



How to...

**Plan work when
there are overlapping
responsibilities**



The importance of planning

Every forestry operation must begin with a plan – and a hugely important part of that planning is assessing risk. The Health and Safety at Work Act 2015 (HSWA) says all businesses involved in a forestry operation share the responsibility for keeping people safe while work is going on.

This joint responsibility is called **shared** or **overlapping duties**. Where that happens, HSWA says businesses must cooperate, coordinate and consult with each other and people in the workplace.

The idea is to create a web of overlapping responsibilities that will make sure there are no gaps in health and safety coverage, and that everyone involved understands the risks and the controls to be used.

Creating this web needs to begin in the planning part of an operation.

All businesses will have their own different ways of planning, and that's fine. However they plan, they all have to know their responsibilities, their duty to keep everyone safe, and how to act when that responsibility is shared with other businesses.

All businesses involved in an operation should be part of the planning as soon as it's known who's going to be doing the work.

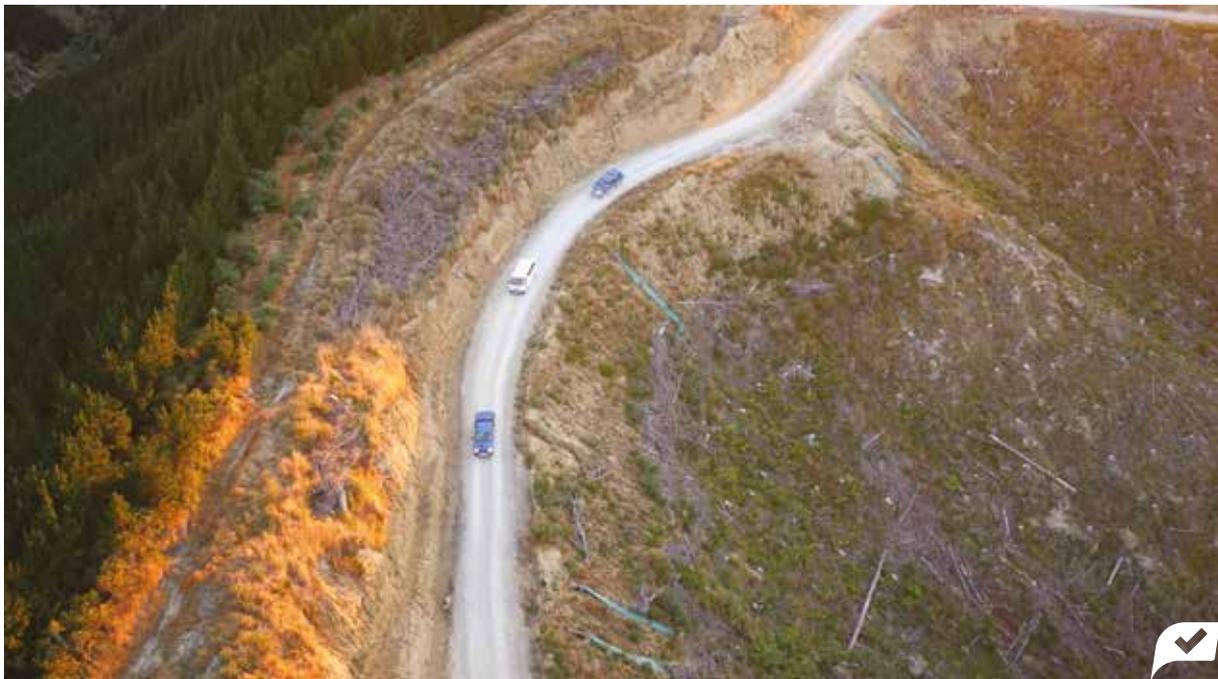
This booklet covers how to plan a forestry operation when there's overlapping responsibilities.

For the purposes of this booklet, the "planning stage" is defined as being from the point a business begins to plan a forestry operation to when the contractor starts doing the job.

Planners are anyone involved in preparing a plan and supporting documents (map, specification, prescription) that gives guidance and/or instruction on the work to be done. Examples of planners include harvest planners, silvicultural foresters, contractors, engineers and forestry consultants.

This resource is part of a series of booklets about the changes under HSWA. Also see:

- ▶ *How to... manage health and safety under HSWA*
- ▶ *How to... manage overlapping responsibilities on the job*
- ▶ *How to... identify and manage critical risks*



Changes under HSWA – a summary

PCBUs

HSWA calls all businesses a new term – a **PCBU** or **person conducting a business or undertaking**. The PCBU is the business or organisation that organises or does the work, and **is usually a company, not a person**. In this booklet “a business” means a PCBU.

In a forestry operation a PCBU – a business – might be the:

- ▶ forest owner
- ▶ harvest management company
- ▶ harvesting contractor
- ▶ earthworks contractor
- ▶ roading contractor
- ▶ engineering company
- ▶ silvicultural contractor
- ▶ log transport company
- ▶ land owner or their representative
- ▶ supplier of support services (e.g. fuel deliveries).

Duty of care

Each business (as a PCBU) has what's called a **duty of care**. As far as reasonably practicable, the business must ensure the safety of:

- ▶ its own workers while at work
- ▶ any other workers whose work the business influences or controls
- ▶ authorised visitors or anyone else who could be put at risk by the work.

To do that, the business must:

- ▶ provide and maintain:
 - ▷ a safe work environment
 - ▷ safe plant (equipment) and structures (such as a bridge)
 - ▷ safe systems of work – agreed ways of doing things based on looking closely at the risks from the work and the most suitable controls
- ▶ ensure the safe use, handling and storage of equipment and substances (such as chemicals)
- ▶ provide proper facilities for workers' wellbeing and make sure they can access them (such as shelter for breaks, and encouraging workers to take breaks)
- ▶ provide any necessary health and safety information, training, instruction and/or supervision
- ▶ monitor worker health and workplace conditions so no-one gets sick because of their work
- ▶ ensure any accommodation provided to workers won't harm their health and safety.

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Overlapping responsibilities

There's usually more than one business involved in a forestry operation and a lot of the time those businesses have the ability to influence and control risk in the same areas as each other.

When this happens, **the responsibility to control those risks overlaps**. Under HSWA, this means each business must **share** health and safety responsibilities for those risks, in as much as each **has the ability to influence and control** whatever is creating the risk.

This can happen at a shared workplace or in a contracting chain, where contractors and subcontractors provide their services to a principal contractor or client (now PCBUs) – both are common in forestry.

Working together

This shared responsibility means all businesses involved in a forestry operation must work together to plan for all known risks, and any other risks they think might happen as the work continues.

This means, as far as reasonably practicable, they need to **consult** and **cooperate** with each other, **coordinating** their activities so the workplace is safe for all workers and authorised visitors.

Consult, cooperate and coordinate

HSWA says businesses must **consult**, **cooperate** and **coordinate** on safety matters with others in the workplace. These are sometimes known as “the 3 Cs”.

This consultation should start well before the job starts – in the planning period. As part of planning, all businesses involved need to consult with each other. They need to **communicate** well – to talk about their work, the risks that work creates, and what can be done to manage these risks.

Depending on the type of operation and how complex it is, planning might start years before the work is actually done. **Planning is often done in two distinct phases** – analysing the site characteristics and challenges to create a concept plan, then refining that early plan into an operational plan.

In the case of harvesting, different contractors with specific skill sets might do some work during the that first lead-in planning phase (such as road line salvage and road and landing construction), before the main contractor is brought in.

Given that, the main contractor is unlikely to be involved in the first planning stage, but the underlying principle is that they should be involved in the planning as early as possible.

They should always be given an opportunity to comment on the plan before work starts. This also helps the businesses involved identify any opportunities or threats, and get the pricing right for the job.

Good and early communication means everyone is clear about what needs to happen and avoids:

- ▶ one business thinking the other is taking care of a safety issue – when it's not
- ▶ businesses not understanding what the other does and how that adds to workplace risks
- ▶ the situation where the business that's managing a risk is not the best one to be doing it
- ▶ doubling up unnecessarily – on instruction, supervision, monitoring.

Taking these steps means it's less likely any responsibilities or things that need to be done will fall between the cracks.

Getting involved

All businesses on a job need to think about how they are involved in the plan and how they can make it better.

These businesses might include:

- ▶ the forest owner or management company
- ▶ the earthworks company
- ▶ an engineering company (maybe to design and oversee a bridge being built)
- ▶ an environmental planning consultancy (perhaps to secure consents)
- ▶ the land owner or their representative
- ▶ the harvesting contractor (if it's known at the planning stage)
- ▶ the transport company (if there could be access issues).

In thinking about the risks involved with their area of work, businesses need to consider:

- ▶ the welfare of the people doing the work
- ▶ how they are going to give their work instructions
- ▶ how work standards will be monitored
- ▶ how the work will affect others also working on or near the site, or passing through
- ▶ the ways they will involve their workers in identifying and managing risks.

The duty to consult is similar to the current best practice, which is set out in Section 2.4.4 of the Accepted Code of Practice for Safety and Health in Forestry Operations (ACoP):

The principal shall identify significant hazards specific to each work area which are caused by operations over which they have control and then:

- ▶ supply the employer with documentation on the hazards
- ▶ jointly with the employer, determine measures to control the hazards.

Put it in writing

It's a good idea to have a written work plan or site agreement. This means everyone involved in the work is clear about their responsibilities. The key is that each business takes responsibility for safety risks they have the ability to influence and control.

Monitor and review

Monitoring and reviewing work standards and progress during the operation is a good way to ensure things stay on track and that safety aspects of the job are managed well. Ask questions such as, "How are the controls working? What's working well? What could be done better?"

Communicate the findings to those doing the work. Revise the plan if you need to but make sure you communicate any changes to everyone affected.



Good communication has benefits: Consulting widely and communicating well means everyone gets a chance to contribute their expertise and experience. A better plan results, meaning a safer, smoother operation and a more cost-effective outcome.

Communication is at the centre of a good planning process

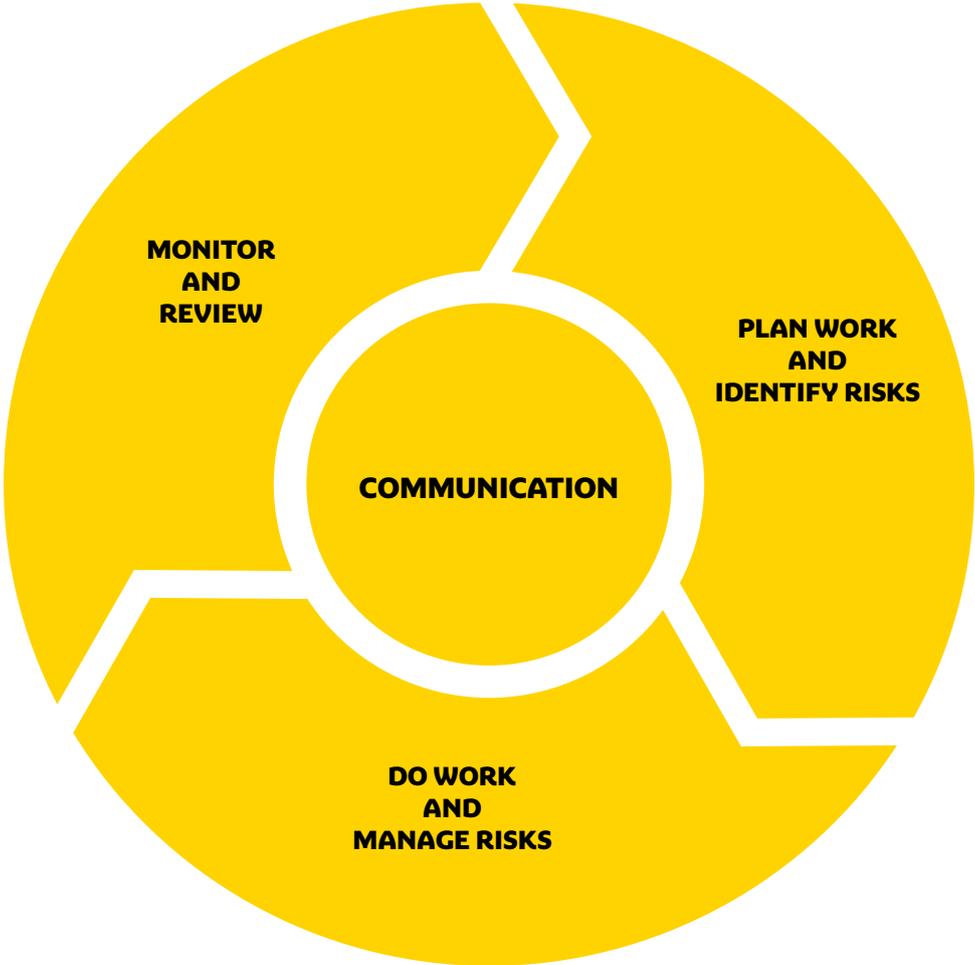
Good communication is central to good planning, which means it's central to keeping safe.

Communication must flow between everyone involved at all stages of the operation.

That's how they understand the work to be done and the hazards they may be exposed to. They can then cooperate and coordinate with each other, contributing their knowledge and experience.

As the operation progresses, risks should be monitored and the plan reviewed and refined if needed.

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Get planning

The following points are the main health and safety things to think about when planning an operation, especially when there are businesses sharing overlapping responsibilities.

Remember, allowing enough time for planning is important. Poor or rushed planning can mean expensive mistakes are made and workers' safety is put at risk.

Steps for planners

- 1. Identify the hazards** likely to come out of the work, and how much risk they create.
 - ▶ It can be helpful to break the plan down – maybe into the order the hazards come up, or group them together operationally (e.g. building skid site, tree falling, loading).
 - ▶ Think about what's been learned from similar operations or experiences.
 - ▶ Also think about how workers can be involved in identifying and managing risks.
- 2. Find controls** that ideally eliminate each risk – or at the very least, minimise the risk.
For example – If a new road line is planned, make sure there's a secure area for any stumps that need to be removed. This way risk to the next person in the supply chain (e.g. the hand faller or breaker out) is eliminated.
- 3. Communicate with all other businesses involved in planning or doing the work** (if they're known at this stage). Each business needs to talk about what risks their work creates and how they are controlled.
- 4. Write all this information up into a plan and share it** with the other businesses doing the site work. The controls to manage risk need to be talked about and agreed.
- 5. Decide which business is responsible for controlling which risk** – at the end of this step everyone needs to know which risks they are managing.
- 6. Decide a process** to continue to collaborate and communicate throughout the job.



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Risk register: Create a risk register when you start planning. As the plan evolves add hazards and their risks as they come up. When contractors become involved in the planning, tell them about the risks identified and get their input on suitable controls. Keep this register alive and ensure workers see it at any pre-start or handover meetings. **Note: Responsibilities for identifying and managing risks during planning will largely be determined by each party's ability to influence and control whatever is creating the risk.** Sometimes that will be the planner and other times it will be the contractor doing the work.



Ask an expert: If a particularly challenging situation or risk is identified, don't hesitate to call in someone with the right technical expertise – it could stop someone being hurt or costly mistakes being made.

Areas to focus on during planning

These are some of the areas everyone involved in planning needs to focus on, and some questions they can ask themselves to find the information they need to include in the plan.

Later, when the work is underway, it's a good idea for the plan to be monitored daily. If the plan needs to change it should be discussed with those affected. The daily tailgate is a good place to do this. It's a good idea to involve workers or their health and safety representative, as those involved in the operation are often in the best position to identify risks and decide on controls.

Alternative plans

Sometimes upset conditions (weather getting worse, machines breaking down, access issues) mean the agreed plan can't continue, even temporarily.

During planning it's a good idea to think about alternative work arrangements. This might be keeping an easier part of the planned work area up your sleeve to do if these types of situations happen.

For silvi crews, alternative work (e.g. regen pulling) may be possible. This will help work flow and ease financial pressures.

Important: Make sure everyone knows to **STOP** when there are upset conditions – that means:

Stop – step back and take the time to assess the task for potential hazards.

Think about the safest way to carry out the task and how to control any hazards you see.

Organise resources before starting work again – make sure you have the right equipment or tools, machinery or labour to do the task or manage the hazard

Proceed with the task, provided you have all the resources you need.



Risk level: Because no two projects are alike, careful thought needs to be given to situations with high or higher than usual levels of risk.

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Questions for planners to ask during planning

Depending on the part a business plays in a forestry operation, not all these questions will apply to all businesses.

Providing and maintaining a safe work environment

Planners need to ask:

- ▶ What are the critical risk areas in this project?
- ▶ What areas could cause more than minor injuries or extra costs to the businesses involved?

Providing and maintaining safe plant and structures

All businesses are responsible for making sure all plant (equipment) and structures (such as landings and engineered stream crossings) are safe.

Planners need to ask:

- ▶ Does the project involve the construction, upgrade or maintenance of roads, bridges or other structures?
- ▶ If plant is needed to get the work done, what is best suited to the task? Is it the right size and weight, and what are the minimum operator protective structure (OPS) requirements?
- ▶ What sort of monitoring is needed?

Providing and maintaining safe systems of work

Safe systems of work are basically agreed ways of working to get a job done safely. These are developed after looking closely at the task to identify all risks – ones **already known** about or that could be **reasonably foreseen**.

A safe system of work takes into account the work being done, the people doing it, the environment they work in, the equipment and materials they use. The idea is to follow the safe system of work to **eliminate** the risk or, if that's not possible, to **minimise** it.



Common controls: Quite often it's OK to use commonly understood controls to manage common risks. These can be found in forestry's ACoP or good practice guidance, or in engineering manuals.

The safe use, handling and storage of plant, substances and structures

In many forestry operations hazardous substances or chemicals, or specific equipment (plant), may need to be used. The planning process needs to consider who's going to use it and where it will be safely stored.

Planners need to ask:

- ▶ Do any substances or plant need someone with a special licence or qualification to use it?
- ▶ Are we using any substances around waterways? If so, will we need any fuel or chemical management systems?
- ▶ Are the storage arrangements safe and secure?
- ▶ Do we need to lift or move any structures? If so, do we need to develop safe work practices around lifting them?

Providing suitable facilities for workers and making sure they use those facilities

Workers need proper shelter, toilets and other facilities while they are working. What they need will depend on the work they are doing, where they are doing it and how long they will be at the site. These arrangements must be the right kind of facilities for the working conditions, and be sorted out before work starts.

Instruction and/or supervision

Having workers with the right skills to do a job correctly and safely is essential. A planner needs to know what health and safety standards or requirements they need when hiring a contractor to carry out the plan.

Planners need to ask:

- ▶ Who will be doing the work and what skills, instruction and/or supervision will they need to keep them and others safe?
- ▶ What monitoring of their work is needed?
- ▶ If a new supplier is doing the work, has a pre-engagement assessment of their capability been done? (For instance, do they have the plant, equipment and worker skill set to do the work safely?)

Providing safe access to and from the work site

The business responsible for designing the access road needs to make sure it's safe to use.

Planners need to ask:

- ▶ What will be the load factors, trip numbers and vehicle types?
- ▶ Do the access roads we plan to use need any maintenance to make them safe?
- ▶ What physical or environmental factors do we need to keep in mind while designing the road – any weather issues, or anything to do with the soil stability, terrain and gradient?
- ▶ What maintenance might the road need while the work is going on, especially after bad weather or heavy transport use?
- ▶ How will we tell all other businesses involved if there's a problem with the road (such as a washout or flooded ford crossing)? What radio call-up or hazard reporting systems will be used?

Protecting workers' health during the work

Along with preventing injuries, protecting workers' health is reinforced under HSWA, especially for certain industries. Forestry tasks that can damage health include tasks that create excessive noise, or discomfort, pain and injury conditions (also known as occupational overuse syndrome, OOS, and repetitive strain injuries, RSI), or the use of harmful chemicals.

Planners need to ask:

- ▶ Does any equipment we are planning to use cause lots of vibrations or excessive noise?
- ▶ Are we using any substances (e.g. pesticides) that can be harmful?

If the health risks can't be eliminated, the planner needs to think about how they can be minimised. Controls for managing health risks should be included in the plan.

For substances that are health hazards there are specific requirements to be followed using a hierarchy of controls:

- ▶ Can we **eliminate** the risk by **substituting** the substance for a less harmful one?
- ▶ Can we **isolate** the workers from the substance?
- ▶ Can we put **engineering controls** in place to reduce the risk?
- ▶ Will **administrative** controls (rules, standards, guidelines) help?
- ▶ What **PPE** can minimise the risk?

Know the standards: To be able to answer the above, the business managing or controlling the workplace needs to know the exposure standards for a substance (e.g. by looking up Safety Data Sheets) and following manufacturers' recommendations.

In some situations, such as being unsure of the safe levels, exposure and health monitoring may be needed. However, like any risk, businesses must first try to manage it before thinking about **monitoring** workers to see if they're getting sick.

For more information see Safetree's *How to manage work-related health (occupational safety)* resource.

Designers, manufacturers and suppliers

Businesses or consultants that design services, or supply or manufacture things used in forestry also have a duty of care under HSWA.

These are known officially as "upstream duties", and they are important because these businesses can influence the safety of products or equipment before they are used in the workplace.

Designing or manufacturing plant and/or structures

Businesses that design or manufacture plant or structures used at a workplace must, as far as is reasonably practicable, make sure they are safe for their intended use. That can help eliminate risks when they are used in the workplace.

This includes having the duty to carry out or arrange any testing, analysis, or examinations that might be needed to show it's safe.

They must also be able to show proper information about:

- ▶ what the plant or structure was designed for
- ▶ the results of any calculations, analysis, testing, or examination
- ▶ what the user needs to do when using it to make sure it doesn't become a health and safety risk – in other words, the manufacturer's recommendations for use, including maintenance.

Installing or constructing structures

A business that installs, constructs or commissions the structure has similar responsibilities.

They must take the necessary steps to ensure there are no health and safety risks:

- ▶ to whoever is installing or building the structure
- ▶ to those using it for what it was designed for in the workplace, including any decommissioning or disposal
- ▶ to anyone in or around the workplace at the time the activity is happening.

Buyer beware: Businesses thinking about buying plant, equipment or hazardous substances should make the product's health and safety features part of their buying decision.



Keep communicating to stay safe

Because the forestry environment changes so much, all businesses involved in the work need to keep talking to each other to ensure safety throughout the operation.

This is especially important if something means the plan needs to change – that's when those affected need to STOP work, then discuss and decide on a revised plan. Everyone needs to know the reasons for the change, what any new hazards and risks might be, and what they are expected to do next.

To keep everyone safe and run a productive operation, follow the "3 Cs":

1. **Consult** – Talk to everyone involved in the job so everyone knows what everyone else is doing, what the risks are, how they are controlled and who is going to control them.
2. **Cooperate** – Work together so everyone works according to the plan, understands how to control risk, and is working towards the same goal – a safe and successful operation.
3. **Coordinate** – There's a lot going on during a forestry operation, so all the businesses involved need to make sure their work won't put another business' workers at risk.

At the centre of all this is that fourth critical "C" word – **communicate**.

That's how everyone stays safe.

And remember: You are the key.

About this booklet

This resource is intended as a guide to help people working in forestry operations plan together with the new duty to share safety responsibilities under the Health and Safety in the Workplace Act 2015.

It is intended as guidance only and is not legal advice, nor is it a substitute for legal advice.

About Safetree

Safetree is a source of information for New Zealand's forestry industry to find the guidance they need to do their jobs without injury.

Safetree provides videos, printable downloads and other resources to help people at all levels of the industry to do their work safely. Safetree is managed by the Forestry Industry Safety Council (FISC) and has been developed with the support of:

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- ▶ **Forest Owners Association** – www.nzfoa.co.nz
- ▶ **Forestry Industry Contractors Association** – www.fica.co.nz
- ▶ **Farm Forestry Association** – www.nzffa.org.nz
- ▶ **ACC** – www.acc.co.nz
- ▶ **Council of Trade Unions** – www.unions.org.nz
- ▶ **WorkSafe NZ** – www.worksafe.govt.nz

For more:

Safetree: Go to www.safetree.nz to register for updates and to find other resources to stay safe on the job.

WorkSafe: For more on HSWA, go to the WorkSafe site: www.business.govt.nz/worksafe/hswa

Read WorkSafe's Position Statements:

www.business.govt.nz/worksafe/information-guidance/all-guidance-items/position-statements



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