCBU)
Section 66 (request for an HSC)	\$5,000 fine	\$25,000 fine
Clause 21, Schedule 2 (obligations in relation to an HSC)	\$10,000 fine	\$50,000 fine



OFFENCES IN RELATION TO ADVERSE, COERCIVE OR MISLEADING CONDUCT

Engaging in adverse conduct for a prohibited health and safety reason means treating a worker or another person badly because of a prohibited health and safety reason. It includes behaviour such as:

- Ending an HSR's employment because they are an HSR
- Demoting a worker who raises a health and safety issue with an HSR
- Refusing to employ someone who wishes to be an HSR.

It is an offence to engage in adverse conduct for a prohibited health and safety reason (section 90 of HSWA) or request, instruct, encourage or assist someone else to do so (section 91 of HSWA).

It is also an offence to take any action (or threaten to take any action) intended to coerce or induce a person to perform, or not perform a function or power under HSWA or to undertake a role under HSWA (section 92 of HSWA). This includes trying to stop someone from acting as an HSR.

It is an offence to knowingly or recklessly mislead another person about their rights or obligations under the Act (section 93 of HSWA).

The maximum penalties are shown in Table 9.



OFFENCES IN RELATION TO ADVERSE, COERCIVE OR MISLEADING CONDUCT

Table 9: Maximum penalties for adverse, coercive or misleading conduct offences

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU OR WORKER)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 90 (prohibition on adverse conduct)	\$100,000 fine	\$500,000 fine
Section 91 (prohibition on requesting, instructing, inducing, encouraging, authorising, or assisting adverse conduct)	\$100,000 fine	\$500,000 fine
Section 92 (prohibition on coercion or inducement)	\$100,000 fine	\$500,000 fine
Section 93 (misrepresentation)	\$100,000 fine	\$500,000 fine



ENFORCEMENT AND COMPLIANCE TOOLS AND OFFENCES

Inspectors can issue the following notices:

- **Improvement notices (sections 101-103 of HSWA)** – require actions to fix a breach, or likely breach, of HSWA or regulations. It includes a description of the breach and a deadline to make the improvement
- **Prohibition notices (sections 105-107 of HSWA)** – require an activity to be stopped, until a specified serious health and safety problem is fixed
- **Non-disturbance notices (sections 108-111 of HSWA)** – require an area to be left undisturbed whilst an Inspector carries out their functions.

It is an offence not to comply with these notices. It is also an offence not to display a notice where the work it relates to is carried out (section 117 of HSWA), or remove, destroy, deface or damage a notice that an Inspector or the person to whom it is issued has displayed and is still in force (section 118 of HSWA).

The maximum penalties are shown in Table 10.



ENFORCEMENT AND COMPLIANCE TOOLS AND OFFENCES

Table 10: Maximum penalties for offences relating to inspector notices

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU OR WORKER)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 103 (compliance with improvement notice)	\$50,000 fine	\$250,000 fine
Section 107 (compliance with prohibition notice)	\$100,000 fine	\$500,000 fine
Section 110 (compliance with non-disturbance notice)	\$50,000 fine	\$250,000 fine
Section 117 (display of notice at workplace by person issued with notice)	\$5,000 fine	\$25,000 fine
Section 118 (Inspector may display notice)	\$5,000 fine	\$25,000 fine



COURT ORDERS

It is an offence not to comply with any of the following court orders that may be made as part of sentencing for an offence (section 159 of HSWA):

- Order for payment of the regulator's court costs (section 152 of HSWA)
- Adverse publicity order (section 153 of HSWA)
- Restoration order (section 154 of HSWA)
- Work health and safety project order (section 155 of HSWA)
- Training order (section 158 of HSWA).

The maximum penalties are shown in Table 11.





COURT ORDERS

Table 11: Maximum penalties for offences relating to court orders

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 159 (offence to fail to comply with order)	\$50,000 fine	\$250,000 fine



OFFENCES IN RELATION TO WORKING WITH INSPECTORS AND HEALTH AND SAFETY PRACTITIONERS

It is an offence to:

- Fail to reasonably assist Inspectors when carrying out their functions, when that person owes a health and safety duty (section 176 of HSWA)
- Refuse or fail to give name and address details to an Inspector without reasonable excuse (section 178 of HSWA)
- Hinder or obstruct an Inspector without reasonable cause when the Inspector is exercising their compliance powers (section 179 of HSWA)
- Impersonate an Inspector (section 180 of HSWA)
- Hinder or obstruct a health and safety medical practitioner without reasonable cause when the practitioner is exercising their compliance powers (section 187 of HSWA)
- Impersonate a health and safety medical practitioner (section 188 of HSWA)
- In complying, or purporting to comply, with HSWA, give false or misleading information (including in a document) (section 209 of HSWA).

The maximum penalties are shown in Table 12.



OFFENCES IN RELATION TO WORKING WITH INSPECTORS AND HEALTH AND SAFETY PRACTITIONERS

Table 12: Maximum penalties for offences relating to working with Inspectors and health and safety medical practitioners

OFFENCE	INDIVIDUAL (EG A SELF-EMPLOYED PCBU OR WORKER)	OTHER (EG AN ORGANISATION THAT IS A PCBU)
Section 176 (duty to assist Inspectors)	\$10,000 fine	\$50,000 fine
Section 178 (offence for failing to provide Inspector with correct name and residential address)	\$10,000 fine	not applicable
Section 179 (offence to hinder or obstruct Inspector)	\$10,000 fine	\$50,000 fine
Section 180 (offence to impersonate Inspector)	\$10,000 fine	not applicable
Section 187 (offence to hinder or obstruct health and safety medical practitioner)	\$10,000 fine	\$50,000 fine
Section 188 (offence to impersonate health and safety medical practitioner)	\$10,000 fine	not applicable
Section 209 (offence to give false or misleading information)	\$10,000 fine	\$50,000 fine



FURTHER INFORMATION

For more information about HSWA, and answers to common questions about prosecutions, see the Special Guide Introduction to the Health and Safety at Work Act 2015.

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