

February 2019

Frequently asked questions

Audit of compliance certifiers under the Health and Safety at Work (Hazardous Substances) Regulations 2017.

Introduction

The Health and Safety at Work (Hazardous Substances) Regulations 2017 (**'the Regulations'**), introduce the roles of individual compliance certifiers (previously known as test certifiers) and organisational compliance certifiers.

An individual compliance certifier is an independent person authorised by WorkSafe to perform the functions of a compliance certifier, and where appropriate to issue compliance certificates.

An organisational compliance certifier, such as a body corporate, carries out the same role as an individual compliance certifier.

An organisation may apply for authorisation as a compliance certifier, if the organisation:

- is accredited to a recognised industry standard by International Accreditation New Zealand (IANZ), and
- employs or engages one, or more, individuals (known as signatories) to perform the functions of a compliance certifier, each of whom meet the qualification criteria for individuals set out in the Regulations and is a fit and proper person.

A compliance certifier must ensure all relevant requirements have been met prior to issuing a compliance certificate or for a location if satisfied that a failure to meet the relevant requirements is minor, a conditional location compliance certificate.

A compliance certifier must establish, document and maintain processes that are necessary to enable the compliance certifier to perform their functions, and establish and maintain records showing

their compliance certification decisions included consideration of all relevant matters, and that the decisions were appropriate.

WorkSafe must, at least once every four years, audit each compliance certifier's compliance with the Act, the Regulations and any applicable safe work instruments and performance standards.

Audits will be undertaken by WorkSafe, or by a suitably qualified person engaged by WorkSafe.

Frequently asked questions

Compliance certificates and compliance certifier

WHAT IS A COMPLIANCE CERTIFICATE?

A compliance certificate confirms that individuals, locations, equipment, activities or designs are compliant with the relevant regulatory requirements.

WHAT IS THE ROLE OF A COMPLIANCE CERTIFIER?

The role of a compliance certifier is to issue a compliance certificate to a person who is required to obtain a compliance certificate, provided the compliance certifier is, on the basis of any inquiry, inspection, assessment, examination, or other consideration, satisfied the relevant requirements for issuing a compliance certificate have been met.

A compliance certifier may issue a compliance certificate only in relation to a matter that is within the scope of their authorisation granted by WorkSafe.

Audits, audit types; frequency and cost

WHAT IS AN AUDIT?

An audit is an objective examination and evaluation of the certification work performed by a compliance certifier.

An audit is a method of verifying the certifier is working within the scope of their authorisation, including any conditions placed on their authorisation, and is complying with legal requirements when assessing, and issuing or refusing to issue a compliance certificate.

Audits can be:

- scheduled (planned) audits, which take place at least every four year or more frequently as decided by WorkSafe. A scheduled audit may coincide with the compliance certifier's authorisation renewal date, or
- a reactive audit, which can happen at any time.

WHO IS THE AUDITOR?

The auditor will generally be an employee of WorkSafe, but WorkSafe may also engage a person considered to be suitably qualified to conduct audits on its behalf.

WorkSafe is not required to audit compliance certifiers who are accredited by IANZ and whose compliance has been assessed by IANZ to the satisfaction of WorkSafe.

HOW WILL I BE AUDITED?

Worksafe uses three types of audit:

- **desktop**: an audit of documents requested from the compliance certifier
- **certifier site visit**: a site visit to the compliance certifier's business premises where systems, processes, documents and records will be audited
- **certificate holder site visit (PCBU)**: site visit to the PCBU where a certificate has been issued to assess whether the evidence supports the issuing of a compliance certificate.

WorkSafe may, depending on the scope of the audit, use a combination of the three audit types, for example a desktop audit of documents and a compliance certificate holder site visit may be used to trace the issue of a location compliance certificate.

WILL I BE TOLD IN ADVANCE IF YOU WILL BE VISITING MY PLACE OF BUSINESS AS PART OF MY AUDIT?

Yes. If the auditor intends to visit your place of business, the auditor will let you know when arranging your audit.

You will be given at least 10 working days' notice of a visit to your place of business. If you require more time to arrange a visit this should be discussed with the auditor.

WILL I BE TOLD WHICH PCBU SITES WILL BE VISITED AS PART OF MY AUDIT?

Yes. The auditor will determine the scope of your audit and whether it will include a site visit to a PCBU. The auditor will advise you of the site(s) to be visited when arranging your audit.

The auditor may ask you to arrange the site visit to the PCBU.

HOW FREQUENTLY WILL AN INDIVIDUAL COMPLIANCE CERTIFIER BE AUDITED?

Individual compliance certifiers must be audited at least once every four years by WorkSafe.

New individual compliance certifiers will generally be audited within 24 months of their initial authorisation by WorkSafe.

WorkSafe may determine that an audit is required at more frequent intervals than once every four years, or an additional audit is required at any time. Relevant factors are likely to include, but are not limited to:

- investigations or a pattern of complaints
- the compliance certifier's audit history, including the nature and severity of any risks identified in the audit report and any outstanding corrective actions
- the apparent competence of the compliance certifier and the effectiveness of their certification process and controls for issuing compliance certificates
- the scope of the compliance certifier's authorisations granted by WorkSafe.

For example if a compliance certificate has been issued in circumstances where the matter certified would not have been compliant at the time that could trigger an audit.

CAN WORKSAFE ENGAGE TECHNICAL EXPERTS FOR COMPLIANCE CERTIFIER AUDITS?

Yes. WorkSafe will decide if it requires additional technical expertise to audit an individual compliance certifier.

WorkSafe will tell you who your auditor and technical expert (if any) are when your audit is arranged.

WHAT IS THE COST OF AN AUDIT FOR AN INDIVIDUAL COMPLIANCE CERTIFIER?

An individual compliance certifier must pay the fee as set out in schedule 2 of the Regulations, that is:

Cost of a compliance certifier audit (daily rate)	\$976
Compliance certifier audit hourly rate (audits exceeding one day)	\$137

WILL I BE GIVEN A COPY OF THE AUDIT REPORT?

Yes, WorkSafe will provide the compliance certifier with a copy of the audit report.

WHAT HAPPENS IF A NON-COMPLIANCE IS RAISED DURING AN AUDIT?

WorkSafe will also develop a corrective action plan with the compliance certifier to address any non-compliance.

WorkSafe will engage with the compliance certifier to confirm corrective actions are implemented and completed either by the compliance certifier demonstrating the corrective actions have been implemented or by a follow up audit.

IF NON-COMPLIANCE IS DISCOVERED AT A PCBU SITE, WILL THE CERTIFIER BE INFORMED OF THE NON-COMPLIANCE?

Yes. If non-compliance is discovered at a PCBU site during an audit, the auditor will assess the certifier's documentation and records to justify the issue of a certificate, as part of the audit.

However, if a compliance certifier cannot demonstrate their reasoning for issuing the compliance certificate (ie there is no verification that the PCBU site was compliant at the time of assessment), this would be recorded as an audit non-compliance. The compliance certifier would be notified of this through the audit report.

Compliance certifier organisations

Compliance certifier organisations are assessed by IANZ and must be accredited to a recognised industry standard.

WHAT IS IANZ?

IANZ is an autonomous Crown entity that delivers technical accreditation on behalf of the New Zealand Government.

WHAT IS ACCREDITATION?

Accreditation is an independent process of assessing the competence of organisations to undertake specific conformity assessment tasks. International Organisation for Standardisation (ISO) standards are used as the basic criteria for accreditation.

ISO/IEC 17020:2012 is the generic standard for inspection work.

If requested the IANZ will review another certification body's audit reports as part of its assessment and will not re-assess areas where sufficient objective evidence of compliance with ISO/IEC 17020 quality management system elements is provided.

Further information about IANZ and accreditation is available on the IANZ website: www.ianz.govt.nz

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