

Assemblies of God in N.Z Inc.

Foundational Discussion Document:

Health & Safety at Work Act 2016

The Health and Safety at Work Act came into force on the 4th April 2016

The Health and Safety at Work Act (HSWA) shifts the focus from monitoring and recording health and safety incidents to proactively identifying and managing risks so everyone who attends church or a church run programme is safe and healthy.

A) Who is responsible for health and safety at your church? Everybody is!!

The Elders, pastor, your children and youth leaders and any other staff, whether they are a volunteer worker or are employed by the churchas well as everyone who attends.

Generally the Pastor, the Elders, the Property Trust Board or whoever governs your legal local entity is responsible for holding the main duty of care (responsibility) to ensure that, as much as is practicable, the health and safety of all your staff, volunteers and any person who are at church are kept safe.

Therefore **your legal entity** (Eldership/ Property Trust Board) now becomes known as a **PCBU**. (PCBU = A person conducting a business or undertaking)

Churches are considered under the act as an undertaking.

Your legal entity therefore has what is now called “**a primary duty of care.**”

Your Pastor, each Elder or Property Trust Board Member or who is recorded an officer on the Charitable Trust website of the Department of Internal Affairs is therefore termed in a PCBU as “**an Officer.**”

They are now personally responsible to make sure that your church is a safe place.

Therefore their focus is on managing the risk (rather than the accident) because managing the risk (as far as is reasonably practicable) is how they will fulfil their duties as officers under this new Act.

Each officer cannot distance themselves from this responsibility of care by delegating care and safety to others!

They are required to stay informed, connected and intentionally proactive in managing risk, and...

When making decisions within their role as an officer, they must be decisions made with the health and safety of everyone connected to the church in mind.

Each Officer is also responsible for making sure that the church has written policies that clearly outline health and safety expectations of the church that are in line with the requirements of the HSWA.

They must have copies of and be familiar with written procedures for dealing with potential problems. As the primary governance of the church, they must allocate resources to monitor, maintain and strengthen those policies and procedures and deal immediately with any health and safety problems.

Remember: Just because you may be a volunteer officer (for example, an Elder or Trust Board Member, not employed by the church) you remain responsible to stay knowledgeable and informed and to make resources available and to solve problems where undue risk is obvious.

However as a volunteer officer, you are exempt and cannot be held liable under law if you fail in your due diligence duty.

Note: This does not and must not reduce your moral and ethical duty to provide this high level of responsibility and care!

Therefore, the Senior Pastor, (as a paid officer and a worker) must shoulder the major responsibility for health and safety at the church as they are the most closely connected to the everyday running of your church.

Remember: Pastors are also considered workers.

It is important to remember that **Pastors are also considered workers** irrespective of what your constitution states.

Like all other staff and volunteer workers they also must take all practical steps to ensure that the church and all its functions are managed in a healthy and safe way.

The Health and Safety at Work Act also defines a “Volunteer Worker”

A volunteer worker is **only considered** a volunteer worker under the HSWC Act when three criteria are met:

- 1/The volunteer is doing work for the church and the church knows that they are doing work for them,
- 2/ The volunteer does the work on an on-going and regular basis, and...
- 3/ The work is considered an integral part of the life of the church.

Some Examples:

Paul mows the church lawns 35 times a year and has done so for twenty years.

Jacque leads the Kids Church weekly programme but works in marketing.

Sue works voluntarily in the church office for three mornings a week,

Rick, Selwyn and Bob are retired but willingly vacuum the church building every week as a team!

Kevin has been an elder attending monthly meetings and an usher team leader in the church for 35 years.

A volunteer worker is not defined as a person who:

Helps out at an occasional church fundraising event or...looks after the youth leaders children while they run the annual youth camp.

Remember: A volunteer worker is "a person who is acting on a voluntary basis, whether or not the person receives payment for out-of-pocket expenses."

Note: You can only have volunteer workers in your undertaking if you are firstly defined as a PCBU under the HSWA.

Volunteer workers do have responsibilities for health and safety while at church or a church run events.

Volunteer workers have the same duty of care for themselves and others as other staff and must...

- 1/ Take reasonable care of their own health and safety,
- 2/ Take reasonable care that what they do or don't do doesn't adversely affects the health and safety of others,
- 3/ Cooperate with any reasonable policies or procedures the church has in place on how to work in a safe and healthy way.
- 4/ Comply with any reasonable instructions given by the church officers, so that they can comply with HSWA and its regulations.

Some examples:

Paul is required to and has a responsibility to wear a protective safety helmet, gloves and footwear while operating the ride on mower. He must also notify the office and sign in and out when he comes to church to mow the lawns.

Rick, Selwyn and Bob have a responsibility to report and record any damage or problems they discover in the church which may compromise safety and also any problems when operating church cleaning equipment to the office.

In Summary:

Even the congregation is responsible in that they must behave in healthy and safe ways and must encourage others to do so, whether they are volunteer workers or not.

For example:

A toilet has blocked and is spilling water on the floor. This has created a health and slipping hazard. They could ...notify the steward on duty, close off the toilet area put up signs to warn of the problem. At the very least they could stand at the site of the problem and stop people using the toilet.

B) What are the Goals of this New Act?

The Health and Safety at Work Act (HSWA) moves the focus from monitoring and recording health and safety incidents to proactively identifying and managing risks so everyone is safe and healthy while at church

C) What must every church do now?

We all must focus on proactively identifying and managing health and safety risks, and make sure that information about health and safety is shared with everyone, but especially those whose health and safety could be directly affected by our actions or inaction.

Some areas you may need to consider, to get your leadership on the right track in thinking health and safety that will assist in changing the thinking and behaving culture of your church.

Remember that thinking and responding positively to these initiatives is vital.

Who does not want to be part of a church that demonstrates consistent care and concern for all people while they attend your services of programmes?

These concepts and convictions form the basis and heart of all Christian service to the congregation and local community.

Some Examples:

Every Sunday, or before every service, have someone tasked with walking around your building to identify any health and safety hazards and risks, and then take steps immediately to prevent these risks from becoming incidents.

Remember, it is not good enough anymore to just note the problems you see.

Now your "officer" must be informed and is required to act immediately to reduce or eliminate any risks you discover.

This could mean:

- Putting up a sign outside the doors, warning people that the concrete path is wet and slippery after rain.
- Checking that the electrical cord to the hot water urn cannot be reached by a small child or tripped over by a passing person.
- Making sure that all the emergency exits in the church building are clear, the emergency doors open properly and the congregation know where to assemble if you have to evacuate the building in an emergency.

We must all make sure that health and safety in your church is led by the right people. (The church “officers”)

Pastors and elders cannot delegate this and then forget all about it!

They must lead this before the people, making sure that health and safety is understood by all your staff, volunteer workers and that it is reviewed regularly.

The goal is that Health and Safety becomes part of your church culture.

Your church must hold regular training, highlighting health and safety matters.

Some Examples:

This could mean:

- Practising an emergency evacuation of your buildings just with your leaders, to see if what you have on paper actually works.
- Holding “Drop Cover and Hold” Earthquake practise in the middle of a church service twice a year.
- Checking that all your leaders know how to call emergency services from the church.
- Budgeting for or assisting with a contribution for staff or volunteer workers to attend First Aid Training Courses so that they have a current first aid certificate.
- Making safety matters a weekly agenda item in your staff or leaders meetings. (It is a great idea to have this as a permanent agenda item in your elders, staff and leaders meetings.)
- **This will also mean that:**
- **You must all regularly review any Health and Safety incidents that happen at church as elders, staff or volunteer workers.**

- You must record all Health and safety Incidents
- You must follow through to be sure that if an incident happens, then steps are taken so that it will not happen again.
- Remember to record what decisions were made and what steps you have actually taken to rectify the problem.

Some Examples:

- **An Incident:** A child badly sliced their hand on a staple sticking out of a wall while playing a game in Kids Church.
- **Response:** Providing first aid to the child; filling out an incident report form; informing the caregiver of the incident; raising the incident at the next staff meeting; delegating a children's worker to check all the walls so that no staples are left in the walls and speaking to leaders about the appropriate use of staple gun; finally reporting back to staff.
- **An Incident:** An older unsupervised child climbed up on staging that had been placed on edge to form a safety barrier, tipping the staging over on a mother and preschool child while attending a preschool children's programme.
- **Response:** Providing care and medical support for the mother; communicating with the mother again the following day; recording the incident and checking for injuries, raising the incident at a staff meeting; making sure that before mothers enter the hall, the staging closing off that area is secure; reminding mothers that older children attending with them remain under their care and control at the music programme; Checking the barrier system every time it is used and adding appropriate warning signage.
- **An Incident:** A child attending for the first time left the Kids church programme, wandering off alone and was not missed for 20 minutes.
- **Response:** Raising the alarm and releasing resources to find the child; informing the leadership; communicating the incident with the caregiver; meeting with all children's workers after the incident and confirming the facts/ recording with them how the incident occurred; reminding them of protocols which include making sure that children are signed into the children's work by a parent/ caregiver and a leader delegated to monitoring the exits.

D) You need to carry out frequent health and safety audits to check that health and safety principles actually work at your church!

Some Examples:

- Checking that the sound levels in the service are not too loud, especially for young children!
- Checking that the church has a first aid kit on site and that someone checks and signs off its contents regularly and the notebook which records use is monitored.
- Checking that someone is responsible for making sure the kitchen is kept clean, that food handlers have rubber gloves provided and that they always wash their hands before preparing food.

E) We need to encourage people to help make this a positive change.

Remember, it's everybody's responsibility to think health and safety!

- Many members of your church will already be aware of these changes because of the changes they are witnessing at their workplace.
- These people are a great asset in helping church leaders and the congregation to bring about a change of culture at church.
- **F) You must write down what you require of all of your workers and volunteers from a Health and Safety perspective and then meet with them to clarify your requirements.**
- They must each have a copy of this and a copy must be posted at their place of work.
- Be aware that you must review these requirements and procedures several times a year.
- **She'll be right is now...not ok!**
- **Remember, it's about getting all your people involved and helping them to change their thinking.**
- It is really positive to engage everyone in health and safety matters and getting them to participate in making safe decisions and participating in making them part of your church culture.

Some examples:

- Talking to the congregation about why it is not safe to work alone repairing the church building.
- Asking the congregation to inform the leadership immediately and to take action themselves if they discover (for example) the toilet is blocked and water is covering the floor, creating health and slip hazards.

- Publically thanking people for taking a safety initiative is a great way of elevating the cause of health and safety in your church.
- Reminding the music/ dance group that while they are setting up or practising at church every Tuesday night that it is unacceptable to leave children on the property unsupervised and they need to discover ways of keeping children safe as a group.
- Talking to the leaders about how an incident almost happened and what could be done so that it doesn't happen again.
 - **Remember there is a lot of excellent material available on line at <http://www.business.govt.nz/worksafe/hswa>**