

**IMPLEMENTING THE HEALTH AND SAFETY AT WORK ACT 2015:**  
Better Regulation - Plant, Structures and Working at Heights

## Designing, manufacturing, importing, supplying and installing plant and structures



You'll be interested in this fact sheet if you run a business that designs, manufactures, imports, supplies or installs/constructs/commissions plant or structures.

Sometimes these businesses are called upstream duty holders. You might also be interested in this fact sheet if you work in or run a business that uses plant or structures at work.

Section 4 on upstream duty holders looks at how risks are managed early on in the supply chain of plant and structures. You might also be interested in the sections of the discussion paper about managing risks from plant and structures in the workplace - Section 2 on plant, Section 3 on mobile plant and Section 5 on high-risk plant.

### Upstream duty holders are in a strong position to eliminate or minimise risks to health and safety in plant and structures

- › 76 per cent of fatalities at work involve plant and structures
- › Issues at the upstream stages of the supply chain for plant and structures are common – research in Australia found that inspectors identified upstream issues in 43 per cent of workplace visits.
- › Eliminating or minimising safety risks at the early stage is often a more effective control measure and means that businesses, workers, or others using or working around the plant or structure do not have to retrofit systems, ways of working, or the plant or structure itself to make it safe.

### We've heard there are some problems with how upstream duties are fulfilled, and some risks form plant and structures that could be better addressed upstream...

- › There is limited or confused understanding of duties and how to comply, especially for structures and where alterations are made to plant
- › Upstream duties are hard to enforce and duty holders externalise the risk of harm and push responsibility to make plant and structures safe downstream to others
- › Adequate information about risks is not always provided or implemented downstream
- › Imported and second-hand plant often doesn't meet health and safety standards
- › Guarding and safety features are especially risky if not designed or manufactured properly



## Here are some ideas to fix these problems. Tell us what you think.

Create regulations to support clarity and understanding of duties in HSW Act and enforcement

Requirements to support information sharing and hazard/risk identification throughout the supply chain for plant

Clearer requirements on importers of plant to obtain information from overseas designers and manufacturers

Require suppliers of second-hand plant to identify any faults and provide information to person being supplied

Clear requirements about designing and manufacturing guarding and safety features on plant

Provide guidance to make it clear that designer's duties apply to people altering or modifying plant

### We're also thinking about:

- › Requiring PCBUs ordering designs of plant or structures to provide information to help the designer eliminate and minimise risks
- › Requirements to support transfer of information for structures.

You'll find more information about these problems and ideas in Section 4 of the discussion paper.

### With your help, we want to get this right

Based on your experience and information, we want to know what proposals and options you think will be most effective to achieve the change we want to see for workers and businesses.

Tell us what is going to work in practice. Your feedback will help us identify the best options for change and inform the government's final policy decisions.

Make a submission at [www.mbie.govt.nz/plant-and-structures](http://www.mbie.govt.nz/plant-and-structures)