



Privacy Commissioner
Te Mana Mātāpono Matatapu

Health and Safety Policy

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Purpose

To provide the policy and practices within the Office of the Privacy Commissioner (OPC), which meet the requirements of the Health and Safety at Work Act 2015 (HSWA).

Scope

The policy applies to all staff of the Office of the Privacy Commissioner and includes contract workers and other persons at the workplace who are lawfully on the premises.

The Health and Safety, Wellbeing Plan provides an overview of the management of health and safety at OPC.

The workplace environment includes:

- the physical work environment, including lighting, ventilation, dust, heat and noise, workplace design; and
- the psychological work environment, including the design of work, work intensity and demand, supervision, organisational climate and culture, and interpersonal work relationships.

Key concepts

Concept	Explanation
The Health and Safety at Work Act 2015 (HSWA)	New Zealand's key work health and safety legislation is the Health and Safety at Work Act 2015 (HSWA) and regulations made under that Act. All work and workplaces are covered by HSWA unless specifically excluded.
WorkSafe New Zealand (WorkSafe)	WorkSafe is the government agency that is the work health and safety regulator.
Duty holders under HSWA	A duty holder is a person who has a duty under HSWA. There are four types of duty holders – PCBUs, officers, workers and other persons at workplaces. We are all duty holders at OPC under HSWA.
PCBU	A PCBU is a 'person conducting a business or undertaking'. A PCBU may be an individual person or an organisation. At OPC the PCBU is the Privacy Commissioner. A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that

	other persons are not put at risk by its work. This is called the 'primary duty of care'.
Officer	<p>An officer is a person who occupies a specified position or who occupies a position that allows them to exercise significant influence over the management of the business or undertaking. Officers must exercise due diligence to ensure the PCBU meets its health and safety obligations.</p> <p>At OPC the Officers are the Deputy Privacy Commissioner and the General Manager.</p>
Worker	<p>A worker is an individual who carries out work in any capacity for a PCBU.</p> <p>A worker may be an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker (including a homeworker), an apprentice or a trainee, a person gaining work experience or on a work trial, or a volunteer worker. Workers can be at any level (e.g. managers are workers too).</p> <p>Workers have their own health and safety duty to take reasonable care to keep themselves and others healthy and safe when carrying out work.</p>
Workplace	The workplace is the occupied offices of OPC, located on level 11, 215 Lambton Quay, Wellington and level 13, 51 Shortland Street, Auckland
Other persons at workplace	<p>Examples of other persons at workplaces include workplace visitors.</p> <p>Other persons have their own health and safety duty to take reasonable care to keep themselves and others safe at a workplace.</p>
Primary duty of care	A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that other people are not put at risk by its work. This is called the 'primary duty of care'.
Notifiable events	A notifiable event is when someone dies, or a notifiable incident, illness or injury occurs.

Policy

At OPC everyone must look after their own safety and the safety of other people.

This is what we will do to keep everyone safe and healthy at work.

To keep healthy and safe, everyone at our workplace will:

- follow all instructions, rules, procedures and safe ways of working
- report any pain or discomfort which is impacting on work performance
- promptly report workplace accidents and near misses
- if injured at work, work with ACC and OPC on agreed rehabilitation plans and actions
- report workplace hazards in a timely manner

To keep people healthy and safe at work, managers (on behalf of the PCBU) will:

- engage with all workers (including contractors) to improve health and safety:
 - engage with workers and their representatives on health and safety matters that may directly affect them
 - have worker participation practices that give workers reasonable opportunities to participate effectively in improving health and safety on an ongoing basis
- look at the root cause of incidents and injuries, in order to assess and manage associated risks
- make sure all accidents and near misses are written down in the Accident Register
- ensure all identified physical workplace hazards are documented in the Hazard Register
- keep improving the health and safety system in our workplace
- assist as appropriate in the case management of work and non-work injuries
- ensure contractors and sub-contractors have safe ways of working which protect OPC staff as well as themselves when undertaking work in our premises.
- inform contractors of their responsibilities and the OPC health and safety policy when on premises.

To keep people healthy and safe, managers (on behalf of the PCBU) will:

- know about and comply with health and safety legislation and relevant regulations
- identify what could harm the health or endanger the safety of workers or others (eg: visitors, bystanders)
- assess work risks and identify control measures together with workers and their representatives

- develop and review health and safety goals
- review our workplace's health and safety system on a yearly basis
- familiarise new employees with the OPC health and safety policy as part of their induction
- encourage participation in the Health Safety and Wellbeing Committee.

Worker responsibilities

Workers have their own health and safety duties.

Workers must:

- take reasonable care for their own health and safety
- promptly report any identified workplace hazards
- take reasonable care that what they do or do not do does not adversely affect the health and safety of other persons
- co-operate with any reasonable workplace health and safety policy or procedure that has been notified to workers
- comply, so far as reasonably able, with any reasonable instruction given by OPC, so OPC comply with HSWA and regulations.

Employee engagement and participation: Health Safety and Wellbeing Committee

The Health Safety and Wellbeing Committee (HSWC) is a staff forum through which OPC engage with staff on health and safety matters that may directly affect them.

The HSWC will be supported by SLT to have reasonable opportunities to participate effectively in improving health and safety at OPC on an ongoing basis.

The HSWC is able to make recommendations relating to any work health and safety matter.

Functions include assistance in the development of health and safety standards, rules, policies or procedures. The Committee may make recommendations relating to work health and safety, and assist in establishing and maintaining a culture of health and safety throughout OPC.

Appendix I - Current health and safety practices at OPC

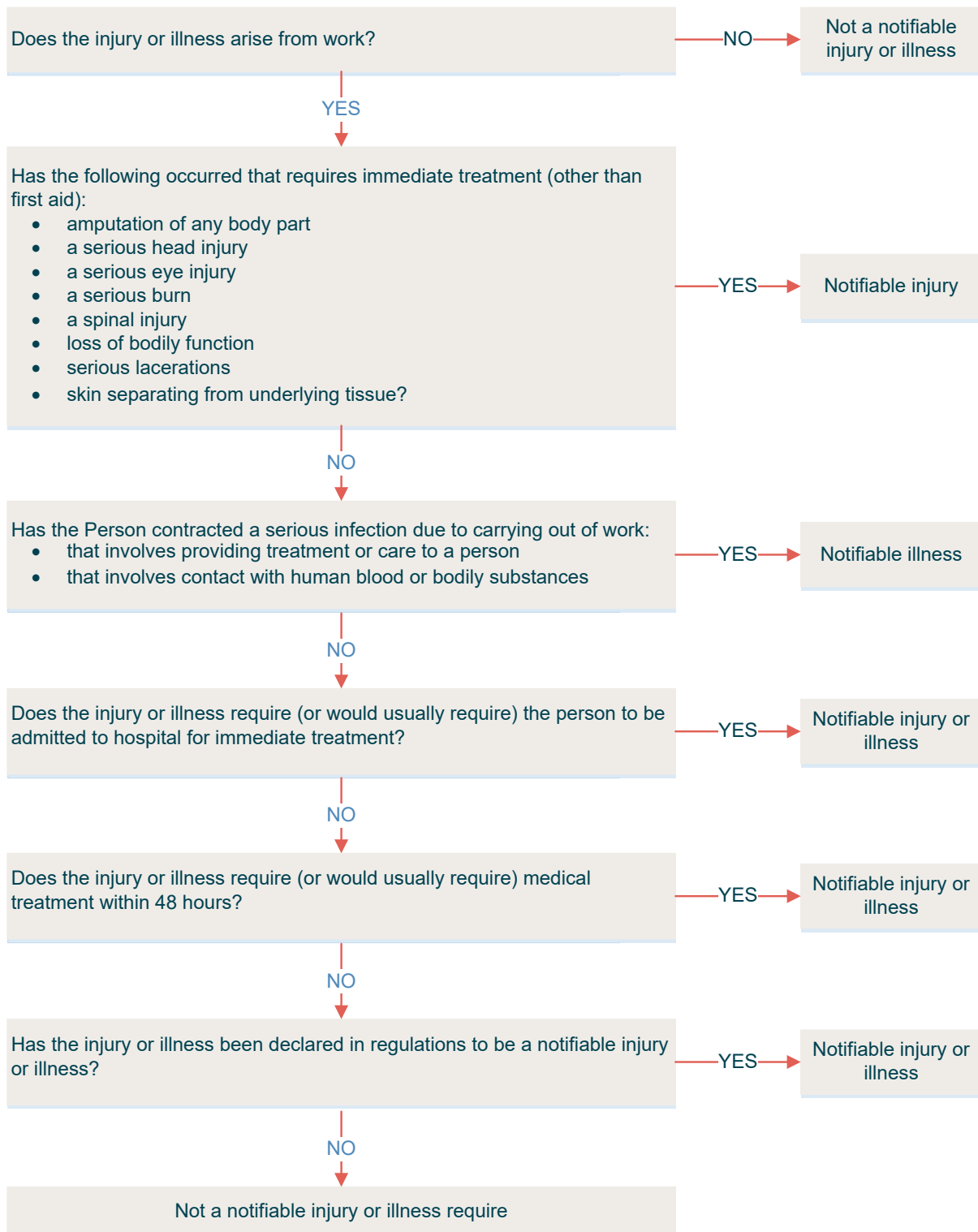
Issue	Programme
Accountability	<p>Maintain a Health and Safety Policy that ensures OPC takes all practicable steps to ensure workplace health and safety and prevent harm from occurring.</p> <ul style="list-style-type: none"> • Last reviewed October 2024. To be reviewed October 2026 and each subsequent two years. • All new staff are familiarised with the policy as part of induction processes.
	<p>Risk Management Policy and Register</p> <ul style="list-style-type: none"> • Identifies health and safety as an organisational risk and specifies the controls and mitigations for managing them.
	<p>Engagement of Staff</p> <ul style="list-style-type: none"> • Individual and collective responsibility included in all employment agreements • Staff required to comply with all directions and instructions regarding health and safety and take all reasonable steps to ensure that in performance of duties, health and safety is not undermined either for themselves or others • Training for staff (including at induction) on how to ensure their own and the health and safety of others in the workplace, including in the use of equipment and in interactions with others • Regular reminders to staff about individual and collective responsibilities, and to encourage staff to help identify and manage potential hazards, practices or procedures that might contribute to injury or harm.
	<p>Records</p> <ul style="list-style-type: none"> • Accident register held in each office to record any workplace accidents (includes near misses), for investigation, review and, where required, reporting to Worksafe New Zealand. • Hazard register to record hazards identified in the workplace and how they will be mitigated/managed.
Office safety	<p>Building security</p> <ul style="list-style-type: none"> • Security key cards required for access to each office building • “Warrant of fitness” reports from landlord on suitability of buildings for use as office premises including with regards to physical risks such as earthquakes, operation of lifts and stairway access, and quality of air ventilation.

Issue	Programme
	<p>Office security</p> <ul style="list-style-type: none"> • Security key cards required for access to offices • (Auckland only) Intercom for visitors to announce themselves – visitors are by appointment with no physical access to staff when visitors first arrive • Interview room provided in each office that allow for safe withdrawal by staff, containment and exit of visitors, and alert to rest of office • Camera in interview room to monitor activity with no recording of video or voice • Alarms for staff to activate in case required when meeting visitors • Use of trespass notices, whenever required <p>Evacuation and emergencies</p> <ul style="list-style-type: none"> • Regular fire drills and debriefs for safe evacuation from buildings • Designated fire wardens (minimum two in each office) and training for wardens • Plans and procedures for dealing with emergencies, including civil defence emergencies whilst staff are working on site (e.g. emergency supplies held on site) • Instructions and training for staff on how to deal with particular emergencies. (e.g. suspicious mail) <p>Working environment and equipment</p> <ul style="list-style-type: none"> • Temperature-controlled offices • Regular checks on adequacy of lighting and ventilation • Offices, kitchen and toilet facilities cleaned daily by professional cleaning services, with all amenities provided • Training provided on use of office equipment, including managing risks associated with incorrect use of computer equipment. • Regular servicing of office equipment to ensure safe to use • Provision of ergonomic equipment/furniture to meet individual staff specific needs • First aid kits provided and maintained in each office • Automated External Defibrillator (AED) provided in each office, with high visibility and easy instructions for use • Qualified first aiders (minimum 2 in each office) trained to provide support, with refresher training provided every two years • Individual workstation assessments for new staff and for other staff, as and when required
Healthy Workplace	<p>Wellbeing</p> <ul style="list-style-type: none"> • Annual influenza vaccinations reimbursed to staff members on production of a receipt • Provision of resources and tools to promote a mentally healthy workplace, manager and staff wellbeing and resilience. • Employee Assistance Programme (EAP)

Issue	Programme
	<ul style="list-style-type: none"> – Self-referral short term, early intervention counselling programme, available for personal or work-related issues – 24/7 on-call service, including for dealing with trauma • Team/SLT Manager monitoring, supervision and support for staff. • Flexible work arrangements (within the constraints of OPC's operational requirements) and consistent with legislation • Leave policy that: <ul style="list-style-type: none"> – encourages staff to take annual leave to refresh themselves – provides 10 days' paid sick leave per annum and no maximum to accumulation of unused sick leave – provision for special leave for extraordinary circumstances
	<p>Psycho-social risk management</p> <ul style="list-style-type: none"> • Difficult complainants, respondents and other individuals <ul style="list-style-type: none"> – Training for staff on how to deal with emotional, vexatious, aggressive or otherwise difficult people, including restricting their ability to communicate with the office (e.g. written vs verbal) – Process for rapid escalation to Team/SLT Manager – Blocking of offensive, abusive or otherwise disruptive callers • Peer and Team/SLT Manager support, including regular debriefings • Policy and protocols on managing unreasonable behaviour • Identified front line teams to have access to supervision/counselling to support their wellbeing.
	<p>Culture and values</p> <ul style="list-style-type: none"> • OPC values working co-operatively with all colleagues, and treating one another with respect and integrity • Health management (and business continuity) plan for managing pandemics. • Harassment Policy to ensure a workplace safe from bullying and harassment • Drug, Alcohol and Substance Impairment Policy to ensure a working environment free of alcohol and drug use or abuse • Protected Disclosures (Whistleblowers) Policy to protect staff who make disclosures about serious wrongdoing

Appendix 2 - Determining whether it is a notifiable illness and injury

Follow the flowchart below to find out what notifiable illnesses and injuries are.



Related reading

- The Health and Safety at Work Act 2015
<http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html>
- Worksafe Guidance
<https://www.worksafe.govt.nz/managing-health-and-safety/businesses/general-requirements-for-workplaces/>

RESPONSIBILITIES	
Persons/ Areas Affected	OPC Staff, Contractors and visitors
Contact	General Manager
Approval Authority	Senior Leadership Team
Last Review Date	October 2024 – previously August 2022