

NZJIF Guide to the Health and Safety at Work Act 2015 (HSWA).

Information taken from WorkSafe New Zealand – <https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/>

Overview

If your dojo is being run as a volunteer association i.e. a group of volunteers working together for a community purpose who do not employ any person, (in this case the “Purpose” is the sport or recreation activity of Ju-Jitsu) then the volunteer association does not have health and safety duties under HSWA, as they are not a ‘person conducting a business or undertaking’ (PCBU). However it is hoped that the NZJIF Health and Safety Policy will act as a guidelines for management of Health and Safety issues in the dojo.

If your dojo is being run as a business, as an individual person or association, then The Health and Safety at Work Act 2015 (HSWA) requires you, as a PCBU, to identify the health and safety risks in your dojo that could seriously harm coaching staff and students, and then consider and put in place the behaviours, practises, systems, processes and training needed to eliminate, and where they can’t be eliminated, minimise those risks. The NZJIF policies on Health and Safety, Dojo Environmental Safety Standard, Risk Management and Event Reporting can be used and amended to your dojo requirements.

This needs to be done collaboratively with any coaching staff employed by the PCBU. Everyone has a role in managing health and safety. Safety leadership is critical. It requires a focus from the top just like any other business risk, and managing it well is good for both your business and workers.

HSWA allows you to adapt your health and safety practises according to the size of your martial arts business and level of risk.

Review, revise and improve

HSWA, the NZJIF Health and Safety Policy and the NZJIF Dojo Environmental Safety Standard is an opportunity for you to review your health and safety practises and behaviours and revise how you manage critical risks that could cause illness, injury or even death. Not only is this the right thing to do, its good business.

Simple and reasonable

HSWA recognises that each business is best placed to know what health and safety risks it creates, and what it should do to eliminate or minimise those risks. It's about doing what is 'reasonably practicable' and proportional – balancing the level of risk, the chance of an incident happening, the severity of the impact on people, and how much influence and control a business has in preventing it.

HSWA promotes more effective management of risks by encouraging businesses to engage more effectively with coaching staff, and provide opportunities for them to participate in the identification and management of the health and safety risks that affect the dojo. HSWA provides some flexibility for businesses to determine what worker participation and engagement practices work best for their size, risk and staff.

Health and safety – who's responsible?

The short answer is everyone, but with responsibilities that match what people can reasonably influence and manage.

The new law makes it clear that the business has the [primary duty of care](#) to ensure the safety of staff and anyone affected by its work.

Good health and safety starts with good leadership. Business owners/boards need to carry out due diligence to ensure their business is managing its key health and safety risks effectively.

Due diligence as defined in HSWA is broadly the same concept of due diligence that directors already know in a wider business sense (for example, managing financial risk or business objectives).

Workers too must take reasonable care for their own and their fellow workers' health and safety. Everyone has a role to play.

Collaboration is key

HSWA requires businesses to cooperate and coordinate around how they will manage risks collectively, and this includes being clear about the arrangements for doing this and how those arrangements will be monitored.

In determining this, people should be thinking about who is best placed to have the influence and control. This will be dependent on what is reasonably practicable in the circumstances.

Staff engagement and participation

Stronger personnel engagement and participation leads to healthier and safer workplaces. It's also good for performance and productivity.

Staff are on the frontline every day and know where the health and safety pressure points are. When your coaches are involved in shaping safer work systems for the dojo, they can suggest practical, cost-effective solutions, and are more likely make them happen in practise.

All businesses should have planned, well known ways to engage with their team and support their participation in health and safety matters. This will help you and your business to make better decisions - and keep your people and productivity thriving.

Understanding your duties

Under HSWA, businesses have two related duties to engage with employees and enable them to participate in improving health and safety. You must:

1. ensure that coaching staff views on health and safety matters are asked for and taken into account, and;
2. have clear, effective, and on-going ways for coaches to suggest improvements or raise concerns on a day-to-day basis.

Together with your staff, you can determine the best way to meet these two related duties. What is reasonable and practicable will depend on staff views and needs, the size of your business and the nature of its risks.

If you already have engagement and participation practices that are effective and consistent with HSWA, then that's great. HSWA enables flexibility and innovation: the focus is on effectiveness rather than whether any particular system is in place.

Engagement

HSWA sets out the key steps in the health and safety engagement process but, in short, you must:

- share information on matters relating to health and safety (this includes specific issues that you need to engage staff on)
- give your coaching staff time to consider the issues
- give your coaching staff a reasonable opportunity to express their views and raise work health or safety concerns, and contribute to the decision-making process
- take into account the views of your coaching staff
- advise your coaching staff of the outcomes in a timely way.

When is engagement required?

You need to engage and consult with coaching staff who are directly affected by a matters relating to health and safety. This includes when:

- hazards in the dojo are identified and assessed,

- making decisions about;
 - addressing risks
 - the adequacy of staff welfare facilities
 - monitoring staff health and work conditions
 - providing information and training to staff
 - procedures for resolving work health or safety issues,
- determining work groups
- proposing changes which may affect the health and safety of staff.

You must also engage with your staff when developing ways for workers to participate in improving work health or safety on a day to day basis.

Participation

All dojo businesses should have planned, well known ways to support staff participation in workplace health and safety on a day-to-day basis eg, by being able to make suggestions or speak up about concerns.

Staff participation in health and safety can be done in a number of ways, it all depends on what works best for your dojo business and staff. Things are likely to work better if you have a mix of formal and informal ways for workers to contribute.

In your business you may want to consider electing a [Health and Safety Representative](#) or setting up a Health and Safety Committee to help with staff participation.

NZJF References

NZJF Health and Safety Policy

Health and Safety guidelines for the operation of a Ju-Jitsu club identifying areas of responsibility, procedures and plans that ensure Ju Jitsu is undertaken in a safe and responsible manner.

NZJF Code of Ethics

Sets out the requirements for the behaviour of a Coach teaching Ju-Jitsu.

http://www.nzjif.org.nz/jujitsu/downloads/NZJF_CoE_2012.pdf

NZJF Dojo Environmental Safety Standard

Sets out the ideal requirements for your dojo space to reduce the risks from the training environment and equipment.

http://nzjif.org.nz/NZJF/jujitsu/wp-content/uploads/2019/10/NOTICE_15_4_Dojo-Environmental-Safety-Standards.pdf