

## **LOGGING IN DIFFICULT TERRAIN: The OSH perspective**

**Dr Keith McLea**  
**Manager Policy and Evaluation,**  
**Occupational Safety and Health Service**

### **INTRODUCTION**

I am going to talk generally about the new occupational safety and health this legislation takes.

I will then go to look more closely at the implications of this new legislation for your industry and particularly the hazards of working in difficult terrain with some examples of injuries from our files.

### **THE HEALTH AND SAFETY IN EMPLOYMENT (HSE) BILL**

The HSE Bill was introduced into the House late last year and is currently being considered by the Select Committee.

The Bill extends health and safety coverage to nearly all classes of employers and employees and nearly all places where employed work is undertaken.

Before considering the framework, the Bill provides, I would like to explain the need for a new Bill.

### **COST OF WORKPLACE ACCIDENTS**

The Bill aims to promote excellence in health and safety management and so reduce the massive social and economic costs of workplace accidents.

Last year about 50,000 work injuries cost about \$160 million in ACC payments.

When the cost of on-going ACC payments from earlier years is added in, the cost is about \$300 million.

In addition, there are many other costs incurred by industry, the community at large and of course the social impact on those injured and their families.

If associated costs such as lost production and retraining are included, the total cost of occupational injuries, illness and disease is estimated at between \$1 and \$1.5 billion per annum. That is about 2 per cent of our gross domestic product.

There is undoubtedly a need for a new, comprehensive approach.

The Bill defines and allocates clear responsibilities to the employer to manager the risks of work hazards.

There are a number of points to note about this:

- (a) the responsibility lies with the employer. The government agency, OSH, can and will give general advice to employers but it cannot do the job for them nor prescribe how they have to implement safety and health strategies.

- (b) the legislation is designed to cover every kind of workplace and work activity. It must therefore of necessity be quite general and flexible in its approach and what requirements it lays down.

The legislation has to cover everything from a small bush contractor right up to the big multinational companies.

- (c) for this reason the Bill takes a flexible approach and only lays down the broad parameters of risk management leaving the detailed plans to be worked out by the employer.

It sets out requirements for the employer to identify and manager hazards that exist or that could arise in the workplace and to protect workers from harm.

The legislation also provides for standards in the form of regulations or codes of practice which will help employers clarify what their responsibilities are and meet them.

It is not possible to have good health and safety management in the workplace without some means of effective communication and co-operation between the employers and employees.

For this reason the bill requires employers to involve employees in the development of health and safety procedures relating to the management of hazards and dealing with emergencies and imminent dangers.

It does this without legislating for procedures involving safety committees or safety representatives as the earlier OSH Bill did but these are still an option.

Information is an important aspect of

safety management and the bill requires employers to give employees the results of monitoring (while protecting the privacy of the individual).

Other information that is required to be given includes emergency procedures; hazards the employee might be exposed to; and the use and location of safety equipment.

Training and education are other vital aspects of an employer's responsibilities. There have been a number of serious work accidents because inadequately trained, or un-supervised, workers have been put in dangerous situations.

The bill requires employers to see that employees are adequately trained for their work and are either sufficiently experienced or supervised by an experienced person.

Effective safety management requires the involvement of everyone in a place of work and employers should not be liable for employees who won't look after themselves.

That is why under the bill employees will be responsible for their own safety and health while at work and for seeing that their actions, or failure to act, does not harm any one else.

Employers cannot be left to exercise their responsibilities in a vacuum. They will need assistance and guidance. In this respect the bill provides for the making of regulations and codes of practice to set standards and describe preferred work practices.

The government agency, the Department of Labour's Occupational Safety and Health Service (OSH), will work with industry and advise on the management of risks in places of work.

The main function of inspectors will be to help employers, employees and others to improve safety in the workplace.

Of course they also have to enforce standards where necessary so they will have to strike the right balance between providing education and information and enforcement activity.

The Bill provides for increased penalties, for example a fine of up to \$100,000 and or one years imprisonment for offenses likely to cause death or serious injury.

There are also fines of up to \$25,000 for failing to comply with other provisions of the legislation.

The Accident Rehabilitation and Compensation Insurance Act will provide an incentive to prevent lost-time injuries. It will do this by allowing for experience rating. In this way employers with good safety records will pay lower premiums.

Nevertheless the best incentive is surely a lower injury rate and better morale of workers, more efficient production, and greater profits that arise out of good safety and health management.

#### **APPLICATION OF THE BILL TO THE INDUSTRY AND LOGGING ON STEEP SLOPES**

The main point to note about the Bill is that it puts the responsibility very clearly onto the employer (and in the forest industry that's usually a contractor) to assess in an on-going fashion what the hazards are and deal with them.

For example the contractor has to assess whether a particular slope is too steep or not for some particular equipment such as a skidder or tractor.

I am no expert on this subject, but the contractor may well have to take into account when it last rained and whether rain has affected the surface and what kind of soil type is involved. All these factors will affect what gradient of slope is safe and for what equipment.

The point is that the legislation will not lay down hard and fast figures to apply to all conditions precisely because those conditions vary so much. The contractor must exercise his or her own judgement. Codes of practice will provide guidelines on preferred practice but the responsibility lies with the contractor.

Another common hazardous situation is a landing site. Some people express a concern that landing sites should be kept as small as possible in order to reduce the impact on the environment.

And yet it is quite obvious that where you have heavy vehicles and their loads moving about and people on foot, together on a half penny landing site, the probability of an injury occurring is greatly increased. You cannot play safety off against the environment.

#### **EXAMPLES OF ACCIDENTS ON STEEP SLOPES AND LANDING SITES**

The points I have been making are illustrated by some of the accidents recorded in the OSH Bulletin Series on bush Accidents. (One set of this series will be available afterwards for you to look at).

Thank you for this opportunity to talk to you.

